

DELEGATED DECISION REPORT

SMD/2024/0252
Valid 07/06/2024

13 HIGH STREET
BIDDULPH

**CHANGE OF USE FROM
BUTCHERS (CLASS E) TO
HOT FOOD TAKEAWAY (SUI
GENERIS) SERVING ENGLISH
& SLOVAKIAN FOOD.**

(FULL - MINOR)

MAIN ISSUES

- Impact on vitality and viability of the town centre
- Impact on character and appearance of the area
- Highway safety

DESCRIPTION OF SITE

The proposals are associated with an existing commercial premises, No. 13 High Street, in Biddulph – a vacant butchers shop. The site is accessed immediately from the footpath and roadside parking is available alongside the site. The property forms part of a row of terraces to the South side of High Street. The single row is extensive, and it encompasses numbers 1-49. The terraces date from the 19th century. The butchers shop does not present a Victoriana shop front or architectural detail, it is flat fronted with a central single pain display window, the front and surround is faced with mosaic tiles. These adaptations are likely to have been introduced in the 20th Century as a response to Public Health (meat) regulations.

The unit is on a part of the High Street that is defined within the Staffordshire Moorlands Local Plan as a primary shopping area. The surrounding uses are predominantly commercial in nature. Adjacent, to the north the premises provide a home accessories shop (immediately next door) and a tanning and beauty centre with a small boutique retail display (one door down). Adjacent, to the south, there are two vacant premises that are to let and then a wool shop next door down.

Opposite the unit there is a post office, a barbers, a jewellery and gift shop, a gift shop/workshop, a hot food takeaway, and a mobile phone and tech shop. The closest residential properties lie more than 30m to the east of the units on John Street that runs roughly parallel to the High Street.

PROPOSAL

The proposal is to change the use of the vacant butchers shop unit from retail to a hot food takeaway serving English and Slovakian food, to be occupied and operated by a private individual. The hot food would be consumed off the premises. The change of use from retail to a takeaway requires planning permission because it involves a change in use from class E to sui generis.

The application form specifies the times of operation are Monday to Friday, 08:00 to 23:00, Saturday from 08:00 with no specified closing time and Sunday/Bank Holiday from 09:00 until 22:00. It is intended 4 full-time and 4 part-time staff will be employed.

The application also proposes limited external alterations to the shop front – the existing display window would be replaced with an aluminium framed window with top window openings for ventilation and a central glazing bar; and the mosaic tiled façade would be removed and replaced with render – the applicant's agent submits that they are in poor condition and there is damp behind, photographic detail is provided.

This proposal does not include the installation of a stallriser, fascia, cornice and pilaster and so the alteration is not permitted by the Biddulph Neighbourhood Development Order and requires planning permission.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan Development Plan Document (Adopted 2020)

SS1 Development Principles
SS6 Biddulph Area Strategy
TCR1 Development in the Town Centres
TCR2 Primary Shopping Frontage
DC1 Design Considerations
SD4 Pollution
T1 Development and Sustainable Transport

Biddulph Neighbourhood Development Plan

LE 1 Biddulph Town Centre
DES 1 Design

Staffordshire Moorlands Design Guide 2018

National Planning Policy Framework

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None

CONSULTATIONS

Publicity

Site Notice expiry date: 29.07.2024
Neighbour consultation period ends: 29.07.2024
Press Advert: N/A

Public Comments

One objection is received from a resident on Congleton Road to the north of the High Street. The resident objects stating that there are too many takeaways in Biddulph.

Town / Parish Comments

Biddulph Town Council: Recommend approval/no objection on the condition that the tiles are retained, appropriate extraction installed, ensure compliance with neighbourhood development order, and for hot food takeaway food.

Environmental Health

Limited information provided with this application in regard to the potential adverse impacts – cooking smells and noise but it is a commercial area which has similar units in close vicinity. No objection subject to conditions controlling noise from plant and machinery, cooking smells with suitable extraction, and opening timings.

Waste Collection

No issues regarding waste collection

Staffordshire County Council Highways

The proposal is for a change of use of a butchers (Use Class E) to a hot food takeaway. The property is part of a row of commercial units that line both sides of High Street. The application form specifies the times of operation are Monday to Friday, 08:00 to 23:00, Saturday from 08:00 with no specified closing time and Sunday/Bank Holiday from 09:00 until 22:00. It is intended 4 full-time and 4 part-time staff will be employed.

