

Planning Reference No:	09/4195C
Application Address:	3 High Street, Congleton, CW12 1BN
Proposal:	Change of use of ground floor from retail (A1) to an adult gaming centre (Sui Generis) and erection of a discreet CCTV facility.
Applicant:	Highline Products Ltd
Application Type:	Change of Use
Ward:	Congleton Town West
Registration Date:	17 th December 2009
Earliest Determination Date:	11 th February 2010
Expiry Date:	11 th February 2010
Date report Prepared	2 nd February 2010
Constraints:	Conservation Area and adjacent to Listed Buildings

SUMMARY RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

MAIN ISSUES:

- Principle of the development
- Amenity of neighbouring properties
- Impact on the character of the adjacent Listed Buildings and the Conservation Area
- Highway safety.

1. REASON FOR REFERRAL

Called in by Councilor R Domleo on the grounds that the application was controversial and that there would be the loss of a retail unit in the town centre.

2. DESCRIPTION AND SITE CONTEXT

The building is a double fronted red brick shop unit with a glass canopy and large display windows. The site is within Congleton town centre but not the principal shopping area as designated in the adopted local plan. It is also contained within the Congleton Conservation Area and there are Grade II Listed Buildings to both sides and opposite the site.

3. DETAILS OF PROPOSAL

The proposal seeks to change the use of this existing retail unit in order that it can operate as what is described as an adult gaming centre. The only external alterations proposed would be a small CCTV camera that would be sited under the existing glass canopy to the front of the building. It should be noted that there is a separate application for Advertisement Consent at the site.

4. RELEVANT HISTORY

There is no relevant planning history relating to this site.

5. POLICIES

National Guidance

PPS4 – Planning for Sustainable Economic Growth

Congleton Local Plan 2005

The site is not allocated in the Local Plan but the following policies apply:

PS4 – Towns

GR1 – New Development

GR2 – Design

GR6 – Amenity and Health

GR9 – Parking and Access

S5 – Town Centre Areas

6. CONSIDERATIONS (External to Planning)

Spatial Planning

The proposal would need to accord with policy S5, whereby proposals for non retail uses at ground floor level will be permitted where the development is for, amongst other things leisure or entertainment uses. The proposal would also need to be in accordance with the listed criteria, which relate to amenity and the town centre function of the area. The proposal would appear to be in conformity with these.

PPS4

Policy **EC10** lists impact considerations for assessing applications for economic development against. These are:

1. whether the proposal has been planned over the lifetime of the development to limit carbon dioxide emissions, and minimise vulnerability and provide resilience to, climate change.
2. the accessibility of the proposal by a choice of means of transport including walking, cycling, public transport and the car, the effect on local traffic levels and congestion (especially to the trunk road network) after public transport and traffic management measures have been secured.
3. whether the proposal secures a high quality and inclusive design which takes the opportunities available for improving the character and quality of the area and the way it functions.
4. the impact on economic and physical regeneration in the area including the impact on deprived areas and social inclusion objectives.
5. the impact on local employment.

In assessing the proposal against the criteria it is found that:

1. No mention has been made with regards to climate change and the reduction of carbon dioxide emissions within the application;

2. The site is located within Congleton Town centre and is therefore accessible by a choice of means of transport;
3. The site is located within a conservation area and therefore the design of the frontage should take this into account;
4. Granting approval would bring back into use a vacant unit;
5. 4.5 full time equivalent positions would be provided.

Taking the above into account, I have no policy objections to this proposal.

Environmental Health:

The Environmental Health section has requested that conditions are imposed relating to hours of opening and the acoustic enclosure of any fans or compressors with the potential to generate noise.

Cheshire Police Crime Reduction Advisor:

With regards to the above plans the Police Advisor would like to make the following comments:-

- I am fully in support of the CCTV on the front canopy, it is very refreshing to see such detailed specifications included in the plans!
- My main concern regarding the interior is that the plans give the impression that there will in effect be a separate room within the main area (i.e area that leads off to the kitchen). I am concerned that this may limit surveillance of the rest of the games area.
- Is the kitchen area going to be restricted to staff or are public going to be allowed in this area? If this area is going to be restricted I would recommend having an access controlled door into it and looking at the possibility of a hatch area that could be used to serve the drinks and refreshments through.
- Is there any possibility of having an alternative exit out of the back of the workspace, as at the moment there is no alternative exit out of this area and concerned there would be the possibility of people being trapped in the kitchen area in the event of fire / robbery.
- Consideration should be given to the installation of internal CCTV
- Signage should be clearly displayed at the entrance stating the conditions of using the facility and also a reminder about the CCTV.

