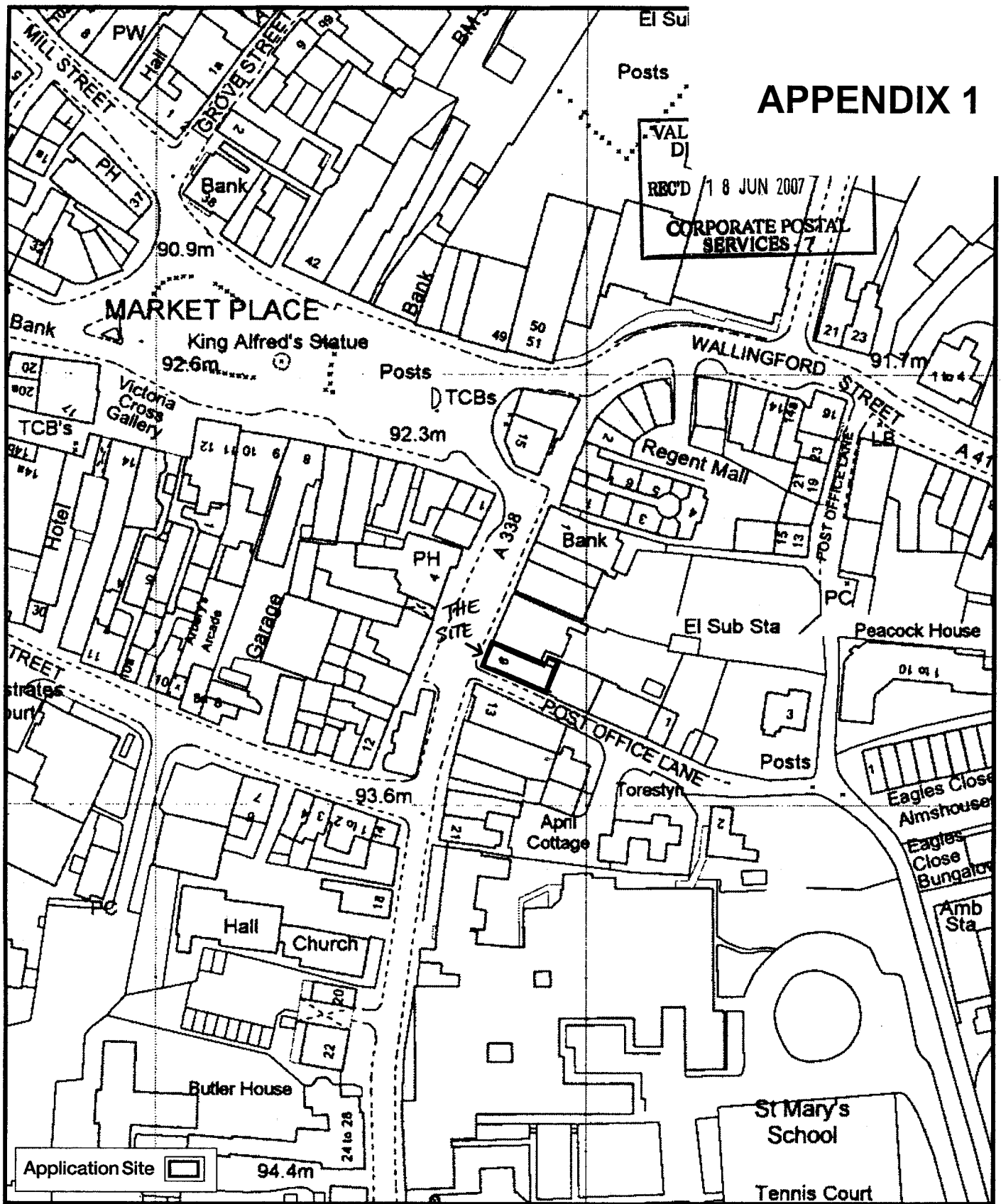


APPENDIX 1



Client: **Andy Jackson**

Project: **Change of Use from Class A1 (Retail) to Class A3 (Tea Room) (Resubmission), 9 Newbury Street, Wantage**

