

PLANNING APPLICATION OFFICERS REPORT



Application Number	20/00392/FUL	Item	02
Date Valid	10.03.2020	Ward	PLYMPTON ERLE
Site Address	66 Ridgeway Plymouth PL7 2AL		
Proposal	Change of use and division of bank (Class A2) to restaurant with kitchen extractor at the rear (Class A3) and barbershop/hair salon (Class A1) inc. new shopfront		
Applicant	Mr Ibrahim Peik		
Application Type	Full Application		
Target Date	05.05.2020	Committee Date	23.07.2020
Extended Target Date	31.07.2020		
Decision Category	Councillor Referral		
Case Officer	Mr Peter Lambert		
Recommendation	Grant Conditionally		



This planning application has been referred to Planning Committee by Cllr Beer

1. Description of Site

66 Ridgeway is a two storey A2 unit on the primary frontage of the Primary shopping area of the Plympton Ridgeway District Centre. The building was a former HSBC Bank.

2. Proposal Description

Change of use and division of bank (Class A2) to restaurant with kitchen extractor at the rear (Class A3) and barbershop/hair salon (Class A1) inc. new shopfront.

The original proposal included a hot food takeaway (Class A5) use also. The A5 use was within 400m of a secondary school, contrary to policy DEV6 of the Joint Local Plan. The A5 use was therefore negotiated out of the proposal.

The first floor of 66 Ridgeway will be a staff room and store for the pizza shop.

3. Pre-application Enquiry

None

4. Relevant Planning History

17/01063/FUL - Change of use from Use Class A2 (bank) to a mixed use Use Class A1/A3 (coffee shop) - Grant Conditionally

17/00962/FUL - Rear extension and associated works - Grant Conditionally

17/00895/FUL - Shopfront alterations, no.2 air conditioning units and outdoor rear seating area - Grant Conditionally

5. Consultation Responses

Highways Authority, received: 12.03.2020

No objections

Police Liaison Officer, received: 17.03.2020

No objections

Public Protection Service, received: 16.04.2020 and 17.06.2020

The Public Protection Service originally recommended refusal until such time noise risk assessment can be provided. A noise assessment was provided by the applicant at the time of reducing the proposal from A1, A3 and A5 to A1 and A3 use classes only. The Public Protection Service are satisfied that the proposed mechanical extraction system is not likely to cause undue disturbance, subject to conditions including installation of equipment as stipulated in the submitted documents and operating hour restrictions.

Public Health

Consulted: 11.03.2020. No response received.

6. Representations

14 Letters of representation were received. Thirteen objecting, one in support. The Plympton St Mary Neighbourhood Forum have objected to the proposal. Their concerns have been included as a Letter of Representation in this instance as the site falls outside of the Plympton St Mary Neighbourhood Plan, albeit sharing the Ridgeway District Centre.

6.1 Objections

Key objections include:

- Cumulative impact of numerous similar food and hair salon units;
- Lack of diversity of offering to boost economy;
- Noise, smell and other pollution;
- Aesthetic of the building requires a higher quality use.

6.2 Support

One letter of support was received, supporting the proposal for the reason that it brings an old, empty building back into use.

7. Relevant Policy Framework

Section 70 of the 1990 Town and Country Planning Act requires that regard be had to the development plan, any local finance and any other material considerations. Section 38(6) of the 2004

Planning and Compensation Act requires that applications are to be determined in accordance with the development plan unless material considerations indicate otherwise. For the purposes of decision making, as of March 26th 2019, the Plymouth & South West Devon Joint Local Plan 2014 - 2034 is now part of the development plan for Plymouth City Council, South Hams District Council and West Devon Borough Council (other than parts South Hams and West Devon within Dartmoor National Park).

