



COMMITTEE REPORT

Item Number: 8

Application Number: S/18/0738/TB

Ward: Central

Parish:

Central Swindon South

Proposal: Erection of replacement shop (class A1) with ancillary office accommodation and associated works.

Site Location: 3-5 , Lagos Street, Swindon

Case Officer: Tom Buxton (tbuxton@swindon.gov.uk 01793 466240)

Agent:

Mr Paul Oakley
Oakley Planning & Conservation
16 The Street
All Cannings
Devizes
SN10 3PA

Applicant

Mr S Chowdhury

c/o Agent

Officers Report

Background:

1 This application is called to Planning Committee at the request of Councillor Bob Wright.

Summary of Recommendation:

2 Planning permission be GRANTED.

The Proposal:

3 This application seeks planning permission for the erection of a replacement shop (Class A1) with ancillary office space over.

4 The shop and offices would be accommodated in a two and half storey building of a roughly rectangular footprint. The proposed floor plans indicate that there would be retail floor space on the ground and first floors with the ancillary office space being located in the roof space/second floor. The building would front Lagos Street with a shop frontage in front of which would be car and bicycle parking spaces for customers.

The Site and Surroundings:

5 The site is a shop unit with associated storage and yard space. The unit was badly damaged by a fire and thus most of the upper floor is missing. The site benefits from a vehicular access into the service yard. The site was previously used as a motor spares shop and more recently as a convenience shop. Whilst the shop unit is not currently trading it is understood that the yard and associated storage buildings are being used for storage purposes for a nearby shop.

6 The surrounding area is mixed in character being made up of terraced houses, a hall and shops.

Site History:

7 Planning permission was granted in January 2017 for the redevelopment of the site to provide 8 flats under reference S/16/1911.

Representations:

8 Neighbours:

Original Plans

1 representation of objection received from No. 6 Lagos Street raising the following as concerns: highway safety (customer parking, delivery vehicle parking, increased traffic, problems experienced associated with existing shop in the street), removal of wall, refuse storage and collection (smells), the building is too tall and too close and will block light and be visually dominant, loss of property value, loss of privacy, potential location of air conditioning units and associated noise, there is no need for the shop and would prefer that the previously approved flats be built instead.

A petition against the proposal was also included with the letter, signed by occupants of 14 properties in the area (24 persons).

Revised Plans

No representations received.

9 Highways:

Original Plans

Concerns raised in relation to pedestrian access to the shop and cycle parking facilities.

Revised Plans

No objections subject to suggested condition.

10 Cllr Bob Wright:

Concerns about waste/deliveries and impact on amenity. It is a terraced housing street with two outside users impacting the area with their activity. The development building owners have large vehicle deliveries and their control of waste has not been good.

11 Parish Council:

Original Plans

No objections raised subject to:

1. The roof should not be higher than the existing building,
2. Explanation of need for a lift,
3. Concerns about parking & delivery. In particular where will delivery vehicle park as they currently park on the kerb.

Revised Plans

Objection in support of the comments of Cllr Bob Wright, namely the effect of deliveries and waste control.

Planning Considerations:

12 The relevant considerations are the principle of the development, the impact of the proposed building upon the character of the area, the impact of the use upon the surrounding area including residential amenity and highway safety. Of relevance to the determination of the application are Policies SD1, SD2, SC1, DE1, EC3 and TR2 of the

adopted Swindon Borough Local Plan (SBLP), Policy CAAP19 of the adopted Central Area Action Plan (CAAP) and the National Planning Policy Framework (NPPF).

Principle:

13 The proposed development is to be located with Swindon's central area and thus is compliant with Policy SD2 of the adopted SBLP which highlights this as being the first preference, location wise for such developments. In addition the central location of the development means that it will be accessible by walking, cycling and public transport in compliance with Policy SD1 of the adopted SBLP.

