

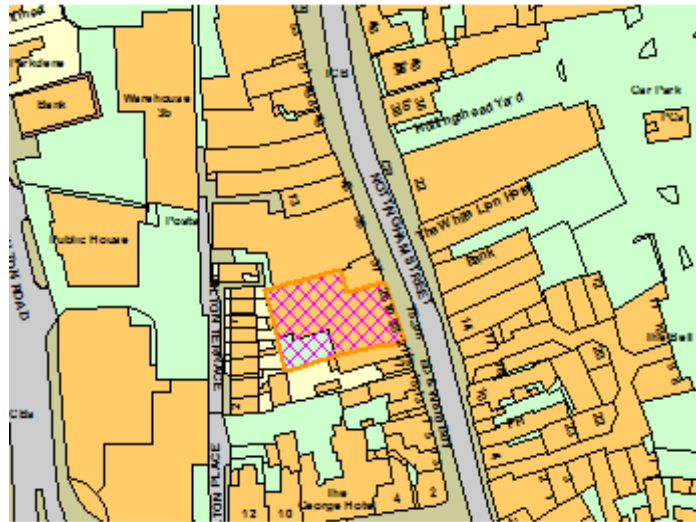
Reference: 14/00860/FUL

Date submitted: 21.10.14

Applicant: D & A (2113) Limited.

Location: Wilkinson Store, 25-35 Nottingham Street, Melton Mowbray.

Proposal: Proposed shop front alterations, demolition of lift shaft and first floor lift motor room and erection of first floor link corridor to reinstate two separate retail units.



Proposal :-

The application proposes alterations to the shop front, demolition of the lift shaft and first floor lift motor room and the erection of a first floor corridor to link nos. 33 and 35 Nottingham Street at first floor level to the rear. The shop front alterations comprise the addition of two new doors, one for each retail unit with a ramp behind to provide disabled access into the units. The proposals are to facilitate the reinstatement of two separate retail units. An associated application, 14/00859/COU, relates to the change of use of one of these units into an A3 (restaurant) use.

It is considered the main issues relating to the proposal are:-

- **The principle of the proposal;**
- **The visual impact on the building and locality;**
- **The impact on the character and appearance of the conservation area and on the setting of adjacent listed buildings;**
- **The impact on the residential amenities of occupiers of neighbouring properties.**

The application is to be heard by the Planning Committee due to the number of representations submitted.

Members will recall that this item was deferred at the last meeting on 18th December 2014 to seek further information on the proposed use of the upper floor. The Agent has confirmed that the first floor areas to both

properties will be used as ancillary retail areas, which reflects the existing uses. This would include toilets, staff room, offices and stores.

Relevant History:-

There is a detailed history on the site. Relevant history includes:

99/00222/FUL approved the demolition of the retail unit, retaining the façade, and the construction of a new retail unit with first and second floor offices and alterations to the shopfront.

09/00556/ADV approved two illuminated fascia signs and one illuminated projecting sign.

13/00813/FUL approved a first floor extension and alterations to the shopfront (33-35 Nottingham Street).

14/00859/COU is pending and proposes a change of use of one unit from A1 (retail) to A3 (restaurant).

Planning Policies:-

Melton Local Plan (saved policies):

Policies OS1 and BE1 allow for development within the town boundary providing that:-

- the form, character and appearance of the settlement is not adversely affected;
- the form, size, scale, mass, materials and architectural detailing of the development is in keeping with its locality;
- the development would not cause undue loss of residential privacy, outlook and amenities as enjoyed by occupants of existing dwellings in the vicinity; and,
- satisfactory access and parking provision can be made available.

Policy S4 states permission will be granted for the use of ground floor areas of buildings along the secondary shopping frontage for uses including shops (A1) subject to certain criteria being met.

NPPF:

The National Planning Policy Framework introduces a ‘presumption in favour of sustainable development’ meaning:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in this Framework indicate development should be restricted.

