

DELEGATED DECISION REPORT

SMD/2024/0379
Valid 15/08/2024

31 RUSSELL STREET
LEEK

CHANGE OF USE FROM
RETAIL/SHOP TO
RESIDENTIAL

(FULL - MINOR)

MAIN ISSUES

- The principle of the change of use
- The impact on the vitality and viability of the town centre
- The impact on the character and appearance of a Conservation Area
- The impact on residential amenity
- The impact on highway safety

DESCRIPTION OF SITE

The site is within the town centre of Leek and also within a Conservation Area. It comprises a red-brick two-storey Victorian terrace unit adjacent to the end terrace at the bottom of Russell Street and which faces the road to the west. It was formerly a motorbike repair shop along with the adjacent unit on the north side, No.29. The shop is now vacant and it appears No.31 has fallen into separate ownership. The Town Centre Boundary runs along Brook Street, A53 a short distance to the south where Russell Street adjoins via a T-junction. Behind the empty shop units at nos. 29 and 31 to the east is a flat-roofed modern building which fronts onto a back alley road which is outside the ownership of No.31 (and possible still within the ownership of No.29). This was used as for motorbike MOT's and repairs associated with the former motorbike repairs shop. Streetview images from November 2015 show this vacant and boarded up. The application site also includes a rear passage connected to the rear of the former shop unit and which passes the flat-roof building on its south side as an undercroft passage and links up to the rear alleyway. The Conservation Area boundary runs along the rear alleyway. To the east of this is an Aldi customer car park.

The unit to the south side is a hair and beauty salon. The unit to the north of No.29 is a wedding dress shop. The Victorian terrace units directly opposite No.31 to the west are dwellings (three of which were formed from a former public house). Russell Street has a mix of shops, commercial premises and dwellings, which are mainly Victorian terraces. The site is not part of a Primary Shopping Frontage.

PROPOSAL

This is a full application for the change of use of the former shop and rooms above it into a 1-bed dwellinghouse. External alterations would comprise the removal of the shopfront and replacement with a traditional Victorian sash-type window to replicate the one above, new matching brick-work around it and a new traditional-style front

door onto Russell Street. The rear elevations alterations comprise the insertion of windows and back door in the former openings which were bricked up.

The accommodation would comprise an open plan lounge and kitchen area on the ground floor and a bedroom, study and shower room on the first floor. A storage basement is also included. The original plans submitted with the application showed the study as a second bedroom.

A brief Design & Access Statement has been included.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (Adopted September 2020)

SS5 Leek Strategy
TCR1 Development in the Town Centres
TCR2 Primary Shopping Frontages
H1 – New Housing
DC1 – Design Considerations
DC2 – The Historic Environment

National Planning Policy Framework (July 2021)

Sections 7 (Town Centres), 12 (Design) and 13 (Green Belts).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/1978/0018: Erection of motor cycle repair workshop. Approved.

CONSULTATIONS

Publicity

Site Notice expiry date: 8.10.24
Neighbour notification expiry date: 8.10.24
Press advert: 4.9.24 (Conservation Area)

Public Comments

None.

Leek Town Council

No objection.

Local Highways Authority

No objection.

Environmental Health

No objection subject to standard Env Health conditions imposed for changes of use to residential including the requirement for a noise insulation scheme to protect the eventual residents from nearby noise and which shall be submitted to and approved in writing by the Council. In respect of noise, the Section commented as follows:

The proposed development is close to a busy commercial area including associated plant and delivery noise. A concern has been raised about potential future use by the neighbouring property (formerly adjoining unit) under B2 use. The previous use as a motorbike shop and mot station did not cause significant complaint from existing residential and commercial neighbours which would also likely be impacted if significant noise was caused by this unit in the future. The potential for external noise should be considered in the scheme we have recommended is made a condition of development.

It is also adjacent to busy town centre roads and junctions. The house will require sound insulation to mitigate external noise to current criteria levels as set out BS8233:2014 Guidance on Sound Insulation for Buildings and the ProPG: Planning & Noise Professional Practice Guidance on Planning & Noise New Residential Development. (Condition advised) It may also require upgraded sound insulation treatment along both party walls to mitigate noise from the commercial units on each side. As it is a change of use, consultation should be made with the Building Control Department.

An argument could be made to require a noise assessment and sound insulation scheme prior to determination but as the neighbouring 'B2' unit is not operating so no noise of concern would be highlighted.

Environmental Health also ask for proposed bin storage to be clarified.

SMDC Waste Collection Service

No issues regarding waste collections.

