

Item No 18:-

16/04244/FUL (CT.3828/1/P)

**44 Black Jack Street
Cirencester
Gloucestershire**

Item No 18:-

**Change of use to B1/D1 and health/beauty/exercise related uses
at 44 Black Jack Street
Cirencester**

Full Application 16/04244/FUL (CT.3828/1/P)	
Applicant:	Cotswold District Council
Agent:	None
Case Officer:	Helen Donnelly
Ward Member(s):	Councillor Mark Harris
Committee Date:	14th December 2016
RECOMMENDATION:	PERMIT

Main Issues:

(a) Change of Use Within the Commercial Centre of the Town

Reasons for Referral:

The application has been brought to the Planning Committee for determination as the building is owned by Cotswold District Council and the applicant is the Council.

1. Site Description:

No.44 Black Jack Street is a Grade 2 listed building, located towards the western end of Black Jack Street, adjacent to the Corinium Museum. There is a cafe at the ground floor and an entrance adjacent to the cafe which provides access to the first and second floors. There are a total of six rooms on over these two floors that are let out by the Council to individual businesses. The four rooms which do not form part of this application are offices have a B1(a) use, i.e offices that are not visited by members of the public.

The application site lies within the commercial centre of the town as defined by Local Plan Policy 25.

The application site also lies with the Cirencester Town Centre Conservation Area.

2. Relevant Planning History:

CT.3828/Q and CT.3828/R. Listed Building Consent and Planning Permission for a three storey extension to link Abberley House with 44 Black Jack Street; change of use of Echo offices to shop/café and associated alterations. Permitted 31.10.1994

15/02199/FUL. Change of use for rooms 2 and 4 - currently listed as B1(a) office use to 'other' sui generis use for a beauty salon and pilates classes/massage (part retrospective). Permitted 17.07.2015.

3. Planning Policies:

NPPF National Planning Policy Framework
LPR05 Pollution and Safety
LPR15 Conservation Areas
LPR18 Development within Development Boundaries
LPR25 Vitality & Viability of Settlements

4. Observations of Consultees:**Technical Pollution Services:**

"I have reviewed the application and do not consider that conditions or informative/s are relevant to the change of use. I do not have concerns over Noise. I have no objection"

5. View of Town/Parish Council:

Cirencester Town Council have no objection to the application.

6. Other Representations:

At the time of writing this report, no Third Party comments have been received.####

7. Applicant's Supporting Information:

Supporting Statement.

8. Officer's Assessment:**(a) Change of Use within the Commercial Centre of the Town**

The application seeks to change the use of room 2 on the first floor and room 4 on the second floor. Both of these rooms were the subject of a previous application (15/02199/FUL). Room 2 is currently leased to tenant who runs small Pilates classes and offers therapeutic massage. Room 4 was previously used as a beauty salon but the tenant is due to leave soon. These uses do not fall within a specific use class category and are considered to be "sui generis". There is no permitted change of use to a different use.

The applicant is seeking a flexible permission that would allow these rooms to be used for similar health/exercise/beauty relates uses or to be used for offices that are not visited by members of the public (i.e use class B1a).

Local Plan Policy 24 refers to employment uses, however this policy relates to larger employment sites rather than individual premises.

Local Plan Policy 25 seeks to protect the vitality and viability of settlements. The policy makes reference to the change of use of ground floor premises but it does not make a specific reference to the change of use of premises at first or second floors. In fact the guidance text to the policy states that "Many floors above shops and other commercial premises in town centres are under-used or empty".

The National Planning Policy Framework promotes a "strong competitive economy" which includes ensuring the vitality of town centres.

There is no objection to the proposed change of use of both rooms which would allow for greater flexibility in marketing and leasing the rooms. The change of use would not harm the vitality and viability of the town centre and four rooms within the building would remain in that use class. There are also other vacant B1(a) spaces available within the town.

There would be an increase in the number of customers visiting the rooms but the size of the rooms is modest and any increase in footfall would be limited. Furthermore, the building is located within the commercial centre, and a modest increase in the level of activity would not be out of keeping with the location. There are no parking spaces available with the rooms, but there is parking available within the nearby car parks at Brewery Court, the Old Station and the Memorial Hospital.

