

**Item No 03:-**

**20/04249/FUL**

**Room 28  
Moreton Area Centre  
High Street  
Moreton-In-Marsh  
Gloucestershire  
GL56 0AZ**

### Item No 03:-

**Change of use to beauty salon to include body piercing and tattoos (sui generis) (part retrospective) at Room 28 Moreton Area Centre High Street Gloucestershire GL56 0AZ**

<b>Full Application 20/04249/FUL</b>	
Applicant:	Miss Katie Woropaj
Agent:	
Case Officer:	Rachel Gaskell
Ward Member(s):	Councillor Clive Webster
Committee Date:	14th April 2021
<b>RECOMMENDATION:</b>	<b>PERMIT</b>

#### **Main Issues:**

- (a) Principle of the Change of Use
- (b) Impact upon Listed Building

#### **Reasons for Referral:**

In accordance with the Council's Scheme of Delegation, the application has been referred to the Planning Committee for determination, as it relates to the Moreton Area Centre, a property of Cotswold District Council.

#### **1. Site Description:**

Moreton Area Centre is located in the High Street in Moreton-In-Marsh, and is a Grade II listed building within the Moreton-In-Marsh Conservation Area.

The site is located within both the Development Boundary and Key Centre Boundary of Moreton-In-Marsh. The room proposed for the change of use is located on the ground floor to the rear of the building and has previously been granted planning permission for mixed use as an office and Chiropractic clinic room, as such the use class is deemed to be sui generis on account of the mix of use classes. The applicant has been operating as a beauty salon, which also falls within a sui generis use, at the premises since March 2019; however, as there is no permitted change between sui generis uses, retrospective planning permission is required.

#### **2. Relevant Planning History:**

18/00184/FUL - Change of use from Class B1 office to a mixed use - office (B1) and Chiropractic clinic room (D1) - permitted 14 March 2018

#### **3. Planning Policies:**

TNPPF The National Planning Policy Framework  
DS2 Dev within Development Boundaries  
S18 S18 - Moreton-in-Marsh  
EC7 Retail  
EC8 MainTown Centre Uses

EN10 HE: Designated Heritage Assets

EN11 HE: DHA - Conservation Areas

#### **4. Observations of Consultees:**

None received

#### **5. View of Town/Parish Council:**

No response received

#### **6. Other Representations:**

None received

#### **7. Applicant's Supporting Information:**

Application form

Photographs

#### **8. Officer's Assessment:**

Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that 'If regard is to be had to the development plan for the purpose 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.'

The starting point for the determination of this application is therefore the current development plan for the District which is the adopted Cotswold District Local Plan 2011 - 2031.

The policies and guidance within the revised National Planning Policy Framework (NPPF) are also a material planning consideration.

### **Background and Proposed Development**

The proposal seeks planning permission for the change of use (part retrospective) of Room 28 at the Moreton Area Centre, High Street, Moreton-in-Marsh from mixed Class BI office/DI chiropractic clinic (sui generis) to beauty salon to include body piercing and tattoos (sui generis). The applicant has stated that (subject to COVID-19 restrictions) the salon currently offers beauty treatments such as manicure, pedicure, facials, waxing, body massage, and is hoping to add body piercing, microblading and brow tattooing. The applicant works as a sole trader at the premises and no physical changes are proposed.

#### **(a) Principle of the Change of Use**

Section 7 of the National Planning Policy Framework (NPPF) seeks to ensure the vitality of town centres by taking a positive and proactive approach to their growth.

The application site is located within Moreton-in-Marsh adopted development boundary where Policy DS2 applies. Policy DS2 states that "Within the Development Boundaries indicated on the Policies Maps, applications for development will be permissible in principle".

The application site lies within Moreton-in-Marsh Key Centre Boundary as identified on the Policies Map Inset 17. In this area Policy S18 (Moreton in Marsh) supports proposals for 'Main

Town Centre' uses, that maintain the position of Moreton-in-Marsh as a 'Key Centre' in the District's retail hierarchy.