Drawing Title: **Site Location Plan**

Drawing No.: **C22079/07/01**

WANTAGE/1645/10

Scale: 1:1250

Date: 15.06.07 Issuing Office: Swindon

Drawn by: NAH Checked by: SW

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 Tel: 01793 - 610222

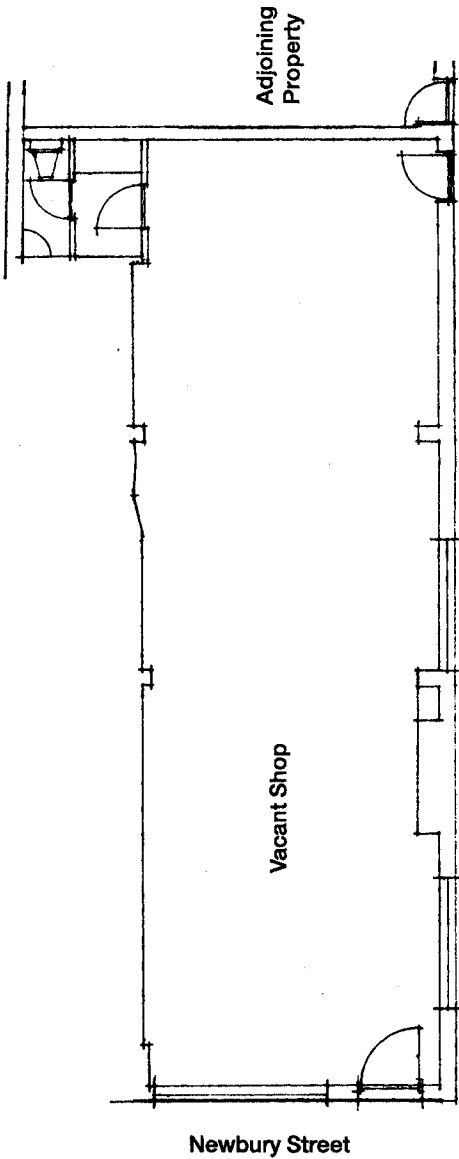
BRISTOL
 Redmayne House
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CRAWLEY
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 East Park, Crawley,
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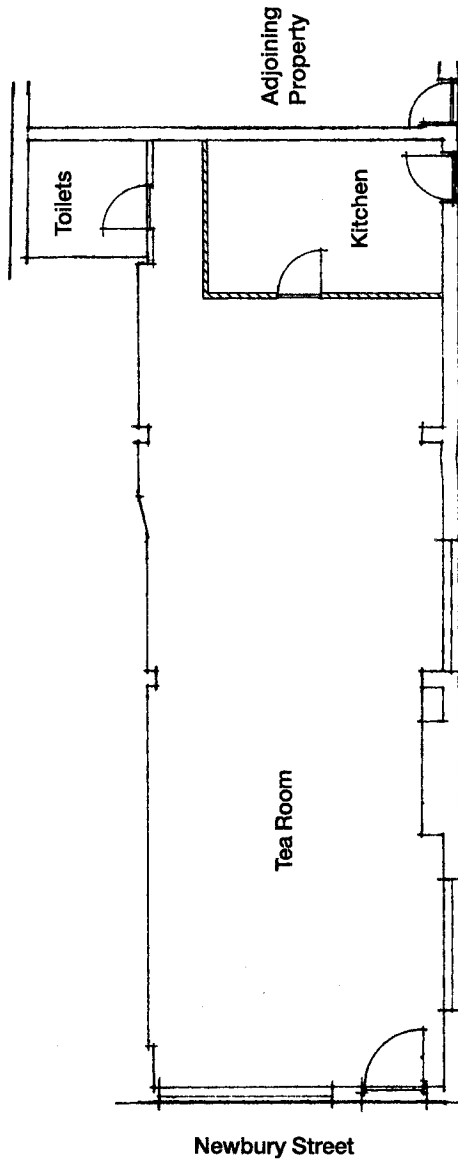
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Ground Floor Plan: Existing



