

DELEGATED DECISION REPORT

DET/2021/0042
Valid 10/11/2021

NORBURY HOUSE
ST EDWARD STREET
LEEK

CHANGE OF USE FROM
OFFICES TO A RESIDENTIAL
DWELLING

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Compliance with GPDO(2015) Schedule 2 Part 3 Class MA: **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 Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order.**
- Clarification of whether assessment is required under GPDO(2015) Schedule 2 Part 3 Class O – Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule.
- Implications of being within the Leek Conservation Area – GPDO article 2(3) land
- (a) transport impacts, in particular to ensure safe site access
- (b) contamination risks in relation to the building
- [(c) flooding risks in relation to the building]
- (d) impacts of noise from commercial premises on the intended occupiers of the development
- (e) where—
 - (i) the building is located in a conservation area, and
 - (ii) the development involves a change of use of the whole or part of the ground floor,the impact of that change of use on the character or sustainability of the conservation area;
- (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- [(g) heavy industry proximity]
- [(h) impact of loss of certain services]
- [(i) fire safety]
- provisions of paragraph W

NB – items in square brackets listed for completeness as they are necessary considerations of the prior approval under MA.2(2) but are not main issues / not applicable in the case of this specific proposal.

DESCRIPTION OF SITE

Imposing two storey red brick pre-war building with obvious period character, originally a dwelling. Latterly it has served as business / office accommodation for the adjacent Leek United Building Society headquarters.

The architectural front faces west over a car park serving the Building Society. The west car park is not part of the proposal. Included in the proposal site is a plot about 16m x 16m separating the building from the Society HQ. Part of this is laid to lawn and part appears to provide further parking spaces.

Vehicular access is via a private cobble stoned drive from the east linking with St Edward Street which also gives shared access to a private car park to the rear of 54 St Edward St (Bowcock and Pursaill).

54 St Edward St is Grade II Listed and all adjacent buildings lining St Edward Street south of no.54 are also Listed. The backs of the nearest of these buildings (nos 54 to 60) come to within 30m of the proposal site. A two storey brick outbuilding to no.54 – assumed to be Listed as a curtilage building to no.54 abutts the east boundary of the garden to Norbury House.

The boundary of the Leek Conservation Area cuts through a part of the easterly (rear) boundary of the proposal site and part of the building itself and otherwise coincides with the easterly site boundary. The access drive is within the Conservation Area.

PROPOSAL

Reversion to a dwelling; states existing windows/openings to remain; access to be off St Edward Street on to an existing drive which it is stated in the application currently serves the existing Norbury House.

Proposed ground floor plan shows one rear side doorway to be bricked up and one side window facing north over the garden is to be converted to French doors.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

- SS1 Development Principles
- SS2 Settlement Hierarchy
- SS5 Leek Area Strategy
- DC1 Design Considerations
- DC2 The Historic Environment
- DC3 Landscape and Settlement Setting
- E1 New Employment Development
- H1 New Housing Development
- NE1 Biodiversity and Geological Resources
- NE2 Trees, Woodland and Hedgerows
- T1 Development and Sustainable Transport

National Planning Policy Framework February 2019

Paragraph(s) 1 – 14;

Section(s) 4 – Decision making; 6 – Building a strong and competitive economy; 7 – Ensuring the vitality of town centres; 8 Promoting healthy and safe communities; 11 – Making effective use of land; 12 – Achieving well designed places; 15 – Conserving and enhancing the natural environment; 16 – Conserving and enhancing the historic environment.

Adopted Supplementary Planning Documents/Guidance (SPD/G):

- Space About Dwellings SPG
- Design Principles SPG
- Design Guide SPD adopted 21st February 2018

Local Plan Supporting Evidence Documents:

- Landscape and Settlement Character Assessment (2008)

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

No recent records

CONSULTATIONS

Publicity

Site Notice expiry date: 23rd Dec 2021

Neighbour consultation period ends: 1st Dec 2021

Press Advert: N/A

Public Comments

None

Town / Parish Comments

Leek Town Council – support subject to not being found unneighbourly.

SMDC Waste Collection Services

No issues.

SMDC Environmental Health

No objections in principle subject to conditions being applied to any permission granted. But it is our opinion this application should be subject to a full planning application due to the number of conditions we have advised to protect the local environment and neighbourhood amenity. [Subject to meeting the GPDO criteria the LPA will not have the ability to compel a full planning application to be made – LPA case officer.]

Staffordshire County Council Highways

Application is to convert an existing former office building into residential use. It may have once had a residential use. Building is existing, access off St Edward Street is existing and in current and regular use by other commercial uses including access to a private car park. Visibility at the access is good.

There is parking available within the red line. While the application does not propose to remove the parking, it is not defined on the site plan or referred to in the application. Recommends condition:

The development hereby permitted shall not be brought into use until details of the parking and turning areas have been first submitted to and approved in writing by the local planning authority. The parking and turning areas shall thereafter be provided in accordance with the approved plans and retained for the life of the development.

Change of use from commercial to residential will not have a severe effect on the highway.

