

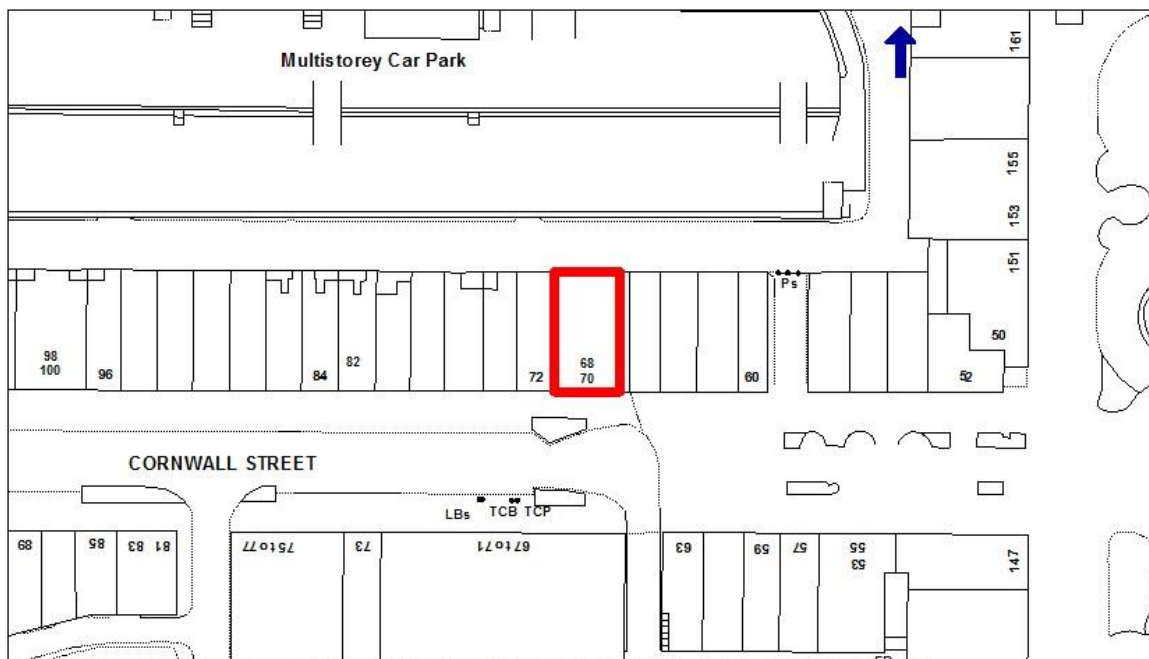
PLANNING APPLICATION REPORT



Application Number	15/01184/FUL	Item	04
Date Valid	30/06/2015	Ward	St Peter & The Waterfront

Site Address	68-70 CORNWALL STREET CITY CENTRE PLYMOUTH		
Proposal	Change of use from shop (A1) to amusement centre (sui generis)		
Applicant	Winners		
Application Type	Full Application		
Target Date	25/08/2015	Committee Date	
Decision Category	Assistant Director for Strategic Planning and Infrastructure Referral		
Case Officer	Aidan Murray		
Recommendation	Grant Conditionally		

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This planning application has been referred to Planning Committee by the Assistant Director for Strategic Planning and Infrastructure for the following reasons:

- There are finely balanced policy issues

1. Description of site

68 -70 Cornwall Street is a retail unit located within the City Centre. The unit has been vacant since May 2014 when the previous occupier sought new premises located within Drake Circus.

2. Proposal description

The proposal is a change of use from Retail (A1) to Sui Generis (Amusement Centre)

3. Pre-application enquiry

15/00874/MIN – Officers felt that the use of a vacant building would be an improvement to the area of the City Centre and help to create a diverse mixed use centre. The pre-application advice was sought by the applicant without receiving information from the main consultees of the City Centre Manager and Economic Development Department due to the urgency that the applicant wished to pursue an application.

4. Relevant planning history

98/01214/FUL - 68-70 CORNWALL STREET - Conversion and alterations to two Class A1 shop units to form one, including alterations to shop fronts – Granted conditionally.