It is noted that no car parking spaces are to be provided for the property and there is no available land within the site to provide any. However, the property is situated in a prime location within Biddulph Town Centre, staff and customers may choose to walk, cycle, use transport links or if required car parks are within walking distance. Additionally, on-street limited waiting parking (short stay, 30 minutes maximum, Monday to Saturday) is available on High Street and within a short walking distance on Station Road. The proposal is considered not to have a detrimental impact on the adopted highway I therefore have no objection.

OFFICER COMMENTS

The application site is a small unoccupied retail shop located within a row of other similarly sized units within a Victorian terraced row. This part of Biddulph High Street, is defined within the Staffordshire Moorlands Local Plan as a primary shopping area.

The Local Plan strategy for Biddulph and its town centre (SS6 and TCR1) is to enhance its role as a significant service centre and a market town and support its regeneration. Specifically, the policies require the vitality and viability of the town centres to be protected and enhanced by positive management. The safeguarding of the retail function at the heart of the town centres is considered to be a crucial factor in maintaining their vitality and viability. As part of this strategy approach the Local Plan designates 'primary shopping areas' in town centres and within these areas Local Plan Policy TCR2 applies. The National Planning Policy Framework (NPPF) requires planning policies promote the long term vitality and viability of town centres by allowing

them to grow and diversify in a way that can respond to rapid changes and in these regards Local Plan Policies TCR1 and TCR2 are consistent with national policy.

Policy TCR2 of the Local Plan supports retail use within primary shopping frontages. Development falling within other use classes is only permitted where it would not create a concentration of non-shopping uses and result in an unacceptable change in the retail character of the immediate area or have an adverse effect on the vitality or viability of the town centre. The supporting text provides examples of what is meant by concentration which includes 3 or more adjacent units in a non-retail use.

The proposal in this case would introduce one non retail use between an existing retail unit selling home and gift ware and two adjacent, currently vacant and available retail units. Adjacent to the home and gift shop there is a tanning and beauty salon that has a small retail display of boutique type items and, to the other side, adjacent to the vacant premises there is a wool shop. Opposite the unit there is a post office, a barbers, a jewellery and gift shop, a gift shop/workshop, a hot food takeaway, and a mobile phone and tech shop.

The immediate row of three that would include the new hot food outlet would provide just one non retail use between a trading retail use and an available and vacant retail premises. For the purposes of the Local Plan policy therefore, and the definition in the supporting text, the development would not result in a row of three or more adjacent units in a non-retail use or a 'concentration of non-shopping uses'. In those regards the development would not be contrary to the 'primary shopping front' policy stated above.

With consideration, more generally, for the effect of the development on the vitality or viability of the town centre, within the immediate locality there is a relatively healthy mix of town centre business including a considerable retail offering. The use might be more likely to attract visits at evening or night, however, in this case the application does state that it would be open all day, so could serve and attract shoppers or visitors to this part of the high street to sample a different offering of food. The proposal would not in itself lessen the reason and desire for people to visit this part of the town centre during certain times of the day or weaken the retail function of the street particularly because it is located in a relatively healthy and commercially diverse part of the High Street where there is an existing retail offer and available opportunity for new retail occupants. The proposal therefore would not reduce footfall to an extent that would have an adverse impact on the vitality and viability of that part of the town centre.

Moreover, in this case it is evident that the retail unit has been vacant and marketed since 2020 and that there are other vacant units adjacent. Whilst the benefit to vitality and viability might be limited with the introduction of a non-retail unit, as opposed to the introduction of a new retail offering, overall there would be contribution to local economy and community in terms of job creation, competition, and diversity of consumer choice that would not be delivered while the unit remains vacant. This is a matter that should be given some weight in favour of the proposed development.

The Biddulph Neighbourhood Plan includes town centre policy LE 1. The policy seeks to enable diversification and growth of the town centre and recognises the importance of complementary uses. Within the defined town centre the policy supports uses other

than retail where they support and enhance the town centre's vitality and viability. It has been concluded above that the proposed use would be of some limited benefit to the vitality and viability of the High Street and would be compliant with Local Plan policy because, overall, it would not be overtly harmful in those regards. Whilst the development would not be in conflict with the positively worded policy of the Neighbourhood plan, the policy, in these circumstances, does not offer any additional support against the constraint and caveat of the Local Plan policy outlined above.

The development would not harm the vitality and viability of Biddulph town centre and as such there would not be conflict with the parts of Policies SS6, TCR1 and TCR2 of the Local Plan and Policy LE1 of the Neighbourhood plan which seek to enhance the role of Biddulph town centre as a significant service centre and market town and support its regeneration.

Impact on Character and Appearance of the Area

The application proposes some minor alterations to the shop front. Most notably the replacement of the mosaic tiles with render would have a material impact on the external appearance of the building. The applicant submits that the tiles are in poor condition and trap damp.

