

Report of the Chief Executive

**18/00720/FUL
CHANGE OF USE FROM RETAIL (CLASS A1) TO CAFÉ
INCORPORATING A BAKERY (CLASS A3)
109 CENTRAL AVENUE, BEESTON, NOTTINGHAMSHIRE NG9 2QS**

Councillor S J Carr requested this application be determined by the Committee.

1 Details of the Application

1.1 The application proposes to change the use of a retail unit (use class A1) to a café, incorporating a bakery (use class A3). The change of use has already commenced.

2 Site and Surroundings

2.1 109 Central Avenue is a shop within a terrace of similar units, in a local shopping parade. The parade is comprised of ten units, six of which (other than the application site) are in A1 use, and three A5 uses (hot food takeaways). There is a separate flat above at first floor. 107 Central Avenue is a hot food takeaway and 111 Central Avenue is a barbers. Both of these properties also have separate flats above.



The site



105 to 111 Central Avenue



113 to 117 Central Avenue



97 to 103 Central Avenue

2.2 The parade is located on the west side of Central Avenue, between Anderson Crescent, to the south, and Dennis Avenue, to the north. There are semi-detached dwellings opposite the site, to the east side of Central Avenue.

3 Relevant Planning History

3.1 In 1998, conditional planning permission was granted for the change of use of the ground floor to a beauty salon (planning reference 98/00173/FUL) and shortly after followed planning permission for an extension to the premises (planning reference 99/00742/FUL).

3.2 In 2005, planning permission was granted to change the use from beauty salon to laundrette (planning reference 05/00204/FUL) and for an extension to the premises (planning reference 06/00082/FUL).

3.3 Whilst the authorised use is as a retail unit, the property has been operated as a café under the prior notification scheme (permitted development) at some time between 2013 and 2014. The prior notification scheme allows for a temporary use as a café for a maximum period of two years.

3.4 There are three other food and drink uses within the parade, all being in A5 (hot food takeaway) use. Two of these units, 107 and 115, have been in operation since before 1996. The other A5 use, at 113 Central Avenue, was initially refused planning permission (reference 09/00545/FUL) due to the cumulative impact an additional A5 use would have, to the detriment of the amenity of local residents. The application was subsequently allowed on appeal, as the Planning Inspector concluded that the additional A5 use would add to the vitality and viability of the parade and that it would not result in a significant detriment to the amenity of local residents.

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.

4.2 **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’ seeks to ensure that retail development outside of town and local centres does not have an impact on the vitality and viability of those centres.

4.3 Saved Policies of the Broxtowe Local Plan

- 4.3.1 The Part 2 Local Plan is currently awaiting Examination hearing sessions. 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 S6: Protection of Local Shopping' Changes of use of existing units within a group of shops from Class A1 retail will not be permitted in cases where it would result in the deterioration of local shopping facilities to an unacceptable degree.
- 4.3.3 'Policy S7: Food and Drink Retailing outside Town Centres' states that proposals for food and drink uses outside the town centres will not be permitted if their individual or cumulative effect would cause environmental or traffic problems, or detriment to residential amenity. Where permitted, opening hours may be restricted in order to protect residential amenity.

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 been submitted for Examination, with examination hearing sessions currently anticipated to take place toward the end of this year. The representations on the plan included four representations in relation to Policy 13. Given that there remain outstanding objections to Policy 13 that will need to be considered through the Local Plan examination process, this policy can be afforded only limited weight.
- 4.4.2 'Policy 13: Proposals for Main Town Centre uses in Edge of Centre and Out of Centre Locations' states that planning permission will be granted for retail, leisure, office or food and drink uses provided that it does not result in a unit of 500 square metres gross floorspace or more; and is in an area of deficiency and meets local needs, and would not result in a significant adverse impact on the vitality and viability of any nearby centre.

5 Consultations

- 5.1 Nottinghamshire County Council as Highways Authority have no concerns as there are pull in bays and road markings protecting driveways. As such the change of use from a retail shop would still attract customers in the same way as a café/bakery.
- 5.2 The Environmental Health Technical Officer advises that suitable ventilation and filtration equipment must be installed, operated and maintained for the life of the development. No details have been submitted as part of the application so these will be secured by condition.
- 5.3 Councillor Carr comments that the shop opened before permission was granted and it is causing severe parking problems.
- 5.4 To publicise the application, eight properties were consulted, and a site notice was posted outside the property. Three representations have been received, two

in support of the proposal and one objection. The concerns raised are: density of A5 uses in the neighbourhood too high; takeaways open until late resulting in anti-social behaviour; litter being dropped by customers.

