SAMMONS Architectural LIMITED

Chartered Institute of Architectural Technologists

10 Cawdry Buildings
Fountain Street
Leek, Staffordshire, ST13 6JP
Tel / fax 01538 386002
e-mail info@sammonsltd.co.uk

PLANNING STATEMENT INCLUDING MATTERS OF DESIGN AND ACCESS

PROPOSAL : PROPOSED ROOF TERRACE

ADDRESS : 1 & 2 SMITHFIELD CENTRE, ASHBOURNE ROAD, LEEK, STAFFORDSHIRE, ST135JW

APPLICANT : MR D GOODWIN

DATE : JULY 2020 **JOB No. : 2020-2515**

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1.0 INTRODUCTION

Sammons Architectural Ltd have been appointed by Mr D Goodwin to prepare and submit a full planning application for the creation of a first floor roof terrace at the rear of 1 & 2 Smithfield Centre, Leek. The application is accompanied by drawings numbered 2020-2515-01, 2020-2515-02A and 2020-2515-03 and an accompanying Noise Assessment Survey which should be read in conjunction with this planning, design and access statement.

This statement analyses the site, the proposals and the policy context within which the proposals are made. Thereafter, it provides justification for approval of these proposals, primarily on the basis that the development would result in a sustainable form of development which would contribute to the growth and expansion of the existing business without harm to the character and appearance of the application building, wider street scene including the adjacent Conservation Area. Nor would it subject to the controls set out within this report be prejudicial to the reasonable enjoyment of any of the neighbouring residential units or surrounding land uses or harm highway safety.

2.0 SITE DESCRIPTION

The application site relates to 1 and 2 the Smithfield Centre, Leek, which are the last in a row of ground floor retail units that run in a continuous frontage on the southern side of the Ashbourne Road and Haywood Street frontage.

Planning permission to convert unit 2 into a drinking establishment was permitted by the Council in June 2016 under application reference SMD/2016/0210. A subsequent application to convert the neighbouring unit, Unit 1 also into a drinking establishment, both under the applicant's control was permitted earlier this year under application reference SMD/2020/0701.

For the purposes of the development plan the application site lies within the town's development boundary where there is a general presumption in favour of development. It also forms part of the town's primary shopping frontage, as defined on the Emerging Local Plan Polices Map.

Immediately to the north of the application site lies Ashbourne Road, which denotes the boundary of the Town's conservation area with the War Memorial opposite and Premier Inn to the north east. Contiguous with the eastern boundary of the site is the access road (Cromwell Terrace) from the Bus Station with the former White Lion Public House, which has subsequently been converted to retail units on the ground floor with residential flats above with further residential use beyond. To the south east of the site lie residential properties on Talbot Street which run at right angles to the application site with the properties on Cromwell Terrace which are elevated from the adjacent highway directly to the south. Immediately to the rear of the unit (south west) is a small pay and display car park which is also used by the owners of the businesses in The Smithfield Centre for servicing the commercial units.

3.0 PROPOSAL

This is a full application which seeks consent for the use of the existing flat roof at the rear of the units to serve as a roof terrace which would serve the existing drinking establishments at Units 1 and 2 The Smithfield Centre, Leek.

The proposed roof terrace would be formed with the provision of a 1.5m high glass balustrade. Minor alterations to the external appearance of the units at first floor level would be required on the rear elevation of the units to provide access to the terrace. It is proposed that the roof terrace would be operational from 11am till 11pm throughout the week.

4.0 PLANNING POLICY

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 National Planning Policy Framework (NPPF) which was published on 27th March 2012 and revised in February 2019 replaced a significant proportion of central government planning policy advice with immediate effect. It is the Government's clear intention that the document should be considered to be a material consideration and as such carries particular weight where development is not addressed by planning policies in the existing Development Plan.

