

DELEGATED DECISION REPORT

DET/2021/0024
Valid 09/06/2021

18 TAPE STREET
CHEADLE

**CONVERSION OF EXISTING
OFFICES TO 4 NO FLATS SEE
PLANS FOR DETAILS OF
NATURAL LIGHT TO ALL
ROOMS UTILISING EXISTING
WINDOWS**

**(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)**

MAIN ISSUES

Whether or not a change of use of an office building into dwellings/flats can be undertaken under permitted development via a Notification of Prior Approval application under Part 3 Class O of the GPDO rather than a full planning application. If so, whether or not the impacts relating to transport, flooding, contamination, noise and the provision of adequate natural light in all habitable rooms are acceptable.

DESCRIPTION OF SITE

The site is within the town centre of Cheadle and comprises a fairly modern part flat-roofed two-storey and part pitched roofed single-storey detached brick building used as offices and which lies between large public car parks to the south and the backs and rear service yards of retail and commercial premises on the High Street, to the north. There is a car cleaning/valeting service and yard to the west of the building. Tape Street lies to the east and the road which connects this to the car parks runs along the south boundary of the site. There is an entrance to the High Street backyard areas immediately to the east of the building where the front entrance into the building is located. The site is in a Conservation Area. The building is/was occupied by Cheadle Post & Times newspapers.

PROPOSAL

The application is a "Notification of Prior Approval" application for the change of use of the office building into four one-bed or studio apartments, with one at first-floor level and three at ground floor level, under Part 3 (Changes of Use) Class O of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 (as amended).

There would be no external changes to the building and only existing and proposed floors plans are provided. All doors and windows would remain and internal works would be carried out mainly involving the removal and insertion of partition walls to change the layout of the offices into four separate flats. Two of the ground floor flats would have entrances using existing external double doors off the car park road

pavement to the south. The other ground floor and first-floor flat would have a shared external entrance, also comprising double doors on the south elevation.

Under Part 3 of the GPDO, a full planning application is not required for a number of changes of use of land and buildings as specified in that part. This includes changes of use of offices into dwellings, under Part 3 Class O. This can be applied for and built under permitted development providing it meets the tests set out in Class O(1). However, several of the proposed changes of use require the submission of a "Notification of Prior Approval" application in accordance with the end of Part 3 and the Council must determine whether or not the impacts listed in Part 3 Class O(2), also listed above in the "Main Issues" section of this report, are acceptable. It must decide whether or not Prior Approval is required and therefore request further information in which to determine the proposal, or whether or not on the basis of the information submitted, the application should be refused.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The government planning guidance contained in National Planning Policy Framework (NPPF).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

None.

CONSULTATIONS

Publicity

Site Notice expiry date: 4.8.21
Neighbour consultation period ends: N/A
Press Advert: N/A

Public Comments

None.

Town / Parish Comments

No objection but would like to know where this fits in with the Cheadle Town Centre Regeneration Strategy.

Local Highways Authority

No objection.

Environmental Health

Objection raised due to the presence of noisy nearby uses such as pubs and the adjacent car wash/valeting service which could affect the living conditions of the proposed occupants of the flats.

Conservation Officer

"No comments."

Severn Trent Water

No objection.

SCC Flood Team

"No comment to add."

SMDC Waste Collection Service

No issues regarding waste collections.

OFFICER COMMENTS

The proposal meets the tests set out in Class O(1) for whether a Notification of Prior Approval application can be used to gain approval for the development rather than a full planning application. Therefore the proposal would now need to be assessed in terms of the impacts set out in Class O(2), which are set out in the Main Issues section at the start of this report.

With regard to the transport and highways impacts, although there would no allocated private parking spaces for the flats (there is no room within the site to provide this), the site is in a very central and sustainable location and close to public transport, thus reducing the reliance on the car. Furthermore there are large adjacent car parks available for the parking of a vehicle albeit there would be a cost to use this. The scheme would therefore lead to no significant impact on the highway network.

With regard to contamination risks, the building has been used as offices and so there is no significant contamination on the site.

With regard to flood risk, the site is not in a flood zone and therefore the flats would not be at significant risk of flood damage or would lead to any increase of flooding elsewhere as the building would not be enlarged and there is existing foul and surface water drainage.

With regard to noise impacts on the occupants of the proposed flats, the Environmental Health Section of the Council were consulted and have commented as follows:

"The proposed residential development site is adjacent to a number of noise sources including but not limited to a public car park, an access road, delivery yards, a car wash and the rear of Cheadle High Street. The building is likely to be impacted by early morning noise caused by commercial deliveries, car wash noise, road traffic noise, car park noise, late night commercial noise and plant noise from the rear of nearby commercial units.

There is no information provided on the current noise levels existing at the site and the specific sound insulation required to mitigate the effects of this noise so as to ensure reasonable levels are provided for future residents. It is also worth considering the balance between insulating the property and ensuring there is adequate ventilation inside the property. The application refers to completion to current building regulations and determines

no significant impacts caused by road traffic or the commercial area adjacent. A full site specific noise assessment should be completed and submitted with any future application."

Therefore due to the presence of noise generating uses adjacent and close to the site and there being insufficient information to demonstrate that the residential amenities/living conditions of the occupants of the flats would be unaffected by noise and disturbance, the proposal does not comply with Part Class O (2(d)) and therefore the application should be refused.

With regard to the natural light provision for flats, there would appear to be a sufficient number of windows and of sufficient size to allow adequate natural light into the habitable rooms of the first-floor flat and also the ground floor flat nearest to the existing entrance to the building (the one at the east end of the building). These are flats 3 and 4 as shown on the drawings. However, due to the existing window positioning, flat 1 (at the west end of the building on the ground floor), would have just two sources of light on a single aspect (the south elevation), serving a large open lounge/bedroom/kitchen studio space. One is a small window currently serving an office WC, at one end of the proposed flat. The other is a set of double doors with very small windows in the upper half. It is considered this would not allow an adequate amount of light into the flat and therefore would affect the living conditions of the occupants. With regard to flat 2, this would also be served by just two sources of light on the same elevation (another single aspect flat) and is a much larger space than flat 1. Both windows would be at one side of the flat and would comprise a wide but high level window and a set of double doors next to it with small windows in the upper half (similar to the ones at flat 1). It is considered this would lead to even less adequate light than in flat 1. For the above reasons, I do not consider the proposal would comply with Part 3 Class O (2(e)) and therefore the application should also be refused for this reason.

CONCLUSION

The proposal can be undertaken under permitted development via a Notification of Prior Approval application because it complies with the test set out in Part 3 Class O(1) of the GPDO. However, as the Council considers the occupants of the proposed flats would be affected by noise and disturbance arising from adjacent land uses, car parks and roads and that the occupants of two of the flats would not have adequate light provision, affecting their living conditions, the proposal would not comply with tests in Class O(2) and therefore this conversion proposal is refused.

OFFICER RECOMMENDATION : REFUSE

Case Officer: Chris Johnston

Recommendation Date: 4.8.21

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council

