

Erection of single-storey building to provide up to 2no. commercial units (Class E) and associated ancillary development at Land To The Rear Of South Cerney Surgery Clarks Hay South Cerney Gloucestershire

Full Application 23/02066/FUL	
Applicant:	Mr Stephen Perry & Ms Elizabeth Caines
Agent:	Plan-A Planning And Development Ltd
Case Officer:	Helen Cooper
Ward Member(s):	Councillor Juliet Layton
Committee Date:	10th July 2024
RECOMMENDATION:	PERMIT

1. Main Issues:

- (a) Principle
- (b) Design and Heritage assets
- (c) Highway implications
- (d) Impact on neighbours
- (e) Biodiversity, Geodiversity and Trees
- (f) Other Matters

2. Reasons for Referral:

2.1 This application has been referred to the Planning and Licensing Committee following assessment by the Committee Review Panel and further to the request by Cllr Layton:

2.1.1 *Having read your report on 23/02066/FUL, I would ask that my comments could be considered by the Review Panel with the request that this application goes before the Planning Committee. The site is small but the application shows two retail units tucked into a corner which sits on the margins of the Conservation Area. I appreciate the altered plan to reduce the height and pitch of the roof and I also approve of the no food condition to which the applicant has agreed. This is an application for two Class E use units, the range of Class E is wide and therefore we have no idea if this could be retail, offices or call centres. (South Cerney very familiar with the consequences of Call centres from the Lakeside business park on Broadway Lane; planned as light industry several units are used as call centres which house high volumes of office staff who are forced to park all along the main road outside of the Business park and in the surrounding residential roads causing incredible traffic problems and junction visibility.)*

2.1.2 *The Local plan considers South Cerney to be a Local Centre in the District's retail hierarchy and opportunities to maintain this should be promoted. However, Policy SA8 says South Cerney is small service centre located in the South Cotswold Sub-area and is allocated as a Principal Settlement in the South Cotswold sub-area under Policy SA1. Under the supporting text for Policy SA8 it is noted that 'South Cerney currently provides for the basic needs of the village's sizable population. The village's service*

centre role does not currently need to be enhanced beyond its existing level due to its proximity to Cirencester.' Further to that Policy EC7 says that Retail Hierarchy focus on provision of Main Town Centre uses. South Cerney is classified as a Local Centre, a village, and therefore falls outside this policy. Also confirmed in LP. Policy S8, 7.9.1 and 7.9.2.

2.1.3 The impact of this application will be detrimental to the conservation area which is already suffering considerably from parking issues. The road side parking has turned Clarks Hay into a single track road and is hazardous for cyclists and drivers alike. LP policy INF5 addresses the need for parking provision and this application drawing no. TL3-2 shows a parking plan consisting of 6 in tandem spaces alongside further parking areas, the case officer's report, bottom of p8 and through p9 explains this well, it seems that the development will require an extra 2 spaces these are not actually provided. As we don't know the specific uses of Class E it is hard to estimate what the requirement should be. I therefore consider that this application will have adverse amenity impacts.

3. Site Description:

- 3.1 The site is located within South Cerney Local Centre which maintains a mixture of uses within this vicinity including a doctor's surgery and a pharmacy. There are allocated parking spaces in front of these establishments and the site is accessed from Clarks Hay Road. The area proposed for development is currently on an open piece of grassland, tucked into the corner of the site west of and adjacent to the doctor's surgery.
- 3.2 The application site lies just outside the South Cerney Conservation Area. Properties along Churn Close back on to the application site and the residential property called 'The Hawthorns' is set immediately to the south of the site.
- 3.3 The application site is located within the North Meadow Zone of Influence, Special Area of Conservation. The application site lies within Flood Zone 1.

4. Relevant Planning History:

- 4.1 The below planning applications relate to the application site and the adjacent doctors surgery:
- 4.2 CT.5788 Stationing of a mobile home. Permitted 27.01.1981
- 4.3 CT.5788/A - Conversion of existing building to form five shop units and two first floor flats. Alterations to the existing accesses. - Permitted 2.06.1983
- 4.4 CT.5788/B Change of Use from existing store to doctor's surgery - Permitted 23.11.1983
- 4.5 CT.5788/C Use of existing building as a laundrette - Permitted 20.10.1983
- 4.6 CT.5788/D Change of use from retail to office premises - Permitted 16.08.1984

- 4.7 CT.5788/E Alterations and extensions to existing store to form doctors surgery together with additional car parking spaces - Refused 27.09.1984
- 4.8 CT.5788/E/I Alterations and extensions to existing store to form doctors surgery together with alterations to car park (amended scheme) - Permitted 18.10.1984
- 4.9 CT.5788/F Retention of increased roof height and installation of two dormer windows to provide office accommodation- Permitted 20.08.1984
- 4.10 CT.5788/G Alterations to and conversion of existing store to form a laundrette - Permitted 22.08.1984
- 4.11 CT.5788/H Erection of a building to be used in conjunction with a Unit 6 as a coffee shop and tea rooms including the preparation of hot food together with first floor flat - Permitted 20.03.1985
- 4.12 CT.5788/J Change of Use from storage to shop - Permitted 16.10.1985
- 4.13 CT.5788/K Use of Unit 7 only as coffee shop and tea rooms including the preparation of hot food - Permitted 22.01.1986
- 4.14 CT.5788/L Erection of new doctors surgery - Permission 25.04.1988
- 4.15 CT.55788/M Erection of new Doctors Surgery. Construction of new vehicular and pedestrian access. Provision of car-parking spaces- Permitted 16.11.88
- 4.16 CT.5788/N Change of use to restaurant from coffee shop and flat - permitted 25.04.1990
- 4.17 CT.5788/P Application for full planning permission for proposed change of use to part first floor from domestic to restaurant area at unit 7, The Laurels - Permitted 30.05.1991
- 4.18 CT.5788/Q Application for full planning permission for provision of end window - Permitted 22.10.1992
- 4.19 CT.5788/R Application for Advertisement consent for proposed retention of existing illuminated sign at unit 7 - Permitted 31.05.1995
- 4.20 CT.5788/S Change of use from shop to taxi office and waiting room - withdrawn
- 4.21 CT.5788/T - Change of Use of Offices and Store to a One Bedroom Flat for Use By Trainee GP Attached To Practice at The Phoenix Surgery. Permitted 12.03.99.
- 4.22 CT.5788/V Variation of condition 2 of planning approval CT.5788/P (removal of restriction of open hours on Sundays) at 7 The Laurels - Permitted 6.1.2003
- 4.23 CT.5788/W Change of use to veterinary surgery at 1 The Laurels - Permitted 6.1.2003

