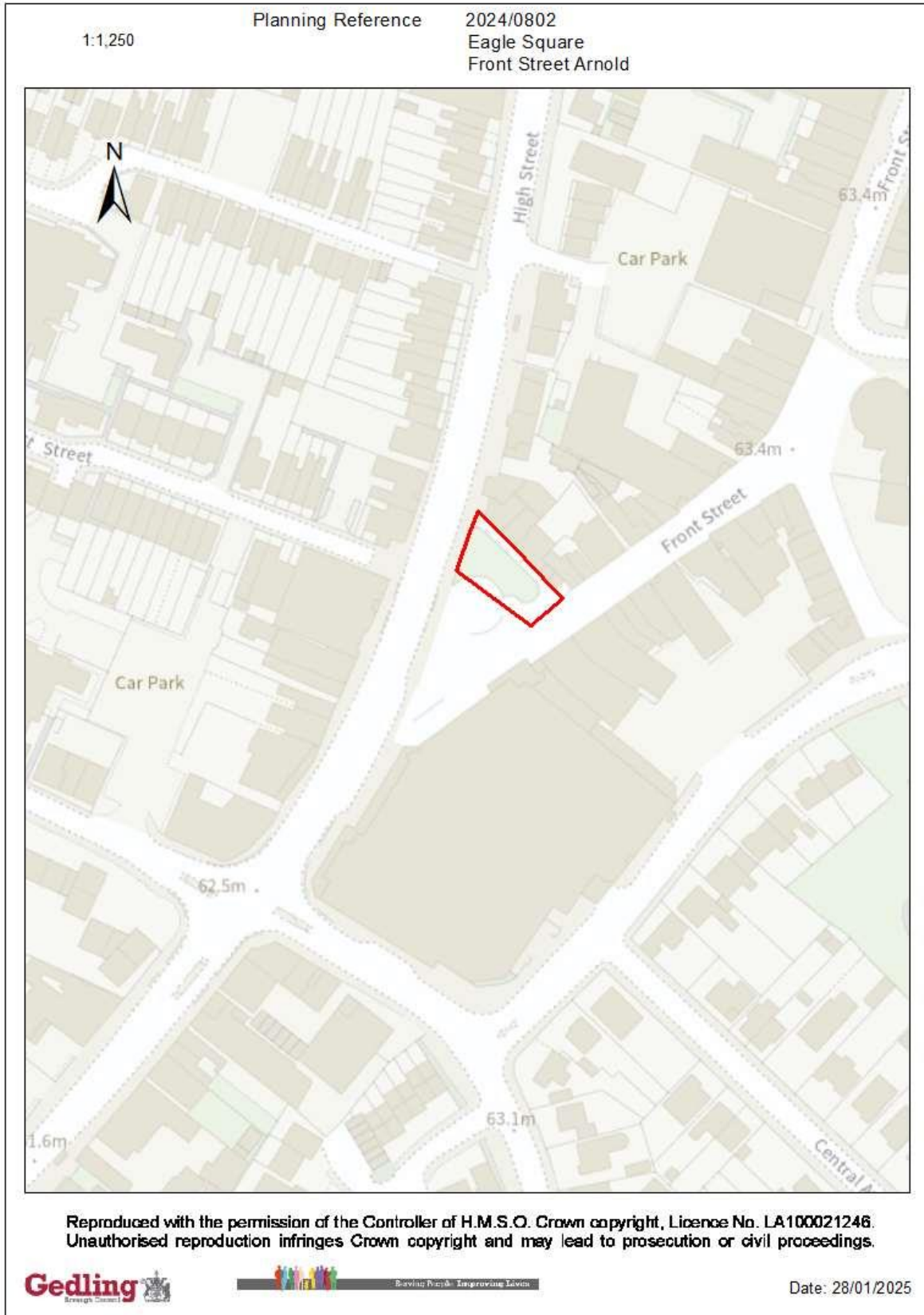




Planning Report for 2024/0802



Report to Planning Committee

Application Number:	2024/0802
Location:	Eagle Square, Front Street, Arnold, Nottinghamshire
Proposal:	Use of land for siting 12 market stalls.
Applicant:	Gedling Borough Council
Agent:	
Case Officer:	Joe Davies

The application is referred to Planning Committee to comply with the Council constitution as the application is submitted by the Council and is on Council land.

1.0 Site Description

- 1.1 This application relates to 626 square metres of land comprising a public square at the southern end of and within The Arnold Primary Shopping Centre. It is bounded by and serviced from High Street to the west and the pedestrianised Front Street to the east and is adjoined by various commercial units.

