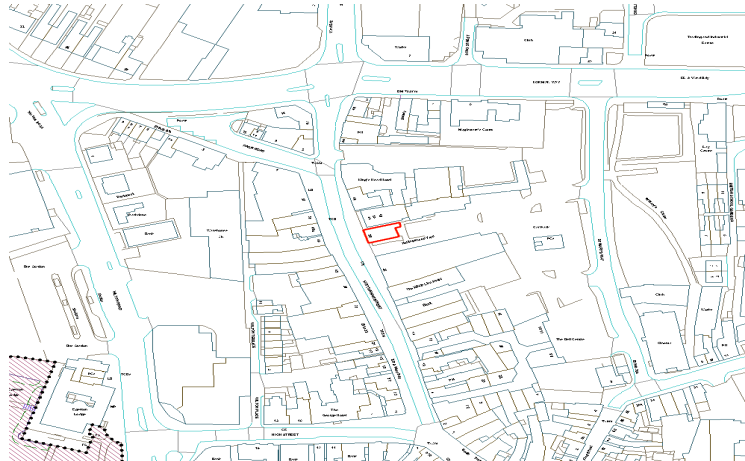


Reference: 11/00100/FUL
Date Submitted: 21.02.2011
Applicant: Mr Anthony Mamos
Location: 36 Nottingham Street, Melton Mowbray LE13 1NW
Proposal: Change of use from A1 to A3/A4 (cafe/restaurant)



Introduction:-

This application seeks planning permission for the change of use of a retail unit, which is a listed building, situated within the town centre and designated Conservation Area, into a restaurant and café. The applicant proposes that the change of use will create 3 full time positions and 8 part time, with the change of use being some 104 square metres.

The application is presented to Committee as 3 objections have been received, in addition to a 17 signature petition.

Relevant History:-

- 06/00314/LBC – Consent granted for external works to shop
- 06/00400/FUL – Planning permission granted for installation of external air conditioning condenser.
- 06/00599/ADV – Consent granted for illuminated shop fascia signs and projecting signs.
- 06/00600/LBC – Consent granted for installation of advertising fascia and double sided projecting signs.

Planning Policies:-

Planning Policy Statement 1: Delivering Sustainable Development identifies sustainable development as the core principle which underpins planning; and, that planning should promote sustainable and inclusive patterns of development. A key principle involves the need to reduce journeys by car and to identify land for development in locations where there is, or the potential for, a realistic choice of access by means other than the private car. It states that planning authorities should focus developments that attract a large number of people, especially retail, leisure and office development, in existing centres to promote their vitality and viability, social inclusion and more sustainable patterns of development.

PPS 4: Planning For Sustainable Economic Development: sets out the national policy framework for planning for sustainable economic development in urban and rural areas.

To help achieve sustainable economic growth objectives include;

- Delivering more sustainable patterns of development and reducing the need to travel, especially by car, and responding to climate change.
- Promoting the vitality and viability of town and other centres as important places for communities the government expects new economic growth and development of main town centre uses to be focused in existing centres. This is implemented through a 'town centre first' approach and the need for development to demonstrate their impacts on existing centres would not be adverse.
- Competition between retailers and enhanced consumer choice through the provisions of innovative and efficient shopping, leisure, tourism and local services which allow genuine choice to meet the needs of the entire community.

At a local level authorities should proactively plan to promote competitive town centre environments and provide consumer choice and adopt a positive and constructive approach towards planning applications for economic development. Planning applications that secure sustainable economic growth should be treated favourably.

PPS5: Planning for the Historic Environment: The guidance sets out the Government's policies on the conservation of the historic environment. Paragraph HE7.2 states that in considering the impact of a proposal on a heritage asset the particular nature and significance of the heritage asset must be taken into account. This understanding should be used by the Local Planning Authority to avoid or minimise conflict between identified heritage assets. Paragraph HE6 states that where an application site includes, or is considered to have the potential to include, heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where desk-based research is insufficient to properly assess the interest, a field evaluation.

