



RIBBLE VALLEY BOROUGH COUNCIL

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date: 15 FEBRUARY 2013

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Dear Mr N. Patch,

RE – Appeal by Paddy Power Plc against the decision of Ribble Valley Borough Council to refuse planning permission for the change of use of 10 Market Place, Clitheroe from a bakery (Class A1) to Betting Shop (Class A2) including alterations to shop front. Includes erection of 3 x 900mm satellite dishes to roof of ground floor rear outrigger.

Given the detailed delegated officer report that was sent with the Appeal Questionnaire, the Council do not wish to submit a formal appeal statement. However, please accept this letter as support for the Council's case for dismissing this appeal as it highlights the Council's key views on the scheme, and additional support for the two reasons for refusal. A final letter to provide the Council's final comments on the appellant's statement and case will be sent in due course.

The attachment of weight to the Local Plan

1. Within Annex 1 of the NPPF, paragraph 210 states 'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise', with paragraph 211 noting that 'For the purposes of decision-taking, the policies in the Local Plan (and the London Plan) should not be considered out of date simply because they were adopted prior to the publication of this Framework.' Paragraph 214 also advises that 'For 12 months from the day of publication, decision-takers may continue to give full weight to relevant policies adopted since 2004 even if there is a limited degree of conflict with this Framework.'
2. The policies referred to in the Council's reasons for refusal are all saved local plan policies that were done so in accordance with the Planning and Compulsory Purchase Act 2004, and as such significant weight should still be attached to them.

Support for Reason 1

1. The site is located in a prominent position within the Principal Shopping Frontage of the town centre of Clitheroe. The Districtwide Local Plan Principal Shopping Frontage Policy, Policy S3, clearly defines as to what uses will be permitted on this particular frontage, with other such frontages such as those along Wellgate, King Street and York Street by definition being considered as secondary. The supporting

text to this Policy advises that the character, attractiveness and vitality of the town centre can suffer as a result of the loss of shopping facilities, with the breaks that occur in shopping frontages through the introduction of non-retail uses weakening the quality of the principal shopping frontage and thereby threatening the vitality of the town. The approach with regards to the acceptance of cafés and restaurants are that they are judged to have a positive and beneficial impact on the vitality, viability and diversity of the locality. This policy exception does not apply to A2 uses. This is in recognition of the generally more beneficial effect that cafés and restaurants may have on the street scene (and vitality and viability generally) in comparison to professional/financial service uses.

2. Unless there are *exceptional* benefits arising from a proposal, the Council's stance has been unequivocal in resisting change of use from A1 to A2 within defined retail frontages to protect their core retail function. In recent years this policy approach has been applied successfully as the importance of maintaining a strong and diverse retail offer in the primary shopping area as the effective protection of retail frontages is considered an important – indeed crucial - element in the long-term success of the Council's retail planning strategy for the town centre. The existing A2 uses are virtually all historic.
3. In this particular location of the town centre, Market Place, there are 13 properties that include a mixture of A1, A2 and A4 uses. One of the properties is empty, one of them is a Public House (A4 – The White Lion), five of them are an A1 use (six if you include the unit subject to this application) and five are A2. In this particular area of the Principal Shopping Frontage (within Clitheroe), this is an extremely high number of A2 uses compared to other areas such as Castle Street, Castlegate and Moor Lane. If this application were to be approved this would see A2 uses taking up 46% of the street frontage of Market Place, and would, in my opinion, further and significantly weaken the quality of this particular area of the Principal Shopping Frontage by virtue of a proliferation of A2 uses, and would lead to an impact upon the general amenity of the area by virtue of a reduction in traditional shop window displays to more blank frontage, creating a dead frontage to the street that will add to and further dominate this area to its detriment.
4. The supporting detail provided with the application suggested that where A2 uses such as bookmakers are located within a retail frontage the level of footfall activity increases. Whilst this is not necessarily in dispute, the Council would question whether there is a need to draw the increase in footfall to this area of the town centre, when other secondary frontages would indeed benefit more from a potential increase in visitors. Indeed as already highlighted, in this particular area of the town centre, if this application were to be approved this would see A2 uses taking up 46% of the street frontage of Market Place, and would significantly weaken the quality and primary retail function of this particular area of the Principal Shopping Frontage. There is no reason why such a use could not be located on a secondary frontage, especially in Clitheroe where primary frontages are restricted, and whilst there is of course a preference for this unit to be filled, there is no need for a new use to be introduced, nor sufficient evidence to suggest that this could not be filled by an A1 use.
5. The applicant puts forward the case that the change of use will offer benefits to the vitality and viability of the area, additional to those deriving from a financial and professional services use alone, however the only positive impact put forward by the applicant is that the impact upon the amenities of the area would be improved by virtue of the extended opening hours of 8am to 10pm, resulting in a suggested 'constant daytime and evening' flow of trade into the shop. As no other retail units in

this area have extended opening hours it is difficult to understand how this proposed use would contribute to the vibrancy or attractiveness of the street as a trip to a bookmakers is usually a planned trip and not one that would draw additional shoppers to an area.

6. However, irrespective of how the current proposal is presented, the issue of loss of retail frontage and the implications for the integrity of the Council's retail strategy remain important issues which must be properly addressed, and in view of the amount of retail frontage which would be lost the proposal must be able to offer significant benefits to outweigh that loss. The Council fails to see how such a proposal offers such significant benefits.

Support for Reason 2

1. The applicant has put forward a change to the proposed shop front elevation of the scheme, drawing no. 2012/55/02 Revision D. Local Plan Policy ENV16 states that within conservation areas development will be strictly controlled to ensure that it reflects the character of the area in terms of scale, size, design and materials. This is a key consideration when assessing the proposed alterations to the shop frontage. When considering the proposed changes to the front elevation, whilst recessing part of a shop front can be considered traditional and provides interest, indeed there are examples of some doorways being set back within the Conservation Area, in this instance the proposed set back would still appear odd within an area of the streetscene more characterised by flush frontages.
2. The Clitheroe Conservation Area Appraisal identifies that the insensitive alteration of historic buildings, including some modern shop fronts, can spoil the conservation area's strong historic character and appearance, particularly via the use of inappropriate modern materials or details.
3. Despite being an improvement on the scheme that was refused by the Local Planning Authority, the proposed replacement shop front is still considered to be harmful (i.e. does not preserve or enhance) to the property, a Building of Townscape Merit, as well as the wider Conservation Area, due to the frontage being recessed. The applicant has highlighted the requirements of Building Regulations as to the reason for the required recessed doorway that opens outward however given the plans indicate that a number of existing openings within the courtyard elevation are being blocked up, and could be used as fire escape routes without the need for a front door that opens out, it is the Council's view that approval of this element of the scheme would be contrary to guidance within paragraph 131 of the NPPF (does not conserve the heritage assets or make a positive contribution to local character or distinctiveness) and paragraph 134 (there are no public benefits of the proposal that would outweigh the harm).
4. Within Annex 1 of the NPPF, paragraph 210 states 'Planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise', so unless the applicant can provide more detailed justification why this layout is the only layout that can suitably achieve building regulations, the Council deem the support of this second reason for refusal justified at this time.

Conclusion

The application as proposed cannot be considered acceptable due to it being at variance with the relevant local and national planning policies and guidance. It is

respectfully requested that appeal be dismissed and the Planning Inspector endorse the original reasons for refusal. However, should the Inspectorate be minded to approve the application, please see the suggested Conditions attached to this letter.

The Council look forward to receiving the Appellant's Statement of Case and any further comments, if they have any, in due course.

Yours sincerely,

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SENIOR PLANNING OFFICER

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