

27 IRONMARKET NEWCASTLE

Mr Linh

14/00456/FUL

The application is for full planning permission for a change of use of the premises from a shop (use class A1) to a nail bar (sui generis) and external alterations to the existing shop front.

The site is within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

The statutory 8 week period for the determination of this application expires on 26th August 2014.

RECOMMENDATION

Permit subject to conditions relating to the following matters:-

- 1. Standard time limit.**
- 2. Approved plans**
- 3. Submission of materials**
- 4. Detailed joinery plans**
- 5. Colour of paint work**

Reason for Recommendation

The proposed change of use would result in the loss of a Class A1 shop within a Primary Shopping frontage and the cumulative impact of the development in addition to the other non Class A1 uses would reduce the retailing attractiveness of the frontage which would be contrary to Policy ASP 4 of the Newcastle under Lyme and Stoke on Trent Core Strategy (2009), the Newcastle under Lyme Town Centre SPD (2009) as well as the aims and objectives of the National Planning Policy Framework. However, material considerations would outweigh the policy objections in this instance with the proposed use as a nail salon contributing positively to the mix of services on offer within the town centre, encouraging the expansion of an existing business and it would bring back into use a vacant unit which would meet sustainable development objectives in accordance with paragraph 14 of the NPPF.

Statement as to how the Local Planning Authority has worked with the applicant in a positive and proactive manner in dealing with this application

Pre-application discussions were undertaken with the applicant and assistance provided. Furthermore, whilst the principle of the change of use is considered to be contrary to policy there are material considerations which outweigh the policy concerns and the LPA has approached decision taking in a positive manner to comply with the guidance set out in paragraphs 186 and 187 of the National Planning Policy Framework.

Policies and proposals in the approved Development Plan relevant to this decision:

Newcastle under Lyme and Stoke on Trent Core Spatial Strategy 2006 - 2026
(Adopted 2009)

Policy SP2: Spatial principles of Economic Development
Policy ASP4: Newcastle Town Centre Area Spatial Policy

Newcastle under Lyme Local Plan 2011

Policy T16: Development – General Parking Requirements
Policy T18: Development – Servicing Requirements
Policy B9: Prevention of Harm to Conservation Areas
Policy B10: The requirement to preserve or enhance the character or appearance of conservation areas

Other Material Considerations

Relevant National Policy Guidance:

National Planning Policy Framework (March 2012)
National Planning Practice Guidance (2014)

Supplementary Planning Guidance

Newcastle under Lyme Town Centre Supplementary Planning Document (January 2009)
Staffordshire County Council Transport and Development Control Standing Advice
Newcastle under Lyme Borough Council (2009)

Newcastle-under-Lyme Retail & Leisure Study 2011

Relevant Planning History

14/00120/ADV Illuminated fascia sign and non-illuminated hanging sign Permit
14/00121/FUL Replacement shop front including alterations to the entrance, replacement of windows and fitting of new cill Permit

Views of Consultees

The **Conservation and Urban Design officer** raises no objections.

The **Highways Authority** raises no objections.

The **Conservation Advisory Working Party** raises no objections subject to conditions regarding more specific joinery details, materials and roller shutter details.

Representations

None received.

Applicant's/Agent's Submission

A design and access statement has been submitted to support the application along with an assessment of significance.

The application details are available to view at the Guildhall or using the following link www.newcastle-staffs.gov.uk/planning/1400456FUL

Key Issues

The unit was last used as a shop (Class A1 use) but it is currently unoccupied and was last in use, according to the applicant, in 2013. The proposal is to change the use of the premises to a nail salon which is likely to include some ancillary retail sales. An alteration to the shop front is also proposed.

The property lies within the Town Centre Conservation Area as defined on the Local Development Framework Proposals Map.

Therefore the main issues for consideration are;

- Whether or not the loss of a retail unit in this location will have an acceptable impact upon the viability and vitality of the Town Centre., and
- The impact of the proposed external alterations on the character and appearance of the town centre conservation area.

Will the proposal have an acceptable impact upon the viability and vitality of the Town Centre?

Policy ASP4 sets out a number of considerations for the Town Centre. Point 5 refers to the development of a spatial framework which is the Councils Town Centre Supplementary Planning Document (SPD).

The Town Centre SPD indicates that the unit lies within the Primary Shopping Area of the Town Centre where retail is the primary activity and also within the Prime Frontage where pure retail uses are expected to dominate rather than other high street uses (bars, restaurants banks, etc). The Prime Frontage is defined as the frontage of the square created by Ironmarket, High Street, Castle Walks and Hassell Street.

