

WESTBURY: CHANGE OF USE FROM A1 (RETAIL) TO D1 (NON RESIDENTIAL EDUCATION) AT 25 HIGH STREET, WESTBURY FOR WILTSHIRE COUNTY COUNCIL
(Application No. W. 06.09027)

Purpose of Report

1. To consider the application and to recommend that permission be **refused**.

The Site

2. The application site is a retail unit located at 25 High Street, Westbury. The unit is currently vacant, having until recently been occupied by 'Pine and Dandy'. The unit is within an area designated in the West Wiltshire District Plan for shopping (as defined in Use Class A1 (shops)).
3. A location plan is attached at **Appendix 1** and a site plan at **Appendix 2**.

Planning History

4. There is no relevant planning history for 25 High Street, Westbury.

The Proposal

5. The County Council's Youth Development Service currently operates a Youth Centre from premises in Eden Vale Road, Westbury. Planning permission was recently granted to convert these premises into a Children's Centre and this will necessitate the relocation of the Youth Development Centre. It is proposed that the Centre be relocated into 25 High Street, Westbury. The Youth Development Service cannot vacate the Eden Vale Road premises until alternative accommodation becomes available and this prejudices the development of the Children's Centre.
6. The Youth Centre would provide the following services for people aged 13-19 in Westbury:
 - Formal and informal educational opportunities, including homework support
 - Supervised internet and computer use
 - Advice and information on health, employment, leisure, homelessness issues and other curriculum based opportunities
 - Trained staff to provide counselling, including crisis support and referral
7. Centre staff would be fully qualified Youth Development Workers, supported by ancillary staff. The Centre would initially be open between 6.30 pm and 9.00 pm Mondays to Thursdays although funding arrangements are being sought to extend operating hours 9.00 am to 9.00 pm Monday to Friday. The extended opening hours would allow attendance at the Centre of agencies which support young people in Westbury such as Connexions, Education Welfare and Special Education Needs Co-ordinators.

8. In addition, the premises would provide a base for a new Westbury Town Youth Forum under the auspices of the Locality Young People's Issues Group supported by the County Council's Voice and Influence Team. The Centre would also promote the Duke of Edinburgh's Award and feed into the Wiltshire Outdoor Education Forum.

Planning Policy

9. Policies CF1, SP4 and SP5 of the West Wiltshire District Plan First Alteration 2004 are considered relevant to this application and are set out in the attached **Appendix 3**.
10. National Planning Guidance is contained within Planning Policy Statement 6: Planning for Town Centres, September 2005 (PPS6).

Consultations

11. **West Wiltshire District Council** - objects to the application. The proposed D1 Use would remove a retail unit from the primary retail frontage area and would therefore prejudice the shopping function in this area, contrary to Policy SP1 of the West Wiltshire District Plan.
12. **Westbury Town Council** - Members vehemently oppose this application on the grounds of loss of a prime retail unit in what is the main shopping area of the town. Furthermore, this Council supports the existing High Street traders who have similar concerns.
13. **Highways Development Control** - no objection.
14. **Local Member** - no comment made.

Publicity

15. The application has been publicised by site notices and in the local press. A neighbour notification exercise was also carried out. Fourteen letters of objection have been received and a petition of 427 names against the proposals has been submitted to the County Council.
16. In addition, two letters of support have been published in the Wiltshire Times.
17. Westbury Chamber of Commerce, Trade and Industry is opposed to the proposal on the basis of a loss of a shopping unit in a primary retail location.

Planning Considerations

18. This planning application must be determined in accordance with the Development Plan, unless material considerations indicate otherwise. The main issue to be considered is whether the proposed change of use would prejudice the shopping function of the primary retail frontage in Westbury town centre.

Loss of retail unit

19. The West Wiltshire District Plan records that Westbury has a limited but important shopping and service function. The town serves a mainly local need and is attractive for its accessibility and convenience. The shopping area has a mix of modern purpose-built units and adapted premises, with most shops operated by independent traders. The town centre is linear in form, comprising three distinct shopping areas, these being Market Place/Maristow Street, High Street/Edward Street and Warminster Road. An environmental enhancement scheme has been implemented in High Street and in Edward Street to help consolidate the primary shopping area, while at the same time enhancing the character and safety of the shopping environment. The application site is located within High Street.

