



Town and Country Planning Act 1990 (as amended)
The Neighbourhood Planning (General) Regulations 2012 (as amended)

Neighbourhood Development Order

Biddulph Town Centre

7th December 2023

Referendum Version







Introduction

This Neighbourhood Development Order (the Order) has been prepared by Biddulph Town Council. The Neighbourhood Development Order relates to changes of use of upper floors of commercial properties to business and enterprise space (Use Class B1 or equivalent) and the replacement of shopfronts. The Order grants planning permission for these types of development in Parts 1 and 2, providing it meets the conditions and parameters set out.

The Order is a response to the analysis of outcomes from community engagement and gathering of local evidence and the intention is to support the regeneration and economic development of Biddulph Town Centre. This includes supporting enterprise and improving the environment of the town. The effect of the Order is to remove the need to apply for planning permission for certain changes of use of upper floors and for reinstatement of shop fronts.

The Order has been prepared against the context of meeting the Basic Conditions and other legal requirements.

The Order will be monitored during its period of application. If necessary, the Order may be revised and/or remade in the future.



Application

Period of Application

The Neighbourhood Development Order (the Order) is in force for a period of four years from the date it is made.

Development permitted by the Order, that has been started within the period of the Order being in force, will be allowed to be completed following the expiry of the Order or if the Order is revoked.

Area of Application

The Order applies to part of the Biddulph Neighbourhood Area, as shown on Plan 1. The Order does not apply to the parts of the Biddulph Neighbourhood Area outside of the area shown on Plan 1.

Development Permitted

Part 1 and Part 2 of this Order grant planning permission for the development specified, subject to compliance with the conditions and parameters set out.



Definitions

The following words and terms, as used in this report, are defined as follows:

Cornice: A continuous horizontal projecting molding, above the fascia of the shopfront.

Development: The legal definition is “the carrying out of a building, mining, engineering or other operations in, on, under or over land, and the making of any material change in the use of buildings or other land.”

Fascia: The flat surface above the shop window, used to accommodate the main shop signage.

Neighbourhood Development Order: An order introduced by a parish or town council, or a neighbourhood forum, as part of the neighbourhood planning process, which grants planning permission for a specific development or type of development.

Paneling: Flat panels surrounded by moldings or channels or other surfaces in different planes.

Permitted development: Certain minor building works that don't need planning permission e.g., development granted by The Town and Country Planning (General Permitted Development) (England) Order 2015.

Pilaster: A shallow rectangular column attached to the wall, with plinth (base) and topped by a capital.

Stallriser: The area installed between the ground and the windowsill. These are often of masonry construction, sometimes with render finish.



Plan 1 – The Area of Application of the Biddulph Neighbourhood Development Order (NDO)
Not To Scale
All buildings within the green line are included in the NDO Area.



Part 1: Use of Upper Floors for Business Purposes

Development permitted by Part 1

Change of use of the upper floors of commercial properties to any purpose falling within equivalent Class B1 (Business) of the Town and Country Planning (Use Classes) Order 1987 (as amended).

Conditions

- I. A valid planning permission must be in place for any external works required to accommodate the new use, where such works constitute operational development, including the creation of any new access, unless those works are permitted development under the Town and Country Planning (General Permitted Development) Order 2015, as amended, or any order revoking and re-enacting that order.

Limitations

Part 1 applies only to the change of use of upper floors and not the change of use of ground floors or to any form of operational development, including elevational alterations, extensions or redevelopment.

Part 1 does not grant advertisement consent, listed building consent or any other consents under the planning acts.

Part 1 does not grant any consent, permissions or licenses required under other legislation, including under highways, environmental health, health and safety and building regulations.



Part 2: Replacement of Shopfronts

Development permitted by Part 2

The replacement of a shopfront in an existing opening on the ground floor frontage of commercial premises, providing the new shopfront meets the following design parameters.

Design Parameters

- A. The shopfront design must include a shop window, doorway, stallriser, fascia, cornice and pilasters.
- B. The shopfront must comply to one of the 'types' (Type 1 to Type 4) set out in the 'Shopfront Types and Details' section of this Neighbourhood Development Order.
- C. Constructional detailing must be in accordance with the 'Shopfront Types and Details' section of this Neighbourhood Development Order.
- D. The design of the shopfront must meet the following design parameters:

- I. **Stallriser**

A stallriser must be incorporated into the design for the full width of the shopfront, excluding the doorway, between the pilasters. The height of the stallriser must be between 350mm and 550mm as measured at the midpoint of each stallriser.

- II. **Pilasters**

The shopfront must include pilasters at either side and these should project forward by up to 100 mm for the main part of the pilaster and include a plinth (base) and capital detail.

- III. **Materials**

Window frames, doors, pilasters and fascias must be of timber construction with a painted finish and not a stained finish. Stallrisers must be of timber or masonry construction.

- IV. **Accessibility for All**

Any doors should have a minimum clear opening width of at least 800 mm. Recessed doors should have a minimum space depth of 300 mm. Access to the shop door shall be step free and if an access ramp is required it shall be no steeper than 1 in 20 and be provided within the shopfront.

- V. **Fascia**



The shopfront design must include a full-width projecting fascia, flanked by the pilasters, of height between 350mm and 550mm. The fascia must include a surrounding frame and be topped by a cornice, creating an area for a shop-sign.

VI. Shutters

If shutters and shutter boxes are incorporated into the design, then they must be placed internally, behind the shop fascia and window. When in an open position, shutters must not block the shop window opening. Shutters must be perforated or of such construction so as to allow vision to the interior beyond.

VII. Canopies

If a canopy is incorporated into the shopfront design, it must be of retractable fabric and metal design and must not include projecting external boxes.

Conditions

- I. The shopfront design must include a shop window, doorway, stallriser, fascia topped by a cornice, and pilasters.
- II. For development to be permitted by the order, the premises must be in commercial use, for uses falling within Use Class E (or premises used as a public house, wine bar and other drinking establishments and hot food takeaways) of the Town and Country Planning (Use Classes) Order 1987, as amended.
- III. The shopfront must meet the design parameters set out in the order..
- IV. The shopfront opening must not be modified, enlarged or made smaller.

Limitations

The Order does not grant planning permission for a replacement shopfront if it is to be accessed by a step, whether existing or proposed.

Part 2 does not grant planning permission if the works include the modification, enlargement or making-smaller of the existing shopfront opening.

Part 2 does not grant advertisement consent, listed building consent or any other consents under the planning acts.

Part 2 does not grant any consent, permissions or licenses required under non-planning legislation, including those under highways, environmental health, health and safety and building regulations.



Shopfront Types and Details:

Type 1: Shopfront with Side Doorway Recessed



Type 2: Shopfront with Side Doorway Flush



Type 3: Shopfront with Centre Doorway Recessed



Type 4: Shopfront with Centre Doorway Flush

