

## DELEGATED DECISION REPORT

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HPK/2017/0075  
Valid 21/03/2017

7A MARPLE ROAD  
CHARLESWORTH

**PROPOSED CHANGE OF USE  
OF EXISTING SHOP UNIT TO  
A3 (CAFE) AND  
INSTALLATION OF AN  
EXTRACTION UNIT**

**(FULL - MINOR)**

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### MAIN ISSUES

- Principle of development
- Impact on neighbour amenity
- Impact on the character & appearance of the street-scene and Conservation Area
- Highway safety
- Sustainability

### DESCRIPTION OF SITE

The site to which the application relates is the ground-floor of a two-storey end of terrace property located on Marple Road, Charlesworth.

The property is constructed of stone under a tiled roof. The site appears to have been used most recently for Dog Grooming and pet services.

The site is located within the built-up area boundary and Charlesworth Conservation Area and 'settled valley pastures' landscape character area, as defined in the Local Plan.

The planning records suggest that the immediate, adjoining neighbouring property is residential (flats) and floor above is a flat. To the west and south-west of the site are commercial premises re car sales, servicing, repairs and MOTs and a solid fuels and stoves sales room. It is noted that the submitted plans show that the applicant owns the neighbouring flats and adjoining commercial premises. There are a couple of retail shops opposite the site, a few Public Houses within the vicinity of the site along with further commercial premises and residential properties.

### PROPOSAL

The application seeks full planning approval for what is described as "change of use from existing shop unit to A3 (café) and installation on an extraction unit". A corresponding Advertisement Consent application has been submitted simultaneously (HPK/2017/0076). It is noted that, although the application refers to

change of use from a shop, a 'Dog Parlour' has a sui generis use. Signage visible on the building on Google street-view refers to Dog Grooming and Pet Services.

It is noted that revised plans have been submitted amending the proposed signage, as concerns were raised by the Conservation Officer. It is also noted that during the site visit the Officer observed that a wooden surround had been installed at the front door entrance. The applicant has been advised to remove this, which he has agreed to do, and it does not form part of the proposed development.

## **ADDITIONAL INFORMATION**

The applicant has submitted a 'Heritage Statement', an 'Extract and Ventilation Statement' and a 'DEFRA Noise Specification Statement' (which refers to kitchen extraction and odour controls). Details can be read on file.

## **RELEVANT LOCAL AND NATIONAL PLANNING POLICIES/GUIDANCE AND MATERIAL CONSIDERATIONS**

### **High Peak Local Plan Adopted April 2016**

S1 – Sustainable development principles  
S1a – Presumption in favour of sustainable development  
S2 – Settlement hierarchy  
S5 – Glossopdale sub-area strategy  
EQ1 – Climate change  
EQ2 – Landscape character  
EQ6 – Design and place making  
EQ7 – Built and historic environment  
CF5 – Provision and retention of local community facilities and services  
CF1 – Retail and town centres  
CF5 – Provision and retention of local community services and facilities  
CF6 – Accessibility and transport

Charlesworth Conservation Area Character Appraisal

### **National Planning Policy Framework**

- Ministerial foreword
- Introduction (Inc. Achieving sustainable development, presumption in favour of sustainable development, core planning principles, delivering sustainable development)
- 1 Building a strong, competitive economy
- 2 Ensuring the vitality of town centres
- 4 Promoting sustainable transport
- 10 Meeting the challenge of climate change, flooding and coastal change
- 12 Conserving and enhancing the historic environment

### **National Planning Practice Guidance**

## **SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS**

HPK/2009/0674 – Conversion of existing attic level into self contained flat. Approved, 05.01.2010

HPK/2009/0265 - Conversion of existing attic level into self contained flat and erection of rear dormer. Refused, 07.07.2009

HPK/2003/0327 – Change of use from video shop to Christian bookshop and church office/meeting room.

## **CONSULTATIONS**

### **Publicity**

Site Notice expiry date: 27.04.2017

Neighbour consultation period ends: 13.04.2016

Press Advert: Yes

### **Public Comments**

1 No. objection has been received, details of which can be read on file. The issues raised are summarised below:

- Siting a cafe here will encourage illegal parking (in an area where there are already too many examples of illegal parking) and cause driving hazards at a very busy road junction. The site is extremely close to the local Primary school.

### **Town / Parish Comments**

Charlesworth Parish Council – Support.

### **HPBC Conservation**

The Conservation/Listed Building Officer raises no objection to the change of use. However, concerns were raised regarding the proposed signage (see HPK/2017/0076).

### **Derbyshire County Council Highways**

No objections received.

### **HPBC Environmental Health**

No comments received as of 15.05.2017

## **OFFICER COMMENTS**

## **Principle of Development (with particular reference to policies S2, CF1 and CF5)**

Charlesworth is designated as one of the 'larger villages' in the settlement hierarchy (policy S2 of the Local Plan). Policy S2 seeks to direct development towards the most sustainable locations in accordance with the settlement hierarchy.

Policy CF1 of the Local Plan seeks to maintain the vitality and viability of town centres and local centres in accordance with their function and scale. Amongst other things, policy CF1 seeks to protect the vitality and viability of 'larger villages' by requiring applications for the change of use from A1 (retail) to demonstrate that the current use is no longer required to serve the local community and is not viable.

Policy CF5 of the local plan seeks to provide and retain community facilities/services; loss of such facilities is to be resisted unless a) it can be demonstrated that the facility is no longer viable or b) an alternative facility of the same type is available/can be provided in an accessible location.

