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SFI GROUP PLC

CHANGE OF USE FROM CLASS A1 (RETAIL) TO CLASS A3 (PUBLIC HOUSE) AT 21-22 HIGH STREET, TAUNTON AS AMPLIFIED BY AGENTS LETTER DATED 23RD AUGUST, 2002

22730/24300

FULL PERMISSION

PROPOSAL

The proposal seeks to change the use of the premises currently trading as Walmsely Furnishings to a public house In support of the proposal the applicant states that:- "...a busy Litten Tree will add greatly to this somewhat peripheral part of the retail core. The Litten Tree opens for breakfast in the morning, attracts shoppers, visitors, workers and families through the day and in the evening becomes more a younger persons venue. Food is an important element with a good menu, wine list and kids menu with table service. Typically food sales tend to die off in the later evening but can certainly be available if customers require it. A Litten Tree trades particularly well and has a significant associated footfall. A visit to the Litten Tree is often part of a wider shopping trip." "...there is a greater mix of uses at this end of the High Street, large retail major space units such as Boots, Iceland and Hatchers Department Store are located further up. Toward the edge of the primary frontage, there are more A3 use and the Council has obviously consented 'Toad at the Warehouse', four doors away, with 'Yates' an earlier grant, opposite. A Litten Tree would not be out of place in this setting. Whereas to the left the unit is adjoined by an A2 use, to the right is an A1 carpet shop such that no unacceptable grouping of non-retail use occurs."

CONSULTATIONS AND REPRESENTATIONS

AVON AND SOMERSET CONSTABULARY the Police stance on new nightclub type premises in Taunton is well known and you should be well versed in the content of the Crime Analysis report I that has been delivered in respect of the planning application for the old TSB building. The Police objections are broadly the same. However it is important to note that the Litten tree application is in the High street an area that has already seen a massive increase in reported crime, particularly appertaining to the area outside of as well as inside this type of premises. We object on the grounds that this proposal would increase crimes of violence and also anti social behaviour. I understand that the planning dept may well hold the view that these are issues that are more properly addressed by either the licensing board or the Licensing justices. It is my contention that if the Planning Committee approve this application then the applicants will simply use that decision to support their case in the other forums. The Planning Committee is not absolved of its responsibility to consider section 17 of the Crime and Disorder Act 1998. It is my submission that the Planning Committee have the power to preset conditions on planning applications both in relation to the type of business and the hours of business. If the Planning Committee do not at the least set such conditions

then this will imply albeit indirectly, that the committee have no concerns over the issues the police raise. This will then be used by the applicant to set one committee against the other which is surely not a desirable situation.

PLANNING POLICY the site is within the defined Primary Shopping Area. Accordingly, the relevant policy context for the above proposal is provided by policy S6 (TLP) and policy T30 (TDLP). The relevant considerations are:- Will the proposal create beneficial diversity (a use which shoppers and/or visitors are likely to be attracted as part of a general shopping or tourist trip)? Will the proposal provide visual interest (quality frontages and display area)? Will the proposal generate significant pedestrian footfall throughout core shopping hours (at least similar to that generated by a class A1 use)? What is the impact of the proposal on the retail function of the immediate area? The proposal will add another Class A3 use to the primary shopping area. Taken generally, the TDLP welcomes additional diversity within the town centre (refer to policy T34) and the Borough Council has recently permitted a number of non-class A1 uses within the Primary Shopping Area. Furthermore, work on the draft version of the revision to the Town Centre Vitality and Viability Study highlights that Taunton has a far greater presence of class A1 units within the town centre, compared to the national average. Accordingly, I have no objection to the principle of another Class A3 unit within the Primary Shopping Area. It is understood (from the literature provided in support of the application) that the Litten Tree chain of public houses provide frontages of quality design. Accordingly, I have no concerns with respect to this particular aspect of the proposal. The site is located at the very periphery of the Primary Shopping Area, where footfall is generally low (as confirmed by the recent Town Centre Vitality and Viability Study 1997). A letter from the occupier of the adjoining retail unit states that there has been a noticeable decline in passing trade within the past few years. However, I have no evidence to suggest that the change of use from Class A1 to Class A3 will generate footfall less than the current situation. However, it may be that an alternative Class A1 use (depending upon the occupier) could possibly generate more. However, in the absence of sound evidence, I would not wish to object to the proposal on this basis alone. However, the area where I have distinct concerns is the impact of the proposal on the shopping function of the immediate area (i.e. High Street). Over the course of the past few years the Borough Council has (rightly) permitted a number of conversions from Class A1 use to Class A2/A3 use within this general vicinity. However, I am now of the opinion that to allow more losses could be to threaten the overall shopping function of High Street. I have attached evidence from recent monitoring work within High Street (as part of a wider town centre survey) that shows the rate at which the presence of non-class A1 units has risen in recent years. Coupled with this is a concern over the impact of the proposal on the Borough Council's intentions to redevelop The Crescent Car Park (policy T34). The Crescent scheme is highly complex with many constraints, and will be a difficult scheme to deliver given the brownfield nature of the site, the multitude of landowners involved, the possible need for CPO, together with other requirements such as archaeology and a high standard of design. To continue to dilute the retail offer of High Street may be another potential problem in securing the delivery of the scheme. In conclusion, I am of the opinion that the Borough Council should adopt caution with respect to this proposal, given the potential impact of the scheme on:- The retail function of the immediate area; The Council's ability to promote a major retail development at The Crescent. ENVIRONMENTAL HEALTH OFFICER suggests conditions re noise and odour.