2.0 Relevant Planning History

2020/1042 - Change of use of Eagle Square to allow for the temporary relocation of 12 market stalls for up to 12 months – (04.12.2020).
2024/0071 - Temporary planning permission of 12 Market Stalls to continue to trade for a further 12 months (change of use) – Conditional permission (12.04.2024)

3.0 Proposed Development

- 3.1 Planning permission is sought to change the use of Eagle Square to make the current temporary market use permanent to accommodate 12 market stalls. Two planning permissions have previously been granted for the same for this use, albeit on a temporary basis in 2020 and 2024.
- 3.2 Each stall would have maximum dimensions of 3.6m in length, 1.2m in width and 2.5m in height. 2no. waste bins secured within an enclosure would be provided to the High Street boundary.
- 3.3 Opening hours are however proposed as being 08.00 – 22.00, 7 days per week.

4.0 Consultations

Neighbouring properties were consulted and a site notice was placed at the site. Following three weeks of consultation one letter of objection was received. This raised the following concerns:

- Impact on neighbouring businesses that are struggling to remain viable in the current economic climate
- Impact on visibility of surrounding retail units
- Business rates are crippling businesses in the area
- Too many other takeaways have been granted permission locally.

5.0 Assessment of Planning Considerations

5.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 (as amended) requires that: 'if regard is had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise'.

5.2 The most relevant national planning policy guidance in the determination of this application is contained within the National Planning Policy Framework 2024 (NPPF) and the additional guidance provided in the National Planning Practice Guidance (NPPG).

6.0 Development Plan Policies

6.1 The following policies are relevant to the application:

6.2 At the national level the National Planning Policy Framework (NPPF) (December 2024) is relevant. At the heart of the NPPF is a presumption in favour of sustainable development. The NPPF sets out the national objectives for delivering sustainable development. Sections 2 (Achieving sustainable development), 4 (Decision making), 6 (Building a strong and competitive economy), 7 (Ensuring the vitality of town centres), 9 (Promoting sustainable transport), and 12 (Achieving well designed places) are particularly relevant.

6.3 The Gedling Borough Council Aligned Core Strategy (GBACS) (September 2014) is part of the development plan for the area. The following policies are relevant in considering this application:

Policy A (Presumption in Favour of Development) sets out that a positive approach will be taken when considering development proposals.

Policy 2 (The Spatial Strategy) states that sustainable development will be achieved through a strategy of urban concentration with regeneration.

Policy 6 (Role of Town and Local Centres) identifies Arnold as a town centre within the retail hierarchy. Part 6 sets out the vitality and viability of centres will be maintained including widening the range of uses. This policy also identifies Arnold Town Centre as in need of enhancement or to be underperforming.

Policy 10 (Design and Enhancing Local Identity) sets out the criteria that development will need to meet with respect to design considerations.

Policy 12 (Local Services and Healthy Lifestyles) supports the principle of new facilities located within town centres.

- 6.4 The Gedling Borough Local Planning Document (LPD) (July 2018) is part of the development plan for the area. The following policies are relevant in considering this application:

LPD 32 (Amenity) sets out that planning permission will be granted for proposals that do not have a significant adverse impact on the amenity of nearby residents or occupiers.

LPD 35 (Safe, Accessible and Inclusive Development) sets out a number of design criteria that development should meet, including in relation to the massing, scale and proportion of development.

LPD 49 (Retail Hierarchy and Town Centre Boundaries) identifies Arnold as a town centre within the retail hierarchy.

LPD50 (Development within town and local centres) identifies the types and use of development that is likely to be acceptable in Local Centres.

LPD53 (Markets) sets out that planning permission will be granted for development proposals that result in the enhancement of existing markets or the creation of new markets within town and local centres subject to a number of criteria, including the design is of a high standard and adequate parking is provided.

LPD 61 (Highway Safety) provides that planning permission will be granted for development proposals which do not have a detrimental effect on highway safety, patterns of movement and the access needs of people.

7.0 Planning Considerations

The principle of development

- 7.1 The application site falls within Arnold Town Centre and the proposed market stalls are considered to fall within the definition of a main town centre use. Policy LPD 53 (Markets) is relevant to the determination of this application and identifies that permission will be granted for proposals that result in an enhancement of existing markets subject to a number of criteria, notably that the proposal is of a high standard of design, will not result in the loss of buildings or open space that contribute to the character of the area, the amenity of nearby residents or occupiers is not comprised and that adequate parking provision is provided. These matters are considered later in this report.
- 7.2 A grant of permanent planning permission would provide an opportunity for the continued operation of a market and other community or retail events to take place particularly given the proposed flexible hours of operation. This would enhance the retail and community experience and the vitality and viability of Arnold Town Centre. Taking the above into account it is considered that the principle of the proposal is acceptable and is therefore in accordance with

Sections 6, 7 and 12 of the NPPF (December 2023), Policies 6, 10 and 12 of the GBACS (2014), and Policies LPD 49, LPD 50 and LPD 53 of the LPD (2018).