On 26 March 2019 of the Plymouth & South West Devon Joint Local Plan was adopted by all three of the component authorities. Following adoption, the three authorities jointly notified the Ministry of Housing, Communities and Local Government of their choice to monitor at the whole plan level. This is for the purposes of the Housing Delivery Test and the 5 Year Housing Land Supply assessment. A letter from MHCLG to the Authorities was received on 13 May 2019. This confirmed the Plymouth, South Hams and West Devon's revised joint Housing Delivery Test Measurement as 163% and that the consequences are "None". It confirmed that the revised HDT measurement will take effect upon receipt of the letter, as will any consequences that will apply as a result of the measurement. It also confirmed that that the letter supersedes the HDT measurements for each of the 3 local authority areas (Plymouth City, South Hams District and West Devon Borough) which Government published on 19 February 2019.

Therefore a 5% buffer is applied for the purposes of calculating a 5 year land supply at a whole plan level. When applying the 5% buffer, the combined authorities can demonstrate a 5-year land supply of 6.4 years at end March 2019 (the 2019 Monitoring Point). This is set out in the Plymouth, South Hams & West Devon Local Planning Authorities' Housing Position Statement 2019 (published 26 July 2019). The methodology and five year land supply calculations in the Housing Position Statement are based on the relevant changes in the revised National Planning Policy Framework published 19 February 2019 and updates to National Planning Practice Guidance published by the Government in September 2018, subsequently amended by NPPG Housing Supply and Delivery published 22 July 2019.

Other material considerations include the policies of the National Planning Policy Framework (NPPF), Planning Practice Guidance (PPG) and National Design Guidance. Additionally, the following planning documents are also material considerations in the determination of the application:

- Section 3, 4 and 8 of the Council's retained Development Guidelines Supplementary Planning Document First Review (2013) (now superseded by the Plymouth and South West Devon Supplementary Planning Document

- The Plymouth and South West Devon Supplementary Planning Document (2020)

- Review of City, District and Local Centres in Plymouth for the Joint Local Plan March 2017

8. Analysis

1. This application has been considered in the context of the development plan, the Framework and other material policy documents as set out in Section 7. The application turns upon policies SPT6 (Spatial provision of retail and main town centre uses); DEV1 (Protecting Health and Amenity); DEV2 (Air, water, soil, noise, land and light); DEV6 (Hot food takeaways); DEV16 (Providing retail and town centre uses in appropriate locations); DEV18 (Protecting local shops and services); DEV20 (Place shaping and the quality of the built environment) and DEV29 (Specific provisions relating to transport) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

2. Officers have considered whether the proposal is acceptable in terms of:

- (i) change of use from Class A2 to Class A1;
- (ii) change of use from Class A2 to A3.
- (iii) sub-division and external alterations to the building;

8.1 Class A2 to Class A1 (Barbers shop)

3. Point 2 of policy DEVI8 of the Joint Local Plan states development within centres should create an attractive street frontage and not cause unacceptable fragmentation or isolation of retail premises or a frontage. Point 3(i) of Policy DEVI8 states the Local Planning Authority will support proposals which preserve the retailing role within primary frontages with complementary supporting A2 and A3 uses. Point 3(ii) of Policy DEVI8 states the Local Planning Authority will support proposals which provide a mix of principally A1, A2 and A3 uses, with other leisure and town centre uses within secondary frontages, subject to the overall shopping character of the centre being maintained and the use adding to the vitality of the area. The Review of City, District and Local Centres in Plymouth for the Joint Local Plan March 2017 states Primary Frontages will be drawn around A1 uses which provide the focus and greatest footfall for the centre.

4. The Town and Country Planning (Use Classes) Order 1987 (as amended) defines Use Class A1 to be shops, sub-categorising shop types into but not limited to, shops for the retail sale of goods other than hot food; and shops for hairdressing. As both retail and hairdressing units fall within the same A1 Use Class, the uses can be changed without the need for planning permission.