The NPPF offers direction on the relative weight of the content in comparison to existing Local Plan policy and advises that whilst the NPPF does not automatically render older policies obsolete, where they are in conflict the NPPF should prevail. It also offers advice on the weight to be given to ‘emerging’ policy (i.e. the Local Plan) depending on its stage of preparation, extent of unresolved (disputed) issues and compatibility with the NPPF.

The NPPF introduces three dimensions to the term Sustainable Development: Economic, Social and Environmental: It also establishes 12 core planning principles against which proposals should be judged. Relevant to this application are those to:

- not simply be about scrutiny but instead be a creative exercise in finding ways to enhance and improve the places in which people live their lives;
- always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- conserve heritage assets in a manner appropriate to their significance;
- proactively drive and support sustainable economic development to deliver business and thriving local places.

On Specific issues it advises:

Require Good Design

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Promoting Healthy Communities

○ Provide local services to enhance the sustainability of communities and ensure that established facilities and services are able to develop and modernise in a way that is sustainable and retained for the benefit of the community;

Conserving and Enhancing the Historic Environment

Paragraph 131 states that in determining planning applications, local planning authorities should take account of:

- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness

At paragraph 132 the NPPF states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification.

Paragraph 137 offers further advice for development within the conservation areas, and within the settings of heritage assets, and states that local planning authorities should look for opportunities for new developments in these areas to enhance or better reveal their significance. Where proposals preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset, they should be treated favourably.

Consultations:-

Consultation Response	Assessment of Head of Regulatory Services
<p>Melton Mowbray and District Civic Society – The NPPF notes local planning authorities should recognize town centres at the heart of their communities and pursue policies to support their vitality and promote competitive town centres that provide customer choice and a diverse retail offer and which reflects the individuality of town centres. The proposed sub division and change of use would be contrary to the NPPF as customer choice would be reduced, allowing this would reduce properties available for medium sized outlets such as Wilkinson and although there are a number of vacant retail spaces in the town centre these are too small to satisfy the needs of retailers such as Wilkinsons and the town already has a disproportionate number of restaurants.</p>	<p>The application relates to proposed physical alterations to the building to create two separate shopfronts and alter the rear elevation through the removal of the lift shaft and motor room and to extend to the rear to provide a corridor at first floor level. The application also seeks the sub division of the unit to create two smaller retail units. A separate application, 14/00859/COU, relates to the proposed change of use of one unit to A3.</p> <p>Permission was granted for a similar scheme under 13/00813/FUL and the proposal complies with Policy S4 as the use will remain retail for both units.</p> <p>Although the proposal would result in the loss of a larger unit the creation of two smaller units would create the opportunity for increased customer choice with the potential of two new retailers operating in the town. Whilst the loss of a medium size unit would reduce the available accommodation of larger retailers this would be offset by the opportunities created through the</p>

	additional unit. Furthermore, as the proposal relates solely to retail uses the proposal could not be resisted under Policy S4, a policy that is supported by the general thrust of the NPPF. It should also be noted that the permission to sub-divide the unit under 13/00813/FUL remains extant.
Highway Authority – No objection Doors and windows at ground floor level on the street frontage should be of a type that does not open outwards.	Noted. The plans depict outward opening windows to the northern most retail unit which are set in front the façade and would not project beyond the front elevation of the building. The doors serving the other unit restaurant would be inward opening.

Representations:

A site notice was posted, the application was advertised and neighbouring properties consulted. 17 representations have been received raising objections.