- 4.24 CT.5788/X Provision of external kitchen extraction ductwork at South Cerney Tandoor 7 The Laurels - Refused 16.02.2005
- 4.25 CT.5788/Y Provision of external kitchen ductwork (revised scheme) at South Cerney Tandoor 7 The Laurels - Permitted 26.10.2006
- 4.26 19/00466/FUL: Erection of new building adjacent to South Cerney GP surgery. Withdrawn.

5. Planning Policies:

- TNPPF The National Planning Policy Framework
- EC1 Employment Development
- EC3 All types of Employment-generating Uses
- EC7 Retail
- EC8 MainTown Centre Uses
- SA1 South Cotswold - Principal Settlements
- EN1 Built, Natural & Historic Environment
- EN2 Design of Built & Natural Environment
- EN4 The Wider Natural & Historic Landscape
- EN7 Trees, Hedgerows & Woodlands
- EN8 Bio & Geo: Features Habitats & Species
- EN9 Bio & Geo: Designated Sites
- EN11 HE: DHA - Conservation Areas
- EN15 Pollution & Contaminated Land
- INF4 Highway Safety
- INF5 Parking Provision
- NPSC South Cerney Neighbourhood Plan 2021-31
- NPSCI SCI Design Guidelines for South Cerney

6. Observations of Consultees:

- 6.1 Conservation Officer: No objection to original or revised drawings, subject to condition.
- 6.2 County Highway Officer: No objections, recommend an informative relating to drainage

7. View of Town/Parish Council:

- 7.1 South Cerney Parish: On the initial submission raised an objection relating to the following points:
- *Parking*
 - *The applicant claims the proposal would increase parking spaces available when it would actually reduce the amount of parking space, and would exacerbate current parking issues.*
 - *Three "tandem" parking spaces are proposed, which would be unworkable in practice.*

- Privacy
- Three Velux-type windows on the south elevation would look directly into a neighbour's rear garden.
- The roof line is too high and would create shading of neighbouring properties.

7.2 Following submission of the revised plans for a single storey building for just commercial use the following comments have been received from South Cerney Parish Council:

'The Parish Council wishes to maintain the Council's earlier objections on the grounds of parking and construction phase issues as these have not been addressed. The Council also objects on the grounds that the pitch of the proposed roof is in breach of the Cotswold Design Code and CDC Local Plan Policy EN1, and also South Cerney Neighbourhood Plan Policy SCI (although the Conservation Officer has made no reference to the Neighbourhood Plan).'

8. Other Representations:

8.1 On the initial submission five comments raising objection and eight comments of support were received.

8.2 Areas of objection relate to the following:

- Clarks Hay already overrun with parked cars, with cars are now parking on the Bow Wow bridge and more businesses will of course bring more cars and cause parking problems.
- The flats above will cause neighbours to be overlooked, their privacy ruined, and the sunlight will be blocked from the garden.
- Privacy and sunlight to my garden will be reduced and additional noise would not be welcomed.
- Do not believe the suggested parking solution of 3 additional spaces sufficiently addresses the existing parking problem at The Laurels, never mind the additional demand that will be created from the proposed 2 commercial units and a 2 bedroomed residential development.
- The Hawthorns is 5 feet from the boundary wall and the proposed building will be only 8 feet from our lounge, with ground levels difference proposed excavations for footings, a metre away, may jeopardise our 2m high Cotswold stone boundary wall.
- Hedges, described in the application would have to be removed to facilitate the building process.
- Our north facing windows are already affected by the surgery, the new building would be visible from all our rooms and would reduce light.

- Close proximity would invade our privacy as all upstairs rooms would overlook our garden with the proposed bathroom is above our patio.
- Bats flying during the summer around the area.
- Parking assessment of parking was made on two consecutive Wednesdays, possibly the quietest day of the week, not unusual to see the current car park full to capacity, along with parking on the road and on the bridge, and
- Plans do not show the full business use of Clarks Hay.
- Concern over impact on local sewer
- Tandem parking spaces will require cooperation between users.
- Delivery of goods and waste removal vehicles will have a reduced area.
- Not stated what type of business use is envisaged, although the plan shows tables and seating outside bi-fold doors, suggesting further food outlets.
- No clear plan of where the construction site extends, and the site fence will be or how will building materials are delivered by HGVs.

