

DELEGATED DECISION REPORT

SMD/2024/0164
Valid 19/04/2024

3 THE SMITHFIELD CENTRE
ASHBOURNE ROAD
LEEK

APPLICATION FOR
VARIATION OF CONDITION 3
IN RELATION
TO SMD/2018/0546

(FULL - MINOR)

MAIN ISSUES

- Amenity
- Highway Safety

DESCRIPTION OF SITE

The application site is a Hot Food Takeaway operator based in the larger Smithfield Centre retail building.

The application site lies within the development boundary and is located just outside of the Conservation Area. The site is also located close to the Listed Clock Tower/War Memorial.

PROPOSAL

Planning permission is sought to vary condition 3 of SMD/2018/0546.

Condition 3: 'The opening hours of the A5 unit hereby approved shall be restricted to 10;00 to Midnight, Monday to Sunday of any week'

Permission is sought to vary this to:

'The opening hours of the A5 unit hereby approved shall be restricted to 10;00 to 03:00, Monday to Sunday of any week'

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS10 Other Rural Areas Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
DC3 Landscape and Settlement Setting
E1 New Employment Development
H1 New Housing Development
NE1 Biodiversity and Geological Resources
NE2 Trees, Woodland and Hedgerows

T1 Development and Sustainable Transport

National Planning Policy Framework

Section 4

Section 12

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2018/0546 Change of Use from A3 (Restaurant) to A5 (Hot food takeaway)
APPROVED

CONSULTATIONS

Publicity

Site Notice expiry date: 23/05/2024

Neighbour consultation period ends: 17/05/2024

Press Advert: N/A

Public Comments

Support (0)

Neither (0)

Objection (2)

- Enough eateries are open late night, will create more noise and antisocial behaviour
- Parking for delivery drives
- Customers consuming food on the nearby memorial

Town / Parish Comments

Leek Town Council – Objection

- Harmful impact on Memorial and potential damage
- Antisocial behaviour impact on hotel guests
- Frequent taxi's disrupt residents

Environmental Health

No objection subject to conditions

- Deliveries only after Midnight, no customers
- Delivery from the rear only
- Implementation of noise control recommendations

Staffordshire County Council Highways

No Objection

SMDC Conservation Officer

No comments to make

OFFICER COMMENTS

Principle of Development

Local Plan (LP) Policy SS 2 seeks to focus further growth within the Development Boundaries of the Districts largest settlements. The Application site is located within the Development Boundary of Leek, which is identified by LP Policy SS2 as one of the Districts larger Towns. The principle of development is therefore considered acceptable subject to consideration of the relevant policies.

Amenity

A number of concerns have been raised regarding anti-social behaviour and noise. SMDC Environmental Health (EH) have been consulted for this reason. EH have confirmed that a license has been approved for the extended opening hours with a number of conditions attached to address and limit anti-social behaviour. EH have further recommended that these same conditions be attached to any planning approval.

These conditions include implementation of noise control recommendations, to limit noise pollution. These also includes limiting the use of the extended operating hours to being deliveries only, operating from the rear entrance. This should prevent the extra hours generating anti-social behaviour or excess noise pollution between midnight and 3AM.

Overall it is considered that there are no amenity concerns subject to the necessary conditions.

Heritage

LP Policy DC 2 states that the council will conserve and where possible enhance heritage assets, including their setting in a manner appropriate to their significance.

The proposed change of use has received no comment from the SMDC Conservation Officer. A number of concerns have been raised regarding potential impact upon the nearby memorial. There are concerns that the proposed hours will increase antisocial behaviour, leading to damage to the monument. However, Environmental Health have advised conditions which would prevent customers from utilising the increased hours, restricting usage between midnight and 3AM for delivery orders only. This condition has been recommended to address anti-social behaviour and has been attached to the units licensing. As such the longer operating are unlikely to lead to any harm of the heritage asset as customers would not be able to order and pick up food onsite past midnight.

Overall there are no heritage concerns.

Highway Safety

The conditions recommend by EH address any concerns raised excess. This requires that the hours of midnight to 3AM be operated as a delivery service only, and for this to operate from the rear of the premises. This will generate some highway traffic, but will allow for off-street parking at the rear to be utilised.

CONCLUSION / PLANNING BALANCE

In conclusion, the proposed new operating hours are considered acceptable in terms of amenity, highway safety and heritage. The application is therefore recommended for approval subject to a number of condition to mitigate anti-social behaviour.

OFFICER RECOMMENDATION : **Approval subject to conditions**

Case Officer: Rachel Robinson

Recommendation Date: 14th June 2024

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council