AMBER VALLEY BOROUGH COUNCIL

PLANNING AND REGENERATION
DEVELOPMENT MANAGEMENT

PLANNING APPLICATION RECOMMENDATION

Date: 6 January 2021

Code No.	**: AVA/2020/0927 (CM)**	**Parish**	**: Ripley CP**
File No.	**: 2764**	**Ward**	**: Ripley & Marehay**
Valid Date	**: 9 October 2020**		

Proposal	**Change of use from A1 (shop) to sui generis (beauty salon)**
Location	**Shop Area, Masonic Hall Market Place Ripley**
Applicant	**Miss Alexandra Duff 68 Broadway Swanwick Alfreton**

RECOMMENDATION

APPROVE subject to the conditions set out in Appendix 1:

REASON FOR RECOMMENDATION

"In making this recommendation account has been taken of all material planning considerations arising from the views of statutory and other consultees and public representations about the application, the Council's Strategic Objectives, Government guidance as detailed in the National Planning Policy Framework and the saved policies of the Adopted Amber Valley Borough Local Plan 2006 and the Ripley Neighbourhood Plan. The following applies:"

TC1 - Development in Town Centres - Amber Valley Borough Council Local Plan - Adopted Amber Valley Local Plan 2006

LS1 - Sustainability criteria - Amber Valley Borough Council Local Plan - Adopted Amber Valley Local Plan 2006

LS3 - Design - Amber Valley Borough Council Local Plan - Adopted Amber Valley Local Plan 2006

EMP3 – Ripley Town Centre – Ripley Neighbourhood Plan - 2015

Justifications In detail:

The National Planning Policy Framework (NPPF) is a material consideration in planning decisions. In accordance with Paragraph 38 of the NPPF the local planning authority has approached the decision making process in a positive way to foster the delivery of sustainable development and has worked proactively with the applicant/agent to secure a development to improve the economic, social and environmental conditions of the area.

The development complies with the provisions of the development plan for the locality and raises no unresolved issues in relation to the location of the site, privacy, amenity, character and design, landscape or heritage features and highway safety.

ANALYSIS

DELEGATED REPORT

Planning Application Ref.	AVA/2020/0927
Proposal description & Location	Change of use from A1 (shop) to sui generis (beauty salon) Shop Area, Masonic Hall Market Place Ripley
Recommendation	Approve
Policy	Having regard to Section 38(6) Planning and Compulsory Purchase Act 2004. The main policy considerations are as follows: **Adopted Amber Valley Borough Local Plan 2006 (Local Plan)** LS1 – Sustainability LS3 – Design TP1 – Impact on the Transport Network TC1 – Town Centre **Ripley Neighbourhood Plan** EMP3 – Ripley Town Centre **National Planning Policy Framework (NPPF)** Part 1 – Introduction Part 2 – Achieving sustainable development Part 4 – Decision-making Part 6 – Building a strong, competitive economy Part 8 – Promoting healthy and safe communities Part 9 – Promoting sustainable transport Part 11 – Making effective use of land Part 12 – Achieving well-designed places
Relevant Planning History	Linked application AVA/2020/0928 for the signage for the Beauty Salon, pending consideration.
Summary of Consultation Responses and Public Representations	**Derbyshire County Council – Highway Authority –** No objection **Town Counci**l- No comments received **Principal Pollution Officer -** Given the location the Principal Pollution Officer has no objection or comments to make on the proposal.

EIA Screening	The proposal is not 'Schedule 2 development' within the meaning of that term set out by Schedule 2 to The Town and Country Planning (Environmental Impact Assessment) Regulations 2017, because it is not an urban development project that exceeds 5 hectares in area. Consequently, the selection criteria set out by Schedule 3 to the aforementioned regulations do not apply in this case.
Summary	This is a **full planning** application proposing the change of use of the ground floor at Shop Area, Masonic Hall, Market Place, Ripley from retail/charity shop (A1) to beauty salon (sui generis). The primary planning considerations are the principle of development, heritage, design, residential amenity and highway safety. These are taken in turn as follows: **Principle of Development** Section 38 (6) of the Planning Compulsory and Purchase Act 2004 requires planning decisions to be made in accordance with the Development Plan, unless material planning considerations indicate otherwise. Paragraph 213 of the NPPF states that due weight should be given to policies of an adopted Development Plan according to their degree of consistency with the NPPF. The closer the policies in the plan to the policies in the framework, the greater the weight that may be given. The application site lies within Ripley Town Centre. Policy TC1 of the Adopted Local Plan states that within the Borough's town centres, as shown on the Proposals Map, planning permission for Shops (A1) and other development appropriate within a town centre (Financial and Professional Services (A2), Restaurants and Cafes (A3), Drinking Establishments (A4), Hot Food Take Aways (A5), Hotels (C1), Residential Institutions (C2), Non-Residential Institutions (D1), Assembly and Leisure (D2) and Sui Generis) will be granted, where the proposals:- a) will sustain or enhance the vitality and viability of the town centre b) can be satisfactorily accessed by both private and public transport Policy EMP3 of the Ripley Neighbourhood Plan encourages the re-use of vacant floors of buildings or empty properties. Policies TC1 and EMP3 are considered fully consistent with Paragraph 85 of the NPPF which states that planning decisions should support the role that town centres play at the heart of the local communities, by taking a positive approach to their growth, management and adaptation. Full weight may be given to Policy TC1 and EMP3 in the determination of this application. Policy TC1 also supports sui generis uses within the town centre such as beauty salons. Whilst the application would result in the loss the retail/charity shop to facilitate the beauty/tanning salon, this would not have an adverse impact on the vitality and viability of the town centre.