5. Consultation responses

Economic Development Department – Objection. Cornwall Street has been identified as forming part of the 'Core Retail Area'. The development of this area as a key shopping centre is seen as an integral to the regeneration of the City Centre. Allowing the loss of a Prime Retail Unit on this street would not support this plan and could encourage further loss of shop frontage in a prominent area.

Reference also made to Policy 45 of the Emerging Plymouth Plan which seeks to strengthen role of the West End as an Independent Quarter provision of amusement centre does not align with this policy.

Local Economic Strategy Review outlines need to support innovation and knowledge based growth if it is to reach long term growth ambition. Would prefer space to be used to support the growth ambition

City Centre Company – Concern raised that the proposed use would not add vibrancy and could have detrimental impact on surrounding enterprises.

Cornwall Street has been identified as forming part of the Core Retail District for the City and is important to ensure prime retail units are not lost to businesses which may detract from the areas identified as a shopping destination

Reference also made to Policy 45 of the Emerging Plymouth Plan which seeks to strengthen role of the West End as an Independent Quarter provision of amusement centre does not align with this policy.

Public Protection – No Objection

Police Architectural Liaison Officer – From a designing out crime perspective the Police are not opposed to the granting of Permission for this proposal.

6. Representations

I Letter of Representation was received objection to this application stating concerns over the increase of viability this will bring to the City Centre. Objector states that those who are addicted to gambling should not be the ones encouraged to spend.

Concerns over opening hours.

Amusement arcades can be addictive and cause unknown problems

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.

The development plan comprises of the Local Development Framework Core Strategy (Adopted April 2007) and the *City Centre & University Area Action Plan*

The development plan is currently being reviewed as part of the Plymouth Plan. The Plymouth Plan-Part One: Consultation Draft (January 2015) has been subject to a consultation process and representations received are currently being reviewed. As such it is a material consideration for the purposes of planning decisions.

The policies contained in National Planning Policy Framework (the Framework) and guidance in National Planning Practice Guidance (NPPG) are also material considerations which should be taken into account in the determination of planning applications. Due weight should be given to relevant policies in existing and emerging plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).

The Framework provides that the weight to be given to an emerging draft plan is also to be determined according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given). The Plymouth Plan is at an early stage of preparation.
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given).

At the heart of the Framework is a presumption in favour of sustainable development. In the context of planning applications, this means approving development proposals that accord with the development plan without delay but where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless:

- Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits;
or

- Specific policies in the Framework indicate development should be restricted.

Additionally, the following planning documents are also material considerations in the determination of the application:

- *Sustainable Design Supplementary Planning Document*
- *Development Guidelines Supplementary Planning Document*

8. Analysis

1. This application has been considered in the context of the Council's adopted planning policy in the form of the Local Development Framework-Core Strategy 2007 and is considered to be compliant with National Planning Policy Framework guidance as well as the emerging Plymouth Plan. The application is also considered in context of the City Centre Area Action Plan.
2. The main considerations in assessing this application are the impacts on the City Centre, retail development considerations, Cultural/Leisure Development Considerations and the Change of Use in the City Centre. The most relevant Policies relating to this application are CS06, CS08, CS10, as well as Policies 15 and 45 of the Emerging Plymouth Plan.
3. 68-70 Cornwall Street is a retail unit which has been vacant since May 2014 when the previous occupier Ann Summers moved from this location to a more prominent City Centre location within Drakes Circus.
4. CS10 Paragraph 7.41 of the Core Strategy states that the diversity of uses in the City Centre is vital to maintaining and enhancing the vitality and viability of the centre. The incorporation of leisure, cultural activities will help build on the appeal of the City Centre. Policy CC11 of the City Centre AAP states that Cornwall Street is identified for a strategic retail led development, to spearhead the renewal of the City Centre and create a modern, showpiece shopping area with a new anchor store, new units meeting the needs of retailers and a mix of uses broadening the city's appeal. Officers feel that the proposed change of use would be compatible with diversifying the range of mixed uses within the Core Area. Policy CC11 also states that Cornwall Street is the key strategic opportunity for a major retail led mixed use redevelopment in Plymouth City Centre. It represents an opportunity to create an exciting, vibrant new attraction for the City Centre, and to produce a modern landmark retail street which will complement the historic parts of the City Centre and create the diversity and variety of different areas as set out in the City Centre AAP vision.
5. Policy CS10 states that the change of use from A1 retail premises within the Core City Centre will be permitted where the proposal would not harm the vitality and viability of the Centre as a whole. As 68-70 Cornwall Street is considered to fall under the addresses of properties within the 'Primary Frontages' the loss of an A1 use needs to be considered very carefully.
6. Having undertaken a street survey of Cornwall Street (to the Market Way Junction) officers found that 85% of the units were of A1 retail use, with the other 15% being made up of other use classes (A2 & A3). Officers are therefore of the opinion that the proposed change would not detrimentally impact Cornwall Street. The unit does not have a particularly prominent location in the context of the wider City Centre precinct and there will be regeneration benefits in the occupation of a currently vacant shopfront unit.