Ground Floor Plan: Proposed

Rev Date

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Client
Andy Jackson

Project
Change of Use from Class A1 (Retail) to Class A3 (Tea Room) (Resubmission), 9 Newbury Street, Wantage

Drawing Title
Existing and Proposed Floor Plans
W.A. Jackson

Scale 1:100

Date 15.06.07 Drawn by NAH

Issuing office Swindon Checked by SW

Drawing No.
C22079/07/02

VALE OF WHITE HORSE DISTRICT COUNCIL
 REC'D 18 JUN 2007
 CORPORATE POSTAL SERVICES - 7

1.0 INTRODUCTION

- 1.1 The Development Control Committee refused planning permission for the change of use to tea rooms of the ground floor of 9 Newbury Street at its meeting on 21 May 2007 for the following reason.

"In the opinion of the District Planning authority, the loss of retail floor space at ground floor level in the Primary Shopping Frontage of Wantage Town Centre, would have a harmful impact on the vitality and viability of this part of the town which cumulatively with other non-retail uses would alter the prevailing character of the area. As such the proposal is contrary to the adopted Vale of White Horse Local Plan, in particular Policy S2." (ref. WAN/1645/9)

- 1.2 The application has now been resubmitted. It relates to a ground floor unit with a floor area of 102 sq m on the east side of Newbury Street, immediately to the north of the junction with Post Office Lane. The applicant is the proprietor of Madison's Tea Rooms in the Arbery Centre, on the south side of the Market Place. Owing to an unfavourable rent review, he has to quit these premises next month and consequently there is a real risk that a valuable local amenity, which is used and appreciated by many shoppers, will be permanently lost to the Town Centre.

- 1.3 The covering letter submitted with the current application referred to information that was either not available nor referred to when the Development Control Committee refused the original planning permission. This information is as follows.

- Correspondence from commercial property agents outlining the difficulties in securing a retail letting for the premises (Attached as Appendix 1 to this Statement);
- Petition with 650 names in support (in two parts; 270 signatures submitted with the current application and a further 380 attached as Appendix 2 to this Statement);
- Para 12.3.6 of the Inspector's Report into the Vale of White Horse Local Plan 2011 (submitted with the current application);
- Letter of support dated 4 June 2007 from Councillor Bill Melotti (submitted with the current application);
- Letter of support dated 5 June 2007 from Mrs June D Hartle (submitted with the current application);

- Statement by the applicant itemising 8 points in support of the proposal (attached as Appendix 3 to this Statement);
- DPDS drawing no. C22079/07/03 showing location of other ground floor Class A3 uses in Wantage Town Centre (attached as Appendix 4 to this Statement); and
- DPDS drawing no. DPDS.C22079/07/04 showing ground floor uses in 1-21 (odds) Newbury Street (attached as Appendix 5 to this Statement).

1.4 In addition, a letter of support (submitted with current application) from Andrew Ledbury of Ledbury's Electrical Store, 13 Newbury Street was received too late for inclusion in the Committee Report.

2.0 PLANNING POLICIES

National

- 2.1 *Planning Policy Statement 1 (PPS1) – Delivering Sustainable Development* states that local planning authorities must determine planning applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise. But where there are other material considerations, the Development Plan should be the starting point, and other material considerations should be taken into account in reaching a decision (para 10 of the Annex – *The Planning System: General Principles*).
- 2.2 *Planning Policy Statement 6 (PPS6) – Planning for Town Centres* states that the government's key objective for town centres is to promote their vitality and viability by, among other matters, encouraging a wide range of services in a good environment, accessible to all (para 1.3).
- 2.2 But there are also other government objectives that need to be taken into account in the context of the key objective, including the enhancement of consumer choice by making provision for a range of shopping, leisure and local services, which allow genuine choice to meet the needs of the entire community, and particularly socially excluded groups (para 1.4).
- 2.3 Para 4.4 of *PPS6* sets out a number of key indicators that can be employed to measure the vitality and viability of Town Centres. These include the diversity of main town centre uses (ie not only shops, but also cafes, restaurants etc); the proportion of vacant street level property; pedestrian flows (footfall); and customer views.

