

DELEGATED DECISION REPORT

SMD/2024/0317
Valid 16/07/2024

113 MILL STREET
LEEK

**MIXED USE DEVELOPMENT
OF APARTMENTS AND
RETAIL UNITS**

(PERMISSION IN PRINCIPLE)

MAIN ISSUES

Location
Land Use
Amount of Development

DESCRIPTION OF SITE

The site is within the Development Boundary of Leek and within half a mile to the north-west of the town centre. It comprises a vacant disused plot of land which was formerly a car garage/filling station and with only the hardstanding remaining which covers the whole site although vegetation has crept through the broken surface. It faces Mill Street, A523 main road, to the north-east. There is an existing small car repair garage to the north-west side. A former chapel converted into about 12 apartments lies on the south-east side. Belle Vue Road runs along the rear boundary on raised ground and there are terraced dwellings facing this road next to the south-west corner of the site. There are three-storey apartment buildings to the south of Belle Vue Road. A similar designed three-storey building lies directly opposite the site on the other side of Mill Street to the north. This comprises a row of three retail/commercial units facing the road, with flats or maisonettes above. There are similar apartment buildings either side of the parade of shops facing the road. The site has a size of 0.15ha. Access is off the Mill Street frontage.

PROPOSAL

This is "Permission in Principle" planning application for a mixed use building comprising a row of four retail units (each with a floorspace of approx. 50 sq.m) with eight apartments spread over two floors above.

This application seeks to establish whether the principle of the proposed housing development would be acceptable on the land.

In addition to the application forms, the application is accompanied by a Planning Statement and a site plan which shows a rectangular footprint of building close to the middle of the site with space left around the building and an access location.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Staffs Moorlands Local Plan (adopted September 2020)

SS1 –Development Principles
SS5 – Leek Area Strategy
SD1 – Sustainable Use of Resources
SD4 – Pollution and Water Quality
H1 – New Housing
TCR3 – Retailing and other town centre uses outside of town centres
DC1 – Design Considerations
T1 – Sustainable Transport

NPPF (Revised Dec 2023)

Sections 5 (Housing), 7 (Town Centres), 11 (Effective Use of Land) and 12 (Design).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The change of use from pub to a sports injury/podiatry clinic with single storey extension was approved in 2010 and further extensions were later approved. Since then, the following applications are relevant:

11 00256: 26 apartments. Approved. Claimed by applicant to be extant i.e. there has been a commencement of works.

SMD/2015/0119: 21 apartments. Approved. The permission has lapsed. Unimplemented.

SMD/2022/0051: Drive-thru restaurant. Undetermined.

CONSULTATIONS

Publicity

Site Notice expiry date: 11.9.24
Neighbour consultation period ends: 11.9.24
Press Advert: N/A

Public Comments

One letter of objection has been received from a nearby resident who considers that it would lead to worse traffic and highway safety problems. The letter also points out that there is enough shops/cafes in this residential area and that further shops and cafes are available in the town centre.

Town / Parish Comments

None.

Local Highways Authority

No objection subject to conditions. Comments are as follows:

Application site has previous approvals for residential use and a current application for use as a drive through takeaway. Re-development of the site for greater intensity of use than currently proposed has previously been accepted by highways.

A523 Maccsfield Road is well used road into Leek town centre. The principle of 8 dwellings and 4 small retail units would be unlikely to be considered to have a severe effect on the highway.

Visibility from the frontage is good. Condition recommended above is intended to draw attention to the requirement for visibility when determining access point.

Access point should also be positioned to avoid conflict with vehicles entering/exiting Hamil Drive.

There is currently a layby on the site frontage. This should be closed to prevent parking which would obstruct visibility. Bollards or similar should be provided to prevent parking on the widened footway.

Double yellow lines would need to be marked on the new edge of carriageway. This should not require alteration of the TRO but this should be clarified with Highways during the technical approval process.

As this is approval in principle, no detail drawings are provided. It is not clear where the access point will be. If this differs from the existing access point, redundant access point should be permanently closed as part of the layby removal.

Site is in a sustainable location close to Leek town centre.

Current records show that there were no Personal Injury Collisions on Mill Street within 50m either side of the property access in the previous five years.

Environmental Health

Objection due to insufficient information being submitted to assess the impact of the development with regard to noise. Further comments as follows:

Noise – From a noise impact perspective this appears to have reduced risk compared to the previous drive thru application though further clarification is required. There are residential properties in close proximity and could be adversely impacted by commercial and car park noise. The proposed new residential units should also be insulated against external commercial, car park and road traffic noise. There is no noise impact assessment provided and the hours of operation have not been submitted. We would advise the noise assessment submitted for drive thru application could be revised to address the noise impacts of this development.

Air Quality -

No Air Quality assessment has been submitted in support of the application.