Policies EC7 and EC8 seek to concentrate 'Main Town Centre' uses such as those providing services within the identified centres including Moreton-In-Marsh.

Due to the location of the application within the Moreton-in-Marsh development boundary and the Moreton-in-Marsh Key Centre there is no objection to the principle of the conversion of this part of the building to a beauty salon offering additional sui generis services that are complementary to the retailing offer of the Centre, subject to the proposal's compliance with other relevant policies.

### **(b) Impact upon Listed Building and Moreton-in-Marsh Conservation Area**

Moreton Area Centre is a Grade II Listed Building. The Local Planning Authority is therefore statutorily required to have special regard to the desirability of preserving the building, its setting, and any features of special architectural or historic interest it may possess, in accordance with Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990.

The site lies within the Moreton-in-Marsh Conservation Area, wherein the Local Planning Authority is statutorily obliged to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990.

Section 16 of the National Planning Policy Framework requires that Local Planning Authorities should take account of the desirability of sustaining or enhancing the significance of heritage assets. Paragraph 193 states that when considering the impact of the proposed works on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 states that any harm to, or loss of, the significance (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 states that where a development proposal will lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Policy EN10 of the Local Plan - Designated Heritage Assets states:

1. In considering proposals that affect a designated heritage asset or its setting, great weight will be given to the asset's conservation. The more important the asset, the greater the weight should be.
2. Development proposals that sustain and enhance the character, appearance and significance of designated heritage assets (and their settings), and that put them to viable uses, consistent with their conservation, will be permitted.
3. Proposals that would lead to harm to the significance of a designated heritage asset or its setting will not be permitted, unless a clear and convincing justification of public benefit can be demonstrated to outweigh that harm. Any such assessment will take account, in the balance of material considerations:
  - The importance of the asset;
  - The scale of harm; and
  - The nature and level of the public benefit of the proposal.

Local Plan Policy EN11 Designated Heritage Assets - Conservation Areas states:

'Development proposals, including demolition, that would affect Conservation Areas and their settings, will be permitted provided they:

- a. Preserve and where appropriate enhance the special character and appearance of the Conservation Area in terms of siting, scale, form, proportion, design, materials and the retention of positive features;
- b. Include hard and soft landscape proposals, where appropriate, that respect the character and appearance of the Conservation Area;
- c. Will not result in the loss of open spaces, including garden areas and village greens, which make a valuable contribution to the character and/or appearance, and/or allow important views into or out of the Conservation Area.
- d. Have regard to the relevant Conservation Area appraisal (where available); and
- e. do not include internally illuminated advertisement signage unless the signage does not have an adverse impact on the Conservation Area or its setting.'

The proposal, relates only to the change of use of part of the building, which is already in use for a variety of services, with no physical works proposed. There should, therefore, be no impact upon the historic character or fabric of the listed building or character and appearance of the conservation area.

## **9. Conclusion:**

The proposal is considered to accord with the policies in the Development Plan, in addition to the NPPF, which are not outweighed by other material planning considerations.

The proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended). This is because it is less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.

## **10. Proposed conditions:**

1. 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.