Local Plan

- 2.4 Policy S2 of the *Vale of White Horse Local Plan 2011* does not allow changes of use that would result in a net loss of Class A1 shopping floorspace at ground floor level in Wantage Town Centre.

3.0 PLANNING CONSIDERATIONS

Local Plan policy in the national context

3.1 It is not disputed that the proposal is contrary to Policy S2 of Local Plan, which does not allow any flexibility if a net loss of ground floor retail floorspace is involved. Before dealing with other important material considerations that suggest it would be appropriate to grant planning permission in this case, it is worth noting that the wording of Policy S2 is tantamount to a zoning approach to town planning in the Primary Shopping Frontage (PSF), as it brooks no variation from a single land use category, ie Class A1 retail.

3.2 However, the British town planning system is essentially discretionary in character, notwithstanding the primacy of the development plan. Thus section 38(6) of the Planning and Compulsory Purchase Act 2004 states:

"If regard is to be had to the development plan for the purposes of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise"

3.3 An important material consideration in this case is PPS6. Whilst the Committee report on the original application correctly stated that the main issues to consider were whether the proposal complies with adopted policies for the area and, if not, whether there were any material considerations outweighing the policy objection, there was only a cursory superficial examination of the latter. In fact, there was no mention of PPS6 at all, merely a reference to the applicant's need to relocate and the northwards shift of the centre of gravity following the Sainsbury's and associated retail developments. Effectively, the recommendation for refusal was based purely on conflict with Policy S2, without any real attempt to identify what harm might be caused to the vitality and viability of the town centre, even though such alleged harm was cited in the reason for refusal.

PPS6 and other material considerations in support of the proposal

- 3.4 It is reasonable, in the context of Policy S2, to expect efforts to be made to secure a retail letting before considering alternative uses. In this case there is a long history of difficulties associated with these efforts. In Appendix 1 the correspondence indicates that the premises were marketed for retail use from 1999 until 2003, when a tenant was eventually found (the bookshop). During this period the owner ran a reproduction and antique furniture shop from the premises, but his intention was to find a retail tenant so that he could retire. As it happened, following the lengthy and extensive efforts to find a tenant, it was the owner himself who eventually found the lessee.
- 3.5 The bookshop was on a 10 year lease up to 31 May 2013, but it closed less than 4 years into the lease. Efforts at securing a retail letting by another agent were made for more than 5 months from January 2007, but there was no retail interest. The quoted passing rental of £14,250 pa is not considered to be unreasonable in this location, so the continuing vacancy can not be blamed on prohibitive overheads for prospective lessees.
- 3.6 Firstly, it should be recognised that these letting difficulties were apparent before the centre of gravity of the retail offer in the Town Centre started to move to the north with the Sainsbury's and associated developments. It is more likely, given the current circumstances, that letting difficulties would intensify if the owner were forced to continue with attempts to secure a retail occupier. It is worth noting that in the PSF on Mill Street there are now 6 vacant units within a short distance of each other.

Secondly, continuing vacancies are themselves likely to have a harmful impact on the vitality and viability of the Town Centre. Indeed, this is one of the key indicators in PPS6 that should be used to measure vitality and viability. It is surely better for the vitality and viability of the Town Centre to introduce a thriving complementary use like Madison's Tea Rooms, rather than keeping the unit vacant by holding out for what is likely to be, at best, long void periods punctuated by a succession of intermittent retail uses. Moreover, the issue of the letting history did not appear to inform the Council's decision to refuse the original planning application.

