

Report of the Chief Executive

**18/00709/FUL
CHANGE OF USE FROM SHOP (CLASS A1) TO A BALLET SCHOOL
(CLASS D2)
96 DERBY ROAD, STAPLEFORD, NOTTINGHAMSHIRE, NG9 7AD**

Councillor J. W McGrath has requested this application be determined by Planning Committee.

1 Details of the Application

- 1.1 The application seeks permission to convert a former pharmacy (A1 use) into a ballet school (D2 use). The building is three storeys and the change of use will apply to all three floors. The ground floor will have two dance studios, a reception, lobby, bathroom and entrance hall. The first floor will have a private lesson room, changing room, office, staff room, waiting area, bathroom and toilet. The second floor will be used for storage. No external alterations are proposed and the unit has stood vacant for over a year.
- 1.2 The proposed dance school will provide dance lessons between 10:00am - 9:00pm Monday to Friday, 9:00am - 5:00pm on Saturdays and occasional use on Sundays, bank holidays and other public holidays within the hours specified. There will be six part time members of staff.

2 Site and Surroundings



South east (front) elevation



South east (front) elevation

- 2.1 The three storey building is located at the end of a terrace of commercial premises within Stapleford town centre. The building has an ornate gable fronting Derby Road. The ground floor level has a roller shutter door and is closed due to the premises being vacant. No parking is associated with the building. There is an outside area to the rear associated with the building. There is pedestrian access from Derby Road.
- 2.2 No. 94, Vape HQ (A1 use), adjoins the building to the north east and has a flat above. No. 98, Bari's Convenience shop (off-licence, A1 use), is positioned to the

south west. No. 92A is a car repair garage positioned to the north. No. 98A is a flat positioned to the south west. No. 1 Horace Avenue is an end terrace property positioned to the north located in residential area on a road with a residents parking scheme. Parking is restricted to permit holders on Horace Avenue between the hours of 9:00am - 5:00pm, Monday to Saturday. Part of Alexandra Street has 30 minute parking bays restricted to 8:00am - 6:00pm, Monday to Saturday and double yellow lines.

3 Relevant Planning History

3.1 An application (88/00325/FUL) to construct an extension and make alterations to the shop received permission in June 1988.

3.2 An application (03/00386/FUL) to install security shutters received permission in June 2003.

4 Policy Context

4.1 **National policy**

4.1.1 The National Planning Policy Framework (NPPF) July 2018, outlines a presumption in favour of sustainable development, that planning should be planned, decisions should be approached in a positive and creative way and high quality design should be sought.

4.1.2 Paragraph 85 states that the long term vitality and viability of town centres should be promoted by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries by allowing a suitable mix of uses that reflects their distinctive characters.

4.1.3 Paragraph 109 states that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Paragraph 105 states if setting local parking standards for residential and non-residential development, local planning authorities should take into account:

- the accessibility of the development;
- the type, mix and use of development;
- the availability of and opportunities for public transport;
- local car ownership levels; and
- the need to ensure an adequate provision of spaces for charging plug-in and other ultra-low emission vehicles.

4.2 **Broxtowe Aligned Core Strategy**

4.2.1 The Council adopted the Core Strategy (CS) on 17 September 2014.

- 4.2.2 'Policy A: Presumption in Favour of Sustainable Development' reflects the presumption in favour of sustainable development contained in the NPPF. Applications which accord with the Local Plan will be approved without delay unless material considerations indicate otherwise.
- 4.2.3 'Policy 6: Role of Town and Local Centres' states that the vitality and viability of all centres will be maintained and enhanced through widening the range of uses (whilst maintaining a strong retail character), and environmental and access enhancements. The scale and nature of development should be appropriate to the role and function of the centre.
- 4.2.4 'Policy 10: Design and Enhancing Local Identity' aims to ensure that all new development should aspire to the highest standards of design, including construction methods and materials, and consideration of residential amenity should be integrated in the design.

4.3 Saved Policies of the Broxtowe Local Plan

- 4.3.1 The Part 2 Local Plan has recently been examined. Until adoption, Appendix E of the Core Strategy confirms which Local Plan policies are saved. Relevant saved policies are as follows:
- 4.3.2 Policy E34 'Control of Noise Nuisance' suggests planning permission should not be granted for housing if the occupants, even with appropriate mitigation measures, would experience significant noise disturbance.
- 4.3.3 Policy K4 'Town Centres' seeks to maintain the role of town centres as the focus for shopping, employment, social, community and leisure uses through the provision of appropriate new development.
- 4.3.4 Policy T11 'Guidance for Parking Provision' states that planning permission will not be granted for new development unless appropriate provision is made for vehicle parking and servicing.