OFFICER COMMENTS

Principle of Development

Development is not permitted by class MA unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval – in this case 3 months prior to 10th Nov 2021 or in other words since at least 10th August 2021. This has been answered 'yes' in the application form. Whilst the LPA has no reason to believe otherwise, no corroborating evidence has been submitted. From conversations with the applicant the LPA can however have confidence on this point and the issue is not found to hold wider consequence or concern in this case.

Development is not permitted by class MA unless the use of the building fell within one or more of several specified use classes for a continuous period of at least 2 years prior to the date of the application for prior approval [not withstanding that it must have been vacant for at least the last 3 months of that period]. Again this is answered yes in the application form. Again, whilst the LPA has no reason to believe otherwise, no corroborating evidence has been submitted. Planning records show the site to have been associated with the Building Society at least since 1980. The issue is not found to hold wider consequence or concern in this case.

Before **1st August 2022** development is not permitted by class MA, if—

- (i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and
- (ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.

The development in this case is caught by (i) above given that it would have fallen under Class O up to 1st August 2021. Although there is an Article 4 direction in force

for the Leek Conservation Area and was in force at 1st August 2021 this would not have precluded the proposal under Class O.

The LPA's assessment in this case is limited to points (a) to (i) as noted above under Main Issues and the provisions of paragraph W apply. The LPA may refuse an application where, in the opinion of the authority—

- (a) the proposed development does not comply with, or
- (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions, limitations or restrictions specified as being applicable to the development in question – except in the case of MA.2(2)(f), in relation to the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Where the application relates to prior approval as to adequate natural light, the local planning authority **must refuse prior approval** if adequate natural light is not provided in all the habitable rooms of the dwellinghouses.

The application must be accompanied by a statement of the net increase in dwellings – 1 in this case stated on the application form; a floor plan indicating the total floor space in square metres of each dwellinghouse – can be scaled from the drawings as c.168m²; the dimensions and proposed use of each room – proposed uses stated but dimensions not annotated though these can be scaled from the drawing; the position and dimensions of windows, doors and walls, and the elevations of the dwellinghouse(s) – all supplied;

An application for prior approval for development under Class MA may not be made before 1 August 2021. This application was made at 10th Nov 2021.

Development must be completed within a period of 3 years starting with the prior approval date.

Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

There are certain other points which may fall to be considered but which do not have a bearing on this proposal.

The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval – paragraph W(13).

GPDO specified points of assessment

Taking the relevant main issues in turn as identified from the GPDO:

- (a) transport impacts, in particular to ensure safe site access

SCC HA raise no objection but request a condition. It can also be noted that the residential access to a single dwelling will not be any greater than (and may likely be less) than recent past use which may have been enjoyed to the small amount of parking space on the site. As a three bedroom dwelling a minimum of two parking space should be provided.

(b) contamination risks in relation to the building

SMDC EH raise an “advisory” point in relation to asbestos saying “*A Demolition or refurbishment asbestos survey and risk assessment should be carried out prior to the demolition/renovation of the existing buildings. The enforcing authority for this type of work is the Health and Safety Executive (HSE) and it is recommended that you [the developer] contact them directly to discuss their requirements: <http://www.hse.gov.uk/>.*”

SMDC EH also recommend a condition to require a Demolition and Construction Environmental Method Statement and a condition in the event of unexpected contamination being found. It may be concluded however that the first of these does not come within the issue to be considered / “is not reasonably related to the subject matter of the prior approval”. For this site and the nature of this proposal it can reasonably be concluded that the second recommended condition is not necessary.

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

SMDC EH recommend a sound insulation condition. This is certainly reasonably related to the issue required to be considered. Whilst there are adjacent commercial uses these are likely to be quiet ones – a solicitor’s and a building society – the wide remit of Class E could lead to more noisy alternatives. There is also a car park immediately adjacent both to the front and rear. Given that it is the EH expert recommendation this condition should be attached.

(e) building is located in a conservation area

A small part of the building does appear to be / is (i) within the designated Leek Conservation Area and (ii) the development does involve a change of use of the whole of the ground floor. However, the building is set well back from the public street scene and is well hidden at its closest public vantage point from within the CA on St Edward Street. The impact of the proposed change in use will not affect the character or sustainability of the conservation area.

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

It can readily be seen from the submitted room layout plans that this requirement is met.

CONCLUSION / PLANNING BALANCE

Having identified the relevant considerations from the GPDO and assessed this proposal in relation to them – as set out above – it is concluded that prior approval should be granted.

The SCC requested condition can be simplified to one which requires parking for a minimum of two vehicles within the site curtilage for the life of the development.

It may also be considered appropriate to attach the SMDC EH sound condition owing to the number and proximity of adjacent premises which may be assumed to fall within planning use Class E and owing to the wide range of uses this provides for and the potential for associated noise from these uses.

The SMDC EH advisory in relation to asbestos should be attached.

OFFICER RECOMMENDATION : Prior approval granted

Case Officer: Arne Swithenbank

Recommendation Date: 20th Jan 2022

X 

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council