7. Of the 15% of units within Cornwall Street which do not fall under A1 Retail, 2 units fall under the Use Class A2. These being The Money Shop and Corals Betting Shop. Policy 15 of the Emerging Plymouth Plan states the LPA will use its planning powers to control the number of betting shops, fixed odds betting terminals and pay day lenders in the City. However amusement arcades are not included within this policy. One similar amusement arcade is located in the City Centre on Market Street.
8. Policy CS06 states that new developments should make a positive contribution to improving the centres viability and vitality, they should seek to support the creation of a comfortable, safe, attractive and accessible shopping environment and improve the overall mix of land uses in the centre and its connectivity to adjoining areas. Officers feel that, whilst it is arguable, based on responses received, whether the use will make a positive contribution to the City Centre, it would assist with improving the viability and vitality of the City Centre as a whole. The Police Architectural Liaison Officer has not raised any safety issues with regard to the use.
9. A condition will be attached to any granting of permission to ensure that the design of the frontage of the unit is agreed with the Local Planning Authority and therefore that an appropriate frontage is secured that does not impact detrimentally on the street scene. In addition the applicant will be required to submit a separate application for advertisement consent.
10. Strategic Objective 5 of the City Centre Area Action Plan relates to the Core Retail Area that includes Cornwall Street. The objective relates to reinforcing the area's character as the place where most of the national retailers can be found with the 'big city' shopping atmosphere while also encouraging a greater diversity of uses. On balance officers feel that this change of use meets this objective through the occupation of a vacant unit and diversifying the uses in this part of the City Centre.
11. Policy 45 of the Emerging Plymouth Plan and Chapter 7 of the City Centre AAP seeks to strengthen the role of the West End as an Independent Quarter anchored by the City Market. The policy also seeks to deliver a vibrant destination with leisure, culture and food and drink uses diversifying the centre. The City Centre Company is clear in its comments that the proposal would not add to the vibrancy of this area and could impact on the surrounding enterprises. This consultation response is an important one for Members to consider and should be given weight as a planning consideration. Officers would certainly agree that a proliferation of amusement arcade uses in this area would be detrimental however a single use of this nature would, in view of officers, not significantly harm the West End's ability to thrive as an Independent Quarter
12. CS05 of the Core Strategy states that development of sites with existing employment uses for alternative purposes will be permitted where there are clear environmental, regeneration and sustainable community benefits from the proposal. The Core Strategy states that it is important that all neighbourhoods within the City have access to a range of employment opportunities as part of the Council's vision for a city of sustainable linked communities. Officers feel that the proposed change would equal the employment numbers if this use was to remain as A1 and is therefore deemed acceptable.
13. Members need to be aware of existing appeal cases with regard to adult gaming centres. Whilst local planning authorities can of course consider such applications in the context of local and national planning policies and guidance, inspectors have made it clear that such applications should not be resisted on the basis of anecdotal evidence of threat of safety and

security issues or the perception of such uses as 'role models'. Furthermore inspectors have concluded that, in thriving shopping areas, where the majority of units are used as AI shops, adult gaming centres do complement rather than detract a shopping centre use.

