DELEGATED REPORT

FILE REFERENCE: SMD/2016/0222

MAIN ISSUES:

Principle of Development
Design Considerations
Impact on Residential Amenity
Impact on Highway Safety

PUBLICITY/REPRESENTATIONS:

Leek Town Council – Recommend Approval
Neighbours/Representations – No representations received

CASE OFFICER ASSESSMENT:

This application relates to a vacant retail unit located within the Leek town centre as defined by the Core Strategy Policies Maps. The site forms one of three small commercial units located to the rear of Wilkinsons. A large public footpath is located immediately adjacent to the site. The site falls outside of the Leek Town Centre Conservation Area.

This application seeks to vary condition 3 of planning approval SMD/2015/0817 Change of Use of From A1 to A4 (Micro pub). Condition 3 is detailed as follows:

The use hereby permitted shall only be conducted between 12:00 and 21:00 hours on weekdays and 12:00 and 22:00 hours on Saturdays and 12:00 and 21:30 hours on Sundays and Bank Holidays.
Reason:- In order to maintain the amenities of the area.

It is sought to extend the hours permitted in order to allow for 'cleaning, stocking and deliveries in the morning and to allow for drinking up time and cleaning in the evening'. It is stated within the application that the applicant wishes to amend the condition to allow for such operations to occur between 11:00 and 22:00 Monday to Thursday, between 11:00 and 23:00 Fridays and Saturdays and 11:00 and 22:30 on Sundays.

In accordance with policy DC1, new development should protect residential amenity in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping. The application site located within the town centre, however it is noted that there are some residential properties within the surrounding area. The main amenity consideration in this instance would be whether the additional hours proposed would allow for significantly greater noise and disturbance over and above those already permitted.

It is proposed to increase the permitted hours by 1 hour in the morning and 1 hour in the evening. The hours proposed are in line with those generally expected for such a use and it is not considered likely that the proposed variation would result in significantly greater harm to amenity over and above the hours already permitted. All other conditions in relation to external lighting, unforeseen land contamination , hours of construction and limiting dust still apply.

In light of the town centre location of the site and the limited extension in hours proposed, it is not considered that the proposal would result in significant harm to residential amenity.

The proposal to vary the permitted hours of operation does not give rise to any concerns in respect of design or highway safety. Accordingly this application is considered to accord with policy DC1.

RECOMMENDATION:

APPROVE

Date 05/08/2016 **Signed** _____
Lisa Howard

DEVELOPMENT CONTROL MANAGER COMMENTS:

Date **Signed** _____