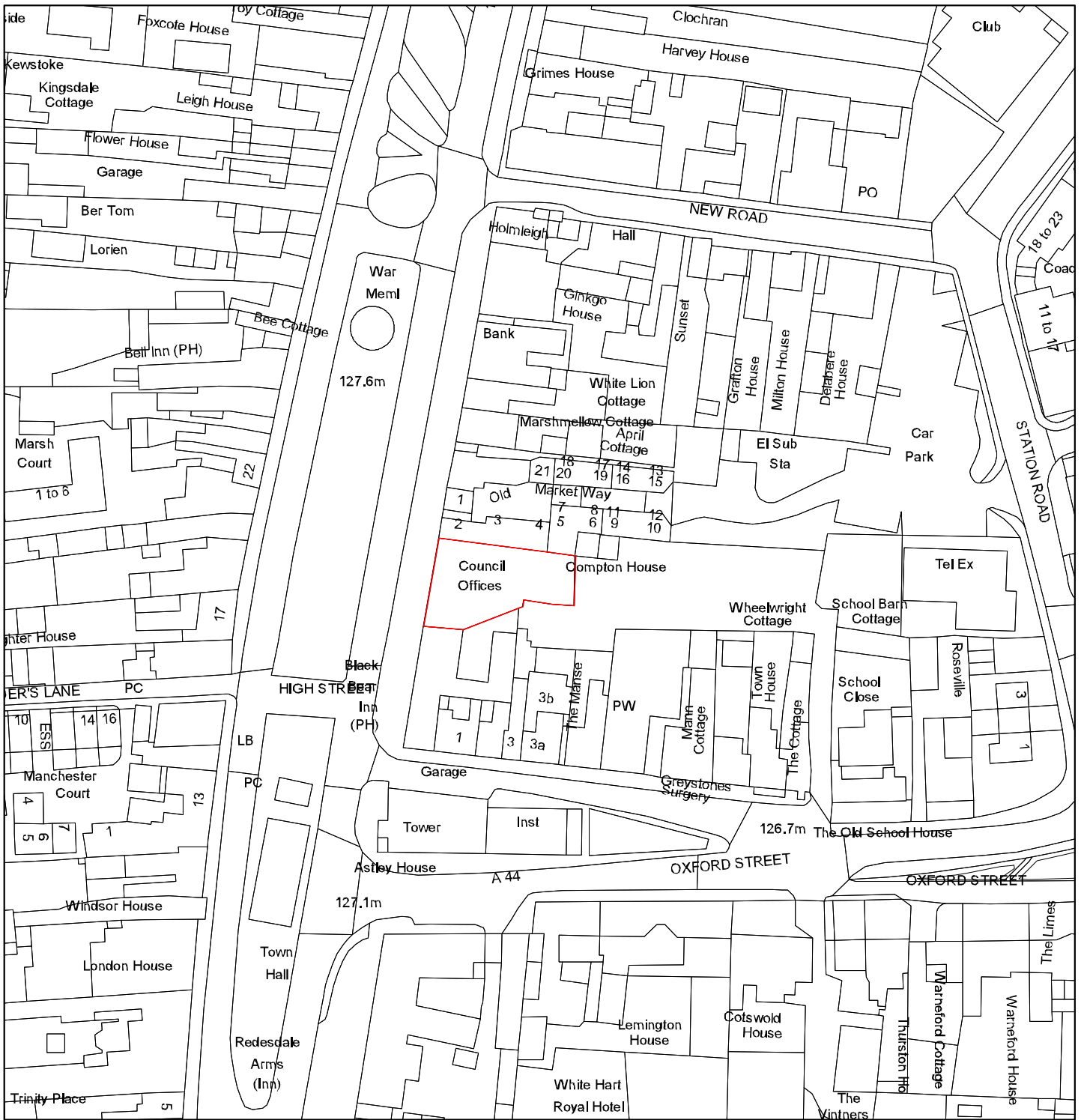
2. The development hereby approved shall be carried out in accordance with the following drawing number(s): Site Location Plan, Floor Plan identifying room location, both received 25 November 2020

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

## **Informatives:**

1. Please note that the proposed development is not liable for a charge under the Community Infrastructure Levy (CIL) Regulations 2010 (as amended) because it is:

*less than 100m<sup>2</sup> of new build that does not result in the creation of a dwelling, and therefore benefits from Minor Development Exemption under CIL Regulation 42.*



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<b>Organisation</b>	Cotswold District Council
<b>Department</b>	Property Services
<b>Comments</b>	
<b>Date</b>	15 July 2011