8.3 Comments of support raise the following:

- Proposal 'tidies' an 'incomplete' development & brings order to the random parking on this site.
- Two additional retail units in the centre of the village is to be welcomed.
- The 'new' layout of the car park, as proposed, imposes a discipline that can only be beneficial to all users and that the car park is a private 'site' & as such cannot be expected to resolve the parking problems that persist within the wider village.
- Affordable property for a potential buyer or tenant in the village welcomed.
- As a possible future tenant of one of the retail units it will enable me to have more of a village presence, serve as the village florist
- Parking area of Clark's hay has long needed reconfiguration to ease the parking on the side of the roads in peak periods.
- Development shows big improvements to the layout which will help increase custom for the other shops and services in the area.
- Location of the proposed development is currently an unsightly corner of The Laurels and, coupled with the well thought out and very clear parking design, will improve the visual appearance of this important commercial area

- Attention has also been paid to the location of refuse bins, all of which will be contained within one area rather than two and positioned at the rear of the parking area.

8.2 Following receipt of the amended plans three objection comments were received:

- amended proposal is much better suited to the site.
- Request that West facing windows to be obscured/frosted (7 Churn Close)
- Boundary wall to my property (west side of proposed building) is supported by a bank and is currently stable. The groundworks required will involve the removal of this bank which is likely to disturb and cause damage or the collapse of this wall. An onsite meeting would be welcomed to discuss a solution and reassurance provided that the boundary wall will be fully reinstated should any damage occur during the build.
- Revised proposal roof pitch of 25 degrees rather than the 45 degrees in the adjacent buildings and the wider Conservation Area therefore not consistent with The Cotswold Design Code Policy EN2, or Policy SCI of the South Cerney Neighbourhood Plan.
- Previous objection to development at this site centred on the issue of the impact of this development on the operation of existing businesses during the construction phase not addressed in the revised submission.
- The revised car park layout should be delivered and tested prior to approval.
- Concern raised in relation to the three tandem car parking spaces and use of the car park is already problematic.

9. Applicant's Supporting Information:

- Design and Access Statement
- Parking Assessment
- Supporting Letter - Rebuttal

10. Officer's Assessment:

Background and Proposal

10.1 This application seeks planning permission for the 'Erection of single-storey building to provide up to 2no. commercial units (Class E) and associated ancillary development'. The proposal initially proposed a one and a half storey building which mirrored the appearance of the other commercial buildings in the local centre. The superseded floor plans showed 2 no. commercial units at ground floor and a 2 no. bedroom flat at first floor. Following concerns raised by officers in relation to neighbouring amenity a revised proposal has come forward. A single storey building is now proposed and the first-floor residential accommodation has been omitted from the proposal.

10.2 The proposed building would measure approximately 11 metres by 7.3 metres, approximately 2.4 metres to the eaves and 4.4 metres at its highest point and contain 2 no. commercial units.

10.3 Within the Town and Country Planning (Use Classes) Order 1987 (As amended), Use Class E comprises the following uses:

Class E. Commercial, Business and Service

Use, or part use, for all or any of the following purposes—

(a) for the display or retail sale of goods, other than hot food, principally to visiting members of the public,

(b) for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises,

(c) for the provision of the following kinds of services principally to visiting members of the public—

(i) financial services,

(ii) professional services (other than health or medical services), or

(iii) any other services which it is appropriate to provide in a commercial, business or service locality,

(d) for indoor sport, recreation or fitness, not involving motorised vehicles or firearms, principally to visiting members of the public,

(e) for the provision of medical or health services, principally to visiting members of the public, except the use of premises attached to the residence of the consultant or practitioner,

(f) for a creche, day nursery or day centre, not including a residential use, principally to visiting members of the public,

(g) for—

(i) an office to carry out any operational or administrative functions,

(ii) the research and development of products or processes, or

(iii) any industrial process,

being a use, which can be carried out in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

(a) Principle

- 10.4 Planning law requires that applications for planning permission be determined in accordance with the development plan unless material considerations indicate otherwise. The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.
- 10.5 This application seeks planning permission for a single building containing two commercial units on the ground floor within the Local Centre in the centre of South Cerney. The commercial use is not specified in the application although it is stated that the use will be within Use Class E, which is the single class arising from amalgamation of various town centre appropriate uses that the government introduced in recent years. This is relatively broad as outlined above and during the application process the applicant has confirmed that they are willing to agree to a condition prohibiting the introduction of any business within use class b) *for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises*. In addition, officers have sought to prohibit category g (iii) *any industrial process*. This is because the site does not benefit from the often more substantial servicing facilities that might be required by light industry.
- 10.6 South Cerney is referred to in the Cotswold Local Plan 2011 - 2031 as a smaller service centre located in the South Cotswold Sub-area and is allocated as a Principal Settlement in the South Cotswold sub-area under Policy SA1.
- 10.7 Local Plan Policy S8 'South Cerney' is relevant. Under the supporting text for Policy S8 it is noted that 7.9.1 *'South Cerney currently provides for the basic needs of the village's sizable population. The village's service centre role does not currently need to be enhanced beyond its existing level due to its proximity to Cirencester.'* It is further noted that *'South Cerney is classed as a 'Local Centre' in the District's retail hierarchy, and opportunities to help maintain this position will be promoted through the Local Plan.'*
- 10.8 South Cerney's Local Centre Boundary is identified on the Cotswold District Council Local Plan Policies Map, is a relatively small area and it specifically includes the application site. Local Plan Policies EC7 and EC8 are relevant to planning applications within Local Centres.
- 10.9 Local Plan Policy EC7 'Retail' advises the following:
- 1. The retail hierarchy in Cotswold District is set out below and will be the focus for the provision of main town centre uses:*
- *Town Centre: Cirencester;*
 - *Key Centres: Bourton-on-the-Water, Chipping Campden, Moreton-in-Marsh, Stow-on-the-Wold and Tetbury;*
 - *District Centres: Fairford and Lechlade;*
 - *Local Centres: Northleach and South Cerney*

2. In settlements that are not listed in clause 1, proposals for small local shops and services will be permitted if they would enhance a settlement's viability and help to meet the needs of, and are conveniently accessible to, the local community.

