

**Application Recommended for Approval**  
Ward

**NOT/2014/0508**

Prior Approval - Offices to Residential  
Change of use of offices to residential use  
8 12 MILL STREET PADIHAM



**Background:**

This application has been submitted following pre-application advice discussions. The application is made under the Prior Approval procedure set out in Part 3, Schedule 2 (changes of use), Class J of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013.

The Order sets out that it is permitted development to change the use of a building and any land within its curtilage from use falling within Class B1(a) (offices) to a use falling within Class C3 (dwelling houses). However, any such application is subject to some exceptions which will be considered in due course.

In terms of the existing lawful use for the site, the applications in 2000 (APP/2000/0024 and 0025) approved permission for a shop, residential, office and a B1 workshop. Whilst the advice given by the applicant during the pre-application discussions suggests that the workshop never actually came into use, the office was approved as ancillary to this B1 use and as such is considered to be a Class B1 (a) office.

## **Development not permitted by Class J:**

Development is not permitted by Class J where,

- a) the building is on article 1(6A) land;
- b) the building was not used for a use falling within Class B1(a) (offices) of the Schedule to the Use Classes Order immediately before 30th May 2013 or, if the building was not in use immediately before that date, when it was last in use;
- c) the use of the building falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order was begun after 30th May 2016;
- d) the site is or forms part of a safety hazard area;
- e) the site is or forms part of a military explosives storage area; or
- f) the building is a listed building or a scheduled monument.

The proposal therefore satisfies the criteria for the development to be considered as permitted development under Class J and the application for Prior Approval can be considered in line with the Order. The development would then merely need to meet the Conditions as stipulated below,

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) flooding risks on the site,

The Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2013, Paragraph N, as amended, sets out that in determining an application a local planning authority's shall have regard to the National Planning Policy Framework (NPPF), so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

## **Relevant Policies:**

### National Planning Policy Framework

|               |                                                                         |
|---------------|-------------------------------------------------------------------------|
| Paragraph 6   | Sustainable development                                                 |
| Paragraph 17  | Core planning principles                                                |
| Paragraph 30  | Promoting sustainable transport                                         |
| Paragraph 49  | Housing applications – presumption in favour of sustainable Development |
| Paragraph 50  | Delivering wide choice of quality homes                                 |
| Paragraph 55  | Location of housing                                                     |
| Paragraph 120 | Contamination                                                           |
| Paragraph 121 | Noise                                                                   |

## **Site History:**

APP/2014/0507 – Proposed external alterations to front and rear elevations – Awaiting decision.

APP/2000/0025 - Demolition of front and rear walls in order to rebuild (CAC) – Granted.

APP/2000/0024 – Use of premises as shops, office, residential and workshop. Rebuild elevations as existing – Granted.

APP/1990/0637 – Change of use from former printing works to form Tea House (40 seats) – Granted.

APP/1988/0289 – Alterations to frontage of building (CAC) – Granted.

APP/1987/0450 – Change of use of former print works for the manufacture and storage of timber products (windows, doors etc.), storage and sale of glass, use of no. 8 as shop for the sale of fitted kitchens, glass and timber products – Granted.

APP/1987/0329 – Use of premises for the manufacture and storage of timber products (windows, doors etc.), storage and sale of glass, use of no. 8 as shop for the sale of fitted kitchens, glass and timber products – Planning Application required.

### **Consultation Responses:**

LCC Highways (Developer Support) - The proposed site does not benefit from any off street parking , however the location close to the town centre and public transport links would encourage occupation by non-car owning residents and I would therefore raise no objection to the proposal on highway grounds.



### **Planning and Environmental Considerations:**

The Council may consider whether the following matters require prior approval:

- (a) Transport and Highway Impacts of the development,
- (b) Contamination risks on the site, and
- (c) Flooding risks on the site.

#### Transport and Highway Impacts of the Proposal

The NPPF advises that Local Planning Authorities should actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable.

The site lies within the centre of Padiham, and within easy walking distance from a number of key amenities. The site does not benefit from any off street parking; however the location close to the town centre and public transport links would encourage occupation by non-car owning residents. On this basis, there are no transport or highway impacts associated with the development.

#### Contamination Risks on the site

Para 20 of the NPPF sets out that to prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects of pollution on health, the natural environment or general amenity and the potential sensitivity of the area or proposed development from the effects of pollution should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer or/and landowner.

The site is not known to be a site of historical contamination and there are no landfill sites nearby. The building has been used for office accommodation for over 20 years so there are no issues in respect of the conversion to residential elements of this proposal.

The site is within a low risk coal working area. The building is already constructed and the works do not involve the breaking of the ground as only minor building works are proposed. There are no known land stability issues on the site.

#### Flooding Risks on the site

The site is not within a flood risk area and there does not appear to have been a history of flooding on the site.

#### Assessment against Paragraph N

Paragraph 6 of the NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development with paragraph 14 stating that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits when assessed against the policies of the Framework as a whole.

Paragraph 49 of the NPPF sets out that proposals for housing should be considered in the context of sustainable development, with paragraph 51 advising that Local planning authorities should normally approve planning applications for change to

residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

The site lies within the centre of Padiham, and within easy walking distance from a number of key amenities. The site does not benefit from any off street parking, however the location close to the town centre and public transport links would encourage occupation by non-car owning residents as there would not be such a heavy reliance on the private car. The creation of residential units in a highly accessible location would meet the aims of the NPPF to promote sustainable means of transport and help meet the need for housing, thereby meeting the overarching goal to promote sustainable development. The application is acceptable on this basis.

The scheme does require external works to be carried out; however consideration of these proposals will be dealt with via a separate, full planning application (APP/2014/0507).

### **Recommendation:**

It is concluded that Prior Approval is required for the development and, bearing in mind the above considerations, the application should be approved subject to the conditions outlined below.

### **Conditions**

1. The development must be begun within three years of the date of this decision.

### **Reasons**

1. Required to be imposed by Section 91 of the Town and Country Planning Act 1990, as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

GDT  
19/12/2014