

## Item No. 10

## SCHEDULE A

<b>APPLICATION NUMBER</b>	<b>CB/10/00476/FULL</b>
<b>LOCATION</b>	<b>25 High Street, Sandy</b>
<b>PROPOSAL</b>	<b>Full: Change of use from A1 (shops) to A2 (Financial and professional services)</b>
<b>PARISH</b>	<b>Sandy</b>
<b>WARD</b>	<b>Sandy</b>
<b>WARD COUNCILLORS</b>	<b>Cllr Aldis &amp; Cllr Blaine</b>
<b>CASE OFFICER</b>	<b>Kate Phillips</b>
<b>DATE REGISTERED</b>	<b>09 February 2010</b>
<b>EXPIRY DATE</b>	<b>06 April 2010</b>
<b>APPLICANT</b>	<b>Mrs G.L Skevington Roberts</b>
<b>AGENT</b>	
<b>RECOMMENDED DECISION</b>	<b>Full Application - Refused</b>
<b>REASON FOR COMMITTEE TO DETERMINE</b>	<b>Referred by Head of Development Management to allow the Committee to assess the economic issues and planning policy objections to the development.</b>

### Site Location:

The application site is 25 High Street in Sandy which is a retail premises with a residential flat above on the northern side of the High Street in Sandy. It is located within Sandy Conservation Area and has some parking to the rear for staff. It is also located within the town centre boundary as defined on the Local Development Framework Proposals Maps.

The surrounding area is commercial in character. Various shops line this part of the High Street which leads north-west towards Market Square, the centre of the town.

### The Application:

This application seeks permission to change the use of the premises from A1 (shop) to A2 (financial and professional services).

### RELEVANT POLICIES:

#### National Policies (PPG + PPS)

- PPS 1 Delivering Sustainable Development (2005)
- PPS 3 Housing (2006)
- PPS 4 Planning for Sustainable Economic Development (2009)
- PPS 5 Planning for the Historic Environment (2010)

#### Regional Spatial Strategy

- East of England Plan (May 2008)
- Milton Keynes and South Midlands Sub-Regional Strategy (March 2005)

# Central Bedfordshire Council's Core Strategy and Development Management Policies Development Plan Document

DM3 High quality development – including extensions  
CS15 + DM13 Heritage

## South Bedfordshire Local Plan Review Policies

Not applicable

## Supplementary Planning Guidance

Central Bedfordshire Council's Technical Guidance - Design Supplement 4: Residential Alterations and Extensions (2010)  
Central Bedfordshire Council's Technical Guidance - Design Supplement 5: The Historic Environment (2010)

## Planning History

MB/89/00645/FA FULL: CHANGE OF USE FIRST FLOOR FROM OFFICE TO RESIDENTIAL USE AS ONE FLAT - Granted

## Representations: (Parish & Neighbours)

Sandy TC

### Object

The premises should be kept as a retail unit, there are empty offices elsewhere that could be utilised instead.

## Consultations/Publicity responses

Site notice posted	15.2.10
Biggleswade Chronicle	19.2.10
Highways Team	No objection. There is adequate nearby parking available.
Public Protection	No objection.

## Determining Issues

The main considerations of the application are;

1. Policy and principle
2. The effect on the character and appearance of the conservation area
3. The impact on the residential amenity of neighbouring properties
4. Access and parking
5. Any other implications of the proposal

## Considerations

### 1. Policy and principle

Policy DM7 of the Core Strategy and Development Management Policies DPD states the following:

*"The Council will seek to retain existing retail uses within town centre boundaries. Permission will only be granted for changes of use away from retail (A1) to A2, A3, A4 and A5 at ground floor level if there is no realistic prospect of the property being utilised for retail purposes (evidence of marketing will be required) and the proposed use would enhance the vitality and viability of the town centre."*

No evidence to demonstrate that the property has been unsuccessfully marketed for A1 use has been submitted with the application and therefore, in theory, there is a prospect that the property could be utilised for retail purposes in the future. The principle of development is therefore contrary to the Council's policy.

Furthermore Sandy Town Council have objected to the proposal on the grounds that there are empty offices elsewhere that could be utilised instead of changing the use of this premises, which they believe should remain as a shop.

However, the prospective occupier of the building, who wishes to use it as an estate agents/ letting agency, has provided the following information in support of the application.

The prospective occupier notes that the following properties have all changed from A2 (financial and professional services) usage to A1 (shops) in the past:

- Scruples (the subject of this application) was Heard and Co Estate Agents
- Nail Express was Nationwide Building Society
- Wood Green Charity Shop was Country Properties Estate Agents
- Barberess was King and Ayres Estate Agents
- The Flower Shop was Peacocks Estate Agents
- JC Carpets was Satchells Estate Agents
- The Dentist on Market Square was Midland Bank, Fosters Estate Agents and Sandy Building Society

The prospective occupier has also listed 12 hairdressers/ beauty outlets in Sandy, which are A1 (shops) use.

