

PLANNING APPLICATION REPORT

Case Officer: Chris Gosling

Parish: Okehampton **Ward:** Okehampton East

Application No: 01092/2015

Agent/Applicant:

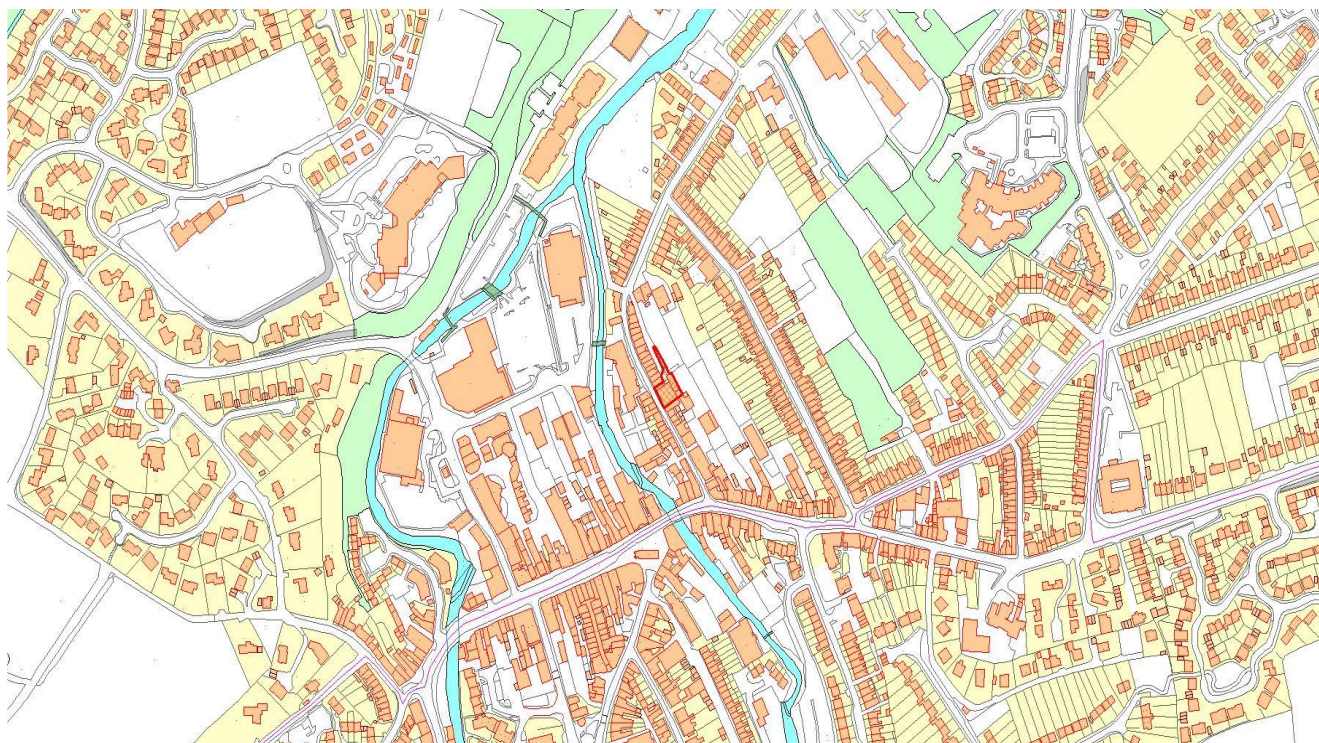
Mr E Baily
Pretoria Wine Vaults
22 North Street
Okehampton
Devon
EX20 1AR

Site Address: 22 North Street, Okehampton, Devon, EX20 1AR

Development: Change of use from a first floor function room ancillary to drinking establishment (use class A4) to a wholesale mixing and distribution facility for the distribution of ethanol alcohol to drinks manufacturers.

Reason item is being put before Committee:

At the request of the Ward Member who has safety concerns and the risk of deliveries blocking North Street.



Recommendation: Conditional approval

Conditions:

- Standard time limit
- Adherence to plans
- Use within building only
- Retain parking
- Hours of operation no longer than those applied for

Key issues for consideration:

Impact on residential amenity, given immediate proximity of neighbours

Ability of the highway to cope with goods in and good out

NB: Health and safety issues are covered by other legislation

Site Description:

The site is a three story building in a very narrow terraced street near Okehampton town centre. The street is one way (heading towards) the main road through town and has double yellow lines on each side. The site includes a yard area at the rear leading to an off-site rear access and borders long rear gardens for buildings fronting the main road and properties in North Road north of the site. The site also borders the rear of No. 24 North Road, the next door neighbour.

The site context is urban and cramped. At the time of the site visit, late afternoon, the premises (Pretoria Wine Vaults; a public house) was not open and appeared to be closed for some time prior to that. The site comprises the top floor only. The ground floor of the building is the bar and the first floor has accommodation. Vehicular access and parking is available from the rear.

The Proposal:

Change of use of function room ancillary to drinking establishment (Use Class A4) to a whole sale mixing and distribution facility for the distribution of ethanol alcohol to drinks manufacturers (sui generis).

The proposed composite use is considered inherently to incorporate a B8 (storage and distribution) element, but the process proposed to take place on the premises means that the B8 element would be of similar importance and not ancillary.

The proposal would create two new part time jobs and the proposed working times are 0900-1700 Monday to Friday only as stated on the application form. Deliveries to the site are intended to amount to no more than 2 to 4 a month. Sales are via the internet and there would be no walk in sales, although the latter would appropriately be controlled through licensing and not the planning system.

