DELEGATED DECISION REPORT

SMD/2018/0037 **Valid 01/02/2018**	**FLAT** **83A HIGH STREET** **BIDDULPH**	**CHANGE OF USE OF UPSTAIRS TO INCORPORATE STORAGE AND USE THE FRONT ROOM FOR A MEETING/FUNCTION ROOM.** **(FULL - MINOR)**

MAIN ISSUES

- Impact on the vitality and viability of Biddulph Town Centre
- Amenity

DESCRIPTION OF SITE

The application site comprises Flat 83a, High Street, Biddulph and forms part of the primary shopping frontage of Biddulph Town Centre and comprises a mid terraced two storey building with an enclosed yard to the rear. The building currently operates at ground floor level as an A4 drinking established named 'On Tap' which was granted consent under SMD/2017/0296 in July 2017.

PROPOSAL

The application seeks consent for a proposed change of use of the front first floor room which is shown to be a lounge area on the existing floor plans, above the drinking establishment, to a meeting/function room, to be used within the parameters of the licence which controls the operating hours of the drinking establishment. The meeting/function room would therefore remain ancillary to the existing use.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Section 38(6) of the Planning and Compulsory Act 2004 requires proposals to be determined in accordance with the Development Plan taking into consideration any material considerations relevant to the determination of the application.

The local development plan for this site comprises the Saved Policies of the Staffordshire Moorlands Local Plan (1998); Staffordshire Moorlands Core Strategy (adopted 26th March 2014) and any relevant Supplementary Planning Documents (SPD's).

The National Planning Policy Framework (NPPF) published in March 2012 sets out the Governments planning policies for England and how these are expected to be applied. As stated in paragraph 2 of the NPPF, the document is a material consideration which must be taken into account in planning decisions.

Core Strategy Development Plan Document (Adopted 2014)

SS1 Development Principles
SS1a Presumption in Favour of Sustainable Development
SS5 Biddulph Area Strategy
DC1 Design Considerations
TCR1 Development in the Town Centres

National Planning Policy Framework

Achieving Sustainable Development Paragraphs 1-17

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2017/0296 Change of Use from A1 to A4 (Approved 7th July 2017)

SMD/2017/0489 Proposed variation of Condition 2 relating to SMD/2017/0296 relating to opening hours (Approved 9th Oct 2017)

CONSULTATIONS

Publicity

Site Notice expiry date: 2nd March 2018
Neighbour consultation period ends: 23rd February 2018
Press Advert: N/A

Public Comments

No comments received

Town / Parish Comments

Biddulph Town Council – All for someone who is trying to improve Biddulph High Street (20th February 2018)

Environmental Health

This is a small scale development to convert a living room into a function room.

Primary concern is the use of amplified sound and customer noise in this area due to 2 existing adjoining residential units. This can be overcome by a scheme of sound insulation being applied to walls and ceiling, though the flanking transmission of noise through the floors should also be considered during the renovation.

The connectivity between these buildings is uncertain but given the proposals and agreement to conduct sound insulation then the reason for objection is removed. The proposed sound insulation set out in paragraph 9 of the application requires minor upgrading to comply with a minimum requirement for sound insulation in our opinion.

No objections subject to conditions relating to:

- Noise: Construction & Demolition works – Time of operations
- Noise: Sound Insulation
- Amplified Sound

OFFICER COMMENTS

Principle of Development

Policy S1a of the adopted local plan reflects the presumption in favour of sustainable development set out within the National Planning Policy Framework (NPPF).

Paragraph 14 of the NPPF sets out the presumption in favour of sustainable development. For decision taking this means approving development proposals that accord with the development plan without delay unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies indicate development should be restricted.

The site is located within Biddulph Town Centre and is not constrained by any sensitive statutory designation. The application is therefore not subject to any of the restrictive policy areas set out at footnote 9 to paragraph 14 of the NPPF and therefore the presumption in favour of sustainable development is engaged.

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 Area Action Plan Development Plan Document (DPD) 2007.

Policy STRAT 3 of the Biddulph Town Centre Area Action Plan DPD states that Upper floors above shops may be converted to a range of town centre uses in order to encourage activity and sustainable mix of uses in the town centre.

The proposed change of use would result in an un-used and currently un-occupied space being converted to facilitate meetings and functions for members of the Biddulph community, in a sustainable location within Biddulph Town Centre, supporting the aims of Policies SS5b and TCR1 of the Core Strategy and STRAT 3 of the Biddulph Action Plan DPD.

As such, the principle of development is considered to be acceptable subject to all other material considerations.

Amenity

Policy EQ6 of the Local Plan requires all new development to have a satisfactory relationship with existing land and buildings and protects the amenity of the area.

Aspects of amenity can relate to residential amenity (such as overbearing, loss of sunlight, privacy etc.) and other more general aspects of amenity such as noise impacts.

The proposed meeting/function room will be used in conjunction with the operation hours of the ground floor A4 drinking establishment. Environmental Health have no objections subject to appropriate conditions which will ensure that the amenity of neighbouring properties and the general public, most notably with regards to noise is preserved.

Subject to compliance with conditions recommended by Environmental Health it is considered that the proposed use will not result in any adverse harm to the amenity of neighbouring residential properties or the general area.

CONCLUSION / PLANNING BALANCE

The application seeks a change of use from an existing vacant living space at first floor level above an A4 Drinking Establishment to a meeting/function room and storage space. The Application Form states that the use would remain within the parameters of the licencing hours associated with the public house and therefore remain ancillary to the existing use.

The proposed use will support the aims of policies SS5b and TCR1 of the Core Strategy and STRAT 3 of the Biddulph Town Centre Action Plan DPD by making use of a redundant upper floor space in the Primary shopping area for community meeting/function purposes.

Subject to appropriate conditions, there is not considered to be any adverse impacts resulting from this Change of Use and therefore in line with policy SS1a of the Core Strategy and paragraph 14 of the NPPF, the application is recommended for approval subject to conditions

OFFICER RECOMMENDATION: Approve with Conditions

Case Officer: James Stannard
Recommendation Date: 22nd March 2018

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council