	The development is therefore considered in accordance with Policy TC1 (a). **Design and Character** Policy LS3 of the Local Plan requires all new development to reflect the principles of good design by conserving or enhancing the quality and local distinctiveness of the natural and built environment, respecting the character of the locality in terms of scale and nature of the development. Paragraph 127 of the NPPF states that planning policies and decisions should ensure that developments: (a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development; (b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping; (c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities); (d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit; (e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and (f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users [46] ; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. Policy LS3 is fully consistent with the NPPF Paragraph 127 in seeking to secure high quality design which is in scale and character. Full weight may be afforded to these policies in the determination of the application. The external alterations are minimal. On this basis the design and external appearance of the building will remain unchanged, in accordance with Policy LS3 and Paragraph 127 of the NPPF. **Residential Amenity** Paragraph 127 (f) of the revised NPPF seeks to create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users, and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience. The site is located within the town centre on the Market Place and the nature of the use is such that there are no residential amenity concerns to nearby dwellings in the vicinity of the site and the development is in accordance with Paragraph 127 (f) of the NPPF. **Highway Safety** Policy TP1 of the Adopted Local Plan states that in considering all development proposals, the Borough Council will require that satisfactory access can be obtained to the highway network.

	Paragraph 108 (b) of the NPPF states that applications for development should ensure that safe and suitable access to the site can be achieved for all users. Paragraph 109 of the NPPF states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. Policy TP1 is fully consistent with Paragraphs 108 and 109 of the NPPF in seeking to secure highway safety. Full weight may be given to the policy in the determination of this application. The Highway Authority has raised no objections to this application in view of the town centre location. Visitors to the town centre have a number of available car parks and other means of travel. There are no highway safety concerns and the development is in accordance with Policy TP1 of the Adopted Local Plan and Paragraphs 108 and 109 of the NPPF. **Sustainability** Paragraph 8 of the revised NPPF states that achieving Sustainable Development means that the planning system has three overarching objectives, which are interdependent and need to be pursued in mutually supportive ways (so that opportunities can be taken to secure net gains across each of the different objectives): a) **An economic objective** - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth, innovation and improved productivity, and by identifying and coordinating the provision of infrastructure. The re-fit process will benefit the local economy and provide an active use of premises in a key town centre location and as such will have benefit to the vitality and viability of the town centre. The economic objective is considered met. b) **A social objective** – to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering a well-designed and safe built environment, with accessible services and open spaces that reflect current and future needs and support community's health, social and cultural well-being. The application will assist in providing services and amenities which will meet the local community's health, social and cultural well-being. The social objective is considered met. c) **An environmental objective** – to contribute to protecting and enhancing our natural, built and historic environment, including making effective use of land, helping to improve biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy. The proposal is acceptable in design terms, causes no harm and as such the environmental objective is considered met.

	Conclusion The proposal is fully in accordance with Policy TC1 of the Adopted Local Plan as appropriate development within Ripley Town Centre which would not harm its vitality or viability. The application is identified to be sustainable economically, socially and environmentally. It is therefore recommended that the application is approved in accordance with paragraphs 11 c) of the NPPF.
Recommendation	Approve

	Signed	**Dated**
Case Officer		6/1/2021
Principal Officer		06.01.2021
Principal Officer/ Planning Manager		

Appendix 1

Conditions/Reasons:

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

Reason: To comply with the requirements of Section 91(1) of the Town and Country Planning Act, 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2 The development shall be carried out in accordance with the details contained in the submitted plans listed below and with the conditions attached to this consent:

Application form, location plan and proposed floor plan submitted 9 October 2020

Reason : In order to define the permission.

Notes
Attention is drawn to the attached notes :

Electronic File/Back Office Disclaimer:

I confirm as case officer that the Uniform back office reflects accurately all data that has been used/processed/analysed during the lifespan of the case now a planning recommendation has been made.

I confirm as case officer that all associated case documentation has been scanned and indexed to Civica and the paper file can be destroyed

Officer Signature: **Date:**

I confirm as case administrator that the Officer's recommendation and Manager's sign-off, and decision notice will be scanned and indexed into Civica.

Admin Officer Signature:  **Date: 07.01.2021**