Whilst the recently published NPPF does not change the statutory status of the Development Plan as the starting point for decision making it does provide guidance to LPA's and is a material consideration in determining planning applications. The NPPF confirms that at the heart of the guidance is a presumption in favour of sustainable development (para 11) and that for decision making this means approving development proposals that accord with the Development Plan without delay unless material considerations indicate otherwise. The NPPF also sets out requirements in respect of housing delivery and securing high quality design. The following are considered to be the most relevant chapters:-

- Chapter 2 - Achieving Sustainable Development
- Chapter 6 - Building a Strong and Competitive Economy
- Chapter 7 - Ensuring the Vitality of Town Centres
- Chapter 9 - Promoting Sustainable Transport
- Chapter 12 - Achieving Well Designed Places

The Development Plan for the Staffordshire Moorlands comprises of the adopted Core Strategy Development Plan Document (March 2014) and the Saved Local plan Proposals Map / Settlement Boundaries (1998). The most relevant policies of the adopted Core Strategy are considered to be SS1 (Development Principles); SS1a (Presumption in Favour of Sustainable Development); SS5 (Towns) SS5a (Leek Sub Area Strategy), TCR1 (Development in the Town Centres), DC1 (Design Considerations); C1 (Creating Sustainable Communities), 1 (Development and Sustainable Transport) and T2 (Other Sustainable Transport Measures). For the sake of brevity these policies are not quoted in full but they are referred to where appropriate in the following section.

5.0 KEY PLANNING ISSUES

The key issues for consideration in the determination of this application are therefore considered to be:-

- The principle of development
- Design and appearance
- Residential amenity
- Highway safety

The Principle of Development

For the purposes of planning policy consideration the application site lies within the town centre of a principle Market Town, as identified within Policy SS5 of the Core Strategy and is defined as Primary Shopping Frontage in the Emerging Local Plan. The use of the application site as a drinking establishment has previously held to be acceptable under the policies of the current adopted Local Plan as the use was considered to be appropriate for this town centre location and would contribute positively to the distinctiveness of this area of Leek and result in positive socio economic impacts such as job creation. This application would seek to support and grow the business by increasing the size of the unit and providing an external seating area for the business. The principle is therefore considered acceptable subject to all other material considerations.

Design & Appearance

The specific design policies of the CS also seek to promote local distinctiveness and positively contribute to the area as is similarly reflected in the NPPF which confirms that the Government attaches great importance to the design of the built environment. It furthermore states that good design is a key aspect of sustainable development; is indivisible from good planning; and should contribute positively to making places better for people. Developments should function well and establish a strong sense of place creating attractive and comfortable places to live, work and visit. Proposals should also optimise the potential of the site to accommodate development and respond to local character and history including local materials and the use of good architecture and appropriate landscaping. Developments should also create safe and accessible environments where crime and disorder and the fear of crime do not undermine quality of life or community cohesion.

Policy DC1 sets out the design criteria to reinforce local distinctiveness and positively contribute to the area. The recently updated NPPF advises that the Government attaches great importance to the design of the built environment and states that great weight should be given to outstanding or innovative designs which help to raise the standard of design more generally within the area. Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of the area.

The application site comprises of the final two units in a small parade of shops which form the transition between the town centre and the more residential part of Ashbourne Road. Immediately to the rear of the application site lies a small pay and display car park with the town's bus centre beyond.

The proposed roof terrace would be formed with the provision of a 1.5m high glass balustrade. Other external alterations would be limited to the provision of pedestrian doors to provide external access from the existing units to the roof terrace. Despite its first floor location the proposed roof terrace would not be visible from Ashbourne Road, due in part to the existing built development, including the application building and the neighbouring buildings but also road signs and three

large trees which sit in the pavement immediately contiguous with the sites eastern boundary. Whilst views of the proposed development will be seen when travelling along Crowell Terrace, they will to a large degree be mitigated and screened by the proposed balustrade but also seen against the backdrop of the application site and further development beyond. The proposal would be read in the context of the urban nature and location of the site and would not therefore result in an alien or incongruous feature. In this respect it is considered that the proposal complies with Policies DC1 of the adopted Core Strategy as well as guidance contained within the NPPF and supplementary planning guidance.

Amenity

The National Planning Policy Framework emphasises that good design is indivisible from good planning and should contribute positively to making places better for people. The NPPF also states that developments should function well and add to the overall quality of the area. Core Strategy policy DC1 requires that all development proposals should 'protect the amenity of the area, including residential amenity, in terms of satisfactory daylight, sunlight, outlook, privacy and soft landscaping.'

