

Application Number: DM/2020/01872

Proposal: Change of use of retail shop A1 to A3 take-away (hot) food (resubmission of DM/2019/01648)

Address: Cobblers Pride, 9 Newport Road, Caldicot, NP26 4BG

Applicant: Mr Foysal Ahmed

Plans: All Existing Plans 20-100 - , All Proposed Plans 20-200 - , Location Plan 90-100

RECOMMENDATION: Approve

Case Officer: Ms Kate Young
Date Valid: 21.12.2020

This application is presented to Planning Committee as Caldicot Town Council have objected to the proposal

1.0 APPLICATION DETAILS

1.1 Site Description

Cobblers Pride is a modern retail unit located at No 9 Newport Road. It is located within the Primary Shopping Frontage of Caldicot as defined under Policy RET1 and in a Central Shopping Area defined under Policy RET2 of the LDP. It has a total floor area of 96 square metres and a shop frontage approximately 5 metres wide. The unit was used as a cobblers and key cutting shop for many years and was vacant for a time before becoming a vape shop. The shop is currently vacant again. There is rear access to the unit from the car park to the rear.

1.2 Proposal Description

The application seeks a change of use of the ground floor of no 9 Newport Road, from A1 Retail to A3, Hot Food of the Use Classes Order. It is proposed that the premises be used for a hot food takeaway that would be open between 12 noon and 23:30 on all days. It would employ 5 full time staff. The shop would have an internal re-fit. A kitchen and food preparation area would be provided towards the rear of the premises and there would be seating for approximately 8 customers to sit while waiting for their food. The first floor would be retained as ancillary storage area. Externally, it is proposed to retain the large glazed windows to the front of the application site. The door and window frames, and plinth will be repainted. New signage will also be installed which would be the subject of a separate application for advertisement consent. A new extraction flue will also be required, and this would be attached to the left-side of the rear elevation.

2.0 RELEVANT PLANNING HISTORY (if any)

Reference Number	Description	Decision	Decision Date
DM/2019/01648	Change of use of retail shop A1 to A3 take-away (hot) food.	Refused	28.11.2019

DC/2000/00526	Installation Of Satellite TV Dish, 1300mm Diameter to the rear of Class A2 Shop Unit.	Approved	13.07.2000
DC/2000/00202	Change of use to existing shop unit from Use Class A1 to Class A2	Approved	06.04.2000

3.0 LOCAL DEVELOPMENT PLAN POLICIES

Strategic Policies

S6 LDP Retail Hierarchy
 S8 LDP Enterprise and Economy
 S13 LDP Landscape, Green Infrastructure and the Natural Environment
 S17 LDP Place Making and Design
 S16 LDP Transport

Development Management Policies

RET1 LDP Primary Shopping Frontages
 RET2 LDP Central Shopping Areas
 EP1 LDP Amenity and Environmental Protection
 DES1 LDP General Design Considerations
 MV1 LDP Proposed Developments and Highway Considerations

Supplementary Planning Guidance

Primary Shopping Frontages Supplementary Planning Guidance April 2016:
<http://www.monmouthshire.gov.uk/app/uploads/2016/05/Primary-Shopping-Frontages-SPG-April-2016-with-footer.pdf>

4.0 NATIONAL PLANNING POLICY

Future Wales: the national plan 2040

As of 24th February 2021 *Future Wales – the national plan 2040* is the national development framework, setting the direction for development in Wales to 2040. It is a development plan with a strategy for addressing key national priorities through the planning system, including sustaining and developing a vibrant economy, achieving decarbonisation and climate-resilience, developing strong ecosystems and improving the health and well-being of our communities. *Future Wales – the national plan 2040* is the national development framework and it is the highest tier plan, setting the direction for development in Wales to 2040.

Planning Policy Wales (PPW) Edition 10

The primary objective of PPW is to ensure that the planning system contributes towards the delivery of sustainable development and improves the social, economic, environmental and cultural well-being as required by the Planning (Wales) Act 2015, the Well-being of Future Generations (Wales) Act 2015 and other key legislation. A well-functioning planning system is fundamental for sustainable development and achieving sustainable places.

