

**REPORT TO THE EASTERN AREA PLANNING COMMITTEE**

Report No. 1

<b>Date of Meeting</b>	9 <sup>th</sup> August 2012
<b>Application Number</b>	E/2012/0797/FUL
<b>Site Address</b>	32 The Brittox, Devizes SN10 1AJ
<b>Proposal</b>	Change of use of ground floor to mixed A1/A3 use
<b>Applicant</b>	Nero Holdings Ltd
<b>Town/Parish Council</b>	Devizes
<b>Grid Ref</b>	400487 161427
<b>Type of application</b>	Full Planning
<b>Case Officer</b>	Jenny Fivash

**Reason for the application being considered by Committee**

This application has been brought before the Committee at the request of the Division Member, Councillor Nigel Carter.

**1. Purpose of Report**

To consider the recommendation that the application for planning permission be granted subject to conditions.

**2. Report Summary**

The main issues to consider are:

- Impact on the Listed Building
- Impact on the Conservation Area
- Impact on vitality of town centre

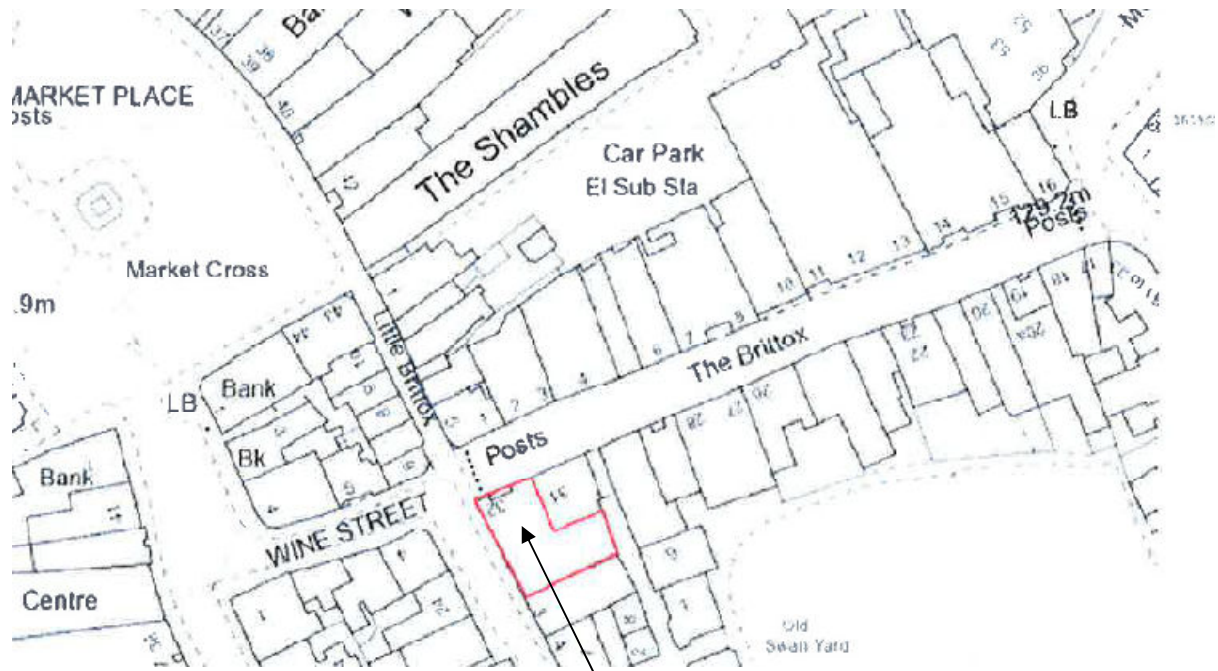
**3. Site Description**

The application site is located within the Conservation Area of Devizes and is a grade II listed building. The site is located on the corner of The Brittox and High Street. The site is a vacant A1 shop formally occupied by Curry's. The building is shop is three stories in height, but this application relates to the ground floor, not the upper floors.

**4. Planning History**

E/2012/0752/LBC – Fit new timber shopfront, new fascia signage, canvas awnings and shopfit ground floor interior – under consideration

E/2012/0751/FUL – Fit new timber shopfront, new fascia signage canvas awnings and shopfit ground floor interior – under consideration



**Site Location**

## 5. The Proposal

The application seeks full planning permission to change to use of the existing A1 shop to a mix of A1 and A3. The unit would be used as a café namely Caffé Nero. The change of use relates solely to the ground floor. The unit at ground floor is open plan so the conversion of the building would not result in any dramatic change to the interior.

The alterations to facilitate the change of use are being dealt with under separate applications listed in section 4 of this report Planning History.

## 6. Planning Policy

National Planning Policy Framework -Section 12 Conserving and enhancing the historic environment and section 2 on the vitality of town centres

Kennet Local Plan 2011 - ED18 Prime Shopping Areas.

The building is listed (Grade II) and is located within the Devizes Conservation Area.

## 7. Consultations

Devizes Town Council - No objection.

Wiltshire Council Conservation Officer - No objections to the principle of the change of use.

Environmental Protection - No objection subject to conditions to control noise and odour.

