

DELEGATED DECISION REPORT

SMD/2024/0175
Valid 26/04/2024

1 JOHN STREET
BIDDULPH

**CHANGE OF USE OF THE
GROUND FLOOR FROM ITS
RESTRICTED CLASS E USE
(PICTURE GALLERY AND
STUDIO) TO USE CLASS E(A)
RETAIL (NO EXTERNAL
ALTERATIONS)**

(FULL - MINOR)

MAIN ISSUES

- Impact on vitality and viability of town centre
- Impact on residential amenity
- Impact on highway safety

DESCRIPTION OF SITE

The application site corner terraced commercial premises that fronts both John Street and Albert Street, with the shop doorway opening out onto John Street. The premises main door opening also faces towards other commercial premises in the Town Centre. The premises presents to John Street and Albert Street with a traditional shop front window.

At the rear of the premises, with a side wall that flanks Albert Street, there is a flat roof extension that was built under a 1978 planning permission.

The premises is at the northern end of the high street just outside, but close to, the town centre area and shop front protection zone allocated in the Local Plan.

PROPOSAL

The proposed development would involve the change of use of the ground floor of the premises from its lawful mixed use as a picture framing studio and picture gallery/shop to an unspecified retail use - Use Class E (a). No operational development, such as roller shutters or air cooler units, are proposed as part of this application.

An area of floor space at the rear of the existing gallery and retail area was provided in 1978 within a flat roof extension as a picture framing studio and store. Whilst the permission limited the use of the premises to a picture gallery and studio, where light industrial processes and retail would be limited to and connected with picture framing. That means that the majority of the premises could have been used for retail with only a small area dedicated to picture framing and visa versa.

It is clear that with the application proposal here, the whole of the ground floor premises would become used for an unspecified retail purpose. However, a ground

floor layout plan does indicate that shop floor would be limited to the front 70 sq m and the old picture framing studio would be used as the retail store.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

S01 Spatial Objectives
SS1 Development Principles
SS6 Biddulph Area Strategy
TCR1 Town Centre
DC1 Design Considerations
T1 Development and Sustainable Transport

Biddulph Neighbourhood Plan

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SM/5208 Use of premises as a studio and store room and the erection of a store and picture framing room. Approved 1978.

CONSULTATIONS

Publicity

Site Notice expiry date: 21/06/2023
Neighbour consultation period ends: 21/06/2024
Press Advert: N/A

Public Comments

Three objections have been received. The following points are made:

- Parking is difficult for residents of Albert Street with the parking associated with near commercial uses competing for spaces
- There are already convenience stores in the locality another is not required
- Development will devalue properties

Town / Parish Comments

Biddulph Town Council: Recommend approval as there are no planning reasons to refuse. However, Councillors expressed concerns about parking.

Waste Collection

No issues raised

Staffordshire County Council Highways

Acceptance. Site is on the edge of Biddulph Town Centre. Parking restrictions are in place in the vicinity of the site. Public parking is available nearby.

Current records show that there were no Personal Injury Collisions on John Street within 50m either side of the site in the previous five years.

OFFICER COMMENTS

Principle of Development

Pre 1978, the premises provided a vacant shop (officers report SM/5208). In 1978 planning permission was granted for a flat roof extension to be provided as a photography studio at the rear of the existing retail premises. The shop floor space remained as a retail area to display and sell pictures. Rather than find that the studio would have been ancillary to the core retail element, it appears that it was instead considered that it would become a mixed use, where it was considered that a light industrial process would be introduced (officers report SM/5208). It was acknowledged that picture framing might be considered a 'light industrial process' in the loosest of terms with the machine used to frame the pictures generating limited or no noise. However, there was some concern that other light industrial uses might not be as neutral in their externalities and in those respects a planning condition was applied to limit the use of the premises only to a picture gallery and studio.

The preexisting use therefore, is already, largely that of retail, albeit a condition limits the scope of that retail use. Outside of the town centre area or the shop front protection zone as designated by the Local Plan, the premises is within an established commercial area that has proximity, to the edge of, the town centre area. In these regards the premises is in the Biddulph Town Area where Local Plan strategy SS6 applies and supports proposals that would enhance or support the vitality and viability of the town centre and sustainable services or facilities that serve the residential areas.

The proposed unrestricted retail use would relate well and add to the commercial offer of the town centre and sustainably provide nearby residents with a new retail offer within the walking distance of many. In these regards there is compliance with Local Plan strategy SS6.

There is no need or justification for limiting the use to any specified retail use, it is acceptable to propose an unspecified retail use and, outside of the shop front protection zone, there is no exceptional need to limit the premises from changes to other commercial uses that could occur under the provisions of the use class E umbrella.

Impact on Residential Amenity

Retail uses are not inherently noisy and traditionally can co-exist, as in this case, in proximity to first floor flats and neighbouring dwellings. The nearest residential neighbours in this case already live within proximity of the town centre and other commercial uses. It is not considered that changing the existing retail use, that does have some light industrial element associated, to a single unrestricted retail use would unreasonably harm the living conditions of near neighbours.

Impact on Highway Safety and Consideration of Neighbour's Comments About Parking Concerns

The Highway Authority acknowledge that the site is on the edge of Biddulph Town Centre and that while parking restrictions are in place in the vicinity of the site, public parking is available nearby. They confirm that current records show that there were no Personal Injury Collisions on John Street within 50m either side of the site in the previous five years. In those regards they do not find that the use would result in an unacceptable risk to highway safety.

Albert Street has parking restrictions, apparently to prevent double parking, the majority of the terraced properties rely on street parking. However, they already live within proximity of retail and town centre commercial uses. The application premises is for all intents and purposes already a retail premises that has had visiting customers, some of which will have parked on available roadside parking or used nearby public parking and others will have walked from nearby residential properties and neighbourhoods.

Indeed, a retail use in the town centre where it serves numerous residential properties within walking distance, has sustainable credentials and means that many customers would be served with additional choice and diversity and not be reliant on journeys by car.

Overall it is not considered that the proposed use would result in any significant increase to the demand for street parking in the vicinity. In these regards there would not be an unreasonable detriment to highway safety or residential amenity.

CONCLUSION / PLANNING BALANCE

The proposed use would maintain and enhance the vitality and character of the Biddulph Town Centre, without causing any other demonstrable harm to the residential amenity, the local street scene or towards highway safety. The proposal is compliant with Local Plan Biddulph Area strategy policy SS6, the Biddulph Neighbourhood Plan and the terms of the NPPF.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 20th June 2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