The primary road network in Leek has been designated as an AQMA.

https://www.lagmportal.co.uk/aqma_maps/1815_1815_SMDC%20AQMA%20Order%20%20No.%201%20Leek.JPG

There are two main areas where a development may have a significant impact on air quality, and hence require assessment:

- (1) If the development is likely to cause a deterioration in local air quality*
- (2) Where the proposed development is to be located in an area of poor air quality*

With regard to (1), It is not considered likely that the development is of sufficient magnitude to satisfy (1), as the number of proposed vehicles is unlikely to significantly affect the level of pollution on the road particularly, if the developer includes EV recharging infrastructure within the development to offset these impacts

<https://www.gov.uk/government/publications/infrastructure-for-charging-electric-vehicles-approved-document-s>

- (2) Part of the site, notably with proposed ground floor flats sits adjacent to Mill Steet, which is part of Leeks AQMA so does qualify for (2), therefore, an air quality assessment (AQA) is required.*

It is considered that this can be conditioned as the authority does hold some air quality data near to the proposed development, which indicates that the site would likely be below AQ objects. This though this needs to be formally assessed, in the context of the new environment, to ensure future residents are not exposed to AQ levels above local Air Quality Objectives by the incorporation of suitable mitigation into the design if necessary (condition recommended).

Therefore, the applicant needs to undertake an air quality assessment to whether the development will expose future occupiers to unacceptable levels of air pollution, defined as the exceedance of an air quality standard at the receptor location, and ensure that their development's potential benefits to air quality and health are maximised.

Contamination: *The site is a former garage (popular garage) so the potential for potential historic contamination at the site exists. Whilst it is unlikely that the contamination is of sufficient magnitude to compromise the suitability of the development for the proposed use, it is recommended that a contaminated land risk assessment be undertaken to ensure that any risks that may exist are identified are remediated to ensure the site is suitable for the proposed use.*

Severn Trent Water

No objection subject to condition requiring details of a foul and surface water drainage strategy.

SMDC Waste Collection Service

No issues regarding waste collections.

OFFICER COMMENTS

Introduction

The scope of permission in principle applications is limited to location, land use and amount of development. Issues relevant to these 'in principle' matters should be considered at the permission in principle stage. Where permission in principle is granted by application, the default duration of that permission is 3 years. Local planning authorities must specify the location of the site, the type of development and provide an indication of the amount of development the site has permission in principle for. The amount of residential development must be expressed as a range, indicating the minimum and maximum net number of dwellings (ie taking into account any existing dwellings on the site) which are, in principle, permitted. It is not possible for conditions to be attached to a grant of permission in principle and its terms may only include the site location, the type of development and amount of development.

If the application is approved and the PIP is granted, other matters would be considered at the Stage 2 technical details consent stage.

The Principle of Development

The site is within the Development Boundary of Leek and the Local Plan allows new residential units of accommodation on sites within the Development Boundaries. The site in terms of its size and nature is capable of accommodating eight flats and would be in keeping with the area where there are a several three-storey apartments buildings. The site is also brownfield and Policy SD1 would support the provision of new development on such sites as an efficient use of land.

With regard to the proposed four retail units, this is not deemed to affect the vitality and viability of the town centre and the proposal of this scale would not be contrary to Policy TCR3 providing that the retail floorspace does not exceed a total of 200 sq.m without a Sequential Test and Retail Impact Assessment reports. The application forms state the units would be "approximately" 50 sq.m each. There are four units put forward. Any approval should restrict the total retail floorspace to 200 sq.m.

Although the impact on the character and appearance of the area is normally a matter to be determined at the Stage 2 Technical matters stage, the proposed development would not be out of keeping with the area which comprises other short parades of retail/commercial units with flats above, such as the site directly opposite.

The local highways authority does not consider that on the basis of the amount of development proposed, there would be an unacceptable increase in traffic to the detriment of highway safety.

Environmental Health has raised concerns of the effects of noise on future occupants of the site but this is not an insurmountable problems as effective noise insulation measures can be imposed. Therefore, noise impacts can be fully

assessed at Stage 2 and appropriate measures if required can also be controlled/decided at that stage.

There were also concerns raised over air quality as the site is within an Air Quality Management Area (i.e. air quality is deemed to require improvement). However, based on the amount and type of development proposed, Env Health does not consider there would be a significant deterioration in air quality and that conditions could be imposed requiring measures to mitigate against poor air quality and protect the future residents from pollution. Again, this is not an insurmountable problems and therefore the matter can be properly assessed at Stage 2 via the submission of a required Air Quality Management Report and the control of appropriate protection measures to be incorporated into the development.

It is not considered the proposed development would lead to any other significant harms including environmental or ecological harms given the nature and location of the site and that potential impacts can be controlled at Stage 2 and via planning conditions at that stage.

CONCLUSION / PLANNING BALANCE

The proposal based solely on its location, land use and amount of development, the proposal is acceptable in principle and would comply with the Council's Local Plan and the government planning guidance contained in the National Planning Policy Framework (NPPF) and therefore a Planning In Principle (PIP) approval can be granted for the proposed development.

OFFICER RECOMMENDATION :

APPROVE

Case Officer: Chris Johnston

Recommendation Date: 20.9.24

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council