3. Provision will be made for 400sqm (net) of convenience goods and 2,100sqm (net) of comparison goods retail floorspace within Cirencester over the Plan period (in accordance with policies S1, S2 & S3). Within the other nine settlements identified in the retail hierarchy, the retail strategy supports proposals in their defined centres which maintain and enhance retail provision and the wider health of the centre.

10.10 Local Plan Policy EC8 'Main Town Centre Uses' states:

1. The preferred sequence of locations for Main Town Centre Uses in Cirencester are the:

- a. Primary Shopping Area
- b. Town Centre
- c. Edge of Centre
- d. Out of Centre

2. The preferred sequence of locations for Main Town Centre Uses in the other Principal Settlements listed in the Retail Hierarchy (Policy EC7) are the:

- a. Centre (Key/District/Local)
- b. Edge of Centre
- c. Out of Centre

3. Only if there are no suitable sites available within the Primary Shopping Area and Centre (Town/Key/District/Local) boundaries identified on the Policies Maps, or on the Edge of Centre, will Out of Centre sites be considered.

4. All proposals for main town centre uses should:

- a. be consistent with the strategy for the settlement;
- b. help maintain an appropriate mix of uses in the Centre; and
- c. contribute to the quality, attractiveness and character of the settlement, including the Centre, and the street frontage within which the site is located.

5. Within the Centre boundaries identified on the Policies Maps Class A1 uses and other main town centre uses will be permitted where they would complement and enhance the retailing offer of the Centre. The loss of main town centre uses will be resisted, and, other than A1 uses, concentrations of single uses will not be permitted, where this would adversely affect the vitality and viability of the Centre or harm wider town centre investment, or cause amenity problems. Where the loss of a main town centre use is proposed, evidence must be submitted to demonstrate that the property has been continually, actively and effectively marketed for at least 12 months and that the use is no longer of commercial interest.

6. Proposals for residential development will be permitted on the upper floors of premises in the Centre.

7. When considering proposals for main town centre uses beyond the identified Centre boundaries, (in edge of centre or out of centre locations), proposals will be permitted that are:

- a. accessible and well connected to the Centre by public transport, walking and cycling;
- b. contribute to the quality, attractiveness and character of the settlement and the street frontage within which the site is located;
- c. maintain or improve, where possible, the health and wellbeing of the District's residents through increased choice and quality of shopping, leisure, recreation, arts, cultural and community facilities; and
- d. except where the proposal is in conformity with an allocation for main town centre uses elsewhere in the Plan, comply with the sequential test, by demonstrating that there are no sequentially preferable sites or premises to accommodate the proposed development, taking into account the need for flexibility in the scale and format of proposals.

8. In addition to Clause 7 criteria (a)-(d) proposals for retail, leisure and office uses outside of defined centres will be assessed in relation to their impact on:

- a. the vitality and viability of those defined town centres within the catchment area of the proposal; and
- b. existing, proposed and committed town centre investment in defined centres within the catchment area of the proposal.

Such assessments should, where appropriate, extend to an assessment of the cumulative effects, taking into account other committed and recently completed developments.

10.11 Local Plan Policy EC1 'Employment Development' advises *Employment Development will be permitted where it:*

- d. supports and improves the vitality and viability of Primary, Key, District and Local Centres;

10.12 Local Plan Policy EC3 'Proposals for all Types of Employment-Generating Uses' criteria 1 is relevant to this application. This states:

1. Within Development Boundaries, proposals for employment-generating uses on sites that are not currently identified as an established employment site will be permitted in principle.

10.13 It is considered that the 2 no. commercial units which are located in South Cerney's Local Centre would enhance the Local Centre as a facility in South Cerney and would generate employment. The additional area of Class E floorspace proposed, on a site within the identified Local Centre is considered to not fall outside of the purpose of the village's service centre role. As such, the development would not be in conflict with the supporting text to Policy S8, which aims to ensure that the Local Centre's purpose remains to provide for the basic needs of the "village's sizeable population". The very small scale and type of uses proposed would not be expected to draw visitors away from other centres, such as Cirencester or Tetbury, for example.

10.14 The proposal therefore complies with Policy EC1 d), Policy EC3 1, Policy EC7 1 and 3 and Policy EC8 2, 4 and 5. The proposal is therefore considered acceptable in principle, subject to details of design, impact upon residential amenity and highway safety.