5. Officers acknowledge that letters of representation express concerns of a saturation of restaurants and hairdressers along Ridgeway which, in the view of objectors, is steadily causing a fragmentation of retail premises along the district centre and contributing to a declining retail focus, contrary to points 2, 3(i) and 3(ii) of policy DEVI8.

6. However, Officers consider that the proposal offers an opportunity to bring a long vacant site back into use, increasing footfall and bringing vitality to a part of a district centre which, due to the long term vacancy of the site, will not risk detracting from the shopping character of the area. The Review of City, District and Local Centres in Plymouth for the Joint Local Plan (March 2017) advocates A1 uses more generally on primary frontages, providing support for the A1 use class barber shop at 66 Ridgeway. When combined with the fact that both retail shops and barber shops fall under Use Class A1, Officers consider that the proposal for an A1 use is compliant with points 3(i) and 3(ii) and, by virtue of bringing activity to a vacant building which for 4 years has fragmented the street, point 2 of policy DEVI8.

8.2 Class A2 to Class A3

7. Plympton Ridgeway is designated as a District Centre in figure 3.7 of the Joint Local Plan. Policy SPT6 of the Joint Local Plan states the provision of main town centre uses, (as per the definition of main town centre uses in annex 2 of the NPPF), will be positively planned for, with such uses as restaurants located in designated centres. Paragraphs 3.48 and 3.49 of the Joint Local Plan states that the Local Planning Authority will take a centres-first approach to retail and other town centre uses and use the policy to underpin the viability and vitality of centres. Policy DEVI6 requires sequential testing to prioritise main town centre uses into designated town centres.

8. The proposal is located on a primary frontage within a designated town centre therefore the A3 use does not require a sequential test under policy DEVI6 and the A3 use is supported under policy SPT6 and paragraph 3.48 and 3.49 of the Joint Local Plan.

9. Policy DEVI8 states that development should maintain the vitality and viability of town centres. A3 uses are both considered to act as complementary supporting uses to A1 uses within primary frontages in designated centres, subject to the overall shopping character of the centre being

maintained and the use adding to the vitality of the area. Plympton Ridgeway has several A1 units in close proximity to the site and the proposal seeks to contribute an additional A1 use (the barbers) next door. Officers therefore consider that the A3 use is supporting A1 uses in the area and is compliant with policy DEV18.

10. In regards to concerns raised in letters of representation regarding the cumulative impact of A3 uses along Plympton Ridgeway, policy DEV18 only seeks to control the cumulative impact of A4 and A5 use classes due to the heightened risk they pose to disturbances above and beyond A1, A2 and A3 uses. Therefore, Officers do not consider there to be a harmful cumulative impact from the A3 use.

11. Regarding concerns of an overly saturated restaurant market along Ridgeway, Officers re-state the case that the site is currently vacant and is understood to have been vacant for approximately 4 years. As such, a use that is compatible with district centres is considered an improvement and supported by policy DEV18.

12. The change of use from A2 to A3 introduces the requirement for kitchen extraction equipment that may emit potentially harmful noise and odours from the building, potentially affecting the residential units in the area, contrary to policy DEV1 and DEV2 of the Joint Local Plan which seek to protect the health and well-being of residents and general amenity of the area, including from noise, odours and other pollutants. A noise impact assessment has been submitted and, subject to a condition requiring the installation of the equipment specified, the Council's Public Protection Service are content that the equipment will not cause undue disturbance, compliant with policy DEV1 and DEV2 of the Joint Local Plan.

13. At the point of initial consultation, the Public Protection Service raised concerns that the rear area of the restaurant could be used for outside service or as a smoking area, having a detrimental impact on residential accommodation to the rear, contrary to policies DEV1 and DEV2 of the Joint Local Plan. Officers consider that the level of residential amenity in close proximity to a District Centre may be less than other areas. However, Officers have applied a condition to restrict both operational hours and use of the rear area to ensure compliance with policies DEV1 and DEV2 of the Joint Local Plan.