- 3.7 Another measure of vitality and viability in *PPS6* is pedestrian flow (footfall). The 537 name petition in support (see Appendix 2), with the many favourable comments made by patrons, indicates that Madison's have a loyal customer base that would survive the relocation to Newbury Street. Such a high level of support clearly shows that Madison's would increase footfall substantially on the east side of Newbury Street. The proprietor of Ledbury Electrical Services at 13 Newbury Street, on the opposite side of the junction with Post Office Lane, recognises this in his letter submitted with this application. The applicant also hopes to be able to offer more covers, 64 as opposed to 44 in his current premises, an increase which is also likely to ensure a high level of footfall. Consequently, the introduction of the Tea Rooms is likely to benefit the existing retail uses in the frontage, certainly compared with a vacant unit, but also when judged against the bookshop, which surrendered its lease early, presumably because it could not get enough customers through the door.
- 3.8 The petition also illustrates the value of seeking customers' views, another key indicator in *PPS6* for assessing impact on vitality and viability. There can be no doubt from the comments on the petition that Madison's is very popular with shoppers in Wantage and that if the Tea Rooms are unable to relocate it will make the Town Centre a less attractive place to visit for these customers. This can only be harmful to the retail function of the Town Centre.
- 3.9 Finally, the petition also demonstrates that Madison's Tea Rooms are particularly popular with senior citizens and it therefore meets the objective in para 1.4 of *PPS6* of meeting the needs of the whole community, particularly those who may experience social exclusion. On the last point, Madison's provides a friendly, alcohol-free environment that has proved to be particularly attractive for older people. It also attracts young families for that reason, thereby meeting the needs of a wide range of shoppers. Such facilities are very important in making trips to town centres enjoyable for the many shoppers who do not wish to or are unable to use licensed premises (eg senior citizens and families with children), thus helping to ensure the longer term vitality and viability of the Town Centre.

- 3.10 A further key indicator used as a measure of vitality and viability is the diversity of main town centre uses. Drawing no. C22079/07/03 shows the distribution of other ground floor Class A3 uses in the Town Centre. Including Madison's current premises, there are only 7. Four of these are restaurants with exotic cuisines, only one of which is in the PSF. Indeed there are only 3 other ground floor Class A3 uses in the PSF; two cafes that are both part of baker's shops (Class A1) and one Indian restaurant. There is a coffee shop in the Old Post Office building, but it is above ground floor level up flights of stairs.
- 3.11 Therefore, if Madison's were not allowed to relocate to Newbury Street, there is likely to be a reduction in the diversity of uses in the Town Centre, contrary to the advice in *PPS6*. There is also no guarantee that another Class A3 use, let alone a tea room, would occupy Madison's old premises. Incidentally, it should be noted at this point that permitted development rights allow a change of use from Class A3 use to Class A2 (eg estate agents) or Class A1 (retail). Should the latter occupy Madison's old premises, it would then be doubtful whether any fundamental breach of Policy S2 would have arisen.
- 3.12 The net loss of retail floorspace of around 100 sq m is hardly likely to harm the vitality and viability of the Town Centre either quantitatively or for locational reasons. As there are few Class A3 uses in the PSF, an addition of 100sq to the total amount of such floorspace would be a small-scale increase on a very low baseline. Compared to the total retail floorspace in the PSF this is but a pinprick. Moreover, the recent trend, noted by the Local Plan Inspector (para 12.3.6 of his Report), is for an overall increase in retail floorspace in the Town Centre, with the development north of the Market Place now coming on stream. The proposal's effect in this context would be negligible. Also, drawing no. C22079/07/04 shows that if Madison's moved to 9 Newbury Street it would not result in a concentration of non-retail uses in this part of the PSF. Currently, 9 of the 12 units in the frontage from the Regent Mall to 21 Newbury Street are in retail use (75%). A reduction to 8 would still leave 66% in retail use, a reasonable percentage in a PSF. Percentages are similar if the calculation is based on the length of the frontage, which is 90m. Currently 65.5m is retail frontage whilst the remaining 24.5m is in A2 use, which means that 73% of the frontage is

retail. If Madison's were to occupy 9 Newbury Street, the frontage would still be 66% retail. Nor should the Tea Rooms be regarded as dead frontage.