## **8. Publicity**

The application was advertised by site notice/press advert/neighbour notification.  
Expiry date: 26 July 2012

Summary of points raised:

- 1 Letter of objection received. 1 letter neither objecting nor supporting. Comments relate to:
- The Brittox should be retained as a retail area
  - The spread of 'A' boards and seating areas, display areas is already an eye sore
  - Too many cafes, coffee shops and similar nearby
  - Outside seating would need to be carefully controlled

## **9. Planning Considerations**

### **9.1 Listed Building**

The proposed change of use would not harm the character or historic fabric of the listed building. Alterations to the external appearance are being considered under the separate applications for these works that have been submitted for planning permission and listed building consent. There would be a benefit in bringing the prominent ground floor of the listed building back into a viable new use.

### **9.2 Conservation Area**

The proposed change of use to a mix of A1 and A3 would not harm the character of the conservation area, which is already characterised by a mixture of commercial uses. As with the listed building, there would be a benefit in terms of the appearance of the area in bringing the vacant ground floor back into use.

### **9.3 Vitality of the prime shopping area**

The site is located within the prime shopping area of Devizes defined in policy ED18 of the Kennet Local plan. Within this area, the policy states that planning permission will not be given for the change of use of ground floor premises to uses other than Class A1 retail unless the development makes a positive contribution to the vitality and viability of the centre.

Members will be familiar with this issue as it was debated at length at the last planning committee meeting when considering the Caffe Nero application against the same policy in Marlborough.

However, there are some significant differences between the current situation in Marlborough high Street and The Brittox. Whilst Marlborough High Street has a low level of vacant units (approximately 5 out of over 100 units), The Brittox currently has 5 vacant out of 29 units (this unit ex-Currys; ex-Ethnique; ex-Millers; ex- travel agents; Julian graves – currently in receivership). As 24 out of the 29 units are (or were) in retail use, this amounts to a vacancy rate of more than 20% (5/24). The vacant units also vary in size, with the former Millers store offering a larger retail frontage and more floorspace than this site.

It is known (both from national surveys and from the site-specific surveys carried out in Marlborough) that Caffe Nero does attract custom and footfall, and its longer opening hours than most retail units attract custom to the town centre outside of the 9-5/5:30 window that most shops trade at.

The National Planning Policy Framework promotes a town centre first policy that encourages local planning authorities to promote competitive town centres that provide customer choice and a diverse

retail offer which reflects the individuality of town centres. The Council's Core Strategy topic Paper on retail notes that the mix of uses in a town centre is vital, to offer choice to shoppers and quality restaurants, coffee shops, cafes bars and other leisure facilities are all important to encourage frequency of visit and longer stay times.

In the circumstances, it is considered that a coffee shop use in these premises would offer a positive contribution to the vitality and viability of the town centre.

## 10. Conclusion

It is considered that the proposal would both contribute to the vitality and viability of the town centre and secure a viable use for a listed building in a prominent position in the town. Accordingly, planning permission is recommended, subject to the conditions set out below.

### **RECOMMENDATION – Grant planning permission, for the following reason:**

The decision to grant planning permission has been taken on the grounds that the proposed development, by bringing a vacant unit in a listed building located in a prominent position in the conservation area into a viable new use, would make a positive contribution to the vitality and viability of the town centre. This would be in accordance with policy ED18 of the Kennet Local Plan and with the guidance contained within the National Planning Policy Framework.

Subject to the following conditions:

- 1 The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

REASON: To comply with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 2 The ground and first floor of the premises shall only be used for A1 retail purposes or as a coffee shop serving coffee, other hot and cold drinks, sandwiches and other light refreshments for consumption on or off the premises.

REASON: The proposed use is acceptable but the Local Planning Authority wish to consider any future proposal for a change of use having regard to the circumstances of the case.

- 3 No primary cooking of unprepared food shall be carried on within the premises. Only reheated or cold food that has been prepared elsewhere shall be served within the premises.

REASON: In the interests of residential amenity and to protect the vitality and viability of the primary shopping area.

- 4 Before the change of use takes place, there shall be submitted to and approved in writing by the Local Planning Authority a scheme for the insulation against noise emissions from extraction fans, compressors and any similar equipment. Such scheme as is approved shall be implemented in accordance with the approved details before the change of use takes place.

REASON: In the interests of the amenities of the area.

- 5 The change of use shall not take place until a scheme for the control of fumes from extractor fans and similar equipment has been submitted to and approved in writing by the Local Planning Authority; and the development shall not be brought into use until that scheme has been implemented in accordance with the approved details.

REASON: In the interests of the amenities of the area.

- 6 This decision relates to documents/plans submitted with the application, listed below. No variation from the approved documents should be made without the prior approval of this Council. Amendments may require the submission of a further application. Failure to comply with this advice may lead to enforcement action which may require alterations and/or demolition of any unauthorised buildings or structures and may also lead to prosecution.

Application form received on 20 June 2012; Letter/Planning Statement received on 20 June 2012;

Plan Ref: Site Location Plan received on 20 June 2012; Plan Ref: CN539-EX received on 25 July 2012; Plan Ref: CN539-100 received on 20 June 2012

REASON: To ensure that the development is carried out in accordance with the approved plans that have been judged to be acceptable by the local planning authority.

- 7 **INFORMATIVE TO APPLICANT:** This permission authorises a Change of Use only and does not authorise any works or alterations that may require planning permission, Listed Building Consent or Advertisement Consent.

**Appendices:** None

**Background Documents Used in the Preparation of this Report:** None