The uses are also considered to be compatible with a listed building.

9. Conclusion:

The change of use would bring empty office space back into use and the application is considered to accord with the NPPF and Local Plan Policy 25.

10. Proposed conditions:

The development shall be started by 3 years from the date of this decision notice.

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

The development hereby approved shall be implemented in accordance with the following drawing number(s): plan 2 and plan 4.

Reason: For purposes of clarity and for the avoidance of doubt, in accordance with paragraphs 203 and 206 of the National Planning Policy Framework.

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987 or any statutory instrument amending or replacing it and the provisions of the Town and Country Planning (General Permitted Development) Order 2015, the rooms identified on the approved plans as "Room 2" and "Room 4" are hereby permitted to be used for B1(a) use or for any sui generis uses relating to health, exercise and beauty.

Reason: To protect the amenity of those living and working in the area in accordance with Cotswold District Local Plan Policy 5 and the National Planning Policy Framework.



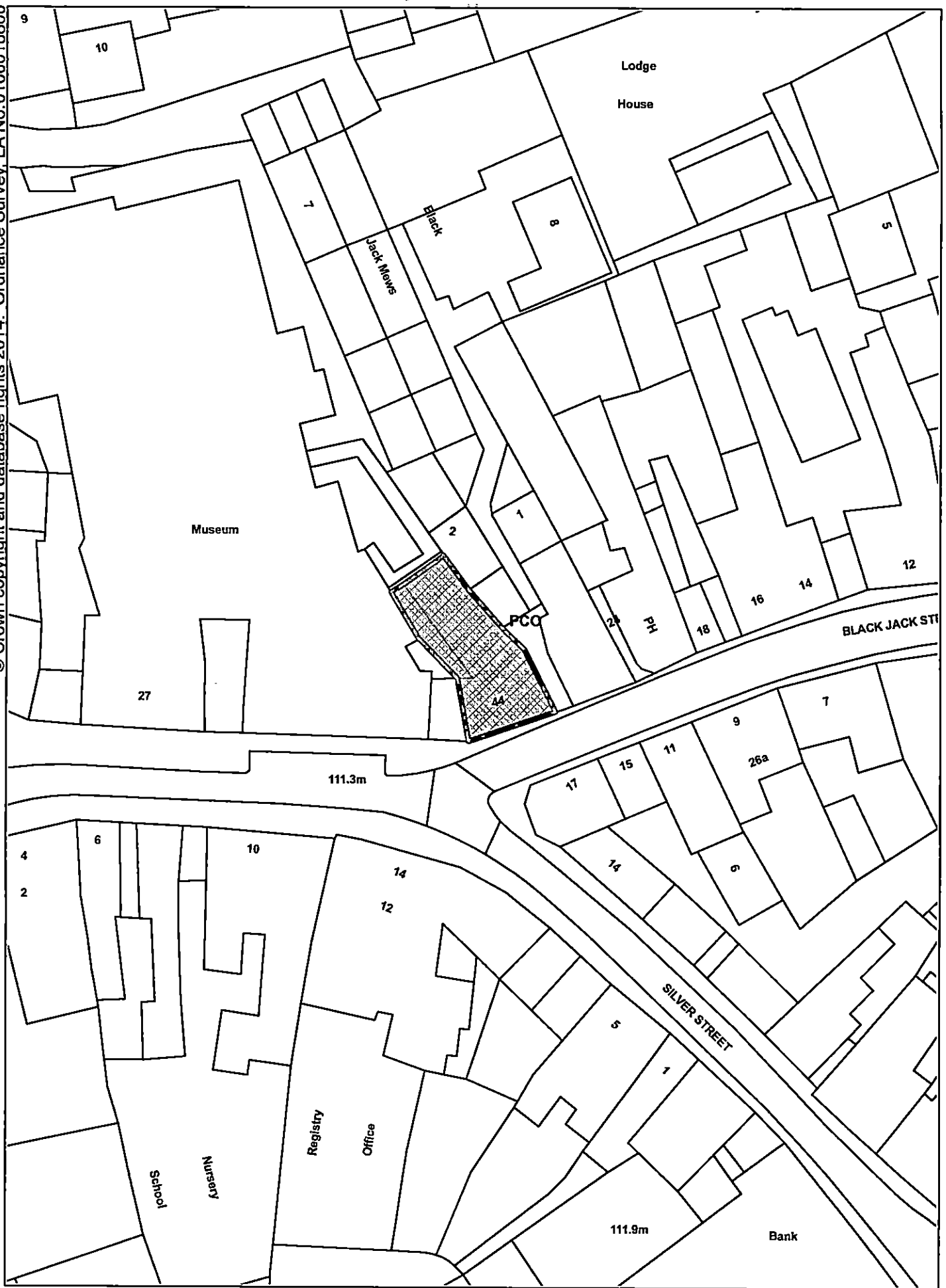
44 Black Jack Street Cirencester

Date: 30/11/2016 Scale: 1:1250

Organisation: Cotswold District Council
Department:



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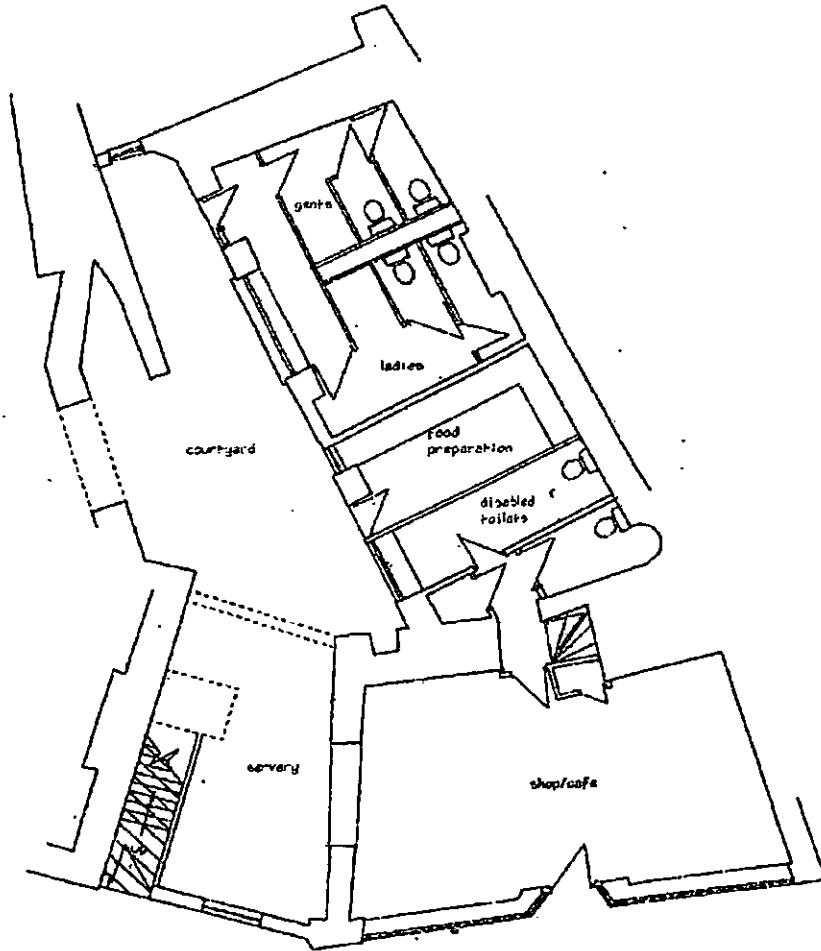
44 Black Jack Street Cirencester