(b) Design and Heritage Impact

- 10.15 The Laurels is mostly within the South Cerney Conservation Area whilst the parcel of land and adjacent doctors surgery are just outside the boundary as designated on the Local Plan Policies Map. Notwithstanding this the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.
- 10.16 Cotswold Local Plan Policy EN1 (Built, Natural and Historic Environment) highlights amongst other things that 'new development will, where appropriate, promote the protection, conservation and enhancement of the historic and natural environment by:
- a. ensuring the protection and enhancement of existing natural and historic environmental assets and their settings in proportion with the significance of the asset;
 - b. contributing to the provision and enhancement of multi-functional green infrastructure;
 - c. addressing climate change, habitat loss and fragmentation through creating new habitats and the better management of existing habitats;
 - d. seeking to improve air, soil and water quality where feasible; and
 - e. ensuring design standards that complement the character of the area and the sustainable use of the development.
- 10.17 Policy EN2 (Design of the Built and Natural Environment) states that 'development will be permitted which accords with the Cotswold Design Code (Appendix D). Proposals should be of a design quality that respects the character and distinctive appearance of the locality. In particular, extensions to existing buildings should be in scale and character with the original building, and in keeping with its setting, whether traditional or contemporary in design.'
- 10.18 Local Plan Policy EN11 (Historic Environment: Designated Heritage Assets - Conservation Areas) also states that 'development proposals that would affect conservation areas and their settings, will be permitted provided they will preserve and where appropriate enhance the special character and appearance of the conservation area in terms of siting, scale, form, proportion, design, materials, and the retention of positive features.'
- 10.19 Section 12 of the National Planning Policy Framework (NPPF) seeks to achieve well designed places and considers good design to be a key aspect of sustainable development. Paragraph 135 states that '*planning policies and decisions should ensure that developments:*
- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
 - b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
 - c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*

- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; and
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.'

10.20 Paragraph D.6 of the Cotswold Design Code states that "all good design is informed both by the needs of the current and future users..."

10.21 The South Cerney Neighbourhood Plan Policy SCI (Design Guidelines for South Cerney) states that:

1. Proposals for new developments, including extensions to existing buildings, should harmonise with their surroundings and follow the lead from the local vernacular in their immediate locality and South Cerney Neighbourhood Character Assessment (NCA Appendix N) area.

2. New developments should take account of the Cotswold Design Guide (which is Appendix D to the 2011 - 2031 CDLP) or any relevant successor design guide or code and the South Cerney Neighbourhood Character Assessment (NCA) Appendix N, alongside the National Design Guide and National Model Design Code. The proposals should have specific regard to:

- a) Retaining and, where appropriate, enhancing, key views, vistas and the open green character of many of the streets within the village (cf Appendix E and the Conservation Area Map in Appendix C)*
- b) Reflecting and respecting local character and features assessed within the NCA (Appendix N) and the Conservation Area appraisal (Conservation Area Map in Appendix C)*
- c) Addressing the areas for improvement identified in the NCA (Appendix N).*

10.22 Section 16 of the NPPF states that in determining applications, local planning authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 205 states that *when considering the impact of a proposed development on the significance of a designated heritage asset, such as a conservation area, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be).*

10.23 The area of the development is a patch of open space in the south-western corner of the local centre which is grassed and has vegetation along the boundaries shared with adjacent residential properties. Whilst the site currently allows for a small landscaped area, it appears as an undeveloped area of land within the Local Centre. The local centre is characterised by two storey properties and in terms of design and appearance the proposal is for a single storey building with two roof lights in the front elevation.

- 10.24 Representations have been received from residents and the Parish Council in relation to the proposed roof pitch. The design guide advises that a key quality of the Cotswold vernacular is *Steep roof pitches, dictated by the use of the stone tiles*. The lower pitched roof will help reduce any impact upon the neighbouring property and on balance it is considered that the design will not detract from the character or appearance of the area.
- 10.25 The Conservation Officer has made the following comments in respect of the revised proposal *'Given the modest scale of the proposed building, and its subservient relationship to the existing built form on site, there would be no adverse impact on the character or appearance of the adjacent conservation area, the significance of which would be preserved. The scale and design of the proposed building would also appear appropriate to the site and its context.*
- 10.26 The recommended planning conditions seek to ensure appropriate materials are used which match the existing buildings in the Local Centre. Subject to condition, it is considered that the design and appearance of the proposal is acceptable. The building will appear in keeping with the local area thereby conserving the setting of the adjacent South Cerney Conservation Area.
- 10.27 It is therefore considered that in terms of design and appearance the proposed development complies with Policies EN1, EN2 and EN11 as well as Policy SC1 of the South Cerney Neighbourhood Plan.

(c) Highway implications

- 10.28 Policy INF4 states that development will be permitted that provides safe and suitable access and has regard, where appropriate, to the Manual for Gloucestershire Streets.
- 10.29 Policy INF5 (Parking Provision) of the Cotswold District Local Plan 2011 - 2031 highlights, amongst other things, that *'development will make provision for residential and non-residential vehicle parking where there is clear and compelling evidence that such provision is necessary to manage the local road network. Provision will be in accordance with standards and guidance set out at Appendix F.'*
- 10.30 Paragraph 114 of the NPPF highlights that *'in assessing sites that may be allocated for development in plans, or specific applications for development, it should be ensured that:*
- a) appropriate opportunities to promote sustainable transport modes can be - or have been - taken up, given the type of development and its location;*
 - b) safe and suitable access to the site can be achieved for all users;*
 - c) the design of streets, parking areas, other transport elements and the content of associated standards reflects current national guidance, including the National Design Guide and the National Model Design Code; and*
 - d) any significant impacts from the development on the transport network (in terms of capacity and congestion), or on highway safety, can be cost effectively mitigated to an acceptable degree.'*

