The Planning Inspectorate

Appeal Decision

Site visit made on 26 November 2012

by Harold Stephens BA MPhil Dip TP MRTPI FRSA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 12 December 2012

Appeal Ref: APP/H1033/A/12/2183093
7 High Street West, Glossop SK13 8AL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr M Stringer against the decision of High Peak Borough Council.
- The application Ref HPK/2012/0014, dated 7 January 2012, was refused by notice dated 5 March 2012.
- The development proposed is the change of use to A2.

Decision

1. The appeal is allowed and planning permission is granted for change of use to A2 at 7 High Street West, Glossop SK13 8AL in accordance with the terms of the application, Ref HPK/2012/0014, dated 29 February 2012 and the plans submitted with it, subject to the following condition:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

Main Issues

2. I consider the main issues in this appeal are: (i) whether the proposal would adversely affect heritage assets having regard to the statutory and policy tests applicable in relation to the safeguarding of such assets and (ii) whether, in the light of the development plan, and national guidance, the proposals would adversely impact upon the vitality and viability of Glossop Town Centre.

Reasons

3. The appeal proposal seeks permission for the change of use of an A1 retail unit to Use Class A2. No details of any physical changes have been submitted. The appeal premises were last used as a chemist shop and the property is currently vacant. Permission is sought for all uses within Use Class A2 (Financial and Professional Services) and no specific end user is identified. The Appellant states there is interest in using the premises as a betting office.

4. The building lies within the Norfolk Square Conservation Area and is a Grade II Listed Building. It forms part of a collection of buildings forming the Market Hall Frontage, at the crossroads which forms the historic centre of the town. It also lies within an area designated as Prime Retail Frontage shown on the High Peak Local Plan Proposals Map. The Prime Retail Frontage includes both sides of the High Street and the adjoining Norfolk Square.

5. The development plan for the area includes the High Peak Local Plan (LP) originally adopted in 2005. Both parties refer to Saved Policies of the High

Peak Local Plan (2008) including Policies BC2, BC5, BC7, BC8, GD3, GD4, GD5, TC1, TC2, TC6 and TC12. There is no need for me to repeat these here.

6. The National Planning Policy Framework (NPPF) was published in March 2012. The NPPF largely carries forward existing planning policies and protections in a significantly more streamlined and accessible form. It also introduces the presumption in favour of sustainable development[1] and makes adjustments to some specific policies. The NPPF sets out how decision-takers should proceed taking account of the date of adoption of the relevant policy and the consistency of the policy with the NPPF. In this case I consider that the policies referred to in the reasons for refusal are broadly consistent with the NPPF and should therefore be afforded due weight.

Impact of the proposal on Heritage Assets

7. The site is a Grade II Listed Building and is listed as part of the Town Hall and Market Hall complex. The Town Hall was built in 1838 and the original design consisted of a symmetrical row of shops either side. The frontage then culminated in two domed pavilions at either end. The right hand dome was never built and the left hand dome was demolished in 1937. The property lies within the Norfolk Square Conservation Area. It is one of Glossop's' few surviving original shop frontages. The original appearance of the frontage was designed for maximum window display and intended for retail purposes.

8. The Council is concerned that an A2 use has the potential to effectively reduce or deaden the open frontage of the building which is an inherent characteristic of the Listed Building. It is argued that this would be detrimental to the historic character of the Listed Building and the wider Conservation Area. It is also claimed that the proposed change of use would lead to pressure for future alterations to accommodate an A2 use which would cause significant harm to the heritage asset. I disagree. External alterations do not form part of the appeal proposal. The proposed change of use would preserve the architectural and historic character and setting of the Listed Building and the character and appearance of the Conservation Area. The proposal would accord with LP Policies BC5, BC7 and BC8 and NPPF guidance.

9. From the evidence that is before me the proposed use would still require a large window display and the frontage to the street would not be blanked out. It would not be in the interest of a betting office (or any other A2 use) to reduce or deaden an active frontage especially in a prominent location such as the appeal site. Moreover, in the event of the appeal being allowed the Council would have an opportunity to consider any internal and external alterations and advertisements at a later stage, through separate applications. Any future operator would have to demonstrate that the proposal would comply with the development plan and the NPPF including requirements not to have a detrimental impact on the historic character of this Listed Building and the Conservation Area. On the first issue I conclude that the proposal would not adversely affect heritage assets having regard to the statutory and policy tests applicable in relation to the safeguarding of such assets.

Impact upon the vitality and viability of Glossop Town Centre

10. The Council is concerned that the appeal proposal is located within a Prime Retail Frontage in the LP where policies seek to protect the vitality and

[1] Paragraph 14

viability of the Town Centre through the control of non-retail uses. It is argued that the appeal site is in a prominent position within the Prime Retail Frontage where there is currently a high proportion of non-retail uses in operation (50%). It is claimed that any further non-retail uses would detrimentally affect the character and vitality of the shopping area. I disagree with the Council for several reasons.

11. Firstly, it seems to me that LP Policy TC12 *does* allow A2 uses in Prime Retail Frontages. This interpretation reflects the inclusion of A2 uses within the definition of `non retail' uses provided at paragraph 6.71 of the LP. In my view, the appeal proposal therefore accords with Policy TC12. Secondly, the Council's statement of case interprets Policy TC12 differently, defining non-retail uses as those uses which are not shops, financial services and pubs/cafes and therefore excluding certain A2 uses. However, even using the Council's interpretation of non–retail uses I consider there is a high proportion of shops, financial services and pubs/cafes in the centre and a change of use from vacant A1 unit to an A2 use would not lead to a loss of vitality and viability of the Prime Shopping Area or concentration of non-retail uses.

12. Thirdly, I disagree with the Council's case that 50% of the units within the Primary Retail Frontage are currently in *`non-retail'* use using the interpretation of non-retail uses contained in Policy TC12. It may be correct to say that 50% of the units within the Primary Retail Frontage are not in *`A1 retail use'*. However, the 50% figure excludes uses considered acceptable under Policy TC12 such as financial services, A3/A5 cafes and restaurants as well as opticians which are an A1 use. The Appellant has revised the Council's figures and this indicates that 65 units within the Primary Shopping Frontage (78%) are within these appropriate uses. The proportion of non-retail uses (as defined by Policy TC12) in Glossop Town Centre is just 21%. In my view this level of non-retail uses is not high and not damaging to the centre's future viability and attractiveness. On the second main issue I conclude that the proposal would accord with aforementioned development plan policies and national guidance and would not adversely impact upon the vitality and viability of Glossop Town Centre.

Other matters

13. I have taken into account all other matters raised including the various appeal decisions referred to by both parties. None of the other matters raised is sufficient to justify withholding planning permission. I conclude that the appeal should be allowed.

Conditions

14. The Council has not suggested any conditions, other than the standard condition imposing a time limit for commencement. I agree that no other conditions are necessary.

Harold Stephens

INSPECTOR