DELEGATED DECISION REPORT

DET/2019/0001 **Valid 14/01/2019**	**GROUND FLOOR** **19 GARDEN STREET** **LEEK**	**NOTIFICATION OF PRIOR APPROVAL FOR A PROPOSED CHANGE OF USE FROM RETAIL SHOP (GROUND FLOOR) TO C3 DWELLINGHOUSE** **(NOTIFICATION - CHANGE OF USE PRIOR APPROVAL)**

MAIN ISSUES

- Whether or not the proposal constitutes permitted development and whether or not prior approval is required from the Local Planning Authority (LPA) in respect of either:
    - a) Transport and highway impacts of the development;
    - b) Contamination risks;
    - c) Flood risks;
    - d) Whether it is undesirable for a C3 use because of the impact of
        1. Adequate provision of A1 services (but only where there is a reasonable prospect of the building being used to provide such services)
        2. Where the building is in a primary retail area, the sustainability of that shopping area,
    - e) the design or external appearance of the building.

DESCRIPTION OF SITE

This application relates to a brick built mid-terrace property which comprises a vacant A1 retail unit to the ground floor with residential accommodation above. The site lies within the Leek Town Development Boundary. The immediate locality is predominantly residential and is characterised by terraced rows of traditional form.

PROPOSAL

This application is a notification for prior approval for a proposed change of use from A1(retail) to C3 (dwelling). External alterations are limited to the provision of 2 no. ground floor windows. Access into the premises will remain as existing.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No site history.

OFFICER COMMENTS

Prior approval is sought for the change of use of an existing ground floor retail unit (A1) to a one bedroom flat under Class M, Schedule 2 of The Town and Country Planning (General Permitted Development) (England) Order 2015. External alterations are limited to the addition of 2 no. windows at ground floor level within the rear south facing elevation. Access into the unit would be gained from Garden Road via the existing shop access arrangements and a second access would be provided to the rear via an existing entrance door which leads into the rear yard area.

The applicant has applied for a determination as to whether prior approval from the LPA is required as to:
a) Transport and highway impacts of the development;
b) Contamination risks;
c) Flood risks;
d) Whether it is undesirable for a C3 use because of the impact in respect of:
1. Adequate provision of A1 services (but only where there is a reasonable prospect of the building being used to provide such services);
2. Where the building is in a primary retail area, the sustainability of the that shopping area.
e) The design or external appearance of the building.

In assessing compliance with Class M, the following requirements which would otherwise render the development 'not permitted' have been satisfied.

M.1 a) The building was last in use as retail, on or before 20th March 2013;
b) Permission for the existing premises was not achieved through this part of the GDPO;
c) The cumulative floorspace of the unit would not exceed 150 square metres;
d) The development does not include additional extensions to the building;
e) Demolition is not proposed and the addition of 2 no. windows are considered reasonably necessary and in any event would not require formal planning permission in isolation.
g) The building is –
(i) Not on article 2(3) land;
(ii) Not on a site of special scientific interest;
(iv) Not in a military explosives storage area;
(v) Not listed; nor
(vi) A scheduled monument.

In assessing the requirements of prior approval, consideration is given below;
1. The highway authority have not raised objection to the proposal;
2. There are no known contamination concerns relating to the existing A1 unit;
3. The site is not located within a flood risk zone;
4. The site is not within a primary retail area.
5. The site is located within a predominantly residential area whereby the retention of an A1 retail unit is not a planning policy concern. The use as a residential flat is deemed more appropriate and acceptable in this location. The site is within proximity of Leek Town Centre and the provision of alternative amenity facilities.

5. External alterations are limited to the provision of 2 no. additional windows at ground floor level. These windows could be inserted without the need for formal planning approval given the allowances of Class A of the GPCO 2015. As such the addition of these windows are considered reasonably necessary.

Other

It is noted that a letter of objection has been received which raises concerns regarding overlook from the proposed additional windows and disturbance from car headlights when the proposed parking space is occupied. The prior approval procedure limits the considerations of an application to impacts of highway safety, contamination, flood risk, whether the change of use would result in a negative impact on a primary shopping area and design. It does not allow for an assessment to be made as to the impact imposed on the amenity of existing and future occupants. Nevertheless, it is noted that the windows could be inserted without the need for planning approval and the rear yard could be used for the parking of a vehicle without the need for planning approval. As such the LPA would be unreasonable in reaching a different conclusion to the one it has reached in this case.

CONCLUSION / PLANNING BALANCE

He NPPF highlights the importance of residential development and seeks to boosts the supply of housing and create sustainable, inclusive and mixed communities. The site lies within the Leek Town Development Boundary within a predominantly residential area and has access to local services and amenities. The site is therefore regarded to be sustainable.

Information submitted in support of the application complies with the requirements of Class W of the GPDO.

It is therefore considered that prior approval is not required subject to conditions A and B of Class M.

OFFICER RECOMMENDATION : Prior approval is not required.

Case Officer: Lisa Howard
Recommendation Date: 29.03.2019

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council