- 10.31 Paragraph 115 of the NPPF continues by stating that *'development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.'*
- 10.32 The application is accompanied by a parking assessment report which looks at parking within The Laurels car park, as well as adjacent sections of neighbouring streets, Clarks Hay and Meadow Lane. This document advises that both *'Clarks Hay and Meadow Lane provide safe and legal on-street parking within the vicinity of The Laurels which is often used when there are no available spaces within the Laurels car park and /or by those using the businesses along Clarks Hay, such as the Post Officer and Braai House Deli.'*
- 10.33 The application seeks to provide two additional commercial facilities within this local neighbourhood centre, under Class E, which will require an appropriate level of parking. The applicant has stated within the Design and Access Statement that there are currently 15 car parking spaces in the centre (although none are currently formally marked out). The revised drawing number TL 3-2 indicates that the car park will provide an overall total of 17 spaces, 1 of which would be allocated as a space for a disabled driver. The revised drawing has omitted 1 no. car parking space which was located in front of the bin store to enable this to be accessed readily by the commercial units on the site. The reduction of 1 no. space is acceptable as this would have been associated with the proposed residential accommodation, which has since been omitted from the application.
- 10.34 The Local Highway Authority have raised no objection in relation to the level of parking provision and highlighted the sites accessibility with regards to public transport, walking and cycling.
- 10.35 In terms of arrangement, the current layout encourages the use of the outer edge of the central parking area for parking, none of which are outlined on the ground which encourages an ad-hoc approach to parking. This is not necessarily the most effective use of the car park and results in wider spaces between cars and hence a lower level of parking provision.
- 10.36 In considering the proposed parking arrangement it is accepted that the additional commercial units would only require the provision of the additional 2 spaces proposed. However, in terms of the overall number of parking spaces required in the Laurels overall the adequacy of the provision of 17 is questionable. Paragraph 3.1 of the survey states the following:
- "For the purposes of this survey, spaces within The Laurels car park were classified as either 'Primary' or 'Supplementary' spaces. Primary spaces are those specifically intended for use as parking, whereas Supplementary spaces were areas not intended for use as parking and the use of which would often cause inconvenience to other users, such as blocking other cars from exiting the site. There are a total of 18 primary spaces and approximately 10 locations used as Supplementary spaces (accounting for some overlap) which include those where the driver remained in the vehicle whilst the passenger made a short visit to one of the premises."*
- 10.37 The survey would appear to suggest the level of available parking at the centre is 18 spaces as the survey states that 18 'primary' spaces were recorded while a further 10 'supplementary' spaces were also available. As such if the 18 primary spaces are

considered available for use and drawing number TL 3-2 shows the provision of 17 spaces the question therefore is whether this application results in any increase in parking or retains the existing parking on the site. It could therefore be considered that the new development will not be provided with any further parking. However, it must be recognised that the Local Centre is in a sustainable location and easily accessible by foot, bicycle and public transport and there is no objection from the Local Highway Authority. In addition, the 18 spaces are not properly marked out at the site and may not all be readily available for use at all times due to existing ad hoc parking by employees and visitors to The Laurels.

- 10.38 A further concern relates to the fact that the revised parking arrangement includes a block of 6 parking spaces allocated on the western edge of the central parking area in a tandem form with 3 spaces technically blocked by a further 3 spaces. Concern has been expressed with the applicant that the tandem parking arrangement is of a poor design and would not allow for the independent use of the 3 parking spaces blocked by the other spaces, while the enclosure of the commercial bin store would prevent the bins being collected and emptied. As stated above the car parking space to the front of the bin store has been omitted during the application process.
- 10.39 The applicant has also responded to concerns relating to the tandem spaces and stated in the rebuttal that *'In respect of the car park, there seems a common misunderstanding that this is a public facility, whereas it is in fact a private car park for the exclusive use of tenants and customers of The Laurels. Whilst each tenant has a number of spaces allocated to them within their lease agreements, the fact that there are currently no lined bays makes it difficult to enforce against the inconsiderate parking of vehicles, which reduces the overall capacity and effectiveness of the car park for all users.'* The applicant continues by stating that the *'Full use of the proposed tandem bays is to be achieved by assigning them to those tenants that are allocated multiple spaces within their lease agreement.'*
- 10.40 In terms of the overall parking arrangement the applicant is clearly of the view that as the area is private and that the parking spaces are allocated to the tenants, the provision of tandem parking is not an issue and that the tenants will have to work out the manoeuvre of cars in and around the site. This approach, however, does not address the issue that the car park is also used by visiting members of the public and with no details of how the parking will be allocated or if the spaces will be marked as private it is difficult to fully appreciate how the parking will work. Notwithstanding this, the use of tandem parking within the car park is of a poor design and would suggest that the parking is not adequate to serve the development as a whole.
- 10.41 Further to concerns raised by officers, the applicant has confirmed that a formal white lined parking layout will be implemented and they intend to label the tandem spaces as private parking. They are also willing to implement bollards if deemed necessary to ensure that these remain for the use of employees of the businesses only. A planning condition relating to bollards and signage at the site has been discussed with Highways and a condition has subsequently been recommended ensuring that the bollard/signage position is agreed in writing by the Local Planning Authority. The condition is intended to mitigate the concerns raised in respect of the use of the tandem spaces, thereby preventing members of the public using them and potentially becoming blocked in by other cars at the site.

10.42 During the application process the applicant has provided the following surgery opening hours as it is considered that the car park would be busier during these times of day:

Monday to Wednesday - 8:30am to midday, 1pm to 6pm

Thursday - 8:30am to midday, 1pm to 5:15pm

Friday 8:30am to midday

Saturday and Sunday - closed

10.43 In considering the provision of parking the County Highway Engineers have confirmed no objection to the arrangement and advised that the development will not result in any adverse impact on highway safety or congestion. As such and notwithstanding the poor design, there is no highway reason to support a refusal of permission in this instance. It is therefore considered that the proposal complies with Local Plan Policies INF4 and INF5 of the Local Plan.

(d) Impact on neighbours

10.44 Local Plan Policy EN2 refers to The Design Code (Appendix D) which sets out policy with regard to residential amenity. This expects development to respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect. Paragraph D.67 of the Design Code highlights that key design consideration "(p) to ensure adequate privacy, the minimum distance between facing windows of one and two storey dwellings should be no less than 22m and, for buildings higher than two storeys, no less than 28m."

