

DELEGATED DECISION REPORT

HPK/2021/0097
Valid 01/04/2021

39 STATION ROAD
HADFIELD
GLOSSOP

MAINTAINING USE AS HOT
FOOD TAKEAWAY
FOLLOWING APPLICATION
HPK/2017/0416

(FULL - MINOR)

MAIN ISSUES

- Principle of Development
- Residential Amenity

DESCRIPTION OF SITE

The application site is a two-storey terraced building comprising a commercial unit at ground floor and a flat at first floor (accessed externally), set within a terrace comprising a mix of houses and businesses, on Station Road in Hadfield, within the Built-up Area Boundary.

There is a two-storey semi-detached house, 27 Albert Mews, at the immediate rear of the application site. The side elevation of this house faces onto the rear elevation of the application site, and the building is otherwise bounded on both sides by residences.

The premises was previously a retail unit and was changed to use a hot-food takeaway following permission ref HPK/2017/0416 approved in April 2018. This permission included the addition of a flue at the rear of the premises. Upon the site visit for the current application this did not appear to have been installed.

The approval was subject to a condition limiting the permission as follows:

The use hereby permitted shall be discontinued and the A1 use restored to its former condition on or before two calendar years from the date of this permission.

Reason:- To enable the Local Planning Authority to review the position in the light of circumstances appertaining at that time and in accordance with Policy EQ6 of the High Peak Local Plan 2016 and the National Planning Policy Framework.

Conditions were also imposed to control noise and odours associated with the approved ventilation system and limiting the hours of operation.

PROPOSAL

The proposal seeks the continued and permanent use of the premises as a hot food takeaway, as previously proposed. The application is for a standalone permission rather than an amendment to the condition on the previous approval. The proposal includes the addition of the same flue at the rear of the building as previously approved.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan 2016

S 1 Sustainable Development Principles
S 1a Presumption in Favour of Sustainable Development
S 2 Settlement Hierarchy
S 5 Glossopdale Sub-area Strategy
E 1 New Employment Development
EQ 6 Design and Place Making
CF 1 Retail and Town Centres
CF 6 Accessibility and Transport

National Planning Policy Framework

Paragraph 11 The Presumption in Favour of Sustainable Development
Section 4 Decision-making
Section 9 Promoting sustainable transport
Section 12 Achieving well-designed places

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2017/0416 - Change of use of shop to hot food takeaway (Pizzeria). Approved, 19/04/2018

CONSULTATIONS

Publicity

Site Notice expiry date: 11.06.2021
Neighbour consultation period ends: 07.05.2021

Public Comments

None received

Town / Parish Comments

None received

Environmental Health

No objection to the proposed development subject to an additional condition for odour abatement and reimposition of conditions from the original permission for noise control and hours of operation.

Derbyshire County Council Highways

No highway objections given its former use, location and the presence of existing on street parking restrictions

OFFICER COMMENTS

Principle of Development

The application site is located within the defined Town Centre of Hadfield for the purposes of the High Peak Local Plan. The Council seeks to improve the vitality and viability of defined town centres by permitting appropriate retail, leisure, cultural and business development of a scale and type appropriate to the role and function of that centre. The proposed retention of the premises as a hot food takeaway is considered to be an appropriate form of development within the Town Centre of Hadfield under the terms of Local Plan policies S2, S5 and CF1. The proposal is therefore acceptable in principle subject to other relevant local plan policies relating to design and residential amenity.

Design

Local Plan Policy EQ6 requires that all development should be well designed and of a high quality, responding to its environment and challenge of climate change – whilst also contributing to local distinctiveness and sense of place.

Paragraph 130 states amongst other matters that new developments should add to the overall quality of the area, be visually attractive as a result of good architecture and sympathetic to the surrounding built environment.

Proposed external alterations are limited to the addition of a metal flue at the rear attached to a single storey part of the building, extending 1m above eaves height, as approved in the previous permission. This element had not been implemented at the time of the site visit.

In terms of visual impact, the flue would not be visible from Station Road and would have a limited impact on views of the rear of the terrace from Albert Street to the north east. The rear of the terrace is already characterised by vertical drainpipes and stone chimney that raise above eaves level of two houses, in this context it is not considered that the flue would be particularly visually intrusive. As such it is not considered that this element would harm the street scene. The submitted drawings indicate the flue could be painted black which would assist in its visual appearance, rather than a stainless steel silver colour which would have a stark appearance. The flue as proposed therefore complies with policy EQ6.

Amenity

Local Plan Policy EQ6 requires development to achieve a satisfactory relationship to adjacent development and to not cause unacceptable effects by reason of visual intrusion, overlooking, shadowing, overbearing effect, noise, light pollution or other adverse impacts on local character and amenity.

Residential properties bound the site to each side, including directly above the unit at first floor level. The Environmental Health officer has raised no objection to the permanent change of use of the building, subject to compliance with details of odour and abatement set out in a technical note relating to the extractor system submitted with the application, and conditions controlling noise and hours of operation.

Due to the nature of the development including the limited external works, it is not considered that the proposal would give rise to any other forms of harm to amenity, particularly including the potential for visual intrusion or overshadowing from the proposed flue, which would be set close to, and from the adjoining properties largely seen against, the rear elevation of the building.

The application only relates to the ground floor of the building, with the first floor retained as a flat (as it was at the time of the previous application) with no alterations proposed there. The change of use would therefore not give rise to any implications for loss of privacy or overlooking to the adjacent properties.

In particular it is noted that the semi-detached dwelling adjacent to the rear has no windows within the elevation facing towards the rear of the application site. The change of use from the former use as a retail unit would not give rise to any implications for privacy or overlooking to the other adjacent dwellings.

For the above reasons, it is not considered that the proposed change of use and operational development would give rise to significant harm to amenity, subject to conditions, and therefore that the proposal would accord with policy EQ 6.

Highway Safety

Derbyshire County Council has raised no objection to the proposed development on highway safety grounds. There are established linear pull-on, pull-off parking bays directly outside the premises and a public car park is located opposite. Furthermore, the site is situated within a sustainable location within easy reach of public transport routes. The application is therefore considered to accord with policy CF6.

CONCLUSION / PLANNING BALANCE

Subject to the imposition of suitable conditions in the interests of protecting the residential amenity of nearby properties, the proposed change of use is considered to have minimal environmental impact upon the locality due to the minimal external alterations and its sustainable location. The proposed change of use will enhance the consumer offer within Hadfield. It is therefore considered that the proposed development complies with the High Peak Local Plan and the National Planning Policy Framework.

OFFICER RECOMMENDATION : Approve

Case Officer: Tom Hiles

Recommendation Date: 24.12.2021

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council