DELEGATED DECISION REPORT

DET/2022/0003 **Valid 02/02/2022**	**S1A** **NEWSPAPER HOUSE** **BROOK STREET** **LEEK**	**TO TURN THE ROOMS INTO REHEARSAL SPACES FOR LOCAL MUSICIANS.** **(NOTIFICATION - CHANGE OF USE PRIOR APPROVAL)**

MAIN ISSUES
The applicant seeks a determination as to whether prior approval is required for a proposed: Change of Use from Commercial/Business/Service (Use Class E), Hotels (Use Class C1), Residential Institutions (Use Class C2/C2A), or until the end of July 2022, uses previously classified as Assembly and Leisure (Use Class D2) to State-Funded School (Use Class F1(a)), or until the end of July 2022, a Nursery (previously Use Class D1(b))

DESCRIPTION OF SITE
The application site relates to a building located on Broad Street, opposite a large retail complex and associated town centre parking. The building is a former textile mill of substantial brick with a traditional appearance. It sits outside the Leek Conservation Area

The building currently used for a mix of commercial use including: retail, business and a dance studio.

PROPOSAL
Change of use of first floor to a rehearsal space

SITE HISTORY

SMD/2006/0338	Change of use to retail (class A1) office (class A2) and business use (class B1) together with alterations to external elevations	Allowed at appeal 11/09/2006

CONSULTATIONS

Publicity
Site Notice expiry date: 24/02/22
Neighbour consultation period ends: 23/02/22

Public Comments None

Leek Town Council Comments No objection

EVIDENCE IN SUPPORT OF THE APPLICATION
• Application Form

OFFICER COMMENTS

The General Permitted Development Order grants consent under Class T for:

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1 (business), Class C1 (hotels), Class C2 (residential institutions), Class C2A (secure residential institutions) or Class D2 (assembly and leisure) of the Schedule to the Use Classes Order, to use as a state-funded school or a registered nursery. The limitations are:

(a)permission to use the site for a use falling within Class D2 (assembly and leisure) of the Schedule to the Use Classes Order has been granted only by virtue of Class J of this Part;

(b)the site is, or forms part of, a military explosives storage area;

(c)the site is, or forms part of, a safety hazard area; or

(d)the building is a listed building or a scheduled monument.

T.2—(1) Development is permitted by Class T subject to the following conditions—

(a)the site is to be used as a state-funded school or, as the case may be, as a registered nursery and for no other purpose, including any other purpose falling within Class D1 (non-residential institutions) of the Schedule to the Use Classes Order, except to the extent that the other purpose is ancillary to the primary use of the site as a state-funded school or, as the case may be, as a registered nursery;

(b)before beginning the development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the local planning authority will be required as to—

(i)transport and highways impacts of the development;

(ii)noise impacts of the development; and

(iii)contamination risks on the site,

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

(2) Subject to sub-paragraph (3), development under Class T must begin within a period of 3 years starting with the prior approval date.

(3) Where, in relation to a particular development under Class T, planning permission is granted on an application in respect of associated operational development before the end of the period referred to in sub-paragraph (2), then

development under Class T must begin within the period of 3 years starting with the date that planning permission is granted.

(4) For the purposes of sub-paragraph (3), “associated operational development” means building or other operations in relation to the same building or land which are reasonably necessary to use the building or land for the use proposed under Class T.

The proposal is for the change of use of the space to a rehearsal space and not a school or nursery. The case officer has contacted the applicant and it was confirmed that the proposed works are not state-funded. Therefore, it does not meet T.2 (1) a.

CONCLUSION

The nature of the proposal relates to Class D2 as it is to create a space for local musicians to rehearse.

The proposed development does not accord with condition T.2 1.a) the site is to be used as a state-funded school. The proposed change of use is not state-funded and is not to be used as a school or nursery.

Therefore, prior Approval is to be refused and full planning permission would be required.

OFFICER RECOMMENDATION : Refusal

Case Officer: Lisa Li
Recommendation Date: 10/03/22

X B.J. Haywood

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council