

DELEGATED DECISION REPORT

DET/2021/0018
Valid 22/04/2021

2 FORD STREET
LEEK

CHANGE OF USE OF UPPER
TWO FLOORS OF EXISTING
PREMISES (FORMALLY
RESIDENTIAL PRIOR TO
CHANGE OF USE TO A2
OFFICE SPACE -
APPLICATION REFERENCE
SMD/2010/0164 - APPROVED
18/3/2010). NATURAL
DAYLIGHT PROVIDED BY
EXISTING WINDOW
OPENINGS

(NOTIFICATION – CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

Compliance with the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

DESCRIPTION OF SITE

The application site comprises a three-storey brick built building on the corner of Ford Street and Market Street, within the defined town centre of Leek. The ground floor of the building is occupied by Uprights Solicitors. The application site is also located within Leek Conservation Area and the Development Boundary of Leek.

PROPOSAL

The applicant has applied to the Local Planning Authority for the determination as to whether the Prior Approval of the Local Planning Authority is sought to change the use of the first and second floors of the building from offices to residential, under Class O, Part 3, Schedule 2 of the GPDO.

The dwellinghouse will comprise a two-bedroomed flat that will be accessed via an existing access from Ford Street that is separate to the ground floor solicitors.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

SMD/2010/0164 Change of use to offices, A2 Use
Approved 18/03/2010

CONSULTATIONS

Publicity

Site Notice expiry date: 01/06/2021
Neighbour consultation period ends: 14/05/2021
Press Advert: 26/05/2021

Public Comments

None

OFFICER COMMENTS

In conformity with the rules stated within the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), it is necessary to assess whether the proposed change of use from Class B1 (a) offices to Class C3 dwellinghouses adheres to the criteria stated by Schedule 2, Part 3, Class O of the GPDO, to determine whether the development is permitted.

Class O.1 (a) has been deleted.

Class O.1 (b) states that development is not permitted if the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order:

- (i) on 29th May 2013, or
- (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use.

The application form states that the building was in use on 29th May 2013 (or when last in use when before that date) as an office (Use Class B1(a)). However, planning permission was granted in 2010 for the change of use of the upper floors from residential to Use Class A2. The description of development also refers to this permission. The last known use of the upper floors was therefore Use Class A2, not Use Class B1(a) as required by O.1(b). The proposal is therefore contrary to this criterion.

Class O.1 (c) has been deleted.

Class O.1 (d) states that development is not permitted if the site is, or forms part of, a safety hazard area. The site is not, nor does it form part of, a safety hazard area and therefore the proposal is compliant with this criterion.

Class O.1 (e) states that development is not permitted if the site is, or forms part of, a military explosives storage area. The site is not, nor does it form part of, a military explosives storage area and therefore the proposal is compliant with this criterion.

Class O.1 (f) states that development is not permitted if the building is a listed building or is within the curtilage of a listed building. The site is not, nor is it within the

curtilage of, a listed building and therefore the proposal is compliant with this criterion

Class O.1 (g) states that development is not permitted if the site is, or contains, a scheduled monument. The site is not, nor does it contain, a scheduled monument and therefore the proposal is compliant with this criterion.

In order to comply with Condition (1) raised in O.3 of the GPDO, the developer has applied to the Local Planning Authority for a determination as to whether the prior approval of the authority will be required for:

- (a) transport and highways impacts of the development,
- (b) contamination risks on the site,
- (c) flooding risks on the site, and
- (d) impacts of noise from commercial premises on the intended occupiers of the development, and
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

and the provisions of paragraph W (prior approval) apply in relation to that application.

Taking each in turn:

- (a) The Highways Engineer has confirmed that they raise no objection to the proposed development. The site is located in Leek town centre, in a sustainable location and the upper floors were previously used for residential purposes. No off-street parking is available or provided, but there is public parking nearby. The development is not likely to result in a material increase or a material change in the character of traffic in the vicinity of the site. Prior approval for transport and highways impacts associated with the development is therefore not required.
- (b) The development will comprise the conversion of the upper floors of an existing building with no ground works involved and minimal changes to the interior of the building. Prior approval for contamination risks on site is therefore not required.
- (c) The development will comprise the conversion of the upper floors of an existing building and the site is not located within Flood Zone 2 or 3. The site is located within Flood Zone 1, but there are no critical drainage issues associated with the site.
- (d) To the ground floor of the building is a solicitor's office. A small office associated with a weight loss centre is located in the ground floor of the adjoining No. 8A Market Street with the upper floors being in residential use. The adjacent properties on Ford Street comprise a terrace of residential properties. Whilst the site is located within Leek town centre, it is on the fringes and therefore there are no noise generating uses within close proximity of the site. The site was also previously used as a dwellinghouse. Prior approval is therefore not required for impacts of noise from commercial premises on the intended occupiers of the development.
- (e) Floorplans have been submitted that indicate that each of the rooms in the dwellinghouse will be served by at least 1no. window or rooflight. The

windows are existing and comprise large sliding sash windows. Prior approval is therefore not required to demonstrate the provision of adequate natural light in all habitable rooms of the dwellinghouse.

In order to comply with Condition (2) raised in O.3 of the GPDO, (a) the development must be completed within a period of 3 years starting with the prior approval date; and (b) the developer must apply for a determination under sub-paragraph (1) on or before 31st July 2021.

In respect of (a), this will be outlined on the Decision Notice, and it terms of (b) the developer applied for a determination prior to the required date.

CONCLUSION / PLANNING BALANCE

This notification falls outside the framework set out within Schedule 2, Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 as the last use of the upper floors was Use Class A2, not Use Class B1 (a), as required by O.1(b).

In accordance with Class W, Part 3 (a) the Local Planning Authority may refuse an application where, in their opinion, the proposed development does not comply with any condition, limitations or restrictions specified in this Part as being applicable to the development in question. The application is therefore recommended for refusal.

OFFICER RECOMMENDATION: REFUSE

Case Officer: Ailsa Berry

Recommendation Date: 17/06/2021

X 

Signed by: Jane Colley Signature

On behalf of Staffordshire Moorlands District Council