

Planning Report for 2013/0106

Location : I Wear Opticians 21A Plains Road Nottingham



NOTE This map is provided only for purposes of site location and should not be read as an up to date representation of the area around the site

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APPLICATION NO: 2013/0106

LOCATION: I Wear Opticians 21A Plains Road Nottingham NG3 5LG

PROPOSAL: Proposed change of use from optician (A1 Use class) to nail bar (Sui Generis)

APPLICANT: Mr Matthew Smith

AGENT: Mrs Imogen Hunt

Site Description

This application relates to a ground floor unit of a two storey flat roof property sited within a pedestrian precinct on the eastern side of Plains Road. The property is located within the Mapperley Plains District Shopping Centre as identified on the proposals map of the Gedling Borough Replacement Local Plan. The unit is immediately adjoined by a flower shop, a health food store, a building society and confectioners.

The previous use of the unit was as a dispensing optician (A1).

I note from my site visit that the nail bar is currently in operation prior to the determination of this application.

Proposed Development

Full planning permission is sought for the retention of the change of use of the property from dispensing opticians (A1) to nail bar (Sui Generis). No external alterations to the unit have been proposed.

Additional supporting information has been received by the Borough Council on the 4th April 2013 in relation to the marketing of the property as an A1 unit. This outlines that during the marketing in 2012 the applicant was the only seriously interested party. It is argued that such a Sui Generis use is compatible for this type of location. It requires and would retain a retail frontage and would benefit from and add to the footfall. It is also suggested that the use would not detract from the overall retail offer but would compliment it.

Consultations

Nottinghamshire County Council (Highway Authority) – It is noted that the nail bar is already trading. No objections are raised given the location of the site within the Mapperley Shopping area and that there is public car park to the side of the shop.

Planning Policy – Planning Policy noted that a shopping survey carried out in July 2012 showed that the percentage of non A1 frontage is 36%. Although the proposal would not result in a grouping of 4 or more non retail uses the percentage of non A1 uses would exceed the threshold of 35% identified within Policy S2 of the Replacement Local Plan. Objections were raised as it was considered that the

proposed change of use would not meet the requirements of Policy S2 or the aims of Policy S8 to support the A1 retail function of Mapperley Plains District Centre.

On reconsultation it is considered that the submitted additional marketing information does not appear sufficient reason to outweigh the previous policy objection as there is no evidence with regards to the extent or depth of this.

Adjoining neighbours have been notified of the proposal and a site notice posted. No comments have been received.

Planning Considerations

I am satisfied that the use of the unit as a nail bar does not result in any undue impact upon the amenity of occupiers of neighbouring properties. I am also satisfied that it does not raise any highway safety or parking issues given the proximity of public car parks to the application site and its location within the District Shopping Centre which is served by good public transport links. I therefore consider that the main planning considerations in the determination of this application are whether the proposal is an acceptable use in this location and whether it has any detrimental impact upon the vitality and viability of the Mapperley Plains District Shopping Centre.

The relevant national Planning Policy Guidance in respect of these matters is set out in the National Planning Policy Framework (March 2012) (NPPF) which promotes competitive town centres that provide customer choice and diverse retail offer. Paragraph 19 of this document emphasises Government commitments to sustainable economic growth and attaches significant weight to supporting economic growth. Paragraphs 23-27 of the NPPF specifically address town centres and seek to protect their vitality and viability.

Gedling Borough Council at its meeting on 13th February 2013 approved the Gedling Borough Aligned Core Strategy Submission Documents (ACSSD) which it considers to be sound and ready for independent examination. Consequently, Gedling Borough in determining planning applications may attach greater weight to the policies contained in the Aligned Core Strategy Submission Documents as it is at an advanced stage of preparation with the level of weight given to each policy being dependent upon the extent to which there are unresolved objections (the less significant the unresolved objections, the greater weight that may be given). It is considered that the following policies are relevant:

ACS Policy 6 (Role of Town and Local Centres)
ACS Policy 10 (Design and Enhancing Local Identity)

At local level the following Policies within the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008) are relevant:

- Policy S2 (Non Retail Uses in District Shopping Centres)
- Policy S8 (Mapperley Plains).