14 Policy EC3 of the adopted SBLP deals with the role of centres and main town centre uses. This policy is of relevance in that the proposal is a main town centre use. As the proposal site is located outside of (but on the edge of) a defined centre criterion b, of the policy is applicable. It details that proposals for new single shop units will be permitted where they provide for the daily shopping needs of the local population, are of walking distance of the community they serve and do not harm the vitality and viability of existing centres. As the agent advises that the proposed use is a convenience shop it will provide for the daily shopping needs of the community (i.e. selling food, drink and household goods) who will easily be able to walk to it. With regard to the impact that the development will have upon the vitality and viability of existing centres, the relevant ones are deemed to be the adjacent Manchester Road local centre and the nearby main town centre. In making this assessment it is important to remember that the site has an authorised use as retail (Class A1) and that the proposal is for a new retail unit (Class A1) with the only difference being the larger size of the unit. With regard to the Manchester Road local centre it is evident that it contains numerous convenience style shops within it. There is no reason to suggest that a larger shop unit (i.e. over and above the existing/previous shop use at the site) would cause a noticeable impact upon the vitality or viability of the Manchester Road Local Centre in terms of drawing trade away. It could be argued that customers using the new shop may choose to use the services available within the adjacent local centre also, due to its very close proximity. Taking the above into consideration and in particular the existing/previous use of the site as retail it is not considered that there is any evidence to indicate that the proposal will cause harm to the Manchester Road Local Centre.

15 When assessing the impact of the development upon the nearby town centre the existing retail use of the site must also be taken into consideration. This plus the larger distance in between (in comparison to the relationship of the site to the Manchester Road Local Centre) and the varied retail offer in the town centre suggests that the increase in size of the retail space proposed here is very unlikely to draw trade away from the town centre. It is also important to point out that the second bullet point of Policy EC3 details that existing single shop units will be protected from changes to non-A1 uses. As such it is evident that the Policy also serves to protect existing single shop units that are outside of the defined centres. There is no need to provide a retail impact assessment as set out under criterion d, of this policy as the proposed retail floor area falls under 600m². In summary it is considered that the proposal is compliant with Policy EC3 of the adopted SBLP.

16 Policy SC1 of the adopted SBLP sets out methods for improving and enhancing Swindon's central area. Of relevance to this proposal is the need to achieve good design and that developments in this area integrate positively with existing adjacent communities as well as mitigating their impact upon them. It is deemed that the proposal is in compliance with this policy and justification for this will be given within the amenity and streetscene

impacts section below.

17 Although Policy CAAP19 of the adopted CAAP aims to limit new retail in the Broadgreen area to the Manchester Road local centre it is not considered that the proposal conflicts with this policy. The justification for this is that this is not introducing a new retail use. A retail use has been long established at the site. In summary to this section it is considered that the principle of retail development is acceptable. The upper floor office space proposed is ancillary to the shop use and is not independent. Upon this basis this is acceptable also.

Impact Upon Streetscene:

18 The proposed building is a little larger in scale than the existing/previous building at the site in that it is taller and wider. The proposal would though be set back from the street in contrast to the existing situation and would represent an improvement in appearance terms as a result of the very unsightly appearance of the fire damaged and overgrown nature of the existing building. The increase in height is not significant in that the proposal would be less than a metre taller than the previous building at the site and only approximately 0.6 metres higher than the immediately adjacent terrace of houses. The increase in width (and small increase in height) would undoubtedly result in a change in character however when taking into consideration the very unsightly and run down nature of the existing site and the set back of the building it is considered that this would not be unacceptable. The design of the building is also felt to be acceptable in that the simple façade and gables roofs would not be dissimilar to the existing terraced properties in the vicinity. The central gable would assist in breaking up what might otherwise appear as a horizontal emphasis to the frontage and would add interest. Subject to the use of appropriate external facing materials (which will be conditioned) it is considered that the design and scale of the proposal is acceptable and no unacceptable impact will be caused to the character of the streetscene in compliance with Policy DE1 of the adopted SBLP.