The planning system should create sustainable places which are attractive, sociable, accessible, active, secure, welcoming, healthy and friendly. Development proposals should create the conditions to bring people together, making them want to live, work and play in areas with a sense of place and well being, creating prosperity for all.

5.0 REPRESENTATIONS

5.1 Consultation Replies

Caldicot Town Council - Refuse

Too many takeaways in the Town Centre

Caldicot Town Team - Support the proposal

There is a significant number of takeaways within Caldicot, 13 at the current count, as well as 4 pubs serving food and 2 cafes. This is approximately 1 per 684 based on population of 13,000.

The makeup of town centres and high streets across the country are changing however, and becoming far more service-based this benefits the local town centre in the view of enhanced footfall and a better atmosphere outside of the standard 9-5 retail operating times.

With new flats being converted in the town centre, we feel that this will add to the atmosphere and could help to potentially reduce some anti-social behaviour. Whilst Caldicot Town Team would of course like to see more retail units being taken up over food outlets, the market is not going in that direction and we feel that on reflection, an occupied premise is a much more appealing option than an empty one; regardless of its use class.

Highway Authority - No objection

The proposal is located in a well-established commercial pedestrianised area with adequate parking provision in close proximity

Environmental Health – response awaited.

5.2 Neighbour Notification

None Received

5.3 Local Member Representations

Councillor Alan Davies:

This application should be referred to Planning Committee in order that local members can contribute.

Please note all representations can be read in full on the Council's website:

<https://planningonline.monmouthshire.gov.uk/online-applications/?lang=EN>

6.0 **EVALUATION**

6.1 **Principle of Development**

One of the main objectives of PPW 10 is to sustain and enhance retail and commercial centre's vibrancy, viability and attractiveness (para 4.3.3).

This is echoed in *Future Wales: the national plan 2040* which adopts a 'Town Centre First' approach. It recognises that good planning can help us re-think the future of town centres, which are moving away from their traditional retail roles. The impact of Covid-19 on the retail sector is a further driver towards making our town centres multi-functional places. Town centres remain important focal points of communities and are increasingly becoming places to live, centres of community and cultural activity a focus for public services such as health and education, and the location of new co-working spaces. Therefore *Future Wales: the national plan 2040* clearly identifies that town centres are more than the extent of designated retail areas.

As this application relates to a property with a primary shopping frontage within a central shopping area, it falls to be considered under policies RET1 and RET2 of the LDP. Policy RET1 says that the ground floor of properties within the Primary Shopping Frontage shall be occupied by uses A1, A2 or A3 but changes from A1 to A3 will not be permitted if they would create or further extend a continuous frontage exceeding two or more non-A1 units or if they would result in the loss of an A1

retail unit in a prominent location or if it would lead to an over-concentration of uses that detracted from the established retail character.

Policy RET1 does make exceptions where it can be demonstrated that the proposed use would not harm the vitality of the street frontage and that the premises has been vacant for at least 2 years and that genuine attempts at marketing the existing use have been unsuccessful.

Policy RET2 refers to designated Central Shopping Areas seeking to protect the vitality and viability of town centres in line with the objectives of Policy RET1 stated above.

The Primary Shopping Frontages Supplementary Planning Guidance was adopted in April 2016 and states

"Maintaining and enhancing the vitality, attractiveness and viability of primary shopping frontages in Monmouthshire's main town centres of Abergavenny, Caldicot, Chepstow and Monmouth is a key objective of the Monmouthshire Local Development Plan (LDP) and reflects the aims of national planning policy on retail and town centres".

Policy RET1 - Primary Shopping Frontages - of the Monmouthshire LDP seeks to protect the predominant shopping role and character of the main towns by controlling the loss of retail uses in the primary shopping frontages. While national planning policy encourages diversity in town centres as a whole, the SPG highlights the importance of ensuring that ground floor use class changes to non-retail uses are not permitted where they create a predominance of such uses, unacceptably dilute the shopping street frontage or undermine the vitality, attractiveness and viability of a centre.

