

## DELEGATED DECISION REPORT

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SMD/2017/0037  
Valid 16/02/2017

SHOP ON THE GREEN 145  
BALL HAYE GREEN  
LEEK

RETROSPECTIVE  
APPLICATION FOR CHANGE  
OF USE FROM RETAIL TO  
RETAIL TO INCLUDE THE  
SALE OF HOT AND COLD  
FOOD ON OR OFF THE  
PREMISES

(FULL - MINOR)

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### MAIN ISSUES

- Principle of proposed change of use in policy terms, impact on the character and appearance of the area, effect on neighbouring amenity in terms of noise, odour, operational hours and highway safety.

### DESCRIPTION OF SITE

The application site lies on the north western side of Ball Haye Green close to its junction with Novi Lane, Leek. It contains a single storey double fronted building constructed from brick with a plain clay tile roof. The building has an established retail use most recently being used as a convenience store and previously as a pet shop. Vehicular access to the factory units, which lie to the south west of the application building runs contiguous with the boundary of the site with a row of terraced properties to the front. On the opposite side of the building lies a children's' recreation area. On the opposite side of the highway lie semi-detached and terraced bungalows which are arranged around the junction. For the purposes of the development plan the application site lies outside any protected retail shopping street but within the town's development boundary where there is a general presumption in favour of development.

### PROPOSAL

This is a retrospective application which seeks consent to change the use of the existing retail unit to a mixed use including retail to include the sale of hot and cold food both on and off the premises (A1/A3 & A5 use).

### RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

#### Core Strategy Development Plan Document (Adopted 2014)

S01 Spatial Objectives  
SS1 Development Principles

SS1a Presumption in Favour of Sustainable Development  
SS5 Towns  
SS5a Leek Area Strategy  
C1 Creating Sustainable Communities  
DC1 Design Considerations  
T1 Development and Sustainable Transport  
T2 Other Sustainable Transport Measures

### **National Planning Policy Framework**

Paragraphs 1-17 & 70  
Chapter 1 Building a Strong Competitive Economy  
Chapter 2 Ensuring the Vitality of Town Centres  
Chapter 7 Requiring Good Design  
Chapter 8 Promoting Healthy Communities

### **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

None relevant

### **CONSULTATIONS**

#### **Publicity**

Site notice posted and 3 neighbours notified.

#### **Public Comments**

No representations received.

#### **Town / Parish Comments**

Recommend approval.

#### **Environmental Health**

No objections.

#### **Highways Authority**

Verbally confirmed no objections due to sustainable location.

### **OFFICER COMMENTS**

#### **Principle of Development**

In accordance with Policy SS1 of the adopted Core Strategy the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements of Staffordshire Moorlands. Policy SS1a states that when considering development proposals the Council will take a positive approach

that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework (NPPF).

Policy SS5a seeks to consolidate the role of Leek as a principal service centre and market town through the sensitive redevelopment and expansion of the town centre to increase the quantity and quality of the retail offer. It goes on to support the provision of opportunities for new businesses and enterprises and providing facilities and sites for new start up businesses.

For the purposes of the Development Plan the site lies within the town development boundary but outside the extent of the Council's adopted town centre frontage policy. The relevant policies are therefore Policy C1 and paragraph 70 of the National Planning Policy Framework. This states that community facilities (serving day to day needs) should be protected from loss to other uses unless "an alternative facility of the same type is available in the same locality".

The submitted application shows that the existing retail use as a convenience store will be retained and will effectively be the dominate use with the largest proportion of floor area given over to this. The introduction of an A3 and A5 use will supplement the existing retail use rather than replace it. The application building lies in an area of mixed residential/commercial development with residential uses and commercial uses (factory units, hairdressers, dentists and fish and chipshop) all evident in the immediate locality and the new use would complement existing uses (as did its previous use). There is therefore no objection in policy terms to the proposed change of use of the building to a mixed retail use which incorporates the sale of hot and cold food both on and off the premises.

### **Impact on the character and appearance of the application site and wider surrounding area**

The application building has historically been in retail use and is currently used as a convenience store serving the local community. The change of use has resulted in the provision of a modest kitchen area and a small area at the rear of the existing retail area being given over to a café area. Externally the only changes relate to the provision of an extractor fan which has been fitted to the rear of the building and currently terminates above the existing flat roof area. Whilst the flue is large and appears as an incongruous addition with its shiny steel appearance its positioning at the rear of the building means it is well set back from the street scene. In addition the fact that the application building sits further back into the site than the row of the adjacent terraced properties and the alignment of the highway means that any views of this would be limited to those obtained from the vehicular access which sits between the two. On this basis it is considered that whilst there would be some harm to the character and appearance of the street scene its limited nature and semi commercial location means that refusal on these grounds alone would be difficult to substantiate.

### **Amenity**

National planning policy dictates that at the heart of its core principles, planning should always seek to ensure a good standard of amenity for all existing and future

occupiers of land and buildings. This is further reiterated in CS Policy DC1 which requires all new development to protect the amenity of the area including residential amenity.

The submitted details show that the proposed A3 and A5 uses would complement the existing retail use at the site. The applicant has also indicated that it is intended that part of the business model would include a meals on wheels service which would involve preparation of meals on site for the elderly with consumption taking place off the premises. These would either be delivered by the applicant or collected via the customer or their families. The provision of a delivery service has the potential to disrupt the amenity enjoyed by the occupiers of the surrounding residential dwellings. The applicant has confirmed that although the shop has a licence to trade until 10pm the kitchen will only remain open from 8am until 6pm. Environmental Health has been consulted on the application and have raised no objections.

Given the scale of the proposed operation, its location within a mixed use area and the fact that conditions could be imposed to restrict the operational activity of the kitchen it is not considered that nearby residents would be unduly affected by the proposal. In this regard it is considered that the proposal complies with policy DC1 of the adopted Core Strategy and guidance contained within the NPPF.

### **Highway Safety**

Paragraph 32 of the NPPF states “plans and decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure, safe and suitable access to the site can be achieved for all people and improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts on development are severe as is reflected within CS Policy T1 Development and Sustainable Transport.

With regards to highway safety the application site is situated close to the junction of Ball Haye Green and Novi Lane where there are no parking restrictions and on street parking is evident. The site is within a sustainable location which is well served by public transport. The Highways Authority have verbally confirmed that they have no objections to the proposed development. It is not therefore considered that the proposal would result in any harm to highway safety and the application complies with CS policy T1 and the relevant parts of the NPF in this regard.

### **CONCLUSION / PLANNING BALANCE**

In summary it is considered that the proposed change of use would not be contrary to adopted policy and subject to the imposition of suitable conditions should not cause problems to adjoining properties. Furthermore, it would not be detrimental to highway safety and the proposal is therefore considered to be acceptable.

**OFFICER RECOMMENDATION : APPROVE**

**Case Officer: Teresa Critchlow**

**Recommendation Date: 11<sup>th</sup> April 2017**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of Staffordshire Moorlands District Council**