8.3 Character and appearance of the Area

14. The building will be sub-divided into two units. The window and former ATM slot to the left of the front door is proposed to be replaced with new vertical floor to ceiling windows serving the pizza shop. A new entrance door matching the new windows will replace the existing entrance door. To the right of the main door is currently a blocked up window. The blocked up window will be replaced with a new entrance door and narrow window serving the proposed barber shop. Officers consider that the alterations will enliven the street, promote natural surveillance and contribute to an active ground floor frontage, in accordance with paragraphs 4.2.23-4.2.34 and paragraphs 15.15 and 15.16 of the Development Guidelines 2013 and 2020 respectively. The increase from one to two entrances, and internal sub-division, increases the number of primary frontage units, potentially increasing footfall in the area. The proposal is therefore considered acceptable under policy DEV20 (Place shaping and the quality of the built environment) and policy DEV18 (Protecting local shops and services).

15. To the rear, a ground floor window is proposed to be replaced with a door providing access to the rear of the barbers shop. A proposed Kitchen Extractor System is proposed on the west facing elevation of the rear extension of the building. The extractor system is set amongst two larger units projecting to the south from the neighbouring units. As such, officers consider that the extractor system has negligible impact on the street scene and is therefore acceptable in terms of policy DEV20.

8.5 Transport

16. Plympton Ridgeway provides parking provision in close proximity to the site. As such, officers consider there are no transport impacts resultant from the change of use and the proposal is considered acceptable under policy DEV29 of the Joint Local Plan.

9. Human Rights

Human Rights Act - The development has been assessed against the provisions of the Human Rights Act, and in particular Article 1 of the First Protocol and Article 8 of the Act itself. This Act gives further effect to the rights included in the European Convention on Human Rights. In arriving at this recommendation, due regard has been given to the applicant's reasonable development rights and expectations which have been balanced and weighed against the wider community interests, as expressed through third party interests / the Development Plan and Central Government Guidance.

10. Local Finance Considerations

There are no local finance considerations applicable to the proposal.

11. Planning Obligations

The purpose of planning obligations is to mitigate or compensate for adverse impacts of a development, or to prescribe or secure something that is needed to make the development acceptable in planning terms. Planning obligations can only lawfully constitute a reason for granting planning permission where the three statutory tests of Regulation 122 of the CIL Regulations 2010 are met.

Planning obligations not required due to the nature and size of proposal.

12. Equalities and Diversities

This planning application has had due regard to Section 149 of the Equality Act with regard to the Public Sector Equality Duty and has concluded that the application does not cause discrimination on the grounds of gender, race and disability. The restaurant has level access and provides a ground floor disabled friendly water closet, ensuring accessibility for all sections of the community.

13. Conclusions and Reasons for Decision

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal accords with policy and national guidance. The proposed A1 and A3 uses are suitable for a district centre, compliant with policies SPT6 (Spatial provision of retail and main town centre uses) and DEV16 (Providing retail and town centre uses in appropriate locations) of the Joint Local Plan. The proposed change of use of a vacant A2 building into a restaurant and barbers shop on a primary shopping frontage of a district centre is deemed to be an improvement that will contribute to the vitality of the area, compliant with policies DEV18 (Protecting local shops and services) and DEV20 (Place shaping and the quality of the built environment). The location, and with conditions restricting, operational hours, use of the rear area, and installation of specific extraction equipment, the proposal is compliant with policies DEV1 (Protecting health and amenity); DEV2 (Air, water soil, noise, land and light); and DEV29 (Specific provisions relating to transport). In conclusion, the proposal is deemed compliant with the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019. The proposal is therefore recommended for conditional approval.

14. Recommendation

In respect of the application dated 10.03.2020 it is recommended to Grant Conditionally.

