

DELEGATED DECISION REPORT

HPK/2022/0428 VALID 16/12/2022	ONE STOP STORES, MELANDRA CASTLE ROAD, GAMESLEY, GLOSSOP, DERBYSHIRE, SK13 6UQ	CHANGE OF USE FROM SHOP-A1 TO TAKEAWAY PIZZA SHOP-SUI GENERIS (FULL - MINOR)
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MAIN ISSUES

- **Principle of Development**
- **Design Considerations**
- **Impact upon Residential Amenity**
- **Highway Safety**

DESCRIPTION OF SITE

The application site lies within the settlement boundary for Gamesley, which lies within the Glossopdale Sub Area as defined by the Local Plan policies map. The site relates to a vacant retail unit within a block of two retail premises. The surrounding area is predominantly residential in character. To the rear of the site is a car park, with recreational land opposite. Online mapping indicates an area TPO covering part of the site, although no trees are present on the site.

PROPOSAL

Planning permission is sought for the change of use of the premises from A1 to a hot foot take away (sui generis). The application indicates that the unit would be a pizza shop. The submission indicates the installation of ventilation within the side elevation of the building.

No details of opening hours have been provided.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

High Peak Local Plan (Adopted 2016)

- S1 Sustainable Development Principles
- S1a Presumption in Favour of Sustainable Development
- S2 Settlement Hierarchy
- S4 Maintaining and Enhancing an Economic Base
- S5 Glossopdale Sub-area Strategy
- EQ1 Climate Change
- EQ6 Design and Place Making
- E4 Change of Use of Existing Business Land and Premises
- CF1 Retail and Town Centres
- CF6 Accessibility and Transport

Supplementary Planning Guidance/Documents

High Peak Design Guide (2018)

National Planning Policy Framework

Section 6: Building a strong and competitive economy

Section 8: Promoting healthy and safe communities

Section 9: Promoting sustainable transport

Section 12: Achieving Well-designed Places

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/2015/0637 - Proposed elevational alterations to existing unoccupied Public House – Approved – 20/01/16

HPK/2015/0640 - Proposed Use Class A1 Extension to existing unoccupied Public House – Approved – 26/01/16

HPK/2016/0379 - Retrospective application for the installation of 3 air conditioning units at the rear of the store, an ATM set within the front elevation and new glazed shop front system protected with a roller shutter – Approved – 19/09/16

CONSULTATIONS

Publicity

Site Notice expiry date: 09/02/23

Neighbour consultation period ends: 11/01/23

Press Advert: N/A

Public Comments

One representation of support.

One representation of objection, on following grounds:

- No details of hours of opening
- Nuisance from cars
- Loss of privacy and noise
- Not clear who owns car park
- Concerns regarding rubbish

Town / Parish Comments

None received

Derbyshire County Council Highways

No highway safety comments to make

Environmental Health

Suggested conditions relating to odour and noise

AES

No comments to make

OFFICER COMMENTS

Principle of Development

The application proposes the partial change of use of a premises which is currently in retail use. The application seeks to use the premises as a hot food take-away which is a sui-generis use.

Policy S5 seeks to encourage the growth of local employment opportunities and supports the diversification and growth of local business and the enhancement to key community services which meet the needs of local people.

Policy CF1 relates to retail and town centres and seeks to protect the vitality and viability of the small town centres, larger villages, other settlements and other local centres within the towns by supporting proposals for town centres uses, including retail, leisure and office development of less than 200m². Proposals above this threshold should comply with the identified sequential test and impact assessment requirements. Furthermore, applications for a change of use from A1 retail within these centres should demonstrate that the current use is no longer required to serve the local community and is not viable.

The application site is not identified as a centre within the local plan, although it is a small parade of retail premises and as such could function as a localised centre of limited scale. The row of retail units was formerly the Centrurian PH in its entirety while Gamesley has a larger parade of retail and services at its centre. Therefore, it is not considered that this would represent a local centre to which Policy CF1 ought to apply in this regard.

The proposed change of use would relate to the provision of a hot food takeaway, which is traditionally a main town centre use, and would comprise a unit of 105sqm which is below the locally set threshold required for any sequential testing. The premises is currently vacant and the proposals would add to the vitality of the area through the provision of additional services. It is considered that the application site is an appropriate location for the proposed use and would be acceptable, as a matter of principle, subject to satisfying other criteria relating to design, amenity and highways.

Design Considerations

Policy EQ 6 requires that all development should be well designed and be of high quality which responds positively to its environment while contributing to local distinctiveness and sense of place.

No changes to the external parameters of the building are proposed. However, the application does indicate that an extraction flue would be sited on the side elevation of the building. This would be on a fairly exposed gable elevation of the building, adjacent to the car park access and area of open space. The application submission indicates that the flue would be relatively modest in proportions and not project significantly above the ridge of the building. An extraction system could be provided on this elevation without causing unacceptable harm to the character of the area.

Notwithstanding this, the submission includes contrasting information in terms of the overall location and design of the system. While an extraction system may be acceptable, further details would be necessary and as such a fully detailed scheme could be secured through condition. As part of this scheme, measures could be provided to soften the impact of any extraction system.

Advertisement consent may be required for new signage, however this would be subject to further consideration if required.

Amenity

Policy EQ6 requires development achieve a satisfactory relationship to adjacent development and 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.

The surrounding area is predominantly residential which are sensitive end uses which could be affected by the proposed development. It is acknowledged that there are no residential properties immediately above, or immediately adjacent to the application site, with intervening buildings or open space between the site and sensitive properties.

The application has been supported by limited information with regard to noise and odour. As noted above there is conflicting information with regard to design of the extraction system. Therefore, full details of the extraction system can be secured by condition including details relating to noise and odour emissions as requested by Environmental Health.

No opening hours have been suggested. It is acknowledged that the historic use of the site was a public house and the adjacent retail premises opens to 10pm. It is considered that evening opening of the premises would be acceptable, and therefore a condition securing the same opening times as the adjacent shop would be appropriate.

Concern has been raised with regard to litter on the car park. While the applicant has no control over the actions of its customers', it is acknowledged that such a use may give rise to such a nuisance. As such a scheme for waste disposal could be attached by condition.

With an appropriate suite of conditions attached to any permission, it is considered that the impact upon residential amenity can be appropriately controlled.

Highway Safety

Policy CF 6 seeks to ensure that development can be safely accessed in a sustainable manner. Proposals should aim to minimise the need to travel through unsustainable modes. Proposals should also ensure that development does not lead to an increase in on street parking to the detriment of the free and safe flow of traffic.

The application site is located within a location which is accessible to the local community by foot/cycle. There is also a larger car park to the rear of the site which is used by the existing premises. There would be no requirement to provide for additional off street parking to serve the premises. Furthermore, appropriate servicing arrangements can be provided via the car park, as existing. Consequently, no objections have been raised by DCC Highways or the Council waste services department.

CONCLUSION / PLANNING BALANCE

It is considered that the proposals would comply with the policies contained within the Development Plan and guidance within the NPPF, as conditioned, and as such it is recommended that the application be approved.

OFFICER RECOMMENDATION: APPROVE

Case Officer: Declan Cleary

Recommendation Date: 10/02/2023

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council