

DELEGATED DECISION REPORT

SMD/2021/0518
Valid 16/08/2021

HALFORDS
BROAD STREET
LEEK

CHANGE OF USE TO CLASS
B8 (STORAGE OR
DISTRIBUTION).

(FULL - MINOR)

MAIN ISSUES

- Neighbour amenity
- Street scene
- Highway safety

DESCRIPTION OF SITE

Single storey retail unit set back from road with parking to front and side. Visually noticeable in the street scene. Other commercial premises adjacent including a vacant former petrol garage site to the north east side with approval for retail units. Three traditional terraced town houses facing from across the road opposite. Mixed residential, community use buildings, retail and commercial location. Residential above to the north.

The boundary of the Leek Conservation Area follows the opposite side of the road placing buildings opposite within the Conservation Area.

PROPOSAL

Specifically: change of use from Class E(a) to Class B8 (Storage or Distribution). The application covering letter describes this site as “a warehouse unit located on Broad Street, within a cluster of commercial units” whilst also recognising the residential mix alongside. The applicant’s agent suggests it is unlikely that there are any operating hours restrictions. The proposed opening hours are:

- Monday to Saturday (including Bank Holidays) 07:00 to 20:00; and
- Sundays 09:00 to 17:00.
- a maximum of one delivery between 0700 and 2300 on any day is proposed
- there is proposed to be no external storage of goods
- the application first stated that no external alterations are proposed as part of this application.

The LPA has pointed out that in fact the floor plans (but not the elevations) show the insertion of a delivery door to the NE side. Query was also raised regarding the front elevations. Amended plans were received 13th Oct in respect of both and confirming the insertion of the delivery door.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS5 Leek Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
E1 New Employment Development
TCR3 Retailing etc outside Town Centres (as defined)
T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

91/00730/OLD erection of illuminated pole sign and non-illuminated fascia sign
Steve Jolly Autos – approved
93/00124/OLD – non-illuminated fascia sign – approved
05/00296/FUL - Certificate of lawfulness for existing use – Midco Paints And
Wallpapers – approved (Applicant: Halfords)
05/00581/ADV Illuminated main fascia and freestanding projecting sign – Halfords –
approved main fascia sign only / not the free-standing sign
05/00548/FUL Installation of new entrance screen, new shutters and new fire exit
door – Halfords – approved
05/01252/ADV – Non-illuminated projecting sign – Halfords – approved
SMD/2006/1406 – part of a larger site redevelopment to provide new garage
showrooms and workshops – approved – not implemented
SMD/2021/0531 – Two illuminated fascia signs, entrance sign, opening hours sign,
post sign and four no. A0 poster frames approved (008.10.2021)

CONSULTATIONS**Publicity**

Site Notice expiry date: 17.09.2021
Neighbour consultation period ends: 07.09.2021
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Leek Town Council - none

Severn Trent Water

Minimal impact on the public sewer system therefore no objections and no requirement for a drainage condition.

Staffordshire County Council Highways

No objection subject to condition for the parking and turning areas to be provided in accordance with the approved plans.

Notes that the site was formerly the Halfords store. Application is to change use to B8 Storage and distribution. Technically, both trip generation and parking demand would be expected to be lower for B8 use when compared to A1 non-food use. However, in practice, a Toolstation store with customer counter would not be much dissimilar to the previous established use. Customers would visit and park and turn in the existing parking bays and turning area.

Staffordshire Police

No objection. A detailed and lengthy letter has been provided to review the proposal "with particular reference to Police CPI's Secured by Design guidance and in accordance with the recognised principles of Crime Prevention through Environmental Design". A series eight observations and comments are made. Supporting links with the policies in the NPPF are cited. Also references a "statutory obligation placed on local authorities to do all they reasonably can to prevent crime and disorder in accordance with Section 17 of the Crime and Disorder Act 1998".

The premises will hold valuable stock possibly in large quantity. Incidental overlooking from passing traffic and pedestrians and from neighbouring residents may be reduced at quiet times. Discusses role of bollards and effective spacing; discusses door security and internal security technology. Notes the rear is somewhat hidden and that the flat roof may be a vulnerability at the rear.

No substantive or fundamental planning matters of concern are raised and there are no specific measures requested though suggestions are made for the business owner to consider. It would be appropriate to draw the applicant's attention to the advice through an informative.