4.4 Part 2 Local Plan (Draft)

- 4.4.1 The Part 2 Local Plan includes site allocations and specific development management policies. The draft plan has recently been examined, with the Inspector's report awaited. The representations on the plan included seven representations in relation to Policy 10 and 11 no. representations in relation to Policy 17. Given that there remain outstanding objections to Policies 10 and 17, with the Inspector's view on these not yet known pending her report, these policies can be afforded only limited weight.
- 4.4.2 Policy 10 'Town Centre and District Centre Uses' states that permission will only be granted for development that comprises an A1 use, comprises another 'main town centre use' provided the class of use does not result in over 10% of the ground floor frontage of the centre falling within this use class, or does not result in over 50% of the primary frontage of the centre falling within a use class other than A1 and does not result in an adverse impact on the vitality and viability of the centre.

4.4.3 Policy 17 ‘Place-making, Design and Amenity’ states that permission will be granted for development which has good access to public transport, takes advantage of existing buildings, provides sufficient, well-integrated parking, ensures a satisfactory degree of amenity and does not prejudice the satisfactory development of a wider area.

5 Consultations

5.1 The Environmental Health Officer raises no objection subject to the conditioning of opening hours and an advisory in relation to sanitary facilities and internal layout, design and construction complying with Fire Safety Regulations.

5.2 Nottinghamshire County Council as Highways Authority have raised no objection due to the location within Stapleford town centre, nearby residential streets being protected by restricted parking, access to a sustainable bus route and public car parks within walking distance.

5.3 The Town Centre & Regeneration Officer supports the change of use and recognises that the unit has stood vacant for an extended period of time. Seven A1 units stand vacant within Stapleford town centre and A1 units are less viable in this area so the change of use would contribute to the vitality and viability of the area. The development would also align with the main aims of both the Council’s Economic Regeneration Strategy and the Strategic Enterprise Plan for the D2N2 Local Enterprise Partnership.

5.4 Six neighbouring properties and businesses were consulted. 21 responses were received (14 in support, four objections and three observations). Comments received can be summarised as follows:

Objections

- Parking along this road is already a problem
- Injuries and deaths caused on Derby Road due to traffic
- Application form states parking is available to the rear of Sainsbury’s but this is not a formal car park and it also states that parking is available in the Poundstretcher car park but this could be too far to walk
- Permit parking should be enforced 24 hours a day as this will add to the increase in traffic
- Permit parking should be extended from 5pm to 9pm on nearby roads
- Concerns with parking on Horace Road where residents struggle to park outside properties
- Nearby roads parking permits finish at 5pm and following this, there is an issue with parking due to nearby takeaways, Wetherspoons and later opening units which encourage people to park on side streets

Observations

- Dance school would be attractive to the area providing it has adequate parking

Support

- Plenty of parking available (Sainsbury's and Poundstretcher)
- Positive change of use which encourages footfall into the area and is not another shop/takeaway/hairdresser
- Good asset to the community and help to reach out to families
- Great development for local business that is currently based at Bramcote Leisure Centre
- Dance classes are currently attended by local residents and provide an affordable and accessible service to those with a low income
- Positive change of use due to the empty units in Stapleford town centre
- Encouraging to keep children off the streets by providing a safe environment
- Supports Government's policies in encouraging healthy lifestyles and preventing obesity
- Will raise the profile of the area.

6 Appraisal

6.1 The main issues are considered to be the principle of the change of use, if the development is acceptable in relation to parking and if there will be a loss of amenity to surrounding businesses and residents.

6.2 **Principle**

6.2.1 It is considered the proposed change of use from a pharmacy (A1 use) to a ballet school (D2 use) would be acceptable in this location. The unit is located within Stapleford town centre within close proximity of car parks and regular bus services. The unit has been vacant for over a year.

6.2.2 The Council's Town Centre and Regeneration Officer is supportive of the change of use and considers it will add to the vitality and viability of the wider area. As part of the Council's Economic Regeneration Strategy 2017 – 2021, the following is identified:

"The role of the town centre is evolving with a long-term structural shift away from retail dominated provision to services of all types, but especially leisure (e.g. bars, cafés, entertainment) and a continued rationalisation of non-sustainable retail spaces. It is unlikely that Eastwood, Stapleford and Kimberley will be able to compete as a destination purely for a retail visitor market."

6.2.3 It is advised the Council should consider other uses which do not meet the traditional A1 usage. The proposal complements this new approach to keeping town centres relevant with no focus on preserving areas as traditional shopping only areas. There are currently seven vacant units within Stapleford town centre that are able to accommodate an A1 use. Considering the unit could be changed back into an A1 use and that it has stood vacant for over a year indicates an alternative use would be appropriate in this unit and not detrimental to the vitality or viability of Stapleford town centre.