TOWN CENTRE PARTNERSHIP It is our view that the addition of any further licensed premises in this part of Taunton would be prejudicial to the safety and security of both buildings and the public and that it would further erode the retail offer in this part of the town. Similar objections apply that were made against the change of use from A2 to A3 for the TSB building at 25 Fore St. Police resources are already over stretched for night time shifts and to add more licensed premises to those that Taunton town centre already has would exacerbate the problem. Incidents of violence have increased over the past four years and the Police have made a link between this increase and the increase in the numbers of licensed premises in Taunton. An increase in the numbers of licensed premises increases competition and the temptation is for business to compete on price and volume of sales. Given the nature of the client base and the product this cannot be a safe or responsible strategy. I am also regularly contacted by owners of businesses in the area who complain about damage to their property and offensive debris left on their premises. Remedial work is a direct cost to their business. We believe that we have reached saturation point for these operations in Taunton and that Taunton is in danger of reducing significantly the range of night time offer for customers and isolating the retail businesses operating in this area of the town.

3 LETTERS OF OBJECTION have been received on the grounds that there are already enough licensed premises in the town centre; additional unruly behaviour; loss of shop will erode character of High Street, adjacent carpet shop will become isolated.

POLICY CONTEXT

Taunton Deane Local Plan (Policy S6): change of use from retail to non-retail uses will normally be resisted at ground floor level in those parts of High Street, Bath Place, Fore Street and North Street indicated on the proposals map. Taunton Deane Local Plan Revised Deposit (Policy T30) within the Primary Shopping Area (which includes the application site), proposals for the conversion of shops to other uses at ground floor level or the provision of non-retail units at ground floor level by new build or refurbishment will not be permitted, except where (a) the proposal would help to sustain and enhance the vitality and viability of the Primary Shopping Area ; and (b) the retail function of the immediate area will not be undermined by the increased proportion of non-retail uses; or (c) the conversion ensures the restoration or rehabilitation of a listed building which is currently in a poor state of repair and which has remained vacant for a significant period of time. Applicants will be required to demonstrate that any such property has been actively marketed for retail use. Taunton Deane Local Plan Revised Deposit Policy T33 encourages diversity of uses generally in the town centre, including public houses.

ASSESSMENT

To legitimately refuse permission on crime and disorder grounds it would be necessary to provide convincing evidence to link this particular proposal to a material increase in crime and disorder in the area. Moreover, in a recent appeal decision in Newcastle-under-Lyme the Inspector indicated that he was "not concerned with liquor policy or, indeed policing policy but land use considerations". Therefore, the application should be considered in relation to land use policies and not to police resources. The impact on late night behaviour is more appropriately an issues to be dealt with by the licensing panel, who it is understood have recently rejected an application for these premises.

Crime or fear of crime is a material planning consideration but it would be difficult to establish that the introduction of another A3 public house in High Street would raise either to an unacceptable level, particularly when such uses may be promoted as part of The Crescent Redevelopment Scheme. The need for another pub is not considered to be a relevant issue in planning terms.

The critical issue in the determination of this application is therefore an interpretation of Policy T30. As is indicated in both the observations of the Policy Section and the Town Centre Partnership to allow the loss of more shopping opportunities in the town centre would threaten the overall shopping function of High Street, and would also leave Arditti Carpets somewhat isolated at the end of the primary shopping frontage. In addition the continued vitality and viability of the High Street is an important prerequisite to the success of the Crescent redevelopment scheme. I am of the view that the proposal will undermine the viability of this part of the High Street for retail purposes and should be resisted on policy grounds.

RECOMMENDATION

Permission be REFUSED for reason of negative impact upon shopping function of the High Street area and the potential attractiveness of the proposed Crescent car park redevelopment.

In preparing this report the Planning Officer has considered fully the implications and requirements of the Human Rights Act 1998.

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