10.45 Similarly, Section 12 of the NPPF explains planning decisions should ensure developments create places that are safe, inclusive and accessible, with a high standard of amenity for existing and future users.

10.46 This application is for a single storey building located alongside the shared boundary with existing residential properties known as The Hawthorns to the immediate south and properties in Churn Close to the west. With regards to The Hawthorns this dwelling is located close to the shared boundary with the application site and angled slightly towards the shared boundary. This neighbouring property currently shares a common boundary with the existing Phoenix surgery located alongside the side elevation of The Hawthorns and it can be seen from this neighbour's rear garden that the surgery building is of a significant scale. The original proposal reflected the two-storey design of properties within The Laurels and it was considered that this would result in an unacceptable impact to 'The Hawthorns' residential amenity in terms of overbearing appearance to the private garden area and windows of this dwelling.

10.47 As outlined in paragraph D.67 (o) of the Cotswold Design Code that development 'should respect the amenity of dwellings, giving due consideration to issues of garden space, privacy, daylight and overbearing effect.'

10.48 In response to concerns raised by officers, the applicant removed the first-floor element and therefore reduced the overall scale of the building by a significant level. The proposal is now for a single storey building which, although still resulting in a projection along the remaining open element on the shared boundary, will now be of

a lower impact. The reduction in height together with fact that the roof slopes away from the shared boundary will ensure that the impact of the development is reduced to a point which is now not to the detriment of the neighbour's amenity. In addition, due to the orientation of The Hawthorns garden, it is not considered that the proposal would result in a harmful level of overshadowing or loss of light.

- 10.49 Turning to the neighbours along Churn Close these dwellings all back onto the application site with long rear gardens which vary in length of between 28m and 32m. The proposed development includes the provision of ground floor side windows at to provide ventilation and light into the kitchen and separate bathroom elements of the commercial uses. Concern has been expressed that with possible removal of the existing landscaping and embankment that these two windows would result in a loss of privacy to properties along Churn Close. It is however, requested that the windows be obscurely glazed if permission were granted, which in itself is not an unreasonable request, and the applicant has agreed for a condition to this effect.
- 10.50 Use Class E comprises a broad number of uses. The rebuttal advises that *'the applicant is prepared to accept a restriction to exclude any form of food related business.'* A condition has therefore been recommended to exclude the use of the premises as Class E (b) *for the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises.* Following further discussion with the applicant they were prepared to accept another restriction to prevent the preparation of hot or cold food on the site under category (a) *for the display or retail sale of goods, other than hot food, principally to visiting members of the public.* Officer's have also recommended excluding Use Class E g (i) for use of the building as a call centre and g (iii) *'any industrial process'*. The recommended conditions are intended to protect residents in respect of air quality, smells and any potential noise from extraction vents and flues, however, it does not restrict the sale of cold pre-prepared food from the site.
- 10.51 Subject to condition, it is considered that the proposal will not result in a detrimental impact to residential amenity in accordance with Policies EN2 and EN15 of the Local Plan.

(e) Biodiversity, Geodiversity and Trees

- 10.52 Local Plan Policy EN7 'Trees, hedgerows and Woodlands' advises that:

1. Where such natural assets are likely to be affected, development will not be permitted that fails to conserve and enhance:

- a. trees of high landscape, amenity, ecological or historical value;*
- b. veteran trees;*
- c. hedgerows of high landscape, amenity, ecological or historical value; and/or*
- d. woodland of high landscape, amenity, ecological or historical value.*

- 10.53 Local Plan Policy EN8 outlines that development will be permitted that conserves and enhances biodiversity and geodiversity, providing net gains where possible. Furthermore, it outlines that proposals that would result in the loss or deterioration

of irreplaceable habitats and resources, or which are likely to have an adverse effect on internationally protected species, will not be permitted.

10.54 Section 15 of the NPPF also outlines that development should conserve and where possible enhance biodiversity and geodiversity and should not result in the loss or deterioration of irreplaceable habitats and resources.

10.55 The proposal relates to an existing area of grassland in the Local Centre. There are shrubs/vegetation along the boundaries shared with 'The Hawthorns' and properties along Churn Close, and more substantial planting to the rear of the latter properties. The proposal is likely to result in the removal of relatively low level vegetation and on balance, this is considered acceptable as the vegetation is not considered to be of significant amenity or biodiversity value, nor is it considered to be mitigated in the same form elsewhere on the site in compensation for the loss here. The new, statutory requirements for Biodiversity Net Gain do not apply to this application, as it was submitted prior to 12th February 2024. An informative is recommended in relation to the cutting of vegetation adjacent to a shared boundary.

10.56 The application site is located within the North Meadow Zone of Influence, Special Area of Conservation. As the residential element of the proposal has been omitted during the application process, mitigation is not required in respect of the proposal.

10.57 Due to the modest scale of the proposal, on balance, it is not considered that it would result in an adverse impact to ecology which would warrant refusal in accordance with Policy EN8 of the Local Plan.

(f) Other Matters

CIL

10.58 The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

11. Conclusion:

11.1 Overall, it is considered that the development is in accordance with established policies and guidance. It is therefore recommended that the application is granted planning permission.

12. Proposed Conditions:

1. The development shall be started by 3 years from the date of this decision notice.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in accordance with the following drawing number(s): TL 3-1, TL 3-2, TL 3-3, TL 3-4, TL 3-5

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with the National Planning Policy Framework.