Highways:

The Strategic Highways Manager has no objections to the proposal.

Conservation Officer

The Conservation Officer objects to the proposal on the grounds that the window display would be unlikely to change over time therefore resulting in a sterile window display which would do little for the character of the Conservation Area.

7. VIEWS OF TOWN/PARISH COUNCIL

Recommend refusal of the application on the grounds that it is an inappropriate use in a town centre and Conservation Area and traffic generation. Concerns were also raised about appropriate signage, however the Town Council have recommended approval of the application for Advertisement Consent.

8. OTHER REPRESENTATIONS

One letter of objection has been received citing the following grounds:

- Not convinced that the proposal will attract clients for other businesses in the town centre
- No evidence that the users of this facility would use public transport
- Levels of noise and litter
- Smoking outside the building
- Inappropriate location

9. APLLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Planning Statement

10. OFFICER APPRAISAL

Principle of Development

The site is within the town centre of Congleton but not the Principal Shopping Area; as such the key policy that the proposal should be assessed against is Policy S5. This Policy requires that proposals for non-retail uses at ground floor level will be permitted where the proposed use is a commercial, leisure, entertainment, community or civic use appropriate to the town centre. This is subject to it not being detrimental to the overall town centre function, or the amenities of adjacent properties. The use proposed would comprise leisure/entertainment and it is not considered that it would detract from the town centre function. The proposal is therefore considered to be acceptable in principle.

Design

There is only one minor alteration to the external elevations of the property, and this is the addition of a small CCTV camera. The camera would be sited beneath the existing glass canopy and would have no impact on the character and appearance of the building or the Conservation Area. The Conservation Officer has objected to the proposal on the grounds that there would be a sterile window display that would do nothing to enhance the Conservation Area. On balance however it is considered that the occupation of the unit would be preferable to an empty and deteriorating building, as the owner has been unable to attract alternative tenants. The proposal is therefore considered to be in compliance with Policies GR2 and BH9 of the adopted local plan.

Amenity

The site is within the town centre where a use of this type is considered to be acceptable. It is adjacent to an existing public house and the Town Hall, which also provide leisure/entertainment facilities and it is considered that subject to limits on the opening hours, there would be minimal impact on the amenities of neighbouring properties.

The Cheshire Police Crime Reduction Advisor has welcomed the inclusion of the CCTV camera as part of the proposal. A recommendation is also made that internal CCTV is provided and it is recommended that an informative be included with the decision, advising the applicants to contact the crime reduction advisor for guidance. Comments were also made with regard to an alternative exit from the kitchen in the event of fire or robbery and it is considered that an informative should also be included relating to this issue.

A gaming centre premises licence has been granted for this business, which contains several conditions both mandatory and additional ones imposed by the local authority. These include the installation of a CCTV system as recommended by the Cheshire Constabulary guidance and limits on hours of opening. It is recommended that the hours of opening on the licence should be reflected on the planning approval should it be granted.

The Environmental Health Section have requested conditions relating to hours of opening and the acoustic enclosure of fans and other equipment with the potential to create noise. This is considered to be necessary in order to protect the amenities of neighbouring properties.

Highways

The site is within the town centre and benefits from good parking provision and access to public transport. It is considered that this in addition to the fact that the Strategic Highways Manager has stated that there are no objections to the proposal means that it is acceptable in terms of highway safety and traffic generation.

11. CONCLUSIONS AND REASONS FOR THE DECISION

In conclusion, it is considered that the proposal meets the requirements of the national policy and the development plan in terms of the issues addressed above and therefore approval of this application is recommended subject to the following conditions.

12. RECOMMENDATION:

Approve subject to the following conditions:

- 1. Standard time limit**
- 2. Compliance with the approved plans**
- 3. Hours of operation limited to 10.00 to 21.00 Monday to Saturday and 11.00 to 20.00 on Sundays and Bank Holidays**
- 4. Submission of a scheme for the enclosure of any acoustic fans**

Location Plan: Cheshire East Council Licence No. 100049045