Environmental Health

Would ideally like hours of trading and timings of deliveries / dispatch to both follow the proposed opening hours and avoid the late evening delivery / dispatch end time proposed to 23:00.

OFFICER COMMENTS

Principle of Development

Being within the Town Development Boundary, development at this location is acceptable in principle subject to specific consideration of any material matters arising such as neighbour amenity and highway implications. The business model adopted by Toolstation has placed it in the B8 planning use class. The premises would though have a customer trade counter open to the public. Given the limited size of the building (c.360m²) and of the site it can be anticipated that the scale and nature of the business would in large be more akin to the previous retail use of the premises with storage or distribution held in check by the building and site size constraints.

According to the agent's letter, *"Each unit stocks approximately 10,000 plus catalogue products and serves predominantly the building industry, although Toolstation do accept trade from private customers"*. The site is currently vacant. Policy supports employment uses and the proposal would bring the unit into beneficial use with, according to the applicant's agent, up to four people employed on the premises at any one time and an expectation of between 5 and 8 fte jobs being established initially.

Design

The submission first stated *"There are no external alterations proposed as part of this application. For information only, the internal alterations are shown on the enclosed proposed floor plan (Ref: 1820834/P01)."* However the floor plans show a new delivery door to the NE side elevation and amended plans have been provided to illustrate this in the elevation drawing.

A related advertisement consent application SMD/2021/0531 has recently been approved (08.10.2021). From the two applications and with clarification via the agent it can be seen that window glazing is to be retained in the openings across the front elevation facing Broad Street. However, internally behind the glazing, 'security partition' walls are to be erected. Although one bay will be taken up with entrance door and associated windows and two bays will have poster advertisement displays (A0 size) the effect will be to create a rather 'inactive' frontage overall as the glazed areas aside from the entrance bay and the posters is to be 'frosted'.

The frontage is however well set back from the road by c.12.5m and has the customer parking and turning between the road and the front. On balance the compromise on the outward appearance is found acceptable given that the windows are being retained in the openings as the external built aspect.

Amenity

No new implications for neighbour amenity are identified with the proposal compared with its last approved use subject to consideration of opening hours and delivery times. The agent has suggested, and it appears to the LPA likely, that no hours of use restrictions would have applied to the Halfords use. This however is now a

proposed B8 use. Conditions need to be attached to control the times of trading and deliveries.

The application puts forward opening hours Monday to Saturday (including Bank Holidays) 07:00 to 20:00;

Sundays 09:00 to 17:00.

Deliveries limited to no more than one on any day and limited to between the hours of 07:00 and 23:00 on any day.

The existing lawful retail use appears to the LPA unrestricted in trading or delivery hours. The most recent opening hours operated by the previous retail store (Halfords) appear to have been 9.00 to 18:00 Monday to Saturday and 10:00 to 17:00 Sundays but these would not be binding on a new retail occupant.

The LPA sought to negotiate an earlier end to evening deliveries but given the planning history and ability to continue retail use without restriction (if there were no change of use application) the LPA can concede that the hours applied for are tolerable and the ability to now apply some regularising control to the hours is beneficial.

Although the applicant would accept and has suggested a condition referring to and limiting the numbers of deliveries to no more than one per day, the LPA would be reluctant to attach such a condition owing to the likely difficulties of enforcing this limit and establishing and evidencing any reported breach.

In response to the advertisement consent application SMD/2021/0532, facing neighbours raised concerns about lighting which had been found intrusive from the former store operating from the site. Following discussion, the LPA has established that this would appear to be a problem caused by flood lighting or similar mounted high on the front parapet edge to the roof. A condition should be attached that no exterior or externally directed lighting should be affixed or operated under the new use hereby approved unless first approved in writing by the LPA

Highway Safety

Attach Highways condition as recommended and requested.

CONCLUSION / PLANNING BALANCE

The proposal would bring a beneficial end use to a building vacant for in excess of twelve months and would support the economic trading conditions and employment in the town. Although a different planning use, in reality the characteristic effects of the undertaking at the location would be very similar to those of the previous retail store use. Subject to the conditions as discussed the scheme can be recommended for approval.

OFFICER RECOMMENDATION : **Approve subject to conditions**

Case Officer: Arne Swithenbank

Recommendation Date: 13.10.2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council