- 3.13 In all these circumstances there appears to be no evidence to substantiate the Council's argument that the proposal would harm the vitality and viability of the Town Centre.

4.0 CONDITIONS

- 4.1 The applicant is willing to consider the imposition of conditions that comply with the requirements of *Circular 11/95*, for example opening hours and the need for any ventilation and acoustic treatment of the building. If officers were minded to recommend planning permission, the applicant would like to be consulted on any draft conditions.
- 4.2 Officers may consider a condition limiting the use to tea rooms within Class A3 and for no other purpose in that use class, or within any other use class, except Class A1. *Circular 11/95* advises that such conditions should only be imposed in exceptional circumstances and, if officers contemplate this solution, considerable thought should be given to whether it would be necessary for the Council to exercise this level of control. However, there would be some argument for removing permitted development rights that would allow a change of use to a Class A2 use (e.g. estate agency) at some time in the future. The applicant would particularly welcome consultation on a condition of this nature if officers were considering its imposition.

5.0 CONCLUSIONS

5.1 The Council's sole reason for refusing the original application is that conflict with Policy S2 of the Local Plan would result in the proposal harming the vitality and viability of Wantage Town Centre. However, the original Committee report did not go beyond Policy S2 to offer any evidence to show what harm to the vitality and viability of the Town Centre would result from granting planning permission for the change of use.

5.2 Furthermore, the report omitted to consider properly the other material considerations that would justify departing from Policy S2 in this case. Principal among these is the advice in *PPS6*. The supporting information referred to in this Statement is sound evidence that the proposal would enhance the vitality and viability of the Town Centre, the promotion of which is a key objective of *PPS6*.

5.3 This evidence can be summarised as follows.

- Reasonable efforts have been made to secure a retail letting for a unit that has traditionally been difficult to let for such purposes;
- the centre of gravity of the retail offer in the Town Centre has shifted to the north of the Market Place with the Sainsbury's and associated developments, which can only serve to exacerbate the difficulties in trying to achieve a retail letting at 9 Newbury Street;
- this additional development has resulted in an increase in retail floorspace in the Town Centre, a point noted in the Local Plan Inspector's Report;
- against this trend, a small scale loss of only 100 sq m retail floorspace is unlikely to harm the vitality and viability of the Town Centre;
- the petition in support (650 names) shows that Madison's generates high pedestrian flows, probably well above the footfall achieved by the previous retail use and separately noted by a retailer in the same frontage;
- the petition also indicates that Madison's attracts a wide range of customers, including families and older people, the latter category suggesting the Tea Rooms contribute to social inclusiveness;

- if Madison's are forced to close it would reduce the diversity of uses in the Town Centre, another key measure of vitality and viability; and
- by relocating to Newbury Street, Madison's would not cause or consolidate any concentration of Class A3 uses in this part of the PSF, nor indeed any non-retail uses in general.

5.4 Against this, there is no evidence suggesting that the proposal would harm the vitality and viability of the Town Centre. On this basis the presence of these uncontested material considerations in the proposal's favour, which includes advice *PPS6*, justifies departing from Policy S2 of the Local Plan and granting conditional planning permission.



TOWN AND COUNTRY PLANNING ACT 1990

NOTICE OF REFUSAL

To:

Mr A Jackson
3 Parsonage Barns
Childrey
Wantage
Oxon
OX12 9NT

Application No: WAN/1645/9

Proposal;
 Change of use to tea rooms.

