DELEGATED DECISION REPORT

SMD/2017/0489 **Valid 08/08/2017**	**83 HIGH STREET** **BIDDULPH**	**PROPOSED VARIATION OF CONDITION 2 RELATING TO SMD/2017/0296.** **08:00 - 11:30 MONDAY TO SUNDAY** **(FULL - MINOR)**

MAIN ISSUES

- The key point for consideration is whether the proposed variation to the approved opening hours would result in detrimental harm to the vitality and viability of Biddulph Town Centre, result in demonstrable harm to residential amenity or highway safety.

DESCRIPTION OF SITE

This application relates to a site forming part of the primary shopping frontage of Biddulph Town Centre. The premises comprises of a two storey mid-terraced building with an enclosed yard to the rear. It was not clear at the time of the case officer site visit if renovation works had commenced in respect of planning reference SMD/2017/0296, however correspondence received from the Agent confirms that works have started. Extant permission exists for the change of use of a ground floor A1 retail unit to an A4 drinking establishment.

PROPOSAL

This application seeks to vary condition 2 (Opening Hours) in order to bring the approval in line with the hours stipulated by the Premises Licence.

It is proposed to vary the approved hours to allow opening between 08:00 – 23:30 hours Monday to Sunday.

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
SS5b Biddulph Area Strategy
DC1 Design Considerations
TCR1 Development in the Town Centres
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 - 17
Section(s) 2, 7

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2017/0296 Change of use from A1 to A4
Approved

CONSULTATIONS

Publicity

Site Notice expiry date: 03.10.2017
Neighbour consultation period ends: 22.09.2017
Press Advert: N/A

Public Comments

No comments received.

Town / Parish Comments

Biddulph Town Council: Recommend approval subject to no adverse comments from licensing.

Environmental Health

No objection subject to a condition requiring sound insulation in accordance with BS8233:2014.

OFFICER COMMENTS

Principle of Development

In accordance with policy SS1 the Council will expect the development an 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 NPPF.

Policy SS5b seeks to enhance the role of Biddulph as a significant service centre and a market town; providing opportunities for new enterprises and businesses by promoting further development at the Victoria Business Park and within the urban area. Policy TCR1 aims to protect and enhance the vitality and viability of the retail offer of the Staffordshire Moorlands. Proposals relating to Biddulph Town Centre shall be assessed against policies in the Biddulph Town Centre shall be assessed against policies in the Biddulph Town Centre Area Action Plan Development Plan

Document. Policy STRAT1 of the strategy seeks to provide a range of town centre uses, principally retail, leisure and community uses. Within the primary shopping frontages class A1 (retail) will be permitted. Development falling within other use classes will only be permitted where it will not lead to a concentration of non-shopping uses and result in an unacceptable change in the retail character of the immediate area or have an adverse effect on the vitality or viability of the town centre

By virtue of planning approval SMD/2017/0296, the LPA is satisfied that the scheme would serve to enhance the town centre offering and would contribute to the vitality and viability of the area. Environmental Protection has raised no objection to the proposed variation of condition and as such this application is considered to be acceptable in principle.

Amenity

This application relates to the ground floor premises only. An existing C3 residential unit is to be retained to the first floor. It is noted that there are other residential units within the vicinity. The site is located within a Primary Shopping area where a degree of associated noise and disturbance is to be expected. In this instance this application relates to a relatively small unit with limited internal space. The indicative layout plan shows provision for 6 no. tables. Condition 3 of the extant permission restricts the use of the external yard to the rear. It is not proposed to vary condition 3.

The proposed revised opening hours are in accordance with those permitted by Licencing. No objection has been received from Environmental Protect subject a recommended condition that requires sound insulation to party walls and the ceiling in accordance with BS8233:2014. Written confirmation has been received from the Agent stipulating that sound insulation in accordance with BS8233:2014 has been carried out to the walls following approval of SMD/2017/0296. It is proposed to install appropriate sound insulation at floor level rather that ceiling level once works commence to the first floor flat. Taking account of this it is considered appropriate to apply a condition to ensure that this is installed prior to first occupation of the flat.

It is not considered that the proposed variation to the openings hours would cause significant injury in terms of noise and disturbance.

CONCLUSION / PLANNING BALANCE

This application is considered to adequately accord with the relevant amenity policies of the Development Plan and as such a recommendation of approval is given.

OFFICER RECOMMENDATION : Approve

Case Officer: Lisa Howard
Recommendation Date: 09.10.2017

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council