

Agenda Item A19	Committee Date 28 September 2009	Application Number 09/00602/CU
Application Site 40 Penny Street Lancaster Lancashire LA1 1UA	Proposal Change of use from A1 (retail) to A2 (financial and professional services)	
Name of Applicant Instant Cash Loans Ltd	Name of Agent Jenny Barker	
Decision Target Date 17 August 2009	Reason For Delay Committee Cycle	
Case Officer	Petra Williams	
Departure	No	
Summary of Recommendation	Recommended for Approval	

1.0 The Site and its Surroundings

1.1 The site that forms the subject of this application is a corner property which has a triple frontage along Common Garden Street in the city centre. Indeed despite the address being Penny Street the property falls within the "Other Key Frontage" on Common Garden Street as designated in the Lancaster City Centre Strategy.

1.2 The property has been vacant for some time and was last used as a travel agent business which falls within A1 use. The adjoining property on Common Garden Street is in A1 use.

The site is a prominent location in a predominately retail area and falls within the City Conservation Area.

2.0 The Proposal

2.1 The application proposes a change of use of the ground floor from A1 (retail) to A2 (financial and professional services). The exact nature of the business will be "The Money Shop" which deals with cheque cashing, money transfer and foreign currency exchange.

3.0 Site History

3.1 There is no relevant site history.

4.0 Consultation Responses

4.1 The following responses have been received from statutory consultees:

Statutory Consultee	Response
County Highways	No objections.
Forward Plans	The proposal complies with Policy S5

5.0 Neighbour Representations

5.1 No comments received

6.0 Principal Development Plan Policies

6.1 Lancaster District Local Plan saved Policy S5 – Guidance regarding A2 uses within Other Key Frontages. The Policy allows for up to 20% of ground floor frontages to be in A2 use within other Key Retail Frontages.

7.0 Comment and Analysis

In considering this proposal, officer's main concerns related to the extent of 'dead' frontage the use might create at this town centre site together with the lack of pedestrian activity such a use would generate. However it would be difficult to justify a refusal of consent as the development would accord with current policy terms protecting retail Frontages i.e. A2 uses would not exceed 20% of the total frontage.

With regard to pedestrian activity the applicants have now provided figures which suggest that average daily customer use compares favourably with a similar size retail (A1) unit. Following negotiations they have also agreed to accept a condition limiting the use to that applied for rather than a general A2 permission and to provide a shop Front type display in the main windows.

8.0 Conclusions

8.1 The premises have been vacant since 2007 and seemingly do not meet the requirements of any of the national retailers currently seeking representation in Lancaster at the present time. Although a retail use would be preferred in this location the proposal does nevertheless accord with Local Plan Policy S5.

8.2 Furthermore it is envisaged that The Money Shop will generate a similar amount of footfall to that of a retail use thereby maintaining the vitality of this part of the City Centre. The application is recommended for approval subject to the addition of suitable conditions.

Recommendation

That Planning Permission **BE GRANTED** subject to the following conditions:

1. Standard time limit
2. Use as approved plans
3. Use by limited selling to that applied for i.e. a "Money Shop" at all times
4. Maintenance of a shop type display window

Human Rights Act

This recommendation has been reached after consideration of the provisions of The Human Rights Act. Unless otherwise stated in this report, the issues arising do not appear to be of such magnitude to override the responsibility of the City Council to regulate land use for the benefit of the community as a whole, in accordance with national law.

Background Papers

1. None