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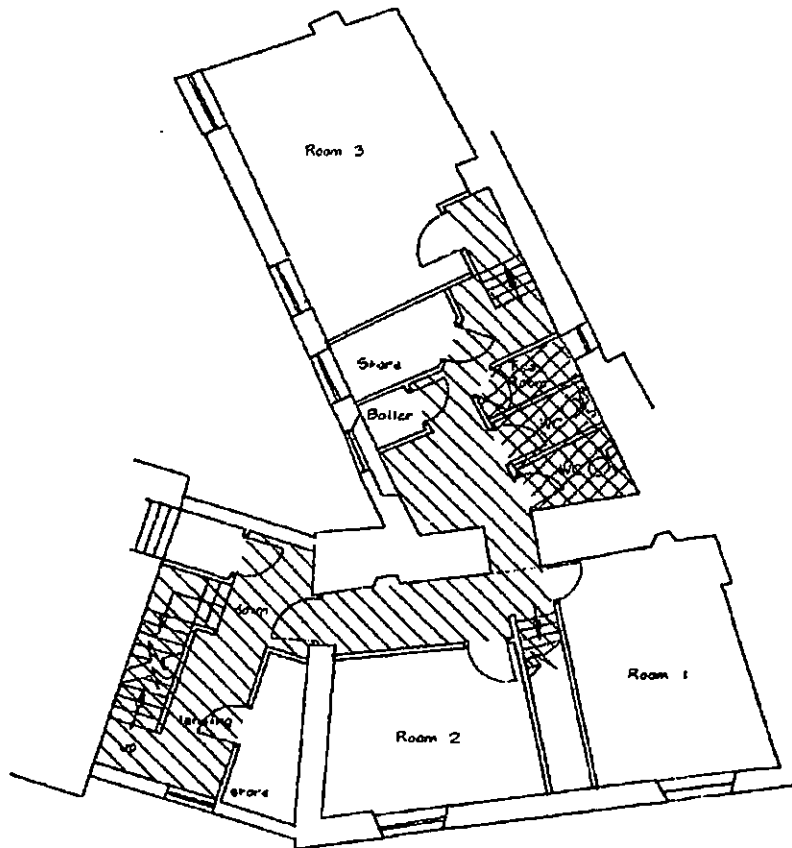


PLAN 1



44 BLACK JACK STREET
CIRENCESTER
GROUND FLOOR PLAN
2611A/200

PLAN 2

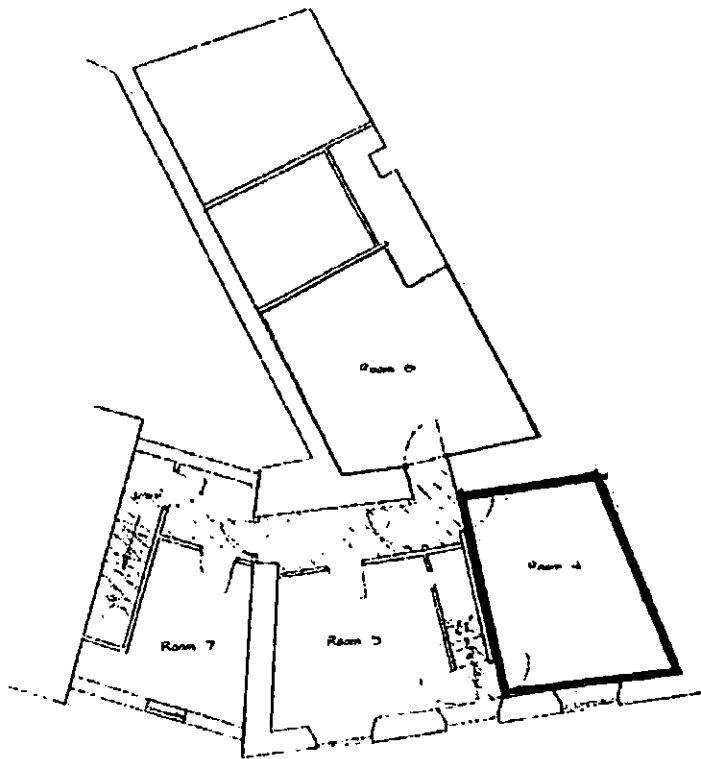


44 BLACK JACK STREET
CIRENCESTER

FIRST FLOOR PLAN

26/1/A/201

PLAN 3



44 BLACK JACK STREET,
GLOUCESTER
SECOND FLOOR PLAN
261/A/202