14. Overall officers feel that the proposal would not be a detrimental addition to the Cornwall Street high street. This area of the City Centre has a high percentage of AI uses already in existence and so the loss of AI would not be detrimental. There is not an oversupply of this type of business or use class on Cornwall Street or the surrounding area, and so officers are of the opinion that this proposal would not impact the areas viability or vitality.

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

This application is not liable for CIL Payment

11. Planning Obligations

None

12. Equalities and Diversities

The site will be accessible and open to all people over the age of 18

13. Conclusions

Officers have taken account of the NPPF and S38(6) of the Planning and Compulsory Purchase Act 2004 and concluded that the proposal would help improve the viability and vitality of the Cornwall Street Shopping Centre. It is felt that the proposal would not create any detrimental harm on the area and would help to diversify the mixed uses of the City Centre. The proposal accords with policy and national guidance and specifically CS06, CS08, CS10, CS12 as well as Policies 15 and 45 of the Emerging Plymouth Plan and is therefore recommended for approval.

14. Recommendation

In respect of the application dated **30/06/2015** and the submitted drawings Existing Ground Floor Plan DWG No. 49:01:2015, Existing First Floor Plan DWG No.49:02:2015, Proposed Ground Floor Plan DWG 49:03:2015, Proposed First Floor Plan 49:04:2015, Existing and Proposed Elevations 49:05:2015,it is recommended to: **Grant Conditionally**

15. Conditions

CONDITION: DEVELOPMENT TO COMMENCE WITHIN 3 YEARS

(1) 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.

CONDITION: APPROVED PLANS

(2) The development hereby permitted shall be carried out in accordance with the following approved plans: Existing Ground Floor Plan DWG No. 49:01:2015, Existing First Floor Plan DWG No.49:02:2015, Proposed Ground Floor Plan DWG 49:03:2015, Proposed First Floor Plan 49:04:2015, Existing and Proposed Elevations 49:05:2015

Reason:

For the avoidance of doubt and in the interests of good planning, in accordance with policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraphs 61-66 of the National Planning Policy Framework 2012.

Pre-commencement Conditions

PRE COMMENCEMENT CONDITION: WINDOW DISPLAY

(3) The details of any ground floor window display relating to the use of the site provided shall be agreed in writing with the Local Planning Authority prior to commencement of development and maintained in line with these details at all times.

Reason:

To maintain the character and appearance of the existing shopping frontage. In accordance with Policy CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 61 of the National Planning Policy Framework 2012.

Justification for pre commencement: To ensure that officers are satisfied that the character and appearance of the Cornwall Street shopping frontage is not compromised by this development

Other Conditions

CONDITION: OPENING HOURS

(4) The use hereby permitted shall not be open to customers outside the following times: 0900 hours to 2200 hours Mondays to Sundays inclusive.

Reason:

To protect the residential and general amenity of the area from any harmfully polluting effects, including noise and disturbance likely to be caused by persons arriving at and leaving the premises,

and avoid conflict with Policies CS22 and CS34 of the Plymouth Local Development Framework Core Strategy (2006-2021) 2007, and paragraph 123 of the National Planning Policy Framework 2012.

Informatives

INFORMATIVE: DEVELOPMENT DOES NOT ATTRACT A COMMUNITY INFRASTRUCTURE LEVY CONTRIBUTION

(1) 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.

INFORMATIVE: CONDITIONAL APPROVAL

(2) In accordance with the requirements of Article 31 of the Town and Country Planning (Development Management Procedure) (England) Order 2010 and paragraphs 186 and 187 of the National Planning Policy Framework the Council has worked in a positive and pro-active way with the Applicant including pre-application discussions and has negotiated amendments to the application to enable the grant of planning permission.

INFORMATIVE: ADVERTISING

(3) This permission does not give or imply any consent for the advertising material shown on the approved plans. Such advertising is controlled under the Town and Country Planning (Control of Advertisements) Regulations 2007 and the applicants should obtain any necessary consent separately.