Paragraph 215 of the NPPF indicates that 'due weight should be given to the policies in the Replacement Local Plan'. I am of the opinion that the above policies are up to date and are consistent with the NPPF.

The approach of Policy S2 of the Replacement Local Plan is to protect the core retail A1 function of the District Shopping Centre and by endeavouring to ensure that new proposals do not (a) create an unacceptable grouping of 4 or more non-A1 retail units and (b) result in the proportion of non-A1 retail uses exceeding 35% of the frontage in the shopping centre.

Policy S8 of the Replacement Local Plan requires that within Mapperley Plains District Centre changes of uses from retail (A1) and financial services (A2) to restaurants and cafes (A3), drinking establishments (A4) and hot food takeaways (A5) will only be approved where they do not result in the loss of the predominantly retail character of shopping frontage at ground floor level and recognises that problems can arise when too many A1 shops are replaced by non retail uses.

I note that a shopping survey carried out in July 2012 indicated that the percentage of non A1 retail frontage within the Mapperley Shopping Centre is 36.3%. The proposed use does not fall within use classes A3-A5 but is a Sui Generis use.

In terms of Policy S2 the proposal would meet criterion (a) and would not result in a grouping of 4 or more non retail uses. However, it would increase the non A1 frontage above the 35% threshold and would not therefore comply with Policy S2(b). In determining this application I am mindful that the vitality and viability of the Mapperley Plains shopping centre is dependent upon the balance between A1 and other uses.

I note the Planning Policy comments. However, in considering the proposal I am of the view that account should be given to the NPPF which requires that significant weight be placed on encouraging sustainable economic growth.

Additional marketing information of the unit has been deposited with the application which states that the property had been unsuccessfully marketed during 2012 for A1 retail use, with the applicant being the sole interested party. Although this may not be considered to be significantly extensive marketing in terms of timescale, I am satisfied that unsuccessful attempts have been made to attract a retail (A1) business to the unit and I am of the opinion that given the current economic climate it would be preferable that a potentially long term vacant unit be occupied in this instance, particularly as the proposed use would not result in any changes to the existing frontage which would retain its retail character and appearance.

Taking this into account I am of the opinion that the proposed use would compliment and therefore enhance the vitality and viability of the Mapperley Shopping Centre.

Given the specific circumstances for this proposal, I am satisfied that the proposed change of use is acceptable in this instance. Notwithstanding this, I am mindful that a Sui Generis permission may create problems in terms of the long term use of the property. I therefore consider that any consent should be conditioned to be specific to the applicant and the details submitted within this application in this instance. I also consider given the site's location and being mindful of the NPPF in terms of supporting economic growth it would be reasonable to attach a condition should planning permission be granted, requiring that the unit be returned to a retail (A1) use should the nail bar cease to operate

In conclusion, given the above considerations, whilst the proposal contravenes the maximum percentage of non A1 uses within the district centre set out Policy S2, I consider that the requirement to support economic growth in the NPPF is a material consideration and in this instance outweighs the provisions of local policy.

Recommendation: GRANT PLANNING PERMISSION subject to the following conditions:-

Conditions

1. The use hereby approved shall be carried out in accordance with the details deposited with the application on the 7th February 2013.
2. This permission relates to use of the premises by Mrs Phuong Laon Tran as a nail bar (Sui Generis). Should the nail bar cease to operate or be operated by another party, the use of the building would revert back to a Retail (A1) use and for no other purpose under the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in equivalent provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

Reasons

1. For the avoidance of doubt.
2. For the avoidance of doubt.

Reasons for Decision

In the opinion of the Borough Council there are material considerations which outweigh the criteria under Policy S2(b) of the Gedling Borough Replacement Local Plan (Certain Policies Saved) 2008. The proposed use will result in no undue impact on the amenities of neighbouring properties, the character or appearance of the area or highway safety. The proposal therefore accords with the National Planning Policy Framework (2012) and policy S8 of the Gedling Borough Council Replacement Local Plan (Certain Policies Saved) 2008 in that it supports the retail function of the District Shopping Centre.

Notes to Applicant

Planning Statement - The Borough Council has worked positively and proactively with the applicant in accordance with paragraphs 186 to 187 of the National Planning Policy Framework.