Impact Upon Residential Amenity:

19 The nearest residential properties to the proposed development are No. 6 Lagos Street immediately to the east and several flats above shops to the north in Manchester Road. Following concerns raised by officers (and the neighbouring property) during the processing of the application revisions were made to the building to reduce its impact to No. 6 and the properties to the rear. In particular the tallest part of the building would be set further away from the rear part of No. 6 so that the 45-degree angle taken from its nearest upper floor habitable room window would no longer be blocked. Furthermore the previously proposed external staircase to the side has been removed and thus so has the opportunity for overlooking towards this neighbouring property. The same is true regarding the removal of the external staircase to the rear in that the opportunity for overlooking towards the rear of the Manchester Road residential properties has been removed also. In combination with there being no rear or side facing windows proposed it is concluded that the development will result in no loss of privacy. The separation distance between the rear part of the building and No. 6 Lagos Street and the reduced height of it adjacent to the common boundary would mean that the proposal would result in no unacceptable loss of light or visual dominance to any other rear windows or to the rear garden area of this property. The highest part of the building to the rear opposite the residential properties on Manchester Road is limited to the western side, as was the case with the previous/existing building on site. This factor combined with the separation distance of approximately 12 metres between the rear of the proposal and the main rear façade of the Manchester Road properties means

that no unacceptable loss of light or visual dominance would be caused to this side either. The set back of the building frontage would mean there would be no harm caused to the amenity of the residential properties to the opposite (southern) side of Lagos Street either.

20 With regard to the impact of the proposed use of the building upon residential amenity, following concerns expressed by officers the proposed bin storage area was switched to the opposite side boundary and thus away from No. 6 Lagos Street. Whilst the final details of the design and appearance of this storage facility will be conditioned to ensure acceptability the distance between it and this nearest neighbour suggests that there will be no harm in terms of smells emanating from it. Furthermore the specific allocation of the facility will mean that there will not be a requirement for any bin storage on the highway. No details have been provided regarding any air conditioning units, however in order to ensure that no harm is caused in terms of noise emanating from such a condition will be imposed requiring details to be provided prior to installation of any such. On the basis that the area already contains a number of shops and non-residential uses, including at the proposal site plus considering its central location it is not inherently quiet. As a result it is not considered that the use of the site as a new shop, albeit larger than existing/previous, would cause harm in terms of the comings and goings of customers or from associated deliveries. In conclusion the development would result in no unacceptable impact upon residential amenity in compliance with Policy DE1 of the adopted SBLP.

Highway Safety:

21 The proposed development is to provide 4 car parking spaces to the site frontage. This level of parking is considered to be acceptable when considering the central location of the site and the fact that the previous retail use at the site had no formal on-site parking. An area to the site frontage has also been set aside for cycle parking, the specific details of which will be conditioned. Due to low vehicle speeds on Lagos Street and the nature of the road the requirement for customers to have to reverse into or out of the car parking spaces is not considered to be unacceptable.

22 An existing designated loading bay is marked out on the street immediately adjacent to the west of the site frontage. This is deemed to be sufficient for the servicing of the proposed retail store. Whilst the comments made by the neighbouring resident and the Ward Councillor regarding past experience of delivery vehicles for the existing shop in the street blocking the street and parking on double yellow lines the application can't be resisted on the basis that this might occur as a consequence of the new shop also. Having noted this, as a way of providing more certainty regarding the type and timings of deliveries a condition will be imposed in this regard. In summary the development will give rise to no unacceptable highway related impacts in compliance with Policy TR2 of the adopted SBLP.

23 With regard to the comments made within the representations section that have not already been covered above the following is noted:

- Property value is not a material planning consideration.
- Whether there is a need for the shop or not is also not a material consideration.
- There is no proposal to remove the boundary wall on the common boundary with No. 6 Lagos Street.
- It is assumed that the lift is either to provide customer access to the first floor retail space or for transporting goods.

24 The Council's Community Infrastructure Charging Scheduled came into effect on 6th

April 2015. The development is located within the Council's adopted CIL Charging Schedule Retail Zone 2 and thus the relevant CIL rate is £100 per square metre. The document also details though that all CIL Liability will be index linked to the Building Cost Information Service (BCIS).