The information submitted by the prospective occupier demonstrates the level of change of use to A1 (shops) and also the loss of A2 (financial and professional services) over recent years that has occurred within Sandy, and also how many A1 (shops) uses Sandy's town centre benefits from.

The prospective occupier has also highlighted the difficulties he has found in finding an empty premises where the owner will allow him to change the use to A2 (financial and professional services) from either A3 (restaurants and cafes), A4 (drinking establishments) or A5 (hot food takeaways) without planning permission, in accordance with The Town and Country Planning (General Permitted Development) Order 1995. This is due to the fact they would not be able to change back to the previous use without making a planning application to do so.

PPS4 'Planning for Sustainable Economic Growth', which was published last

year, notes that the Government's overarching objective is sustainable economic growth. This will be partly achieved through promoting the vitality and viability of town centres and in respect to this the document refers to the need for competition between retailers and enhanced consumer choice (para. 10). This helps towards the aim of improving the economic performance of cities, towns, regions, sub-regions and local areas.

The prospective occupier believes that there is a need in Sandy for another estate agents/ letting agency due to the rate at which the town is growing combined with the fact that Satchells Estate Agents closed their Sandy office in 2008.

The prospective occupier has also pointed out that the estate agents/ letting agency would aim to employ at least 5 members of staff, whereas Scruples only employs the owner. If approved, this application would therefore contribute to the economic development of Sandy, in accordance with PPS 4.

Another important consideration is the fact that, if this application is refused, there is the potential for there to be an empty premises on Sandy High Street, which would both detract from the character and appearance of the conservation area, and would lower the viability and vitality of the town centre.

The overall aim of Policy DM7 is to prevent a rise in the level of A2 (financial and professional services) uses in town centres. However the prospective occupier has provided information to suggest that approving this application would not lead to an abundance of A2 (financial and professional services) uses in Sandy.

In conclusion, Policy DM7 discourages changes of use away from retail at ground floor level if there is a realistic prospect of the property being utilised for retail purposes, and no evidence has been provided to suggest the property could not be used for retail purposes in the future. The prospective occupier has provided information to suggest that Sandy has an abundance of A1 (shops) uses in the centre and he has highlighted the difficulties in finding a premises to use for A2 (financial and professional services) use within the town centre. There is also the potential for there to be an empty premises on the High Street. However, on balance, due to the policy in the adopted Core Strategy and Development Management Policies DPD the application should be refused in accordance with Policy DM7 because it has not been demonstrated through marketing that an A1 (shops) use could not occupy the premises in the future.

## **2. Effect on the character and appearance of the conservation area**

The retail premises is situated adjacent to other commercial premises close to Sandy's main centre. No changes to the external appearance of the premises are proposed as part of this application and therefore it is not considered that there would be any impact upon the character and appearance of Sandy Conservation Area. The proposal is therefore considered to be acceptable in this respect.

As noted above, if this application was refused there is the potential for there to be an empty premises in Sandy Conservation Area (although no marketing evidence has been submitted to prove this). It is considered that an empty premises would detract from the character and appearance of the area.

**3. Impact on the residential amenity of neighbouring properties**

As noted above, there are no external changes to the premises proposed as part of this application. It is not considered that using the premises for A2 use would be detrimental to the residential amenity of the flat above this or the neighbouring premises, especially given the town centre location where uses such as this are common. The proposal is therefore considered to be acceptable in this respect.

**4. Access and parking**

The Highways Team have noted that there is adequate nearby parking available and the proposal would not have a negative impact upon the highway. The proposal is therefore considered to be acceptable in this respect.

**5. Any other implications**

There are no other considerations to this application.

**Reasons for Refusal**

The proposal to change the use from A1 to A2 would be contrary to Policy DM7 which seeks to retain existing retail uses within town centre boundaries unless there is no realistic prospect of the property being utilised for retail purposes. No evidence of marketing has been submitted to demonstrate that there is no realistic prospect of the property being utilised for A1.

- 1 The proposed change of use, by nature of the loss of a retail unit and the introduction of a non-retail use, would have a harmful impact on the vitality and viability of the town centre as no evidence of marketing has been submitted to demonstrate that there is no realistic prospect of the property being utilised for A1; as such the proposal is contrary to Policy DM7 of the Core Strategy and Development Management Policies DPD (2009).

**DECISION**

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