OFFICER COMMENTS

The site is in the town centre where retail and commercial uses are encouraged in the interests of the vitality and viability of town centres and also because town centres are sustainable locations and so the loss of the shop unit would be contrary to the aims of policies TCR1 and TCR2. However, the site is not part of a Primary Shopping Frontage which prioritises shops and retail uses. It is on the edge of the town centre and Russell Street is not a main shopping street but comprises a number of different uses including retail, other commercial and residential uses and is very much regarded as a "Secondary" shopping area. The above policies in such areas outside of the primary frontages allow the changes of use of shops where it will contribute to vitality and viability. The unit has been vacant for several years, possibly as far back as 2018 when viewing Streetview images and therefore this emphasises the need to find a new use to help contribute to the vitality and viability

of the town centre as its future as another shop appears uncertain and long-term vacant premises are harmful to the character and appearance of the town centre and this detracts from their vitality and viability. It also amounts to harm to the Conservation Area character and appearance. A re-use of such a premises is important and a proposed new residential use in this area would also have some benefit to town centre viability and vitality as more people living in town centres helps to contribute to local businesses such as other shops and services during the day and also food and drink uses in the evening and the night-time economy.

The site is also in a sustainable town centre location and there is a deemed undersupply of housing in the District and new residential units within towns and larger villages are encouraged in the Local Plan.

I consider the general principle of the change of use to residential is therefore acceptable.

With regard to the character and appearance of the area, a number of Victorian terraced dwellinghouses are present on the street and so the proposal would not be out of keeping with the street scene on Russell Street. The external alterations, restricted to replacement doors and windows and some new brickwork in place of the current shopfront are also traditional Victorian in design and appearance and would also be in keeping with the Conservation Area. They would amount to an improvement given the untidy state of the motorbike shop display window and signs which do not particularly harmonise with the area. A condition can be added requiring the new front windows and door to be timber and also request further details of design and materials of window and door heads and cills. The ground floor alterations at the rear would be screened from the rear alleyway by the presence of the flat-roofed former repairs/MOT building. The proposal is therefore acceptable in character and appearance terms. The proposed external changes are considered to enhance the character and appearance of the conservation area.

With regard to residential amenity, the flat-roofed building immediately to the rear of nos 29 and 31 was used for motorbike repairs and MOT testing (this is has become in separate ownership to the site). Such a use, or similar noisy "Class B2 General Industrial" use could occur again in the building without planning permission as this type of use is authorised by a former grant of permission for the building. Such a use would affect the occupants of the new dwelling by way of noise and disturbance. However, it is not considered this would be likely to happen as the repair workshop was entirely ancillary to the motorbike shop at the front and this no longer exists. The rear building has not been used for repairs for at least nine years. It is not likely to attract new repairs or general industrial business due to the limitations of the building, the site and its location down a narrow alleyway. In any case, when the MOT and repairs station was in operation, the Council received no complaints from local residents. The Environmental Health section has considered the presence of the building and its potential re-use and does not raise any concern in terms of the impacts on new occupants of the application site but does recommend a condition requiring a scheme of sound insulation for the proposed dwelling due to overall potential for surrounding noisy uses as expected in a town centre site and also the nearby presence of a main road (A52). I consider such a condition should be applied in the interests of the living conditions of the new residents.

The application came in as a two-bedroom scheme but the floorspace provided did not meet thresholds of a two-bedroom two-storey house in the governments Nationally Described Space Standards. The floorspace provided by this proposal would be 50sq.m or 62sq.m if the basement was included. This would meet the floorspace standards of a 1-bedroom unit. The plans were subsequently changed, turning the smaller rear bedroom into a “study”. Ultimately, in residential amenity terms, the proposed dwelling is considered suitable for no more than two people (either a couple or two friends) and is too cramped for a small family with one child. This is not a suitable dwelling for a family and not least because there is no outdoor private space or a garden. A condition would be placed on the planning permission restricting the occupancy to a maximum of two people.

With regard to existing residents, the rear windows would not overlook any private outdoor amenity space to any significant extent. The front windows would face other dwelling windows across the road but this is a typical arrangement of terraced streets that is established and accepted by terraced street residents. Russell Street has a number of opposing terraced dwellings and any overlooking across the street into other windows will be mutual.

Overall, it is not considered that the proposal will result in any harms to residential amenity, either affecting existing residents or those proposed for the site.

Finally, it is not considered the change of use to a 1-bedroom dwelling would lead to any additional significant parking problems in the area to the extent that highway safety would be affected. This is a sustainable town centre location within walking distance of essential shops and services and public transport provision. There is no reliance on the car if living at the site. There are parking restrictions on the street but there are public car parks and unrestricted parking areas available nearby.

With regard to waste collections, there is sufficient space for bin storage between the rear elevation and the building to the east without obstructing the passage between the rear elevation of the building on site and the road to the east.

CONCLUSION / PLANNING BALANCE

The proposal as amended is acceptable in principle and would not harm the visual amenities of the Conservation Area or residential amenity, with the safeguard of conditions or would be detrimental to highway safety. The proposal would therefore comply with the Council’s Local Plan and government planning guidance in the National Planning Policy Framework (NPPF) and therefore planning permission should be granted.

OFFICER RECOMMENDATION : APPROVE

Case Officer: Chris Johnston
Recommendation Date: 18.10.24

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council