Paragraph 14 indicates that at the heart of the NPPF is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking. For decision-taking this means approving development proposals that accord with the development plan without delay; and where the development plan is absent, silent or relevant policies out-of-date, grant planning permission unless

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or
- Specific policies that indicate development should be restricted.

The NPPF at paragraph 23 states that planning policies should be positive, promote competitive town centre environments. It goes on to say that in drawing up Local Plans, the LPAs should, amongst other things promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres.

Government policy guidance therefore continues to support the concept of primary shopping frontages and the need to control the uses within them in addition to its continued emphasis on retail offer in town centres. As such it is considered that Policy ASP4 of the Core Spatial and the SPD are up-to-date and the impact of the

loss of a retail unit, as proposed, on the Primary Shopping Area should be addressed.

A number of existing units on Ironmarket have been the subject of changes of use applications recently. The most recent application being for the change of use of an A1 shop to a traditional Thai head and foot therapy business (a sui generis use) at no. 23 (13/00532/COU). The application was permitted in 2013 despite the change of use resulting in the loss of A1 shop use.

This application is for the further loss of a 'pure retail use' within the primary shopping frontage to a use not falling within an A1 use class. However, it is considered that the proposal would provide a number of benefits to the town centre due to the occupation of a vacant unit and the proposed use as a nail salon having similar characteristics to a hairdressers which does fall within use class A1. Furthermore, whilst it is acknowledged that there is an existing nail salon in close proximity to the application unit it is considered that the proposal would contribute to the services on offer within the town centre. The existing nail salon is operated by the applicant and the proposal is an expansion of the business due to the success at the existing premises. Therefore the proposal would support a successful business expansion within the town centre.

It also has to be acknowledged that the Government has made changes to the General Permitted Development Order in an attempt to stimulate development and business. This (amongst other changes) introduced Class D development to Part 4 of Schedule 2 which relates to temporary use of buildings and allows the change of use of a building from Class A1 (shops), of up to 150m² floor space, to other specified uses for a single continuous period of up to two years beginning on the date the building (or land) begins to be used for one of the flexible uses. At the end of the two year period the site must revert to its previous lawful use.

The proposed sui generis use does not benefit from such permitted development rights and the applicant has not indicated that a temporary permission is being sought nor it is considered appropriate in this case to grant a temporary permission. The change to the permitted development rights does, however, reflect the Government's approach to small units in Class A1 use and the perceived benefits of bringing shops back into use; providing opportunities for start-up businesses and community groups; and encouraging owners to consider whether rents are realistic.

In consideration of the above your officers are of the view that the proposal would be contrary to local and national planning policy due to the proposed sui generis use resulting in the loss of a further A1 unit within the prime shopping frontage of the town centre. However, the nature of the proposed use would contribute positively to the services on offer in the town centre, it would also bring back into use a vacant shop front in the prime shopping frontage and it would help an existing business located within the town centre to expand. The benefits would therefore outweigh any harm caused by the policy objections to the proposal and would meet sustainable development objectives as outlined in paragraph 186 and 187 of the NPPF.

The impact of the proposed external alterations on the character and appearance of the town centre conservation area

Paragraph 132 of the recently published NPPF details that when considering the impact of a proposed development on the significance of a designated heritage asset; great weight should be given to the assets conservation. The more important

the asset the greater the weight should be and any harm or loss should require clear and convincing justification.

Policy B10 of the Local Plan indicates that the permission will be granted to alter the external appearance of any building only if its appearance will preserve or enhance the character or appearance of the Conservation Area.

The existing shop front has an unsightly appearance that does not enhance the conservation area due to the security shutter, box sign, blind other clutter on the frontage.

A previous proposal was permitted recently which would have made a positive contribution on the appearance of the conservation area and street scene in general. The alteration now proposed can be described as minimal but would allow additional internal floor space for the future occupiers. It would also result in a reduction in the size of the existing external recess. It is considered that the proposal would be a positive contribution to the appearance of the street. The details provided are limited and CAWP have requested conditions for more detailed joinery details, materials and roller shutter details. Officers agree that the material and joinery details are necessary to ensure that the works further enhance the conservation area and street scene in general. The roller shutter is existing and no information has been submitted to suggest a new shutter would be installed as part of the proposals. Therefore a condition is not advised.

Subject to conditions the development is considered to accord with policies B9, B10, B13 and B14 of the Newcastle under Lyme Local Plan as well as policies CSP1 and CSP2 of the Newcastle under Lyme and Stoke on Trent Core Spatial Strategy.

Background Papers

Planning File
Development Plan
National Planning Policy Framework (2012)

Date report prepared

13 August 2014