Consultations:

- County Highways Authority
 - The street in the vicinity of the site is narrow, one-way southbound only for motorised vehicles with a contra-flow northbound cycle lane. There are restrictions on waiting, but no restrictions on the loading and unloading of vehicles. The existing uses on the site will already give rise to unloading from the highway which will no doubt give rise to instances of temporary inconvenience at the times that the unloading is taking place. I have never been on site at the time a delivery arrives.
 - When assessing an application such as this I have to consider the traffic generation potential of the proposed use compared with the existing. The existing use certainly has the potential to generate vehicle movements and loading and unloading from the highway from users of the function room. Although there would appear to be no figures provided in the documentation for the anticipated trip generation / attraction it appears from the information provided that the operation is very low key indeed and is extremely unlikely to lead to an unacceptable increase in instances of loading from the highway, when compared with the existing use of the site. On that basis, the highway authority has no comments to make on the proposed change of use.

- Environmental Health Section

No comments to make. Regulation of the site would be through compliance with Health and Safety regulations. There are unlikely to be noise implications arising from the proposed change of use.

- Town/Parish Council

Neutral view

- Others:
Health and Safety Executive

HSE's role in the planning process is limited to that of statutory consultee on:

- (a) relevant developments within the consultation distance of major hazard sites and major accident hazard pipelines – see the [Schedule 4\(e\) of the Town and Country Planning \(Development Management Procedure\) Regulations 2015](#), and
- (b) applications for hazardous substances consent under the [Planning \(Hazardous Substances\) Act 1990](#) and the [Planning \(Hazardous Substances\) Regulations 2015](#).

A major hazard site is one which requires hazardous substances consent to hold a specified quantity of a hazardous substance in accordance with Schedule 1 of the [Planning \(Hazardous Substances\) Regulations 2015](#). Major accident hazard pipelines are defined in the [Pipelines Safety Regulations 1996](#). HSE sets a consultation distance around major hazard sites and major accident hazard pipelines and planning authorities are required to consult HSE on relevant developments within a consultation distance.

As the proposed site for wholesale mixing and distribution facility in planning application 01092/2015 does not lie within the consultation distance of a major hazard site or major accident hazard pipeline, HSE is not a statutory consultee in respect of this application and therefore HSE has no comments to make.

The planning application indicates that the proposed facility will hold up to 1,800 litres of ethanol. Although ethanol is a flammable liquid, the quantity which will be present falls below the threshold

quantity at which hazardous substances consent is required – see Schedule 1 of the [Planning \(Hazardous Substances\) Regulations 2015](#), Therefore, the proposed facility would not require hazardous substances consent.

If planning permission is granted for this facility, when it is operational it will be subject to the requirements of [the Health and Safety at Work etc Act 1974](#) and any associated relevant legislation, including the [Dangerous Substances and Explosive Atmospheres Regulations 2002](#). Section 3 of the Health and Safety at Work etc Act 1974 requires the operator of the site to ensure, so far as is reasonably practicable, that people in the vicinity are not exposed to risks to their health or safety by activities carried on at the site.

Representations:

No comments have been received

Relevant Planning History

F/3/22/803/1992/7240/002/ Fire precaution work including fire escape Approved 1992
The remainder of the planning history relates to uPVC windows and advertisements

ANALYSIS

Principle of Development/Sustainability:

The site is located in a sustainable location, close to the town centre, which is served by bus routes and is easily accessible. The function room at present offers no employment opportunities according to the application form and under the proposal two part time jobs would be generated, although they would not reach sufficient hours for a full time equivalent. Nevertheless, in terms of economic development, this would have a positive effect and also represent a social benefit. In environmental terms, the risk of contamination and fire is governed by other, issue-specific legislation, as detailed above in the Health and Safety Executive's consultation reply. In planning terms, however, the site size falls below the HSE's remit for an involvement in this development proposal. The overall benefits of the proposed development are considered to outweigh the disadvantages and the proposal is considered to accord with adopted Policy SP1.

The site, although in A4 use, is effectively already in employment use and therefore only the specific character of that use would change under this proposal. As such, policy ED14 does not apply.

Design/Landscape:

The impacts of the development, apart from the occasional deliveries envisaged, would be limited to within the building. This is reinforced by the condition preventing outside operation of working processes. Subject to this safeguard there are no relevant external factors under this heading.

Neighbour Amenity:

The site is taller than surrounding buildings, but in close proximity to neighbouring properties, in particular upper floors. Therefore it is appropriate to safeguard amenity by preventing working hours exceeding those applied for. There remains scope for the condition to be amended at a later date once the proposed use of the site has commenced, if it can be demonstrated through continued operation that the use has no adverse impact on neighbour amenity.

Highways/Access:

There is on site employee car parking available at present to serve the function room and therefore it would be retained under the proposed use. In any case the site is in a sustainable location, as discussed above. With regard to access for deliveries, given the road width any parking in the street

would disrupt traffic flow, whether in connection with this site or any of the dwellings. Against this backdrop, occasional deliveries can be expected to the public house as a result of having a function room. The change of use proposed is considered likely to lead to no greater traffic generation. If there is an increase it is not considered to be a significant change to prevailing conditions under the current use of the site. Deliveries are anticipated to take no more than about 5 minutes per event.

Other Matters:

None.

This application has been considered in accordance with Section 38 of the Planning & Compulsory Purchase Act 2004

Planning Policy

All standard policies listed (delete where not relevant, add others as relevant, including NPPF):

National Planning Policy Framework

West Devon Borough Council Core Strategy 2011

SP1 – Sustainable Development

SP10 – Supporting the Growth of the Economy

SP14 – Accessibility Planning

West Devon Borough Council Local Plan Review 2005(as amended 2011)

T8 – Car Parking

T9 – The Highway Network

Considerations under Human Rights Act 1998 and Equalities Act 2010

The provisions of the Human Rights Act 1998 and Equalities Act 2010 have been taken into account in reaching the recommendation contained in this report.