15. Conditions / Reasons

The development hereby permitted shall be carried out in accordance with the following approved plans:

1 CONDITION: APPROVED PLANS

Location Plan and Block Plan 95 -05/MT - received 10/03/20
Proposed Ground Floor Plan 95 -02/MT - received 10/03/20
Proposed Elevations 95 -03/MT - received 10/03/20
Proposed Section 95 -04/MT - received 10/03/20

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with the Plymouth & South West Devon Joint Local Plan 2014–2034 (2019).

2 CONDITION: COMMENCE WITHIN 3 YEARS

The development hereby permitted shall be begun before the expiration of three years beginning from the date of this permission.

Reason:

To comply with Section 51 of the Planning & Compulsory Purchase Act 2004.

3 CONDITION: KITCHEN EXTRACTION VENTILATION SYSTEMS INSTALLATION

PRE-FIRST USE

The approved mechanical extraction system shall be installed as stipulated in the Submitted noise assessment document (entitled: 66 Ridgeway, BS4142:2014+A1:2019 Assessment for Planning Application, dated 4th June 2020) and the approved drawings reference 95 -02/MT, 95 -03/MT, 95 -04/MT and 95 -05/MT. No alternative kitchen extraction system shall be installed without the prior permission of the Local Planning Authority.

Reason:

To protect the residential and general amenity of the area from odour and noise emanating from the operation of the mechanical extraction ventilation system and avoid conflict with Policies DEV1 and DEV2 of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and section 12 (Achieving well-designed places) of the National Planning Policy Framework 2019.

4 CONDITION: HOURS OF USE

Hours both the A3 and A1 premises are open to the public will be restricted to the following times;
- Monday to Sunday (including bank holidays): 10:00hrs - 23:00hrs

Goods deliveries and refuse collections for both the A3 and A1 premises are restricted to the following times:

- Monday to Saturday: 08:00hrs - 18:00hrs
- Sundays and Bank Holidays: No deliveries or refuse collection

Reason:

To protect the residential and general amenity of the area from disturbance from noise emanating from the general operation of the establishment and from patrons arriving and leaving and avoid

conflict with Policy DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

5 CONDITION: REAR AREA

The outside area to the rear of 66 Ridgeway shall at no time be used by patrons of the proposed uses hereby approved.

Reason:

To protect the residential and general amenity of the area from disturbance from noise emanating and from the establishment and avoid conflict with Policy DEVI (Protecting health and amenity) and DEV2 (Air, water, soil, noise, land and light) of the Plymouth and South West Devon Joint Local Plan 2014-2034 (2019) and the National Planning Policy Framework 2019.

INFORMATIVES

1 INFORMATIVE: (£0 CIL LIABILITY) DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

The Local Planning Authority has assessed that this development, although not exempt from liability under the Community Infrastructure Levy Regulations 2010 (as amended), will not attract a levy payment, due to its size or nature, under our current charging schedule. The Levy is subject to change and you should check the current rates at the time planning permission first permits development (if applicable) see www.plymouth.gov.uk/cil for guidance.

Further information on CIL can be found on our website here:

<https://www.plymouth.gov.uk/planninganddevelopment/planningapplications/communityinfrastructurelevy>

More information and CIL Forms can be accessed via the Planning Portal:

https://www.planningportal.co.uk/info/200126/applications/70/community_infrastructure_levy/5

More detailed information on CIL including process flow charts, published by the Ministry of Housing, Local Communities and Government can also be found here:

<https://www.gov.uk/guidance/community-infrastructure-levy>

2 INFORMATIVE: CONDITIONAL APPROVAL (NEGOTIATION)

In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and the National Planning Policy Framework 2019, the Council has worked in a positive and pro-active way with the Applicant and has negotiated amendments to the application to enable the grant of planning permission.

3 INFORMATIVE: SUPPORTING DOCUMENTS

The following supporting documents have been considered in relation to this application:

- 500 Silencer Details, received 10.03.2020
- Carbon Filter Details, received 10.03.2020
- Fan Details, received 10.03.2020
- Email re: Opening Hours, dated 13.07.2020