DELEGATED DECISION REPORT

SMD/2019/0121 **Valid 09/04/2019**	**87 HAYWOOD STREET** **LEEK**	**CHANGE OF USE FROM A1 (RETAIL SHOP) TO D1 (CHIROPRACTIC CLINIC)** **(FULL - MINOR)**

MAIN ISSUES

- Design, character and appearance;
- Impact on the character of the Conservation Area;
- Impact on the vitality and vibility of the shopping area;
- Highway safety.

DESCRIPTION OF SITE

This application relates to no.87 Haywood Street, a two storey property located within a linear row of buildings which form part of Leek town shopping centre. The building is currently vacant but was formally used for A1 Retail. The building is of limited architectural merit; nevertheless it does fall within the Leek Town Conservation Area.

PROPOSAL

Approval is sought for the change of use of the premises from A1 Retails to D1 Chiropractic Clinic. This application relates to the change of use of the premise only. The submitted plans illustrate signage; however this would require separate Advertisement Consent.

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 Leak Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
T1 Development and Sustainable Transport

National Planning Policy Framework

Paragraph(s) 1 - 14

Section(s) 12 & 16

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:

"…decision-takers may also give weight to relevant policies in emerging plans according to:
- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was "sound". Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public will now be held this Autumn is ongoing in order to determine whether the Local Plan is sound and legally compliant. Hearing sessions were conducted in October 2018 and the Inspector issued his initial post-hearing advice in January 2019 which set out some actions for the Council and a range of modifications that would be necessary to make the plan sound. The full schedule of modifications is to be determined and will be subject to consultation in due course. The Inspector will then be in position to write his final report. Subject to the findings of the appointed Inspector, the Local Plan can then be adopted by the Council. This will be towards the end of 2019 at the earliest. At this point, Upon adoption, it the Local Plan will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question. The Officer Comments section of this

report identifies the level of outstanding objections to each policy and recommends the amount of weight to be given to them at this stage in the process
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

The following policies are considered to be relevant to this application:

SS1 Development Principles
1a Presumption in Favour of Sustainable Development
SS2 Settlement Hierarchy
SS5 Leek Area Strategy
TCR1 Development in the Town Centres
TCR2 Primary Shopping Frontages
DC1 Design Considerations
DC2 The Historic Environment

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

There is no site history relevant to the determination of this application.

CONSULTATIONS

Publicity

Site Notice expiry date: 10.06.2019
Neighbour consultation period ends:
Press Advert: 01.06.2019

Public Comments

No comments received.

Town / Parish Comments

Not unneighbourly.

OFFICER COMMENTS

Principle of Development

In accordance with policy SS1 the Council will expect the development and use of land to contribute positively to the social, economic and environmental improvements of the Staffordshire Moorlands. In accordance with policy SS1a, when considering development proposal will take a positive approach that reflects the presumption in favour of sustainable development contained within the National Planning Policy Framework (NPPF).

The application site is located within the Leek Town development boundary and sits

on the fringe of the main shopping frontage of Derby Road. Policy SS5a seeks to consolidate the role of Leek as a principal service centre and a market town through the sensitive redevelopment and expansion of the town centre to increase the quantity and quality of the retail offer. Policy TCR1 aims to protect and enhance the vitality and viability of Leek town centre through positive management, which includes focusing and promoting retailing as well as other key town centre uses within the town centre; enhancing local distinctiveness by supporting proposals which help retain, attract and expand the provision of independent retailers in the town. Within secondary frontages, non A1 retail development will be permitted where it will contribute to the vitality and viability of the town centre.

The application site occupies a prominent position within the town centre. Though the proposed use of the premises would not fall within A1, it is a use that is common place in a town centre location. It is therefore considered that the development would serve to enhance the town centre offering and in turn contribute positively to the vitality and viability of the area. The principle of development in this location is therefore considered to be acceptable subject to matters of detailed design, highway safety and the impact on nearby properties.

Design

Policy DC1 requires all new development to be well designed to reinforce local distinctiveness by positively contributing to and complementing the special character and heritage of the area in line with the Council's Design SPG. The application site is located within the Leek Town Conservation Area. Accordingly, in line with policy DC2 the Council will resist development that would harm or be detrimental to the special character and historic heritage of the town.

This application relates to the change of use of the premises only and as such no external alterations are proposed. The proposal would therefore not impact negatively on the character or appearance of the streetscene or the Leek Town Conservation Area.

Amenity

Policy DC1 requires all new development to protect the amenity of the area including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.

As this application relates to the change of use of the premises there will be no additional bulk or massing to the site that would give rise to a loss of daylight or sunlight. The site is located within a town centre location; however it is noted that there are a number of residential properties within the locality. Nevertheless, it is not consider likely that the proposed use would generate significant greater levels of noise and disruption over and above that generated by the existing A1 use.

No objections have been received and it considered that this application accords with the amenity objectives of policy DC1.

Highway Safety

The application site is not served by any parking provision; however the site is located within the town centre which is served with a number of public car parking options. The centre is also well served by public transport. It is therefore not considered that the proposal would result in a harm to highway safety.

CONCLUSION / PLANNING BALANCE

This application seeks approval for the change of use of an A1 retail unit to a D1 Chiropractic Clinic. In accordance with policies SS5a and TCR1 the proposed use would successfully contribute to the vitality and viability of Leek Town Centre. Furthermore, the proposal would not detract from the character or appearance of the application site or the Leek Town Conservation Area, in accordance with policies DC1 and DC2. Taking account of the town centre location of the site and existing lawful use of the premises it is not considered likely that the development would result in harm to the amenity of nearby residents. Furthermore the proposal would not result in a threat to highway safety by virtue.

This application is therefore considered to accord with the Staffordshire Moorlands Core Strategy and the National Planning Policy Framework. A recommendation of approval is therefore given.

OFFICER RECOMMENDATION : Approval

Case Officer: Lisa Howard
Recommendation Date: 11.06.2019

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council