6 Appraisal

- 6.1 The main issues to consider with this application are whether the use (Class A3) is acceptable in this location, including any impact on nearby occupants, and its impact on the vitality and viability of any nearby centre.
- 6.2 The parade of shops is not classed as a local shopping centre or centre of neighbourhood importance however it does nevertheless provide local shopping facilities for the immediate area around Central Avenue. The nearest larger shopping area is Beeston Town Centre, which is approximately 0.5 mile away.
- 6.3 As outlined in the planning history section above, the property has mainly been in A1 retail use however it is understood that it has been operated as an A3 use for a temporary period at some point between 2013 and 2014.
- 6.4 The aim of the Local Plan retail policies is to ensure that development outside of defined town centres and local shopping areas does not have a detrimental impact on the vitality and viability of the town or local shopping centre.
- 6.5 It is considered that as the unit is relatively small, at less than 60 square metres gross floorspace, and retains an element of retail, it would not have a detrimental impact on the vitality and viability of any nearby centre, and would also meet a local need by the provision of a bakery and café, which is lacking in the immediate area, where nearby residents have an opportunity to meet.
- 6.6 In regard to residential amenity, subject to details of suitable ventilation and filtration equipment being agreed, and subject to a condition restricting hours of opening, it is considered that the use would not have an unacceptable impact on the amenities of the occupiers of the adjoining flats above the shops, or upon the occupiers of properties opposite or to the rear.
- 6.7 Concerns have been raised in regard to an increase in traffic and parking problems generated by the development. It is noted that the unit is within an established parade of shops and as such it is acknowledged that these units would generate some traffic visiting the shops. There are parking laybys provided for the use of customers visiting the shops. Nottinghamshire County Council as Highways Authority raise no objection to the proposal. It is considered that the use would not have a significant impact on highway safety due to its location within an established shopping parade.
- 6.8 It is considered that the proposal accords with Policy 13 of the Draft Part 2 Local Plan, Policies S6 and S7 of the Broxtowe Local Plan and Policy 6 of the Broxtowe Aligned Core Strategy in that it would not have a detrimental impact on the vitality and viability of Beeston Town Centre or other nearby shopping centres and would provide a facility to the benefit of the local residents.

7 Conclusion

- 7.1 It is considered that the proposal accords with Broxtowe Local Plan Policies S6 and S7, with Policy 6 of the Broxtowe Aligned Core Strategy, with Policy 13 of the Draft Part 2 Local Plan and with the National Planning Policy Framework.

Recommendation

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

1. The development hereby permitted shall be retained in accordance with the Site Location Plan received by the Local Planning Authority on 25 October 2018 and proposed floor plan received by the Local Planning Authority on 30 October 2018.
2. Within one month of the date of this decision, details of ventilation and filtration equipment shall have been submitted to the Local Planning Authority. Once approved in writing by the Local Planning Authority, the equipment shall be installed and in full working order within three months of the date of approval and shall be effectively operated and maintained in accordance with the manufacturer's instructions for the life of the development.
3. The use hereby permitted shall not be open to customers outside the hours of 8am to 10pm Monday to Saturday, and 10am to 10pm on Sundays, Bank or other Public Holidays.

Reasons:

1. For the avoidance of doubt.
2. No such details were submitted and in accordance with the aims of Policy S7 of the Broxtowe Local Plan (2004).
3. In the interests of the amenities of nearby residents and in accordance with the aims of Policy S7 of the Broxtowe Local Plan (2004).

Notes to Applicant:

1. The Council has acted positively and proactively in the determination of this application by communicating with the applicant throughout the course of the application.
2. The proposed development lies within an area that has been defined by the Coal Authority as containing potential hazards arising from former coal mining activity. For further information please see: <https://www.broxtowe.gov.uk/for-you/planning/development-in-former-coal-mining-areas/>

- 3. The A3 premises may require registration under the Food Safety Legislation and will need to comply with the standards contained in the relevant Food Hygiene Regulations and toilet provision. The applicant is advised to contact Environmental Health within Public Protection, Council Offices, Foster Avenue, Beeston, Nottingham NG9 1AB (Tel: 0115 917 7777) for further information.**

Background papers
Application case file

