

DELEGATED DECISION REPORT

SMD/2018/0133
Valid 26/03/2018

1A & 1B HIGH STREET
BIDDULPH

CHANGE OF USE FROM BAR
& RESTAURANT TO RETAIL
UNIT WITH SINGLE FLAT
OVER

(FULL - MINOR)

MAIN ISSUES

- Principle of development
- Design/impact on the street-scene and character & appearance of the area and impact on Listed Structure
- Neighbour amenity
- Highway safety

DESCRIPTION OF SITE/CONTEXT

The application building comprises 1A and 1B High Street, Biddulph.

The application site lies within the Biddulph settlement boundary and an area covered by the Biddulph Town Centre Area Action Plan, as defined in the Local Plan. The Biddulph War Memorial (Grade II Listed) is located within 10m of the north-easterly facing elevation.

PROPOSAL

The application seeks full planning for “*change of use from Bar & Restaurant to retail Unit with single flat over.*”

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffordshire Moorlands Core Strategy Development Plan Document – Adopted March 2014.

- SA1 Creating distinctive, sustainable, self-supporting settlements
- SA2 Meeting the needs of our communities
- SA3 Encouraging a strong, prosperous and diverse economy
- SS1 Development principles
- SS1a Presumption in favour of sustainable development
- SS2 Future provision of development
- SS3 Distribution of development
- SS5 Towns
- SS5b Biddulph Area Strategy
- SD2 Renewable/low carbon energy
- SD3 Carbon-saving measures in development
- SD4 Pollution and flood risk

H1 New housing development
TCR1 Development in town centres
DC1 Design considerations
DC2 The historic environment
T1 Development and sustainable transport

National Planning Policy Framework

- Ministerial foreword
- Introduction (Inc. Achieving sustainable development, presumption in favour of sustainable development, core planning principles, delivering sustainable development)
- Ensuring the vitality of town centres
- 4 Promoting sustainable transport
- 6 Delivering a wide choice of high quality homes
- 7 Requiring good design
- 10 Meeting the challenge of climate change, flooding and coastal change
- 12 Conserving and enhancing the historic environment

National Planning Practice Guidance

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2000/0959 – Change of use to café/restaurant with self-contained flat above.
Approved, 31.07.2000

CONSULTATIONS

Publicity

Site Notice expiry date: 10/05/2018
Neighbour consultation period ends: 27/05/2018
Press Advert: No

Public Comments

None received.

Town / Parish Comments

Biddulph Town Council

No adverse comments. Councillor Rogers welcomed this application 'with open arms'. This was the relocation of the florist, which would be attractive. Councillor McGuinness felt that flowers at this location would look fabulous. Councillor Whilding noted that a few had tried and failed in this location. There was a discussion about whether the 'tea room' would sell items or be a staff room.

Severn Trent Water

As the proposal has minimal impact on the public sewerage system I can advise we have no objections to the proposals and do not require a drainage condition to be applied.

SCC Highways

No objections on highway grounds. The site is within a town centre location with public parking available nearby.

SMDC Waste

No objections subject to there being adequate storage area and the bins are presented at the curtilage.

SMDC Environmental Health

Potential Areas Of Environmental Concern.

1. Noise (demolition/Construction)
2. Sound Insulation (Between units and external noise)
3. Plant and machinery

General Comments.

There are 5 potential issues with this application –

1. Noise from street, existing and proposed commercial operations in this area. We would advise a condition with a sound insulation assessment and mitigation be imposed on any permission granted.
2. Internal noise between existing restaurant and proposed new flats. (Sound insulation condition / Building regs)
3. Building/Renovation Noise (Timings Condition)
4. Noise from plant or machinery from retail unit. (Condition)
5. Asbestos Advisory

The Environmental health department has ***no objections*** to the proposed development subject to the following conditions being applied to any permission granted-

1. Construction, Renovation & Demolition works: Time of operations

Unless prior permission has been obtained in writing from the Local Planning Authority, all noisy activities shall be restricted to the following times of operations.

- 08:00 - 18:00 hours (Monday to Friday);
- 08:00 - 13:00 hours (Saturday)
- No working is permitted on Sundays or Bank Holidays.

In this instance a noisy activity is defined as any activity (for instance, but not restricted to, building construction/demolition operations, refurbishing and landscaping) which generates noise that is audible at the site boundary.

Reason: To avoid the risk of disturbance to neighbouring dwellings from noise during unsocial hours.

2. Sound Insulation – Residential

Development shall not commence until a site specific scheme for protecting the proposed residential units from both external and internal noise, has been submitted to, and approved in writing by the Local Planning Authority. The submitted scheme shall have due regard for the British Standard BS8233:2014 Guidance on Sound Insulation for Buildings and be designed to achieve noise levels of less than 35 dB LAeq in bedrooms (07:00 to 23:00), 30 dB LAeq (23:00 to 07:00) and less than 40 dBLAeq in living areas.