Impact on Public Open Space

- 7.3 Although the proposal would result in the current temporary change of use of Eagle Square becoming permanent, as with the most recent temporary permission, the plans submitted with the application indicate that the existing public seating areas will be retained and made available at all times. It is therefore considered that the proposal would be ancillary to the existing use of the public square and would not impact on but would enhance how the area is currently used together with enhancing the current shopping experience within the Town Centre. It is therefore considered that the proposal accords with Policy 35 of the Aligned Core Strategy (2014).

Impact on Visual Amenity

- 7.4 The use is existing albeit temporary and this being made permanent, would not detract from the visual amenity of Eagle Square. On the contrary, it would create visual diversity within the area. The stalls would not be fixed into the ground. Additionally, existing trees and seating areas would be retained and the proposed stalls are of acceptable scale, design and of a traditional market stall appearance which will sit well within the character and appearance of Eagle Square and the wider Town Centre context.
- 7.5 Taking into account the above it is considered that the proposal would provide an attractive form which would not detract from the visual amenity of this public realm or the Town Centre setting in accordance with Section 12 of the NPPF (December 2024) and Policy 10 of the GBACS (2014) and Policy LPD 53 of the LPD (2018).

Impact on amenity

- 7.6 Given the Town Centre location of the proposal it is not considered that it would result in any undue impact on the amenity of nearby properties.
- 7.7 Taking into account the nature of the proposal it is therefore considered that the proposal would accord with Section 12 of the NPPF (2019), and Policies LPD 32 and LPD 53 of LPD (2018).

Highway Matters

- 7.9 Given the location of the site within the Town Centre, having good public transport links which will allow visitors to access the market in a sustainable way, and that there are a number of public car parks in the vicinity, it is not considered that the proposal would result in any undue parking or highway impacts. Taking the above into account it is considered that the proposal would have adequate access and parking facilities and would not have an unacceptable adverse impact on highway safety and is deemed to be in accordance with Section 9 of the NPPF (2019), Policies LPD 53 and LPD 61 of the LPD (2018).

Community Safety

- 7.11 Although no formal security for the site would be provided, the activity and use of Eagle Square together with the prominent location of the stalls would provide a level of natural surveillance. Furthermore, the site is well lit and surveillance is also provided by the Town Centre CCTV cameras. This would assist in discouraging anti-social behaviour.

8.0 Other Matters

- 8.1 In terms of the objections received, the primary concern is regard to possible detrimental impacts on the viability of existing town centre uses. However, it is considered that the provision of the market is likely to lead to increased footfall in the town centre. The granting of planning permission for other takeaways is a matter separate from this planning application that can't be taken into account and competition would not be a material planning consideration that could be taken into account in the determination of a planning application. Furthermore, business rates are not related to the planning process and would have no bearing on the application.

9.0 Conclusion

- 9.1 The principle of the development is supported in that it will result in retention of a market facility in Arnold Town Centre whilst a full review is undertaken. The proposals will enhance the character of the area as well as enhance the vitality and viability of Arnold Primary and Secondary Shopping Area. Furthermore, the application would not be detrimental to residential amenity or highway safety. The application is, therefore, deemed to comply with policies A, 2, 6, 10 and 10 of the Aligned Core Strategy (2014); policies 32, 35, 49, 50, 53, and 61 of the Local Planning Document (2018) and guidance within the National Planning Policy Framework (notably chapters 2, 4, 6, 7, 9, and 12).

Recommendation: Grant full Planning Permission subject to the conditions listed for the reasons set out in the report.

Conditions

- 1 The development hereby permitted shall be completed in accordance with the following plans, received by the Local Planning Authority on 31 January 2024:

2020_1042-BLOCK_PLAN-916940; and
Layout Plan – Bin Storage.

Reasons

- 1 For the avoidance of doubt.

Notes to Applicant

The Borough Council has worked positively and proactively with the applicant in accordance with paragraph 39 of the National Planning Policy Framework. During the processing of the application there was no problems for which the Local Planning Authority had to seek a solution in relation to this application.

Additionally, your attention is drawn to the following:-Sufficient electric supply should be provided for the stalls. The trees in the area and the in situ seating area should be protected when installing the market stalls to prevent damage. Access must be allowed from High Street into the precinct for shop deliveries, emergency vehicles and disable blue badge holders. As a public right of way it should not be blocked - unless an alternative route is arranged with Nottinghamshire County Council highways. The flood relief water storage tank under the Eagles Square shall remain accessible at all times. The applicant is advised that all planning permissions granted on or 16th October 2015 may be subject to the Community Infrastructure Levy (CIL). Full details of CIL are available on the Council's website. The proposed development has been assessed and it is the Council's view that CIL is not payable on the development given that there is no net additional increase of floorspace as a result of the development.