

Report to Planning applications committee
Date 15 August 2013
Report of Head of planning services
Subject 13/00892/U 5A St Stephens Street Norwich NR1 3QL

Item
5(6)

SUMMARY

Description:	Change of use from shop (Class A1) to betting shop (Class A2).
Reason for consideration at Committee:	Objection
Recommendation:	Approve
Ward:	Mancroft
Contact Officer:	Mr Kian Saedi Planner 01603 212524
Valid Date:	14th June 2013
Applicant:	Jennings Racing Limited
Agent:	Ms Emma-Lisa Shiells

INTRODUCTION

The Site

Location and Context

1. The site is located on the corner of St Stephens Street and Surrey Street and consists of the ground floor of the unit known as 5A St Stephens Street, which is understood to have last been occupied in October 2012 and has a current lawful use as a retail unit (Class A1).
2. The site is located within the St Stephens Street Primary Retail area and forms part of a locally listed row of terraced buildings within the City Centre Conservation Area.
3. The site is identified as contributing towards a positive frontage within the St Stephens Character Area of the City Centre Conservation Area.

Constraints

4. The site is located within the City Centre Conservation Area and within the St Stephens Street Primary Retail Area.

Planning History

5. No relevant planning history.

Equality and Diversity Issues

There are no significant equality or diversity issues.

The Proposal

6. The application seeks a change of use from a shop (Class A1) to a betting shop (Class A2).

Representations Received

7. Advertised on site and in the press. Adjacent and neighbouring properties have been notified in writing. Two letters of representation have been received citing the issues as summarised in the table below.

8.

Issues Raised	Response
The use as a betting shop is wholly inappropriate for such an important city centre location.	Paragraphs 12-13 and 17
Norwich already has an excessive number of betting shops.	Paragraphs 12-13
Norwich and trading shops will be compromised by yet another betting shop.	Paragraphs 12-13

ASSESSMENT OF PLANNING CONSIDERATIONS

Relevant Planning Policies

National Planning Policy Framework:

- Section 1 – Building a strong, competitive economy
- Section 2 – Ensuring the vitality of town centres
- Section 4 – Promoting sustainable transport
- Section 11 – Conserving and enhancing the natural environment
- Section 12 - Conserving and enhancing the historic environment

Relevant policies of the adopted Joint Core Strategy for Broadland, Norwich and South Norfolk 2011

- Policy 5 – The economy
- Policy 6 – Access and transportation
- Policy 11 – Norwich City Centre

Relevant saved policies of the adopted City of Norwich Replacement Local Plan 2004

- HBE8 - Development in Conservation Areas
- EP22 - High standard of amenity for residential occupiers
- EMP1 - Small scale business development
- SHO10 - Changes of use in retail frontages in the Primary Retail Area
- TRA6 - Parking standards - maxima
- TRA7 - Cycle parking standards
- TRA8 - Servicing provision

Supplementary Planning Documents and Guidance

- City Centre Conservation Area Appraisal (September 2007)

Other Material Considerations

The Joint Core Strategy and Replacement Local Plan (RLP) have been adopted since the introduction of the Planning and Compulsory Purchase Act in 2004. With regard to paragraphs 211 and 215-216 of the National Planning Policy Framework (NPPF), both sets of policies have been subjected to a test of compliance with the NPPF. Both the 2011 JCS policies and the 2004 RLP policies above are considered to be compliant with the NPPF. The Council has now submitted the emerging Local Plan policies for examination and considers most of these to be wholly consistent with the NPPF. Weight must be given to the emerging Local Plan and relevant policies are listed below for context although none change the thrust of the current Local Plan policies discussed in the main body of this report:

DM1 Achieving and delivering sustainable development – **Significant weight can be applied.**

DM2* Ensuring satisfactory living and working conditions - **Significant weight can be applied.**

DM9 Safeguarding Norwich's heritage – **Significant weight can be applied.**

DM20* Protecting and supporting city centre shopping - **Significant weight can be applied.**

DM31* Car parking and servicing – **Significant weight can be applied.**

*These policies are currently subject to objections or issues being raised at pre-submission stage. Even where DM policies have been objected to, the objection may concern only one aspect of the policy and significant weight may be applied to that policy depending on what extent the objection relates to this proposal. For clarity, the level of weight that can be attributed to each DM policy has been indicated above.

Principle of Development

Policy Considerations

9. The application site is located in the Primary Retail Area of St Stephens Street, which is directed by saved policy SHO10 of the adopted Local Plan as an area where the proportion of Class A1 at ground floor level should not drop below 85% and where non-retail uses in classes A2 and A3 will be permitted where they would not have a harmful impact upon the vitality and viability of the area and individual street.
10. Policy DM20 of the emerging Local Plan further seeks to strengthen the retail offer of the City in accordance with section 2 of the NPPF, which sets out to ensure the vitality and competitiveness of town centres and promote customer choice and a diverse retail offer. DM20 very much echoes the principles set out in saved policy SHO10 of the adopted Local Plan.
11. The proportion of non-retail frontages in the area stood at 10.6% as of July 2013 and the proposal would increase the proportion of non-retail ground floor frontages in the area by 1.7%, resulting in the proportion of non-retail frontage in the St Stephens area increasing to 12.3%. The proportion of retail units in the area would therefore remain well above the recommended minimum level of 85% and the scheme's acceptability against adopted policy SHO10 and emerging policy DM20 should be measured by whether the conversion of the vacant retail unit to a betting shop would have a harmful effect upon the vitality and viability of the area.
12. Objections to the proposal have been raised with regard to the perceived

excessive number of betting shops already in the area and concern that allowing an additional betting shop will compromise shops already trading in the City. As mentioned already, St Stephens Street is already served by a high proportion of retail units and this would still be the case following the conversion of the unit to a betting shop. There is only one other betting shop (Coral) along the street and it is not considered therefore that allowing the conversion would result in an over-saturation of betting shops in this particular area of the City, which may otherwise carry the potential of harming the retail character and vitality of the area.