As noted above, the last known use of the application site appears to have been a sui generis use (Dog Grooming and Pet Services), though there is no planning history related to such use. The planning history shows that the last known permission was for change of use from a video shop to a Christian bookshop/church office and meeting room, i.e. another sui generis use. However, it is not clear if such use was ever implemented.

Without definitive knowledge of the last known use it is difficult to appraise what may be being lost. Notwithstanding this, an appraisal of the application will be undertaken within the context/circumstances as they are presented.

The Dog Grooming business that appears to have operated from the application site as the most recent use ('Charlie's Pals') now operates from Glossop (approx. 0.8m from Charlesworth). Another such service is also available within a mile of Charlesworth ('Top & Tail Dog Grooming'). Hence, if this was the last use (current use) such facilities/services are available within an accessible distance.

As regards the sale of Christian books and a church office/meeting room, there are 3 Churches in Charlesworth which could provide a base for the sale of Christian books and a facility for meeting. There are also other venues which could be used for meetings, eg, Cricket Club, Rugby Club and a number of Public Houses. If a separate venue is needed for an office a church 'office' is usually of a scale that can be accommodated within an individual's residence. Hence, again, if this was the last use then facilities are available within the vicinity of the site to provided for such uses.

Finally, if the Christian book sales/church office/meeting room use wasn't implemented, and the sale and/or rental of videos is the last legal planning use, then this activity could be done from eg. the 'Village Store' (Newsagents, General Store and Post Office).

Hence, it is considered that a) the site is within a sustainable location, b) that the provision of an A3 (café) use is appropriate to the location and c) that the loss of the facility (whether it be Dog Grooming, Church meeting room/office/sale of Christian books or video sales/rental) would not threaten the objectives of Local Plan policies CF1 or CF5, as similar facilities/services could be found within, or are accessible to, the area. Therefore, the principle of the proposal is acceptable and policies S2, CF1 and CF5 would be adhered to.

### **Impact on residential amenity**

Policies S1 and EQ6 of the Local Plan require, amongst other things, development to provide a high standard of amenity for existing and future occupants of land and buildings and a satisfactory relationship with adjacent development. Para 17 of the NPPF also requires, amongst other things, development to secure a good standard of amenity for all existing and future occupants of land and buildings.

The proposed A3 (café) use and associated kitchen extraction equipment, along with proposed hours of opening are appraised re impact on neighbouring residential amenity. As noted, there are flats adjacent to the east and above the premises (owned by the applicant). However, a) the relatively small size of the premises (40sqm in total, with less than 30sqm being used for the café and serving counter), b) the relatively small scale kitchen extraction unit proposed and c) the opening hours requested (i.e. 0700 to 1700 Mon to Sat and 0900 to 1600 Sun and Bank/Public Holidays) all lead to concluding that, subject to conditions to control the hours of opening, the proposed use would have a limited and acceptable degree of impact on the amenities of neighbouring residences. As such, it is considered that the proposed development accords with the amenity tenets of policies S1 and EQ6 of the Local Plan and bullet point 4 of para. 17 of the NPPF.

### **Impact on the character & appearance of the street-scene and Conservation Area**

Apart from the opening for the kitchen extraction unit, there are no external physical changes proposed (the signage proposed will be assessed within the Advertisement Consent application). The kitchen extraction unit terminates at the gable elevation with a steel grill painted black proposed at the termination point. It is considered that the proposed use and extraction equipment are acceptable within the street-scene and help maintain the character and appearance of the Conservation Area.

Therefore it is considered that the proposal accords with the design tenets of Local Plan policies S1, EQ6 and EQ7 and sections 7 and 12 of the NPPF.

### **Highway safety**

As noted above, the Highway Authority has not raised any objections to the proposal. Although it is noted that the representation received raises concerns about highway safety, it is considered that a) the existing premises have a use which would generate a theoretical parking requirement and vehicle trips, and b) the proposal would not have an impact on the surrounding highway network to the extent that would be considered to be 'sever' in NPPF policy terms. Therefore, the proposal

would not be refusable on the grounds of highway safety. As such the proposal is considered to comply with Local Plan policies CF6 and S1 and section 4 of the NPPF.

## **CONCLUSION/PLANNING BALANCE/SUSTAINABILITY**

The representation received and consultation comments have been borne in mind. In summary, the proposal is acceptable in principle. The external physical alterations (kitchen extraction unit) are minor and the character and appearance of the Conservation Area would be maintained. The proposed would have a limited impact on neighbouring residential properties. The proposal would not result in having a 'severe' impact on the surrounding highway network and that a refusal on such grounds is not warranted nor would it be sustainable on appeal. Other services and facilities are available within the area to cover the loss of a Dog Groomers, Church meeting room/office/book sales or video sales and renting. As such the requirements of Local Plan policy CF5 and the retention of community facilities is satisfied. The site is located within a highly sustainable location and the provision of an A3 (café) use is appropriate to the area and would not threaten the vitality of viability of the Village. As such, the proposed accords with policy CF1. The change of use, and bringing the use of a unit back into use, would provide minor economic benefits. An A3 (café) use would provide some minor social benefits. Therefore, bearing all the above factors in mind, the proposed development is considered to be a sustainable form of development that accords with Local Plan policies S1 and S1a (sustainability) and all other relevant Local Plan policies. Therefore the application should be approved without delay, in accordance with para 14 of the NPPF.

**OFFICER RECOMMENDATION:      APPROVE**

**Case Officer: John Williamson**

**Recommendation Date: 15/05/2017**

X *B.J. Haywood*

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Signed by: Ben Haywood

**On behalf of High Peak Borough Council**