

The application is for a determination as to whether the change of use of the building from an office to 147 one bedroom serviced apartments requires prior approval, and subsequently it then follows if such approval is required a decision as to whether it should then be granted or refused. The application is brought before the Committee because although it could have been determined under delegated powers it concerns development of a “major” scale.

Blackburn House is a 5 storey building with a footprint of around 700 square metres.

The site is located within the Town Centre and a Conservation Area as defined in the Local Development Framework Proposals Map. In the Town Centre SPD the area within which Blackburn House lies is within the Pool Dam Waterside Quarter.

**The Authority must by 27 November 2014 have communicated to the applicant both its decision on whether prior approval is required and, if approval is required, its decision – if it does not the development can proceed, in accordance with the submitted details.**

#### **RECOMMENDATION**

- 1) That Prior approval is required and
- 2) That the Head of Planning be authorised to take into account any comments received by 19<sup>th</sup> November in determining whether such prior approval should be given.

#### **Reason for Recommendation**

The principle of the change of use has already been granted by Parliament. The decision of the Authority is limited only to the consideration of (a) transport and highways impacts of the development; (b) contamination risks on the site; and (c) flood risks on the site. There are significant transport and highways impacts to consider but no overriding objections taking into account the existing use of the building, the proximity to Town Centre public transport links, and public car parking provision and parking restrictions on roads around the site. Contamination and flood risks on the site do not generate concern in this particular location therefore approval should be supported.

#### **Policies and Proposals in the Approved Development Plan relevant to the decision:-**

##### Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (CSS) 2006-2026

Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality

##### Newcastle-under-Lyme Local Plan (NLP) 2011

Policy T16: Development – General Parking Requirements  
Policy T18: Development – Servicing Requirements

#### **Other Material Considerations**

##### National Planning Policy

National Planning Policy Framework (March 2012)

National Planning Practice Guidance (March 2014)

Supplementary Planning Guidance/Documents

Newcastle-under-Lyme and Stoke-on-Trent Urban Design Supplementary Planning Document (2010)

Newcastle-under-Lyme Town Centre Supplementary Planning Document

**Planning History**

The planning history to the site supports general office use as the established lawful use. A planning application for the recladding of the existing building and installation of new windows reference number 14/00779/FUL has been submitted in conjunction with the notification now considered – it has yet to be determined.

**Views of Consultees**

**Environmental Protection** have no objections to the application on contamination grounds. They also comment that the following factors should be brought to the attention of the applicant:

1. the property falls within an Air Quality Management Area (to be declared December 2014) and it is advised that a ventilation strategy for the building should be considered at this stage.
2. noise levels from nearby road traffic are high and the habitable areas of the development should provide adequate sound insulation and reduction.

The **Highway Authority** have no objections.

**Representations**

None received, but the period for public comment does not expire until 19<sup>th</sup> November.

**Applicants/ Agents submission**

The submitted information is available at the Guildhall and at [www.newcastle-staffs.gov.uk/planning/1400778COUNOT](http://www.newcastle-staffs.gov.uk/planning/1400778COUNOT)

**Key Issues**

The proposal involves the change of use of the building from offices to 147 serviced apartments. Each of the apartments proposed are to be one bedroomed units with an en suite and kitchen/ living room space. Other facilities within the block are also proposed including a cinema room, gymnasium, a communal area, bike store and workrooms. All are considered ancillary to the primary proposed dwellinghouse (C3) use.

An application for prior approval has been made because development consisting of the change of use of a building and any land within its curtilage from office use to dwellings is permitted under Class J of Part 3 to the Second Schedule of the Town and Country Planning (General Permitted Development) Order, as amended, provided certain conditions are met

Class J development is permitted subject to the condition that before beginning the development, the developer shall apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to:-

- (a) transport and highways impacts of the development;
- (b) contamination risks on the site; and
- (c) flood risks on the site.

Prior approval is only required where local planning authorities judge that a specific proposal is likely to have a *significant* impact on any of the matters listed. And it is only those particular

matters which can be assessed by the decision maker in reaching a determination as to if, firstly, prior approval is required and then, secondly, should it be granted or refused. The NPPG describes prior approval as a light touch process which applies where the principle of the development has been established (by Parliament) and that it is important that a local planning authority does not impose unnecessarily onerous requirements on developers, and does not seek to replicate the planning application system.

1. Is prior approval required?

The number of units proposed is such that it could potentially generate significant traffic and highway impacts. However land contamination risks are inconsequential and the site is not in a location which is prone to flooding where the associated risks are low and are also deemed to be inconsequential.

2. Should prior approval be granted?

The most up to date planning policy (contained within the NPPF) indicates that development should only be prevented or refused on transport grounds where the impact of development is severe.

The Highway Authority have assessed the proposal and have no objections. The proximity of the site to Town Centre public transport links, public parking provision and the impact of the existing use of the building as offices all have to be borne in mind in assessing the degree of change in relation to transport and highways impacts to be experienced arising from the proposal. Taking all these factors into account a decision for approval is reasonable and it is not considered necessary to attach any conditions to that approval. Because the period for public comment does not expire until the day after the committee meeting, delegated authority to consider any such comments is sought.

**Background Papers**

Planning File  
Planning Documents referred to

**Date Report Prepared**

5 November 2014.