6.2.4 Paragraph 85 of the NPPF states that the long term vitality and viability of town centres should be promoted by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries by allowing a suitable mix of uses that reflects their distinctive characters. Accordingly, it is considered that the loss of an A1 retail unit causing harm to the vitality of the town centre would not be substantiated.

6.3 Parking

6.3.1 It is evident within the consultation responses that there is concern that the development does not include any parking provision and that this will lead to increased demand for on-street parking which would be detrimental to the area.

6.3.2 In relation to assessing the highway impacts of a proposal, paragraph 109 of the National Planning Policy Framework states that development should only be refused on transport grounds where the residual cumulative impacts are severe. Whilst paragraph 105 refers to the setting of local parking standards rather than the determination of planning applications, it provides a list of factors which should be taken into account, including the availability of and opportunities for public transport and the type, mix and use of the development. Policy 10 of the Aligned Core Strategy states that development should be designed to reduce the dominance of motor vehicles.

6.3.3 The site lies within Stapleford town centre with regular bus services on Derby Road which provide access to Beeston town centre, Nottingham and Derby city centres (i4 and the number 18). Victoria Street public car park is within walking distance of the unit and facilitates one hour free parking and up to three hours at a cost. Parking is restricted to permit holders on Horace Avenue between the hours of 9:00am - 5:00pm, Monday to Saturday which controls the number of cars that can park along this road in the day. There are one hour parking bays available Monday - Saturday between the hours of 8:00am - 6:00pm in front of the unit along Derby Road. The current use of the building is A1 and operated as a pharmacy before closure. This use would have contributed to a degree of parking and traffic in the area and it is accepted that it is likely there will be additional parking demand from the change of use to a dance school. However, it is considered that there would not be a severe highways impact and patrons would have the opportunity to use more sustainable transport options. The Highways Authority have raised no objection due to the location within Stapleford town centre, nearby residential streets being protected by restricted parking, access to a sustainable bus route and public car parks within walking distance. Based on the above, it is considered that a pragmatic approach needs to be taken in respect of developing empty buildings within existing urban areas.

6.4 Amenity and design

6.4.1 It is expected that a dance school will likely create a degree of noise and disturbance but due to its location within a town centre, it is considered this is acceptable that it will not have an adverse impact on surrounding businesses and residents. The Design and Access Statement has included mitigation measures (insulation) that will be put into place to ensure the transfer of noise is reduced.

- 6.4.2 Environmental Health has advised opening hours of 8:00am - 9:00pm between Monday to Friday and 8:00am - 5:00pm Saturday and Sundays, Bank Holidays and other public holidays. It is considered these hours are acceptable and will control the level of noise and activity.
- 6.4.3 It is acknowledged the adjoining businesses are both in A1 use and although do not have restricted hours, may not follow the opening hours of the dance school. However, there are a number of businesses in the area that have opening hours that are likely to be similar or extend beyond those of the proposed dance school (Wetherspoons - no. 97 Derby Road, Cinnamon restaurant - no. 124 Derby Road and Boden's takeaway - no. 90 Derby Road). Sainsbury's Local which is opposite the building is open 7:00am – 11:00pm every day. It is considered the opening hours are acceptable and are in line with surrounding businesses. The proposal of a dance school with opening hours beyond the usual hours associated with A1 uses will contribute to the night time economy and vitality of Stapleford town centre.
- 6.4.4 No external changes are proposed with the change of use. It is likely the dance school will have advertise the company name and details across the existing white fascia at the front of the unit which it is considered would not require advertisement consent.
- 6.4.5 It should be recognised that a number of positive representations have been received in regards to the change of use that highlight the need to bring this empty unit back into use, provide a community facility, support healthy lifestyles and raise the profile of the area as it's a different use to what is already in the town centre.

7 Conclusion

- 7.1 It is considered the principle of the change of use is acceptable as it contributes to the vitality and viability of Stapleford town centre by providing an alternative use which diversifies the area and brings a vacant unit back into use. The unit being located within Stapleford town centre and for the reasons set out by the Highways Authority, conclude the change of use is acceptable in relation to highway safety and parking. With the inclusion of a condition restricting the opening hours, the amenity of surrounding neighbours will not be adversely affected. Therefore, it is considered the change of use is acceptable.

Recommendation

The Committee is asked to RESOLVE that planning permission be granted subject to the following conditions:

- 1. The development hereby permitted shall be commenced before the expiration of three years beginning with the date of the permission.**

2. The development hereby permitted shall be carried out in accordance with the Site Location Plan (1:1250) and Proposed Block Plan (1:500) received by the Local Planning Authority on 16 October 2018 and proposed ground, first and second floor plans received by the Local Planning Authority on 23 October 2018.
3. The use hereby permitted shall not be open to customers outside the hours of 08:00 – 21:00 Monday to Friday and 08:00 – 17:00 Saturdays, Sundays, Bank Holidays and any other public holidays.