Representations	Assessment of Head of Regulatory Services
<p>Detrimental to immediate economic prosperity within the area of the proposed change of use and the area generally.</p> <p>Reduction in the size of the larger unit would likely mean Wilkinson’s would look at relocating due to the size constraints and business viability or leave the town altogether, they are a national retailer and footfall anchor and their leaving would lead to a further fragmentation of the town, it would go against the 2007 Masterplan which states Nottingham Street should avoid gaps in retailing, there are a large number of empty smaller units especially in the Bell Centre, there is a community need for clothes shops and different suppliers. The proposal would follow the loss of another national retailer after Blockbuster in 2013.</p> <p>There may be a saturation of A3 premises with 35 food and drink premises in the town centre, 17 of which could be classed as restaurants, a new bistro/café has just opened up next door, the proposal would not enhance this new business or offer further choice and could lead to the loss of jobs. There are already a large number of dining establishments.</p> <p>Would lead people to shop elsewhere where there is already more choice and would not meet the heritage or retail requirements of the town.</p>	<p>The proposal relates to the sub-division of the unit into two smaller retail stores and alterations to the building. Permission has been granted for a similar scheme under 13/00813/FUL and this permission remains extant. The uses of the units under this application would remain retail and would potentially provide greater retail choice.</p> <p>Policy S4 seeks to control the use of units within the town but does not make reference to the size of units. Although the loss of a larger unit is noted it is not considered Policy S4, or the NPPF, provides grounds to resist the sub-division of the unit.</p> <p>The issue of the proposed A3 use is not contained with this application and is dealt with under 14/00859/COU.</p> <p>The proposal is not considered to have an impact on the heritage requirements of the town given that the proposed shopfronts would enhance the character and appearance of the buildings, street scene, conservation area and setting of the adjacent listed buildings.</p>

Considerations not raised through Representations.

	Assessment of Head of Regulatory Services
Visual Considerations:	<p>Members are reminded of the general duty to give special attention to the desirability of preserving or enhancing the character or appearance of Conservation Areas and the setting of listed Buildings (s66 and 72 of the LB and CA Act 1990). The site is within the conservation area with listed buildings adjacent.</p> <p>The proposed alterations to the shopfront would enhance the façade of the building, street scene and conservation area. The removal of the lift tower and motor would remove elements to the rear of the building and the extension would be relatively small and would not be unduly prominent, being at the rear of the building. The alterations to the shopfronts would also be sympathetic to the building, street scene and character and appearance of the conservation area by maintaining the traditional detailing of the shopfronts.</p> <p>The proposal is therefore considered to meet the requirements of s66 and 72 and the proposals would therefore comply with policies OS1 and BE1 of the Melton Local Plan which seek to ensure development is in keeping with the character of the locality, including heritage assets. The intentions of these policies are compliant with the NPPF which places emphasis on requiring good design.</p>
Residential Amenity:	<p>The amenities of users and occupiers of adjacent buildings would not be unduly affected by the proposals. The removal of the lift tower and motor would reduce the size of the building to the rear and the proposed corridor link would be a relatively minor addition. The alterations to the shopfront would also not impact on the amenities of neighbouring properties.</p> <p>It is therefore considered the proposals would not have an adverse impact on the amenities of neighbouring properties and therefore complies with policies OS1 and BE1 of the Melton Local Plan and the NPPF which lists the amenities of existing and future occupants as a core planning principle.</p>

Conclusion

The proposal relates to alterations to the shop to sub-divide into two retail units, shop front alterations and works to the rear of the building. The application reflects similar proposals approved under 13/00813/FUL and would be visually acceptable. Although the objections to the sub-division of the units are noted it is considered the proposal complies with Policy S4 and the intentions of the NPPF and would retain the units for retail purposes. Whilst the sub-division would remove a larger retail unit from the town centre this would be balanced by the creation of two smaller retail units which could effectively enhance the vitality and viability of the town centre retail provision. Accordingly the proposal is recommended for approval.

RECOMMENDATION:- Permit, subject to the following conditions:

1. The development shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be constructed in accordance with the following plans received by the Local Planning Authority 21.10.14: 1821/02, 1821/14, 1821/15, 1821/16 and 1821/17.
3. The external materials to be used in the development hereby permitted shall be in strict accordance with those specified in the application.

The reasons for the conditions are:

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.
2. For the avoidance of doubt.
3. To ensure a satisfactory standard of external appearance.

Officer to contact: **Mr Joe Mitson**

Date: 15.1.2015