3. Prior to the construction of the external walls of the development hereby permitted, a sample panel of walling shall be provided on site showing the proposed stone colour, coursing, bonding, treatment of corners, method of pointing and mix and colour of mortar and subsequently approved in writing by the Local Planning Authority, and the works carried out accordingly. The panel shall be retained on site until the completion of the development.

Reason: To ensure that in accordance with Cotswold District Local Plan Policy EN2, and the National Planning Policy Framework, the development will be constructed of materials of a type, colour, texture and quality and in a manner appropriate to the site and its surroundings. Retention of the sample panel on site during the work will help to ensure consistency.

4. Prior to the construction of the roof of the development hereby permitted, a sample of the proposed artificial stone tile shall be approved in writing by the Local Planning Authority and only the approved material shall be used. The approved stone tiles shall be laid in traditional diminishing courses.

Reason: To ensure that, in accordance with Cotswold District Local Plan Policy EN2, and the National Planning Policy Framework, the development will be constructed of materials of a type, colour, texture and quality that will be appropriate to the site and its surroundings.

5. Prior to the installation/insertion of the windows and doors, details of their design, construction, materials and finish, in the form of scale drawings and sections, or manufacturers' specifications where appropriate, shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out only in accordance with the approved details and retained as such thereafter.

Reason: To ensure the works are completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policies EN2, and the National Planning Policy Framework.

6. The window and door frames shall be recessed a minimum of 75mm into the external walls of the building.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2, and the National Planning Policy Framework

7. The new roof(s) shall be of a design which, when installed, shall not project forward of the roof slope in which they are located.

Reason: To ensure the development is completed in a manner sympathetic to the site and its surroundings in accordance with Cotswold District Local Plan Policy EN2, and the National Planning Policy Framework.

8. Prior to the first occupation of the development hereby approved the ground floor windows serving the bathroom and kitchen in the west elevation shall be fitted with obscure glazing and shall be permanently retained as such thereafter.

Reason: To protect the privacy of the occupants of neighbouring dwellings in accordance with Cotswold District Local Plan EN2.

9. The development shall not be occupied or brought into use until the vehicle parking layout, provision and manoeuvring facilities have been completed in all respects in accordance with the approved details and they shall be similarly maintained thereafter for that purpose.

Reason: In the interests of highway safety, and in order to ensure that the development complies with Cotswold District Local Plan Policy INF4.

10. Prior to the occupation of the units hereby permitted, details of the position of three bollards and signage advising visitors that the tandem car parking spaces are for private use, shall be submitted to and approved in writing by the Local Planning Authority. The bollards and signage shall be erected at the site prior to the first use of the units hereby permitted and the spaces shall only be used for employees of businesses within the local centre for the lifetime of the development.

Reason: In the interests of highway safety in accordance with Policies INF4 and INF5 of the Local Plan.

11. Before the development is occupied or brought into use the boundary treatment of the site, including a timetable for its implementation, shall be agreed in writing with the Local Planning Authority. The boundary treatment shall then be completed and permanently maintained thereafter in accordance with the approved details.

Reason: The boundary features will be important in screening the site and helping the development to blend in with its surroundings. This condition is imposed in accordance with Cotswold District Local Plan Policy EN2.

12. The building hereby approved shall be used only for Use Class E (a), (c), (d), (e), (f) and (g) and for no other purpose, including any other purpose in Class E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or the equivalent to that Class in any statutory instrument amending or replacing the 1987 Order or any other change of use permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015.

Reason: It is essential that the Local Planning Authority retains control over the use of the development because other uses within the Use Classes may have further impacts that would need further assessment, in accordance with Cotswold District Local Plan policies EN15, INF4 and INF5.

13. The building hereby approved shall not be used as a call centre, under Class E (g) (i), nor within Class E (g) (iii) of The Town and Country Planning (Use Classes) Order 1987 (As amended).

Reason: It is essential that the Local Planning Authority retains control over the use of the development because the use of the units as a call centre or light industrial use may have additional highway impacts that would need further assessment, in accordance with Cotswold District Local Plan policies EN15.

14. The building hereby approved shall not be used for the preparation of hot or cold foods for consumption on or off the premises and shall be limited to the sale of pre-prepared cold foods and drinks in respect of Class E (a) of The Town and Country Planning (Use Classes) 1987 (As amended).

Reason: It is essential that the Local Planning Authority retains control over the use of the development because the preparation of food may have additional residential impacts that would need further assessment, in accordance with Cotswold District Local Plan policies EN15.

15. The building hereby approved shall only operate between the hours of 08:00 and 18:30 Monday to Sunday. Deliveries to the building hereby approved shall only take place between the hours of 08:00 and 18:30 Monday to Sunday.

Reason: In the interests of residential amenity in accordance with Policies EN2 and EN15 of the Local Plan.

Informatives:

Drainage arrangements shall be provided to ensure that surface water from the driveway and/or vehicular turning area does not discharge onto the public highway. No drainage or effluent from the proposed development shall be allowed to discharge into any highway drain or over any part of the public highway.

Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is less than 100m² of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

There appears to be small trees and shrubs in the neighbouring property. Although it is your right to remove all vegetation overhanging your property (including roots) any cuttings should be returned to your neighbour if they so wish and consent must be gained regarding access to their property. You have a legal duty to exercise reasonable care in carrying out any works to the overhanging trees. In the interest of good neighbour relationships, it would be helpful to consult with your neighbour on the proposed works if you have not already done so. Further information is available at <https://www.trees.org.uk/Help-Advice/Help-for-Tree-Owners/Guide-to-Trees-and-the-Law>