As detailed in the previous change of use application there are no residential units within a considerable distance of the application site and as such there would not be any adverse impacts on residential amenity, with regards to aspects such as loss of privacy, loss of sunlight, overlooking or overbearing. Given the nature of the proposed use it is however considered appropriate to consider potential impacts relating to public amenity, in particular issues relating to noise through the use of the external area for patrons.

The opening hours of the existing bar establishment were set as 11am till Midnight Sunday - Thursday and Bank Holidays and open till 1:00 on Fridays and Saturdays. Given the urban nature of the site and the surrounding land uses it was considered that these would not give rise to any harm to residential or public amenity. The application does not seek to vary these. In addition the proposed roof terrace would seek to cease use at 11pm.

The application is accompanied with a detailed Noise Assessment Report. This identifies the nearest noise sensitive receptors and concludes that subject to the provision of a 1.5m high balustrade, restriction on operating hours and other management mitigation such as self closing doors and management policies the proposal would not be prejudicial to any adjacent residential units or surrounding land uses. The proposed development is therefore considered to comply with policy DC1 of the adopted CS and guidance contained within the NPPF in this respect.

Highways

Paragraph 108 of the NPPF states that in assessing applications for development, it should be ensured that safe and suitable access to the site can be achieved for all users. Paragraph 109 goes on to state that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe. This guidance is reflected in CS Policy T1 Development and Sustainable Transport and CS Policy DC1 which requires development to provide safe and satisfactory access and make a contribution to meeting the parking requirement arising from the necessary car use.

The application site is located within a highly sustainable town centre location close to a number of public car parking facilities and within close proximity to the town's bus station. In this respect it is considered that the proposal complies with CS policies T1 and DC1 and guidance contained within *the NPPF.

6.0 CONCLUSION

The NPPF states that local planning authorities should approach decision-taking in a positive way to foster the delivery of sustainable development. It goes on to state that local planning authorities should look for solutions rather than problems, and decision-takers at every level should seek to approve applications for sustainable development where possible. It also states in the NPPF that where proposals accord with the development plan they should be approved without delay, and where policies are out-of-date permission should only be refused where there is significant and demonstrable harm to outweigh the benefits of the development.

The proposal would contribute to the further growth and expansion of an existing business. It would provide a unique selling point and set the business apart from other drinking establishments in the town centre. It would also provide a very useful outdoor facility which is especially important during the current COVID pandemic when businesses such as this have been hit especially hard. It would also result in job creation and provide further socio- economic benefits to the town. The proposal would result in a sustainable form of development which would be acceptable in principle and which would not harm the character and appearance of the application building, or the wider surrounding area including the adjacent conservation area. Subject to restrictions regarding the operation of the roof terrace, which can be secured via suitably worded conditions, it is not considered that the proposal would be prejudicial to the reasonable enjoyment of any of the neighbouring residential units or surrounding land uses nor would it harm highway safety given its highly sustainable town centre location. In this respect it is considered that the proposal accords with all relevant policies in the Development Plan, and other material considerations including the NPPF. The application should therefore be approved in accordance with the presumption in favour of sustainable development without delay.

7.0 DESIGN & ACCESS STATEMENT

USE

The application proposes to use the single storey existing flat extensions at the rear of the existing units as a roof terrace in association with the lawful use of the buildings as a roof terrace.

AMOUNT

The proposed roof terrace would have a floor area of 50 sq metres.

LAYOUT

The layout of the roof terrace is shown on the submitted plans.

SCALE

The proposal will use the existing flat roof to form the terrace. The scale of the development is therefore limited and constrained by the existing arrangement.

LANDSCAPING

No landscaping is proposed as part of this application.

APPEARANCE

The proposed development will retain the external character and appearance of the application building with only limited external alterations required. These are shown on the submitted drawings.

ACCESS

Pedestrian access will be as shown on the submitted plans. The application site lies in a highly sustainable town centre location which is within easy walking distance of several car parks and the town's bus station.