A report shall be produced containing all raw data and showing how calculations have been made. A copy of such report shall be submitted to the Local Planning Authority for its approval prior to development commencing.

Prior to first occupation a pre-completion test should be completed and results showing compliance be submitted to the Local planning Authority for approval.

Reason: To protect occupiers from noise and safeguard their residential amenities.

3. Plant and Machinery Noise

The machinery, plant or equipment including installed or operated in connection with the carrying out of this permission shall be so enclosed and/or attenuated that the noise generated by the operation of the machinery shall not increase the background noise levels during day time expressed as LA90 [1hour] (day time 07:00-23:00 hours) and/or (b) LA90 [15 mins] during night time (night time 23:00-07:00 hours) at any adjoining noise sensitive locations or premises in separate occupation above that prevailing when the machinery is not operating. Noise measurements for the purpose of this condition shall be pursuant to BS 4142:2014.

Reason:- To safeguard the amenity of local residents and that of the surrounding area from noise disturbance.

Advisory Notes/ Informatives

Please be aware that the responsibility for safe development and secure occupancy of the site rests with the developer.

Any approved noise scheme and measurements should pay due regard to British Standard BS8233: Sound insulation and noise reduction for buildings (Code of Practice), Professional Practice Guidance on Planning & Noise: Residential Development (IOA and ANC 2014), BS4142:2014 Methods for rating and assessing industrial or commercial sound and/or the Building Regulations 2010 Document E or other appropriate guidance.

During any demolition and construction activities (including landscaping) the contractor shall take all reasonable steps to prevent dust formation and prevent any dust formed from leaving the site boundary.

The control of dust and emissions from construction and demolition Best Practice Guidance, produced by the greater London councils <http://www.london.gov.uk/sites/default/files/BPGcontrolofdustandemissions.pdf>

Building Research Establishment Guidance Document 'Control of Dust from Construction and Demolition Activities' (BR456)

ADDITIONAL INFORMATION

The applicant has submitted the following additional documents, details of which can be read on file:-

- Design and Access Statement

OFFICER COMMENTS

Principle of Development

As noted, the application building is located within the town centre of Biddulph, as defined in the Local Plan.

Core Strategy policies support change of use of buildings in key Town centres, eg. Biddulph, subject to adhering to certain criteria; and residential development in town centres is also supported.

It is noted that certain use changes can be carried out under permitted development rights, eg. Schedule 2, Part 3, Class A allows for change of use of restaurants to retail and Class G allows for retail to be changed to a mixed use, including up to 2 No. flats. The proposal includes introducing an A1 retail unit, which should support the vitality and viability of the town centre as would residential accommodation above the retail unit. There are no external physical changes and amenity below will be considered/addressed below.

Within the context of Core Strategy policies the proposed development is considered to be acceptable in principle.

Design/impact on the street-scene and character & appearance of the area and impact on the listed structure

The application primarily relates to the change of use of the premises; internal changes are to be made to the layout. There are no external physical changes shown on the plans. Within this context the proposed development is considered not to harm the Grade II Listed Memorial Structure within 10m of the site.

Bearing the above aspects in mind the proposal is considered to be acceptable and to comply with the design tenets of policies DC1 & DC2 and sections 7 and 12 of the NPPF.

Residential amenity

It is considered that the proposal will have no detrimental impact on any existing neighbouring residential amenities. The Environmental Health Dept has commented

on the application and recommended certain conditions be attached to any approval in order to protect the amenities of future occupants of the proposed flat on the first-floor (given the presence of a restaurant next door and the town centre location). Subject to conditions to secure appropriate noise levels it is considered that the amenity levels of future occupiers of the flat will be of an appropriate level.

Hence, the proposal accords with the amenity tenets of Core Strategy policies and bullet point 4 of para 17 of the NPPF.

Highway safety

The Highway Authority raises no objections. The site is located within Biddulph town centre, within close proximity to relevant services and facilities, public parking areas and with buses available.

As such the proposal complies with Core Strategy policies TCR1, T1 and T2 and section 4 of the NPPF.

Other Matters

As noted, Severn Trent Water raises no objections and do not request any conditions. As such there is no drainage or flooding issues.

CONCLUSION / PLANNING BALANCE

Bearing the above comments in mind it is considered that the proposal constitutes a sustainable form of development that accords with the Development Plan. Therefore the application should be approved without delay in accordance with para. 14 of the NPPF, subject to conditions.

OFFICER RECOMMENDATION: APPROVE

Case Officer: John Williamson
Recommendation Date: 21/05/2018

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council