



Appeal Decision

Site visit made on 24 June 2019

by Beverley Wilders BA (Hons) PgDurp MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2019

Appeal Ref: APP/H2835/W/18/3217564

Former Spar corner shop, 3-5 Camden Square, Bozeat, Northamptonshire NN29 7JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Keith Cullip against the decision of Borough Council of Wellingborough.
 - The application Ref WP/18/00635/PAIA, dated 4 October 2018, was refused by notice dated 26 November 2018.
 - The development proposed is notification for prior approval for a proposed change of use of a building from shops (Class A1) to a use falling within Class C3 (dwellinghouse) (2 flats) and for associated operational development.
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Decision

1. The appeal is allowed and prior approval is deemed to be granted under the provisions of Article 3(1) and Schedule 2, Part 3, Class M, paragraph M.2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for proposed change of use of a building from shops (Class A1) to a use falling within Class C3 (dwellinghouse) (2 flats) and for associated operational development at Former Spar corner shop, 3-5 Camden Square, Bozeat, Northamptonshire NN29 7JH in accordance with the application WP/18/00635/PAIA made on 4 October 2018, and the details submitted with it, pursuant to Article 3(1) and Schedule 2, Part 3, Class M, paragraph M.2 (3) and subject to the following conditions:
 - 1) The external works hereby permitted shall be constructed only of materials of a type and colour which match those of the existing building.
 - 2) Any ground floor doors or windows shall be hung so as not to open outwards over the highway.
 - 3) The development permitted shall be carried out in accordance with the approved Flood Risk Assessment (FRA) ref: 589(00) and the following mitigation measures detailed within the FRA:
 - Finished floor levels of the proposed development will be set no lower than existing, 900mm above existing ground levels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing/phasing arrangements embodied

within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Main Issue

2. Having regard to Schedule 2, Part 3, Class M of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO), the main issue is whether the transport and highways impacts of the development would be acceptable.

Reasons

3. The appeal site comprises a two storey building located on the corner of Camden Square and Church Lane in the village of Bozeat. The ground floor of the appeal building was previously used as a shop but is now vacant. There is a forecourt to the front of the site on Camden Square. The immediate surrounding area is generally characterised by residential properties, a few of which have off road parking facilities with the majority of properties appearing to rely upon parking on the road. At the time of my visit (16:45) on road parking was not at capacity and a number of spaces were available, though I acknowledge that the amount of parking will vary throughout the day.
4. There are no off road parking facilities at the appeal site meaning that any parking associated with the retail use of the appeal building would need to take place on surrounding roads, some of which are narrow and which from the evidence appear to be congested at times. In objecting to the proposal, the Highway Authority has referred to the need to comply with its Parking Standards adopted in September 2016. The standards are guidance on the level of parking required within each use class and as the Council acknowledges, the number of parking spaces required by the guidance for a retail use exceeds the number required for a residential use. However, the Council considers that the nature of parking demand in relation to the two uses are not directly comparable with parking demand for residential uses generally being overnight.
5. I note that it appears from the evidence that levels of car ownership are relatively high in the area and that Bozeat is not particularly well served by public transport. I also note the evidence from the Parish Council and from local residents regarding existing parking demand on the roads surrounding the site. However, whilst I have had regard to the concerns of the Highway Authority and its desire to provide off road parking for residential developments, the configuration of the appeal site is such that it appears that it would not be possible to provide such parking and, in any event, the scheme before me does not propose parking facilities. Moreover, the lawful use of the site is for retail which due to a lack of off road parking the Council acknowledges also fails to comply with the Highway Authority's parking standards.
6. Whilst I note the Council's comments with regard to the nature of retail versus residential parking, there is no specific evidence to support the Council's comments and the appellant has referred to evidence which indicates that a large number of rural shops open for extended hours including evenings and weekends and that a significant proportion of customers drive to them. This evidence has not been disputed by the Council.

7. It is clear that the lawful use of the appeal building for retail purposes and for the proposed residential uses would generate some parking demand. However, the evidence does not show that the proposal would be likely to result in increased on road parking demand or that any such increase would cause unacceptable difficulties for road users and for highway safety as alleged by the Council and interested parties. The fact that the appellant has not carried out a parking survey as referred to by the Council is not a reason in itself to withhold approval nor is the fact that the building is currently vacant as the retail use of the premises could re-commence in the future without the need for planning permission.
8. Taking the above matters into consideration, I conclude that it is unlikely that the parking demand associated with the proposal would be materially greater than that associated with the retail use of the site and therefore the transport and highways impacts of the development would be acceptable.

Other Matters

9. I note that in reaching its decision the Council did not raise any concerns in relation to the matters set out in paragraph M.1 of Schedule 2, Part 3, Class M of the GPDO, to the other prior approval matters set out in paragraph M.2 or in relation to the operational development associated with the proposed change of use. I have seen no evidence to lead me to reach a different conclusion to the Council in relation to these other matters.

Conditions

10. Development permitted under Schedule 2, Part 3, Class M of the GPDO is subject to a standard time limit condition and to a condition specifying the nature of the permitted residential use and there is no need for me to repeat these standard conditions within my decision.
11. I have had regard to the additional conditions suggested by the Council. I have imposed the suggested conditions relating to materials, window openings and to the submitted Flood Risk Assessment as these conditions relate to prior approval matters and are in the interests of visual amenity, pedestrian safety and flood risk management. I have not imposed the suggested time limit condition for the reason set out above and have not imposed a plans condition as details and plans of the proposal form part of the prior approval application and the GPDO states that development must be carried out in accordance with the details submitted.

Conclusion

12. For the above reasons and having regard to all matters raised, I conclude that the appeal should be allowed.

Beverley Wilders

INSPECTOR