These principles are reflected in the LDP's retail planning policy framework and the SPG. The clustering of retail uses can significantly contribute to the vitality, attractiveness and viability of the town centres. Whilst it is recognised that other non-A1 uses, such as financial and professional services and restaurants and cafés can complement and contribute to the vitality of shopping centres, there is a need to ensure that they do not reach such a level that the main retail function of a centre, or a particular frontage, is diluted and/or the vitality, attractiveness and viability of a centre is undermined. It is essential, therefore, that the retail core of the County's main centres is protected and that developments which undermine this function are resisted.

6.2 Compliance with Policy RET1 of the LDP

Criterion (a) of Policy RET1, Primary Shopping frontages, advises that a change of use from an A1 to an A3 use will be permitted unless it creates or further extends a continuous frontage exceeding two or more non-A1 units. In this instance unit 9 is located between an A1 use at unit 7 and A3 uses at units 11, 13, and 15; a change of use to A3 for 9 Cobblers Pride would thus be contrary to criterion (a) of the policy as it would create a continuous frontage of four non-A1 uses.

Under criterion (b) of the policy a change of use will be permitted providing it does not result in the loss of an A1 retail unit in a prominent location, a corner unit or a unit with a long frontage. In this instance, 9 Cobblers Pride with a frontage of 5 metres is below the average for the centre and it is located in the centre of the frontage and is not particularly prominent. A change of use to A3 of 9 Cobblers Pride would thus not be considered contrary to criterion (b) of the policy.

Under criterion (c) of the policy such a change of use would be permitted unless it would create an over concentration of uses that detract from the retail character of the area. The Primary frontage Supplementary Planning Guidance assists with the interpretation of this. Percentage figures are provided for the maximum proportion of non-retail (A2/A3) uses the Council considers appropriate in each of the centres' Primary Shopping Frontages; for Caldicot this figure is given as 35%. This figure is already exceeded in Caldicot with the current percentage of non-A1 uses in the Primary Shopping Frontage standing at 44% at the time of the November 2018 survey.

If this proposal was to be granted planning permission then the percentage of non-A1 uses would increase to 46%, well above the identified threshold undermining the vitality and viability of the

centre. In this regard the proposed change of use is contrary to criteria c) of Policy RET1, although an exception to this may arise:

i) when it can be demonstrated that the proposed use would not harm the vitality of the street frontage.

In the supporting text to the policy it states that particular consideration will be given to assessing proposals for A3 uses within primary shopping frontages as whilst it is recognised that cafes and restaurants can complement retail uses, hot food take-away premises that are closed during the day make a limited contribution to the vitality of the centre. In this case it is proposed to provide a hot food takeaway, with premises opening times from 12 noon until 11:30pm every day of the week. With the premises being open during the day time this could contribute to increasing footfall in the town centre thereby boosting vitality and viability

OR

ii) when the premises have been vacant for at least 2 years and genuine attempts at marketing the existing use have been unsuccessful. In this case, 9 Cobblers Pride, Newport Road has been vacant since October 2018.

The nature of town centres is changing following the banking crisis and as a result of the Covid Pandemic. Caldicot Town Centre has been particularly badly affected and there are many vacant retail units within the Central Shopping Area. LDP policy does not really reflect the changing economic climate and planning officers consider that a more flexible approach should now be taken to help promote the vitality and viability of the town centre. The Council is trying to lead this approach introducing working from home stations and hubs within town centres. Given that the current application proposes longer opening hours with more emphasis on daytime activity, when compared to the 2019 application, on balance it is preferable to have a unit occupied and active for most of the day, rather than none of the day.

Whilst the lack of marketing evidence is not ideal it is not considered that it is necessary to provide additional evidence. Given the number of vacant units in the town centre, the change of use of this one will not prevent another A1 retailer from opening up in the town. It is considered, in these changing times the proposed change of use to A3 will help to improve the vitality and viability of the town centre. While not actually complying with elements of Policy RET1 of the LDP the proposal does accord with the objectives behind the policy and that is to protect the vitality and viability of the town centre by increasing footfall.