Concluding Comments:

25 The proposed development is acceptable in principle and would result in no unacceptable impact being caused: to the character of the streetscene or to residential amenity. Neither would any unacceptable impact result in terms of highway safety. The proposed development is compliant with Policies SD1, SD2, SC1, DE1, EC3 and TR2 of the adopted Swindon Borough Local Plan (SBLP), Policy CAAP19 of the adopted Central Area Action Plan (CAAP) and the National Planning Policy Framework (NPPF).

Recommendation

26 That planning permission be GRANTED.

Conditions

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the requirements of Section 91 (1) of the Town & Country Planning Act 1990.

2. This approval shall be in respect of drawing numbers: GTB-846-4, GTB-846-4A, GTB-846-7, GTB-846-8 received by the Local Planning Authority on 1st May 2018 and drawing numbers GtB-846-1 A, GTB-846-2 B, GTB-846-3 B, GTB-846-4 B and GTB-846-5 B received on 18th July 2018.

Reason: To define the scope of the development hereby permitted, in accordance with section 72 of the Town and Country Planning Act 1990.

3. Prior to the erection of the building hereby permitted above ground level details of all external facing materials shall have first been submitted to and approved in writing by the Local Planning Authority. The development hereby permitted shall be carried out in accordance with these approved details.

Reason: To ensure that the appearance of the development is satisfactory.

4. Prior to the A1 shop hereby permitted first being brought into use full details of the refuse storage area and the method for refuse collection shall have been submitted to and agreed in writing by the Local Planning Authority. The refuse storage area shall thereafter be provided in accordance with the approved details prior to the A1 shop being brought into use. The method of refuse collection shall be carried out in accordance with the approved details.

Reason: In the interests of amenity and highway safety.

5. No air conditioning units shall be installed unless in accordance with details which shall have first been submitted to and agreed in writing by the Local Planning Authority.

Reason: In the interests of amenity.

6. For the avoidance of doubt the second floor office space shall be ancillary to the A1 shop

use and shall not be used independently of it.

Reason: Further justification and consideration would be required for separate usage.

7. Prior to the A1 shop hereby permitted first being brought into use a delivery management plan shall have first been submitted to and agreed in writing by the Local Planning Authority. The development shall thereafter be operated in accordance with the delivery management plan.

Reason: In the interests of amenity and highway safety.

8. Prior to the A1 shop hereby permitted first being brought into use details of the layout of the car parking area, including arrangements for the reinstatement of the footway (in the form of a vehicle crossover with dropped kerbs) have been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full prior to the development being brought into beneficial use and thereafter maintained.

Reason: To ensure that car parking and access is provided in a manner commensurate with the safe and effective operation of the highway;

9. Prior to the A1 shop hereby permitted first being brought into use full details of cycle parking shall have first been submitted to and approved in writing by the Local Planning Authority. The details so approved shall be implemented in full prior to the A1 shop hereby permitted first being brought into use and thereafter maintained.

Reason: To ensure that cycle parking is provided in a manner commensurate with the safe and effective operation of the highway.

10. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall:

- i. specify the type and number of vehicles;
- ii. specify point of construction access and access route to the site;
- iii. provide for the parking of vehicles of site operatives and visitors;
- iv. provide for the loading and unloading of plant and materials;
- v. provide for the storage of plant and materials used in constructing the development;
- vi. provide for wheel washing facilities;
- vii. specify the intended hours of construction operations;
- viii. measures to control the emission of dust and dirt during construction

Reason: To reduce the potential impact on the public highway during the site preparation and construction phase(s) of development in accordance with Policy TR2 of Swindon Borough Local Plan 2026.

Informatives

1. CIL Liable Development: This development constitutes Community Infrastructure Levy (CIL) liable development. CIL is a mandatory financial charge on development. For more information on CIL visit www.swindon.gov.uk/cil or telephone the SBC CIL Team on 01793 466289 or 466397 or email cil@swindon.gov.uk . To avoid additional financial penalties the requirements of the impact of CIL must be managed before development is commenced and subsequently payment made in accordance with the requirements of the CIL Demand Notice issued. Information on possible exemptions that may be capable of being applied for

can be found at:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy and <https://www.gov.uk/guidance/community-infrastructure-levy>. CIL remains relevant in the event that planning permission is allowed by Planning Appeal.

End of Report