There is some resistance to this expressed by the Town Council, they think that the tiles should be retained or that there should be compliance with the town development order. The order however is not a policy and does not impose criteria or condition on development that requires planning permission, it simply makes a concession and permits the installation of typically Victoriana style shopfronts so that they can be carried out without planning permission and there is some encouragement for that type of development in those regards.

There is no Local Plan or Neighbourhood Plan Policy that insists on the retention or instatement of particular shop front types in this area specifically. More generally design policies in the Local Plan (DC1) and Biddulph Neighbourhood Plan (DES 1) requires development to protect the character and appearance of an area and local distinctiveness by complementing existing character and using quality materials.

Local Plan Policy DC1 requires development to observe and comply with the Design Guide for the area, in respect of shop fronts the design guide requires them to:

- reflect the character and architectural style of the upper floors and the area generally;
- maintain the rhythm of the individual buildings in the street;
- be constructed in appropriate materials and have appropriate finishes; and be well proportioned and well detailed.
- In designing or adapting shop fronts the opportunity should be taken to improve full access wherever possible.

There are examples nationally where 20th Century butcher shops can be identified as non-designated or even designated (as listed buildings) heritage assets where the frontage is so architecturally special or historically significant that it is worthy of protection. That is not the case here (there are no heritage designations) and the mosaic tiling is unique to the prevailing character of the other shop fronts, the adjacent gift shop has painted render façade and the vacant shop on the other side has new brick surrounding the display window.

The application proposes relatively limited alteration that would simplify the buildings presentation unobtrusively, without changing its form or arrangement, with materials that are easier to maintain and would be consistent with its adjacent neighbour. The rendered shop front would relate to and complement the presentation of the adjacent units and there would be compliance with the design guide in those regards. Therefore whilst the loss of the mosaic is perhaps regrettable, it is not considered that a refusal on these grounds could be sustained.

The development in these regards would not be harmful to character and appearance and there would not be any conflict with Local Plan policy DC1 or Neighbourhood Plan policy DES 1.

Impact on the amenity of the area

The area immediately to the rear of the application premises is enclosed and backs on to the rear of an officer building and a vehicles storage compound. The nearest dwellings along John Street are some 30m to the east at the rear of the premises, on the opposite side of that commercial area and John Street. These properties are far enough away from the development so as not to be affected by cooking odour or associated noises from air intake and extraction outlets. The Council's Environmental Health Officer acknowledges that it is a commercial area which has similar units in close vicinity. No objection subject to conditions controlling noise from plant and machinery, cooking smells with suitable extraction, and opening timings. A condition could be imposed on a permission to limit and control the volume of plant and machinery against prevailing sound levels. As such, the development would not adversely affect the amenity of residents or users of the commercial High Street. In these regards the development would not be contrary to policies DC1 and SD4 of the adopted SMDC Local Plan 2020.

Highway Safety

The highway authority do not raise any objection on grounds of highway safety, they consider it to be a town centre location within proximity of public parking. It is noted that no car parking spaces are to be provided for the property and there is no available land within the site to provide any. However, the property is situated in a prime location within Biddulph Town Centre, staff and customers may choose to walk, cycle, use transport links or if required car parks are within walking distance. Additionally, on-street limited waiting parking (short stay, 30 minutes maximum, Monday to Saturday) is available on High Street and within a short walking distance on Station Road. Within the town centre the unit is centrally located for many of the town's residents and there is scope for customers to visit the premises on foot or by bicycle. We should be reminded that the NPPF makes it clear that development should only be refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

CONCLUSION / PLANNING BALANCE

The development would not result in a concentration of non-retail uses on a Local Plan designated 'primary shopping frontage'. The proposed use would not be harmful to the character, vitality and viability of Biddulph's town centre in this high street locality. As such there would be no conflict with policies SS6, TRC 1, and TRC 2 of the adopted SMDC Local Plan 2020 and the terms of the NPPF; or policy LE1 of the Biddulph Neighbourhood Plan.

The existing shop front does not have any heritage designation to make it worthy of retention and proposed alterations are limited non invasive and would not harm character and appearance of the area or local distinctiveness. There would be no conflict with Local Plan Policy DC1 or Neighbourhood Plan policy DES 1.

The rear of the premises is some distance from the closest residential properties where there would be sensitivities to strong cooking smells and the noise generated by any means of extraction. The development should not harm the living conditions and amenity of residents or have an unacceptable impact on highway safety. There would be no conflict with policies SD4, DC1 and T1 of the adopted SMDC Local Plan 2020 and the terms of the NPPF.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Ben Hurst

Recommendation Date: 2nd August 2024

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council