

DELEGATED DECISION REPORT

DET/2024/0058
Valid 18/12/2024

51 ST EDWARD STREET
LEEK

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR -A CHANGE
OF USE BACK TO A
RESIDENTIAL DWELLING
FROM MIXED USE.

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Is the proposed development permitted under the terms of the GPDO 2015 and, is prior approval required for any of the matters listed at condition (2) of Class MA Part 3 of Schedule 2 of the GPDO?

DESCRIPTION OF SITE

The application relates to 51 St Edward Street leek, a three storey, terraced property directly access off and fronting St Edward Street. The building is vacant, previously used as a tearoom since 2015 and has consent for a small shop area and a function room. The first floor and second floor has been used as a dwelling.

The application site is located within the Leek Town Development Boundary and Conservation Area, it also forms part of a lengthy row of properties which have a designation of 'Town Centre Shopping Streets.'

PROPOSAL

Change of use of the whole building to a single dwellinghouse Class C3. The ground floor currently has commercial use.

SITE HISTORY

SMD/2018/0009 Change of use of specified first & second floor rooms in the tearooms to enable the applicant to reside on the premises. Approved

SMD/2016/0213 1no Timber hanging sign fixed with an ornate black wrought ironwork metal bracket. Approved

SMD/2015/0738 Advertisement consent for x1 hanging sign. Approved

SMD/2015/0728 Change of use of existing dwelling (C1) to a Victorian tearoom (A3) with ancillary retail use (A1) and function room (D2). Approved

SMD/2008/0496 Certificate of lawfulness for existing residential purposes. Approve

CONSULTATIONS

Publicity

Site Notice expiry date: 10/02/25
Neighbour consultation period ends: 10/01/25
Press Advert: N/A

Public Comments

Leek Town Council Comments	No comment
Environmental Health	No comment
Staffordshire County Council Highways	No objection
Conservation officer	No objection

OFFICER COMMENTS

Part 3 Class MA of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classed Order to a use falling within Class C3 (dwellinghouses).

The ground floor of the building has been used as a tearoom for more than 2 years prior to the date of the application. The building and its curtilage do not form part of a site of special scientific interest; a listed building; a scheduled monument; a safety hazard area; or a military explosives storage area. The building is not within an AONB, an area specified by the SoS for the purposes of the Wildlife and Countryside Act 1981; the Broads; a National Park; or a World Heritage Site. The site is not occupied under an agricultural tenancy.

The development is therefore permitted by the terms of the GPDO (Sched 2, Part 3, Class MA) the Council cannot request or insist on a planning application for planning permission.

Before beginning development under Class MA, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(a) transport impacts of the development, particularly to ensure safe site access;

There is a lack of car parking provisions and is the main road route through Leek Town Centre.

Staffordshire County Highways has commented on the scheme and noted that Staffordshire Moorlands Parking Standards require for properties of 4 or more bedrooms - 3 spaces (2.4 x 4.8m) for residents and visitors within curtilage of the

dwelling. However, given that the property is in a prime location within Leek Town Centre, residents can walk or cycle to access public amenities, shops, cafes, restaurants and public transport. The property was also previously a residential dwelling where there is more likelihood of a future occupier deciding they can live without motorcar ownership.

As such, no objection was raised by County Highways but rather improve highway safety as the change of use to residential may cause a reduction in trip generation, commercial deliveries and customers visits will cease. The lack of car parking provisions is not considered a material consideration in this instance.

(c)flooding risks in relation to the building;

The building is not in an area or zone that is at risk from flooding, it is not within any proximity of a water course or body of water. No impacts in these regards.

(d)impacts of noise from commercial premises on the intended occupiers of the development;

The building is sandwiched between two Class E use premises (53-55 St Edward Street- home care service and 49 St Edward St- opticians). Both commercial uses have standardised 9am to 5pm opening hours on the weekday and closed on weekends. Opposite are a mix of residential and commercial properties.

It is considered none of these uses would be inherently noisy or excessively noisy when assessing against normal expectations within a town centre. Noise would not unreasonably impact on the intended occupiers of the development.

(e) impacts on conservation area

The building is in the Conservation area with a restricted Article 4 which applies only to Part 1 and 2 of Schedule 2 (alterations to the building and minor operations), Part 31 of Schedule 2 (demolition of buildings) and Part 40 of Schedule 2 (installation of domestic microgeneration equipment). Permitted development rights for change of use are still intact.

The Conservation officer has raised no objection as there are no proposed external changes. Having viewed street-view (image captured Apr 23), there were no shop facias or commercial paraphernalia and therefore, there would be no visual impact to the street-scene than what is currently there.

(f)the provision of adequate natural light in all habitable rooms of the dwellinghouses;

The building was originally and historically a town centre dwellinghouse its windows and layout accordingly serve its internal rooms with adequate daylight.

(g)the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses;

The building is not in such an area. No impacts in these regards.

(h)where the development involves the loss of services provided by— (i)a registered nursery, or (ii)a health centre,the impact on the local provision of the type of services lost

The existing ground floor use is a tearoom. It would not result in the loss of either of these services or uses. No impact in these regards.

(i)where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building

As per the floor plans provided, the building would not contain two or more dwellinghouses and is not 18 metres or more in height or contain 7 storeys or more. The development does not therefore, meet the fire risk condition and fire safety impacts do not fall to be considered under the context of this application.

CONCLUSION

The development is permitted and prior approval is not required for any of the matters listed at (a)- (i) Condition MA.2(2) (Class MA, Part 3, Sched 2 of the GPDO)

OFFICER RECOMMENDATION : PRIOR APPROVAL NOT REQUIRED

Case Officer: Lisa Li

Recommendation Date: 11/02/2025

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council