Melton Local Plan (Saved Policies)

Policy OS1 allows for development within Town Envelopes 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.

The Melton Core Strategy (Preferred Options) DPD, in regard to the town centre, seeks to focus developments which attract a large number of people, especially retail, leisure and office uses, in the town centre to promote its vitality and viability, social inclusion and more sustainable patterns of development. New development opportunities in the town centre are recognised as increasing its appeal through additional activity; and, reducing the use of private motor vehicles.

Consultations:-

Consultation reply	Assessment of Head of Regulatory Services
Highway Authority: No observations	The site is situated within the Town Centre where there is a good range of public transport available and parking facilities. The proposal is not considered to have an impact on highway safety.
Conservation Officer: no objection to the proposed change of use. I would add however that this is a grade II listed building and any potential changes to the building resulting from the change of use will of course require LBC.	The application proposes a change of use of the building from the A1 use (retail) to A3 (café) and A4 (drinking establishments). There is an intention to restore the shop frontage in accordance with English Heritage recommendations. A Listed Building Consent will be required.
Environmental Health Comments (relating to	The opening hours are proposed to be 0830 until

<p>the application for a License): Environmental Health recommend that the following conditions are attached to the licence.</p> <p>Prevention of Public Nuisance:</p> <ul style="list-style-type: none"> • Amplified music is not to be audible at the boundary of nearby residential properties after 23.00 hours. • Clear and prominent notices shall be displayed at all exits requesting customers to respect the needs of local residents and leave the premises and the area quietly. • The licensee will ensure that any of the customers smoking outside the premises shall be considerate in terms of noise and disturbance to neighbouring residential properties, especially after 23:00 hours. <p>Public Safety (Sanitation): The plan submitted with the application does not show adequate provisions of sanitary installations in accordance with the British Standard as found within Part 1: Code of practice for the design of sanitary facilities and scales of provision of sanitary and associated appliances - BS 6465-1:2006. The sanitary provision is to be provided in agreement with Melton Borough Council's Building Control and Environment Health Officers.</p>	<p>2400hrs Monday to Saturday with a operational hours on a Sunday 1000hrs until 2300hrs. The site is located within the town centre amongst other late night facilities and it is therefore considered to be a compatible use within this part of the town. The hours of opening can be secured by a condition.</p> <p>The WC facilities are covered under separate legislation and the applicant will be required to comply with the relevant agency. The planning permission relates to the change of use of the premises only.</p>
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Representations:

A site notice and press notice was posted and neighbouring properties consulted. As a result 3 letters of objection and one 17 signature petition have been received, commenting on the following:

Representations	Assessment of Head of Regulatory Services
<p>Vitality and Viability of the Town Centre:</p> <ul style="list-style-type: none"> • There are too many of these types of establishments in the area already • Another café / restaurant will put others out of business • Will not improve the image of the town 	<p>PPS4 promotes the vitality and viability of town centres through competition between retailers and enhanced consumer choice through the provisions of innovative and efficient shopping, leisure, tourism and local services which allow genuine choice to meet the needs of the entire community. Competition between retailers is not a material planning consideration. No evidence has been submitted to show that other businesses will be affected.</p>

Other material considerations (not raised through consultation or representation)

Consideration	Assessment of Head of Regulatory Services
Compliance with Local Plan Policy	The application site does not form part of the identified primary or secondary shopping frontage for Melton Mowbray town centre and therefore the change of use is compliant with the relevant planning policies.

Conclusion

The proposal for the change of use to café during the day and restaurant during the evening will add to the consumer choice for the town centre and is considered to complement the existing facilities on offer. The location is considered to be acceptable in being within the town centre and accordingly meets the requirements of PPS4.

It is therefore recommended for approval subject to conditions.

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.

The reasons for the conditions are:-

1. To comply with the requirements of Section 91 of the Town and Country Planning Act 1990.

Officer to contact: **Mrs Sarah Legge**

7th April 2011