20. The High Street shopping area is identified in the District Plan as 'primary retail frontage'. PPS6 advises that plans may distinguish between primary frontages in town centres and consider their relative importance to the character of the centre. While primary frontages may be restricted to a high proportion of retail uses, in particular A1 uses, there should be scope for more flexibility of use in secondary frontages in those areas where diversification has most to offer. Accordingly, Policy SP4 of the District Plan seeks to ensure that retailing remains the primary function in streets which form the core of the primary shopping areas.
21. Concern has been expressed over the loss of the retail unit. Retailers and the local community are concerned that Westbury is increasing in size and that the High Street needs to retain its retail function if it is to continue attracting shoppers. The District Council has objected to the proposed change of use because it considers that the removal of a retail unit from the primary retail frontage would prejudice the shopping function of the town centre. The Town Council and the local Chamber of Commerce are also opposed to the loss of a shopping unit in the prime retail area.
22. Policy SP4 of the District Plan states that in areas identified as primary retail frontage the primary land use will be protected. The policy makes clear which uses will be permitted in this location, these being changes of use from A1 to A2 and A3 uses at ground floor level having regard to the existing mix of uses and where they do not prejudice the shopping function or individually or cumulatively harm the vitality of the town centre. The Youth Centre falls within Use Class D1 (non residential education), and consequently is not considered an appropriate use in this location.
23. Planning permission was granted by the District Council in 2001 for a change of use of 6-12 High Street from A2 use to a D1 use. However, this should not be regarded as having set a precedent for such uses as there were different material considerations involved with that case. There are already a number of A2 and A3 uses in High Street, but Policy SP4 recognises such uses can be well located in town centres and their diversity can contribute to vitality.
24. Outside of the primary retail core areas, Policy SP5 of the District Plan provides a more flexible approach to allow for a diversity of retail, non-food retail and service uses, activities important to town centre commercial areas but which do not necessarily require a prime site in the retail core of the town.
25. There is a concern that the change of use would encourage young people to congregate in the High Street, leading to nuisance to shoppers and anti-social behaviour. Officers consider that such fears are unjustified. The Centre would offer facilities and a service supervised by qualified youth workers and is unlikely to encourage anti-social behaviour. Indeed, the provision of such facilities is likely to have the opposite effect.

Services for Young People

26. The proposed change of use arises out of a situation whereby the premises the Youth Centre currently operates from in Eden Vale Road, Westbury are planned to be converted into a Children's Centre. An alternative location for the Youth Centre is therefore being sought.
27. Policy CF1 of the West Wiltshire District Plan supports proposals for the development of land for schools and other community facilities provided that the proposals are acceptable and having regard to scale, siting, design access and residential amenity and other local environmental considerations.

28. There is an identified need to provide services for young people in Westbury, this commitment being voiced through the West Wiltshire Community Strategy 2004-2014. The Strategy has been developed by the West Wiltshire Local Strategic Partnership (LSP) which includes Wiltshire County Council, West Wiltshire District Council, Chamber of Commerce and the Westbury Community Area Partnership. A principal objective of the strategy is to improve opportunities for young people, particularly to access recreation, physical activity, social and health care, and housing, therefore integrating them more effectively into the community.
29. Whilst it is clear that there is wide-ranging support for the provision of youth services in Westbury, there is no suggestion that a town centre location is the most appropriate location to base such a service. The applicant has provided no rationale for relocating the Youth Centre to 25 High Street or demonstrated what benefits or advantages could be realised from operating such a service from a town centre location. No evidence has been provided of alternative sites being considered, particularly those which fall outside of the primary retail frontage. In the absence of such information, it is difficult to reach any other conclusion than the proposed change of use is not acceptable at this location.

Conclusion

30. The application site is located in an area designated in the Development Plan as primary retail frontage. Policy SP4 of the District Plan seeks to protect shopping as the primary land use, thus a change to a D1 use is clearly contrary to this aim. Whilst the principle of the Youth Centre is supported, Officers do not consider that any material planning considerations have been put forward to justify a departure from the adopted planning policies for the area.

Recommendation

31. That planning permission be **refused** for the following reason:

The proposal is considered contrary to Policy SP4 of the Adopted West Wiltshire District Plan as the proposed use would prejudice the shopping function of the primary retail frontage.

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The following unpublished documents have been relied on in the preparation of this Report:

Consultation replies and correspondence