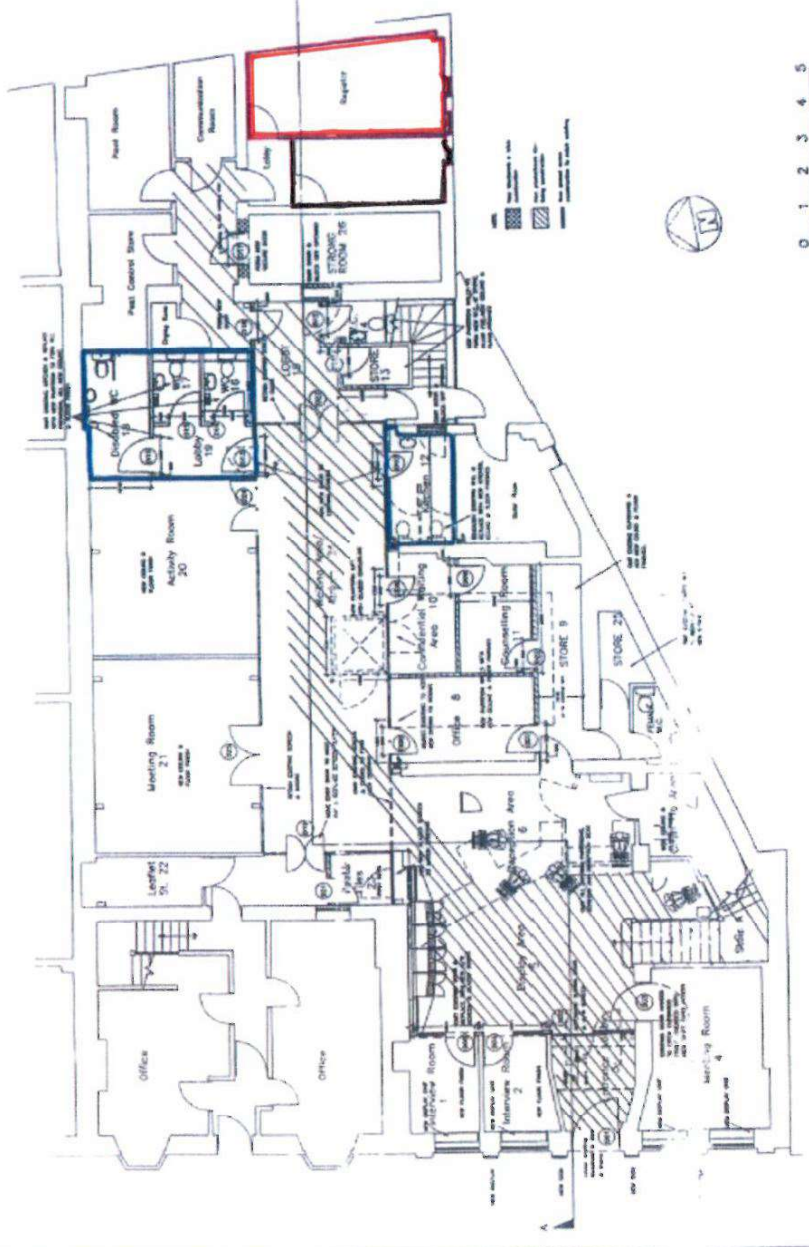
DATE	DESCRIPTION
15/01/2012	ISSUED FOR CONSTRUCTION

**Construction is**

COSTWOLD DISTRICT CO  
 COMPTON HOUSE  
 WORTON BY WIMBORNE  
 WORTON OFFICE  
 REFURBISHMENT  
 GROUND FLOOR  
 PROPOSED 15/12/11

DATE	DESCRIPTION
15/01/2012	ISSUED FOR CONSTRUCTION

**PB**  
 P.B. Kennedy & Daniels  
 A Planning Refurbishment Client  
 1000000/002





20/04249/FUL – Front elevation of Moreton Area Centre, Moreton-In-Marsh

