

**THE MILL CONGLETON ROAD, BUTT LANE**  
**FLOOR TO CEILING DEVELOPMENT**

**18/00430/COUNOT**

The application is a notification for prior approval of a proposed change of the use of the property to 15 dwellings (apartments).

Two of the dwellings have 2 bedrooms and the remaining 13 all have 1 bedroom. A total of 17 car parking spaces are proposed to serve the dwellings.

The site is within the Urban Area of Kidsgrove as defined on the Local Development Framework Proposals Map.

**Unless a decision on this application is communicated to the developer by the 2<sup>nd</sup> August 2018. the development will be able to proceed as proposed.**

**RECOMMENDATION**

**(a) That with respect to the application made for Class O development, prior approval (of the Authority) with respect to the change of use is not required as to the contamination and flooding risks on the site.**

**(b) That prior approval is required and granted for the transport and highways impacts of the development and impacts of noise from commercial premises on the intended occupiers of the development.**

**(c) Should the decision on (a) be that prior approval (of the Authority) is required as to the contamination and flooding risks on the site the recommendation is to grant prior approval**

**Reason for Recommendation**

Planning permission is not required for this development, as permitted development rights exist. A condition of such rights, however, is that before beginning the development the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority is required as to certain specified impacts of the development and risks on the site.

There are no significant issues arising with respect to contamination, flood risk or noise which count against the application made. The transport and highways impacts of the development are considered to be acceptable taking into account the existing established office use is associated to higher traffic movements than the proposed residential use and also factoring the car parking availability within the site boundary and local bus stop provision within short safe walking distance.

**Statement as to how the Local Planning Authority has worked in a positive and proactive manner in dealing with the planning application**

The proposal is a sustainable form of development and no amendments or revisions have been necessary.

**Key Issues**

The application relates to a notification for prior approval for the proposed change of use of a building from an office to 15 residential units.

Permitted development rights exist for the proposed change of use under Class O of Part 3 to the Second Schedule of the Town and Country Planning (General Permitted Development) Order 2015, as amended. Development under Class O is permitted subject to the condition that before beginning the development, the developer must 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;
- (c) flood risks on the site.
- (d) impacts of noise from commercial premises on the intended occupiers of the development.

The Order sets out, at O.1, where development is not permitted by Class O. Taking these into consideration it should be noted that the building is not on Article 2(5) Land (within a Conservation Area). Moreover:-

- The site is not, and does not form part of a safety hazard area or military explosives area.
- The building is not statutory listed, or within the curtilage of a listed building,
- The site isn't, and doesn't contain, a scheduled monument.
- It is not covered by an Article 4 Direction removing the right under Class O of The Town and Country Planning (General Permitted Development) (England) Order 2015.

As such the proposal can be considered under this prior notification procedure.

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 PPG 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. Transport and highways impacts

The number of units proposed is such that it could potentially generate significant traffic and highway impacts. Prior approval is therefore required as to the transport and highways impacts of the development. Whether prior approval should be granted is considered below.

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

The site is in a highly accessible location close to shops and facilities and to a regular local bus service. The submitted plans show a total of 17 car parking spaces.

Appendix 2 of the adopted Local Plan sets maximum parking standards for different uses. For residential development the maximum standards are set as 1 space per single bedroom dwellings, plus an additional space for every 3 dwellings for visitors, and 2 spaces for two or three bedroom dwellings. When such standards are applied to this development a maximum of 21 spaces are required. The parking standards that apply to the office use (Class B1) are based upon 1 space per every 30m<sup>2</sup> of floor area, which when calculated amounts to a maximum of 16 parking.

The maximum parking spaces for the proposed residential use is slightly more than the office use, therefore, when Local Plan standards are applied. It is unlikely that the level of

vehicular movements generated by the proposed residential use would be significantly greater than those generated by the existing office use however.

The proximity of the site to public transport links, shops and facilities; and 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 arising from the proposal. Taking these into consideration it could not be concluded that the impact of the development would be severe. It is noted that the Highway Authority has no objections to the scheme on that basis and there are no other reasonable grounds to suggest the highways and transportation impacts of the development are unacceptable. Prior approval should therefore be granted.

## 2. Are there any contamination or flood risks or flood risks on the site?

### *Contamination risks*

No significant contamination risks have been identified as such it is concluded that prior approval is not required as to the contamination risks on the site.

### *Flood risks*

No flood risks have been identified therefore the only conclusion which can be prior approval is not required as to the contamination risks on the site.

## 3. What are the impacts of noise from commercial premises on the intended occupiers of the development and are they acceptable?

Given that the site is located near to operating restaurant and a tyre and battery centre there is some marginal likelihood that the occupiers of the development could experience a small degree of noise associated to that particular use. It is concluded that prior approval is required as to the impacts of noise from commercial premises on the intended occupiers of the development. Whether prior approval should be granted is considered below.

The Council's Environmental Health Division indicates that, given the proposed arrangement of the rooms, it is unlikely that the proximity of the commercial premises to this site will adversely affect the proposed development and as such they raise no objections.

Noise from road traffic is not a relevant consideration for applications under Class O of Order.

As such there is no basis upon which it could be concluded that the impact of noise on the occupiers of the development would be unacceptable, prior approval should be granted.

## Appendix

### **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 SP1: Spatial Principles of Targeted Regeneration  
Policy SP2: Spatial Principles for Economic Development  
Policy SP3: Spatial Principles of Movement and Access  
Policy ASP5: Newcastle and Kidsgrove Urban Neighbourhoods Area Spatial Policy  
Policy CSP1: Design Quality  
Policy CSP3: Sustainability and Climate Change

#### 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)

[Draft revised National Planning Policy Framework](#)

[Planning Practice Guidance](#) (March 2014)

[Planning Update March 2015](#) including on car parking

##### Supplementary Planning Guidance/Documents (SPG/SPD)

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

[Developer contributions SPD](#) (September 2007)

[Waste Management and Recycling Planning Practice Guidance Note](#) (January 2011)

##### Relevant Planning History

|        |  |                |
|--------|--|----------------|
| N11198 | Use of premises for pottery storage            | Permitted 1982 |
| N12426 | Continued use of premises for pottery storage. | Permitted 1983 |

##### Views of Consultees

The **Highway Authority** has no objections.

The **Environmental Health Division** has no objections.

##### Representations

None received.

##### Applicants/ Agents submission

The requisite plans and application forms have been submitted. The submitted information is available at the Guildhall and on the Council's website <http://publicaccess.newcastle-staffs.gov.uk/online-applications/PLAN/18/00430/COUNOT>

**Background Papers**

Planning File.  
Planning Documents referred to.

**Date Report Prepared**

4<sup>th</sup> July 2018.