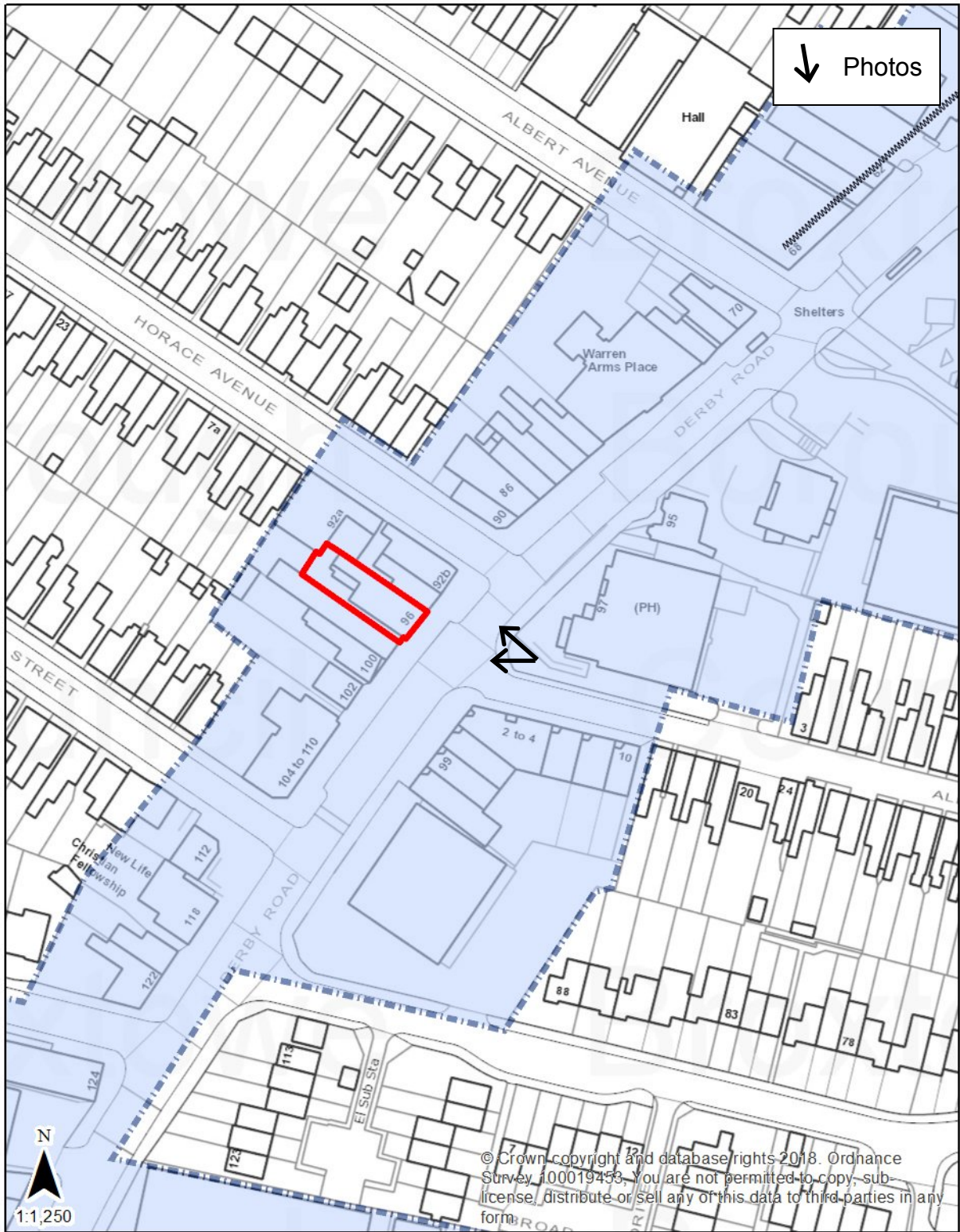
Reasons:

1. To comply with S91 of the Town and Country Planning Act 1990 as amended by S51 of the Planning and Compulsory Purchase Act 2004.
2. For the avoidance of doubt.
3. To protect immediate residential properties from excessive operational noise and in accordance with the aims of Policy E34 of the Broxtowe Local Plan (2004).




Notes to Applicant:

1. The Council has acted positively and proactively by working to determine this application within the agreed determination date.
2. You are advised to ensure the number of sanitary facilities complies with current British Standard 6465 and that the internal layout, design and construction of the premises meets with current Fire Safety Regulations. You should contact the Nottingham Fire and Rescue Service on telephone number: 0115 9670800 before works start.

Background papers
Application case file



Legend

-  Site
-  Prime shopping frontages
-  Town centre