Address:
 9 Newbury Street Wantage Oxon OX12 8BU

DATE OF DECISION: 21st May 2007

The Vale of White Horse District Council, in pursuance of powers under the Above Act, hereby **REFUSE** to permit the above development in accordance with the plans and application submitted by you, for the reasons specified hereunder:

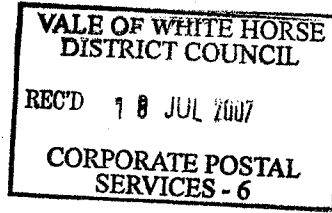
1 In the opinion of the District Planning Authority, the loss of retail floor space at ground floor level in the Primary Shopping Frontage of Wantage Town Centre, would have a harmful impact on the vitality and viability of this part of the town which cumulatively with other non-retail uses would alter the prevailing character of the area. As such the proposal is contrary to the adopted Vale of White Horse Local Plan, in particular Policy S2.

Rodger Hood
Deputy Director (Planning and Community Strategy)



Miss Laura Hudson
 Vale of White Horse District Council
 Abbey House
 Abingdon
 Oxon
 OX14 3JE

Bill Melotti
 Conservative District Councillor in Wantage



12 July 2007

Dear Laura

Madisons Tea Rooms – WAN/1645/10

I am writing to express my support for this application, which sits within my ward. I would like to make a formal request that this application is taken to committee and not dealt with under delegated powers.

Could you please list the following points for members considering this application:-

1. Members might wish to consider the effect of the current policy on Wantage and the fact it is not promoting vitality in town. It also does not take into account the effect of a shift of the retailing centre-of-gravity over to the new Sainsbury's development. **I would recommend a site visit to see for yourselves, the business, Mill St and Newbury St.**
2. The Madisons Tea Rooms is a highly successful business in Wantage and attracts a varied clientele from towns outside Wantage, contributing to the vitality of the town. Those people use it to take a break from shopping etc and provides a variety in the type of business available, essential for smaller market towns.
3. Madisons employs ten people and we should be supporting small businesses in the Vale. If it cannot move it will have to shut. Small business in this country forms a large and valuable part of our national economy and more so in rural areas.
4. Members are fully able to vote for the proposal and against the policy if there are **material considerations** that suggest the policy is inappropriate. This would not tear up the policy and lead to a rush of fast food outlets moving in. I believe there are national planning guidelines that indicate to maintain vitality in small towns, block allocations of particular use e.g. primary shopping, can have small amounts dedicated to other uses, in or close to town centres. If this were taken into account, the policy would still stand, but the Madisons application could be granted.
5. Members can dedicate the permission to be a personal permission, a special case whereby the grant is given only to this business. If the business folds or moves away, the permission is revoked and the usage reverts back to A1. This kind of exceptional permission is perfect to match this special case. I understand there used to be a principle

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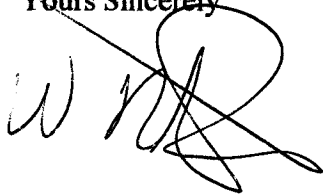
of 'Demonstrable Harm' in planning. If so, where is the harm in dedicating a personal permission?

6. Whilst Grove St is benefiting from the effect of extra footfall, Newbury St has suffered and Mill St is badly suffering. We have many units now boarded up in Mill St, having lost a toy shop off-licence, bookshop/stationers, butchers and now a fishing tackle retailer.

7. Mill St business is currently comprised of fast food outlets, barbers, estate agent and restaurants. The policy states this will be a priority retail area also I believe, so it seems it is not successful at the moment.

8. I would urge members do not let Wantage down, by thoughtless imposition of a policy that appears to be bringing little benefit at present, especially when there are ways around that policy. As elected Councillors you are entitled to use your judgement and vote for this proposal.

Yours Sincerely

A handwritten signature in black ink, appearing to be 'W. Melotti', written over the typed name 'Bill Melotti'.

Bill Melotti