13. It is understood that the retail unit has stood vacant since October 2012. The betting shop would also be open through daytime working hours until 10pm Mon-Sat and 8pm on Sundays and bank Holidays. It is therefore considered that the proposal will have a positive impact upon the vitality of the area and would be consistent with policy 11 of the JCS, which seeks to expand the early evening economy of the City.
14. The proposal must also be weighed against saved policy EMP1 of the adopted Local Plan, which sets out the terms of acceptability for new business development in the City Centre. The site is highly accessible, provides satisfactory servicing arrangements and will not result in any adverse environmental harm to the amenity of neighbouring properties. The proposal is also consistent with the NPPF in terms of meeting the development needs of business.
15. It is also of relevance to the proposal that under the most recent revisions to permitted development legislation, the premises could be converted to a betting shop for a period of two years without the requirement for express planning consent. Permitted development rights were recently extended in a move by Central Government to promote regeneration, assist start up businesses and enhance the vitality of town centres.

Impact on Living Conditions

16. The activities associated with the betting shop will not have any harmful impact upon the living conditions of neighbouring properties.

Design

17. The applicant proposes no external alterations that may otherwise affect the character of the locally listed building. The unit is currently vacant and bringing the unit back into use will be beneficial in terms of encouraging activity at the site and avoiding what is currently a 'dead frontage'. It is not considered therefore that the proposal will have any negative impact upon the character of the conservation area.

Transport, Access and Servicing

18. The City Centre location of the site is highly accessible to non-car users and well served by public transport. Although cycle parking is not proposed on-site, the surrounding area already benefits from a high number of public cycle stands and the conversion to a betting shop is unlikely to increase traffic flows to and from the site above the levels associated with the current retail use of the building.
19. Refuse will be stored in waste receptacles located along Boars Head Yard, which acts as a service yard for the application site and neighbouring properties. Waste will be collected on a daily basis by a commercial operator.

20. The Council's Highways Officer has raised no objection to the scheme.

Conclusions

The conversion of the premises will not result in the proportion of retail units in the Primary Retail Area falling below 85%, nor will the change of use to a betting shop result in any harm to the vitality and viability of the area. The proposal will help support the needs of the application business and does not carry any negative implications for the amenity of neighbouring properties. Servicing arrangements are considered to be acceptable and it is not considered that the proposal will result in any harm to the character of the wider conservation area. The proposal is therefore considered to be acceptable and in accordance with the objectives of Sections 1, 2, 4, 11 and 12 of the National Planning Policy Framework (March 2012), Policies 5, 6 and 11 of the Joint Core Strategy for Broadland, Norwich and South Norfolk (2011), saved policies HBE8, EP22, EMP1, SHO10, TRA6, TRA7 and TRA8 of the City of Norwich Replacement Local Plan 2004, relevant policies of the Development Management Policies Development Plan Document – Pre submission (April 2013) and all other material considerations.

RECOMMENDATIONS

To approve Application No 13/00892/U at 5a Stephens Street and grant planning permission, subject to the following conditions:-

- 1) Standard time limit
- 2) Development in accordance with plans

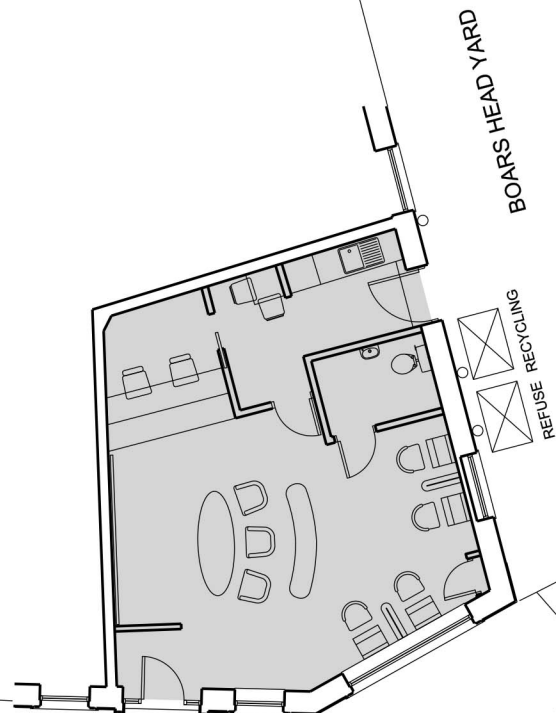
Article 31(1)(cc) Statement

The local planning authority in making its decision has had due regard to paragraph 187 of the National Planning Policy Framework as well as the development plan, national planning policy and other material considerations and has approved the application subject to appropriate conditions and for the reasons outlined above.

NOTES

ORIGINAL A3

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GROUND FLOOR

A 09.06.13 REFUSE & RECYCLING BINS ADDED SD

REVISIONS

SCALE	DATE	DRAWN	CHECKED
1:100	13.05.13	SD	

PROJECT

5A ST. STEPHENS STREET
NORWICH

DRAWING

PROPOSED UNIT PLAN

dobsonARCHITECTURE

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DRAWING No.

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