

DELEGATED DECISION REPORT

DET/2023/0004
Valid 25/01/2023

STORE REAR OF
56 TAPE STREET
CHEADLE

APPLICATION FOR PRIOR
APPROVAL FOR PROPOSED
CHANGE OF USE,
REFURBISHMENT AND
EXTENSION OF BUILDING
FOR A 2 BEDROOM HOUSE

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Compliance with GPDO 2015 Schedule 2 Part 3 Class MA

DESCRIPTION OF SITE

Small two storey brick store attached to rear of 56 Tape Street. Small enclosed curtilage.

PROPOSAL

To extend and convert to a dwelling.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Local Plan (adopted 9th September 2020)

SS1 Development Principles
SS2 Settlement Hierarchy
SS7 Cheadle Area Strategy
DC1 Design Considerations
DC2 The Historic Environment
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

SMD/2021/0799 – Change of Use from commercial to a single dwelling – 56 Tape Street – approved

NB the site plan for this 2021 proposal included within its red edge part of the curtilage of the store now subject of the current DET.

CONSULTATIONS

Publicity

Site Notice expiry date: 16.02.2023
Neighbour consultation period ends: 06.03.2023
Press Advert: N/A

Public Comments

None

Town / Parish Comments

Cheadle Town Council – no objections and support the proposed development in principle.

Environmental Health

No objections subject to conditions

Staffordshire County Council Highways

It is noted that no car parking spaces are to be provided for the property and there is no sufficient land within the site to provide any. Staffordshire Moorlands Parking

Standards require for properties up to 3 bedrooms - 2 spaces (2.4 x 4.8m) for residents and visitors within curtilage of the dwelling. However, the property is in a prime location and within proximity of Cheadle town centre where residents can access public amenities, shops, cafes and restaurants.

Access to public transport and car parks is also within walking distance.

Therefore, given the site's central (sustainable) location, its accessibility to nearby services and facilities, which include good public transport links, the lack of car parking provision is acceptable.

OFFICER COMMENTS

Principle of Development

Class MA provides for:

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.

The permitted development relates solely to 'change of use' of a building and does not include any allowance of additional building work.

As this proposal involves a two storey side extension to the existing building the scheme is not eligible under Class MA.

At Part 3 paragraph W (3) the legislation states that:

The local planning authority 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 except for conditions in paragraph G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(2)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g),, limitations or restrictions specified in this Part as being applicable to the development in question.

Having made a prior notice application to the LPA one of the circumstances under which a development may proceed is set out at paragraph W (11) as being:

- (c) the expiry of 56 days following the date on which the application under subparagraph (2) was received by the local planning authority without the authority notifying the applicant as to whether prior approval is given or refused.

Given the provision at W (3) to refuse a prior notification under Class MA if the proposal in the opinion of the LPA does not comply it is important for the avoidance of doubt for the LPA to issue a determination.

CONCLUSION / PLANNING BALANCE

The application should be refused on the basis that it does not comply with GPDO 2015 Schedule 2 Part 3 Class MA due to the proposals including a built extension.

As the scheme is not compliant it is not necessary for the LPA to consider the factors set out in the GPDO which would otherwise need to be assessed if the proposal were otherwise valid – this point is spelled out at W (4).

OFFICER RECOMMENDATION : Refuse

Case Officer: Arne Swithenbank

Recommendation Date: 21st March 2023

X *B.J. Haywood*

Signed by: Ben Haywood

On behalf of Staffordshire Moorlands District Council