DELEGATED DECISION REPORT

SMD/2018/0594	**2 WELL STREET**	**FORMATION OF NEW DOORWAY TO FRONT ELEVATION.**
Valid 18/09/2018	**LEEK**	
		(FULL - MINOR)

MAIN ISSUES

- Principle of development;
- Design and visual impact;
- Neighbour amenity;
- Highways.

DESCRIPTION OF SITE

The application site is a small square shaped building adjacent to number 4 Well Street Leek. A site visit shows that the building appears to be some sort of infill plot between the site of 4 Well Street and a garage building to the north. The building has a red brick facing wall, flat roof and single pedestrian door.

For the purposes of planning policy consideration the application site is located within the Leek Town Development Boundary. The site does not form part of a Conservation Area however the Conservation Area boundary lies on the other side of the road incorporating the former Mill buildings (some of which are Listed)

PROPOSAL

The application seeks consent for the insertion of a 2.2m wide galvanised roller shutter door. The plans also show the intent to repaint the adjacent pedestrian door and its frame.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Core Strategy Development Plan Document (Adopted 2014)

SS1	Development Principles
SS1a	Presumption in Favour of Sustainable Development
DC1	Design Considerations
DC2	The Historic Environment
T1	Development and Sustainable Transport

Emerging Staffordshire Moorlands Local Plan

National Policy Guidance

Paragraph 48 of the newly adopted NPPF states that:

> "…decision-takers may also give weight to relevant policies in emerging plans according to:
> - the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
> - the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
> - the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given).

Local Plan process

The Council agreed to publish the Local Plan Submission Version for representations in February 2018. At this point, the Council agreed that the Local Plan was "sound". Formal representations were then invited from residents, businesses and other stakeholders to provide them with the opportunity to support or challenge the soundness or legal compliance of the Local Plan. This stage in the process followed three previous public consultations since 2015 which had informed the preparation of the Local Plan alongside a comprehensive evidence base.

In June 2018, the Council subsequently agreed to submit the Local Plan Submission Version to the Secretary of State for examination. An examination in public has now been held in order to determine whether the Local Plan is sound and legally compliant. Subject to the findings of the appointed inspector, the Local Plan is expected to be adopted in the Spring of 2019. At his point, it will supersede the adopted Core Strategy and become part of the statutory development plan for the District.

In this context, the Council's position on the weight to be given to the policies contained in the Local Plan Submission Version in terms of the three criteria set out in Paragraph 48 of the NPPF is as follows:

- The stage of preparation – the Local Plan is now at an advanced stage of preparation as the Council has submitted it to the SoS for examination
- The extent to which there are unresolved objections to relevant policies – this varies depending on the policy in question.
- The degree of consistency of policies with the NPPF – given that the Council has submitted a Local Plan that it considers to be sound, all policies are deemed to be consistent with the NPPF.

Emerging Policies

The following policies are considered to be relevant to this application:

SS1	Development Principles (Moderate)
SS1a	Presumption in Favour of Sustainable Development (Significant)
DC1	Design Considerations (Moderate)
DC2	The Historic Environment (Significant)
T1	Development and Sustainable Transport (Moderate)

National Planning Policy Framework

Including sections:

2: Achieving sustainable development
12: Achieving well-designed places
16: Conserving and enhancing the historic environment.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

86/00177/OLDDC	Storage of cars and preparation for sale to trade. Approved.
12/00037/CL_EXG	Car repair workshop (Lawful Development Certificate).

CONSULTATIONS

Publicity

Site Notice expiry date: 20/12/2018
Neighbour consultation period ends: 7/12/2018

Public Comments: One letter of representation received objecting to the application. Comments can be summarised as follows and relate to the first round of consultations.

- Site is part of 6 Well Street;
- SCC Highways report refers to the site as being 2 Well Street;
- Application is not for a pedestrian door it is for vehicle access for construction plant;
- No mention of a dropped kerb;
- Hours of operation should be limited to 7am until 7pm as noise from movement of construction plant will be prevalent.

Leek Town Council: Recommend approval. Not unneighbourly.

Staffordshire County Council Highways: No objections. Application is for a pedestrian door as explicitly stated in section 8 of the application form.

OFFICER COMMENTS

Principle of Development

The application site is located within the Leek Town Development Boundary and therefore there are no 'in principle' objections to the proposal subject to all other material planning considerations being satisfied. Matters to consider are those of design, visual impact, neighbour amenity and whether or not there would be any highways implications.

Officer's requested more information relating to the proposal as it was not clear why the door was required. The planning agent responded by saying that

As far as we can tell the building was used to store and house electrical switch gear when it was a sub-station for the local mills many years ago, some of that equipment has remained to this day. My client is a building contractor and he wishes to use the building as a secure store for his power tools, small portable lighting rigs, generator, power cables, tower scaffold and a small trailer - all of which are not used on a regular basis. It is not uncommon for vans to be 'raided' for power tools, etc. and my client wishes to avoid such an eventuality. It is for this reason that the door is wider than a standard door, but not as big as one would be if using the building for garaging vehicles.

Section 6 of application form states that the building is used for storage.

Design and visual impact

There are no objections to the design or the resultant visual impact of the door. Although directly opposite to a Conservation Area and within close proximity of a number of Listed Buildings, the application building itself has no historic character and an additional opening within the brickwork will not cause any visual harm to either the building itself or surrounding area. The building is already served by a pedestrian door and the proposed roller shutter door will be similar in appearance to that installed at the adjacent garage. A condition is recommended requiring the door to be finished in dark green. For these reasons it is considered that the application is acceptable in terms of design and visual impact.

Neighbour amenity

It is noted that a letter of representation from the occupants of the adjoining dwelling (4 Well Street) has been received. The occupants make reference to a number of errors contained within the application submission. However details such as the address have now been amended and the application has been re-advertised. The neighbours consider that the hours of operation of the building should be controlled. However this application is not for any business use, it is just for a door. Any change

of use of the building would need to be subject to a separate planning application. Similarly, this permission does not confirm any existing lawful use of the building. That would need to be dealt with under a Certificate of Existing Lawful Development application should the applicant wish to seek confirmation of use. Any unlawful uses of the building could be addressed under enforcement powers as a breach of planning control and notwithstanding this any noise issues/business operating from this site can be dealt with under separate environmental health legislation should these become issues in the future.

Highways

The County Highways officer raises no objections to the scheme and there are no recommended conditions on the basis that it is for pedestrian use only. The door is too narrow for vehicle access at 2.2m (a standard parking bay being 2.4m). It is understood that an application for a dropped kerb would be made at a later date if required. As Well Street is not a classified road, a vehicular access could be formed without planning permission, subject to Highway Authority approval and, therefore, given that the Highway Authority have considered the application on the basis of being for pedestrian access only it is recommended that a condition to that effect is imposed to give the Local Planning Authority future control over vehicular use.

CONCLUSION / PLANNING BALANCE

For the reasons outlined above it is recommended that the application is approved subject to conditions. The scheme is considered to be acceptable in terms of design, visual impact, amenity and highways.

OFFICER RECOMMENDATION : Conditional approval

Case Officer: Lisa Jackson
Recommendation Date: 31/01/2019

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council