6.3 Sustainability

PPW and the LDP encourage sustainable development with less reliance on car borne journeys. This unit is located within the town centre within easy walking distance of many residential areas. Customers picking up a take away may also combine the trip with using other facilities within the town centre. No 9 Newport Road is considered a sustainable location for an A3 use and accords with one of the key objectives of PPW10, providing development in a sustainable location.

6.4 Good Design and Place Making

There will be no external alterations to the front elevation but the door and window frames will be repainted. The new signage will be the subject of a separate application for express consent to display advertisements. Subject to careful (and separate) assessment, these would lead to a visual improvement and will enhance the appearance of the town centre. A new flue will be installed at the back of the building, and this will be subject to Environmental Health Regulations. There are many similar flues attached to buildings in this area. The proposal accords with the objectives of Policy DES1 of the LDP.

6.5 Impact on Amenity

The property is surrounded by other commercial properties within the town centre. The first floor of this premises and the surrounding properties are used for ancillary storage and are not residential. The proposed change of use will not cause an unacceptable harm to local amenity, health or character of the area, and therefore accords with the objectives of Policy EP1 of the LDP.

6.6 Transport issues

6.6.1 Sustainable Transport Hierarchy

PPW10 refers to the Sustainable Transport Hierarchy where walking and cycling are the highest priority and public transport second with private motor vehicles being the least desirable. In this case the hot food establishment will be located within the town centre within easy walking distance to many residential areas. Also as it is a town centre location trips to the takeaway may be combined with trips to the town centre shops and facilities and this may help to reduce the number of car borne journeys. In this regard the siting of an A3 use in this location can be seen to conform to the Sustainable Transport Hierarchy.

6.6.2 Access / Highway Safety

This is a town centre location very close to public car parks; while there is no dedicated parking for the takeaway there is adequate parking in the vicinity. The Highway Authority has no objection to the proposal noting that, the proposal is located in a well-established commercial pedestrianised area with adequate parking provision in close proximity.

6.7 Response to the Representations of Third Parties and Town Council

The Town Council has recommended refusal of the application saying that there are too many takeaways in the town centre. It has been explained above that while officers would prefer to see retail units within the town centre the changing nature of town centres means there is now less demand for retail units with more people shopping on-line. This unit has been vacant for over two years as have many other retail units in the town centre. It is considered to be more beneficial to have a takeaway unit occupying the building for a reasonable proportion of the time than to have a long-standing vacant unit. The main difference between this proposal and the application that was refused in October 2019 is the proposed opening hours (that include lunchtime and beyond) and the fact that the unit has been vacant for over two years. The applicant in this case has said that the takeaway will be open from 12 noon when previously it was to be shut during the day and only open in the evenings.

6.8 Conclusion

While the proposal does not accord with elements of Policy RET1 of the LDP in so far as it does extend a continuous frontage of more than two non-A1 uses, the policy does allow for exceptions to be made where it can be demonstrated that the proposal will not harm the vitality of the street frontage. In this challenging economic climate there is a need to be flexible with town centre policies. In this case the A3 takeaway will occupy a retail unit that has been vacant for over two years. The proposed takeaway that is to be open during the day will generate footfall into the town centre and help to increase the vitality and viability of the town centre. The proposal is policy compliant in all other respects.

7.0 RECOMMENDATION: APPROVE

Conditions:

- 1 This development shall be begun within 5 years from the date of this permission.

REASON: To comply with Section 91 of the Town and Country Planning Act 1990.

- 2 The development shall be carried out in accordance with the list of approved plans set out in the table below.

REASON: To ensure the development is carried out in accordance with the approved drawings, for the avoidance of doubt.

3 The premises shall not be used for the approved purposes outside the following times 12 noon and 23:30 on any day.

REASON: In the interests of amenity and to ensure compliance with LDP Policy EP1.