2023/1009

Applicant: Ms Sharon Gaddes

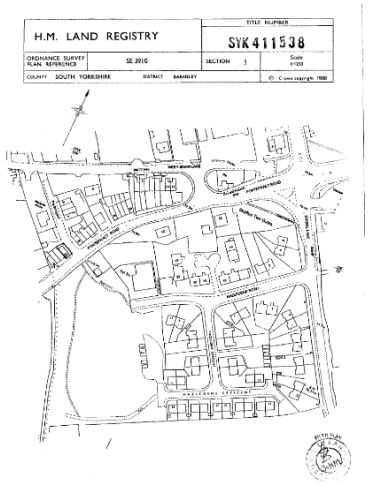
Development: Change of use from Class E (shop) to Class C3 (dwellinghouse) Prior Approval

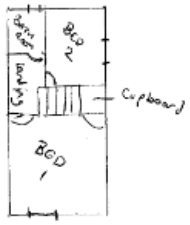
Address: 50 Pontefract Road, Shafton, S72 8QS

Site Location & Description

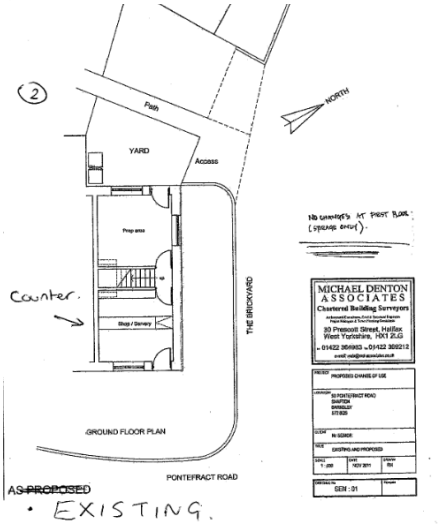
The application relates to a 2 storey, end terraced property. The property is located on the corner of Pontefract Road and The Brickyard. The building falls within Class E and was previously used as a hairdressing Salon. The front of the property sits on the edge of the footpath and to the rear of the property is a yard bound by fencing. The property is located at the end of a residential terraced row and within a predominantly residential area.

The property was historically within residential use and was changed by Lawful Development into a hairdressing salon in 2012.





First Floor.
Please note upstairs was never altered.



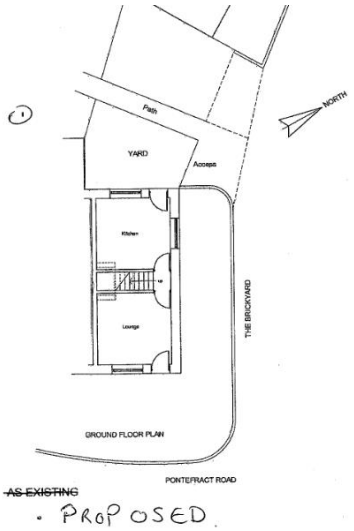
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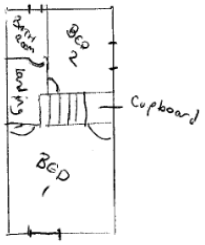
Proposed Development

This application is to determine whether prior approval is required to change the use from a use falling within Class E 'Commercial, business and service uses' of the Schedule of the Use Classes Order to dwellinghouse (Class C3) under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England)Order 2015 (as amended).

The proposal consists of the change of use of the property from retail (class E) to residential (Class C3). That residential use will utilise both floors and create a 2 bedroomed dwelling. The layout would include a kitchen and lounge on the ground floor and 2 bedrooms and a bathroom on the first floor.

There will be no external alterations required.





First Floor.
Please note upstairs was never altered.

Relevant History

2011/1365 Residential to sandwich shop – Refuse.
2012/0554 Use of building as hairdressing salon (use class A1) (certificate of lawfulness – existing use) - Approved.

Policy Context

Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states 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 constitutes permitted development.

Paragraph MA.1 sets out a number of limitations where development is not permitted.

Paragraph MA.2 states that before beginning the development, the developer must apply to the LPA 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) flooding risks of the site

(d) impacts of noise form commercial premises on the in intended occupiers of the development

(e) where—

(i) the building is located in a conservation area, and

(ii) the development involves a change of use of the whole or part of the ground floor, the impact of that change of use on the character or sustainability of the conservation area;

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;

(g) the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and

(h) where the development involves the loss of services provided by—

(i) a registered nursery, or

(ii) a health centre maintained under section 2 or 3 of the National Health Service Act 200656, the impact on the local provision of the type of services lost; and

(I) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Consultations

Drainage – Happy for details to be checked by building control.

Highways – No objections

Pollution Control – No comments received.

Local Councillors – No comments received.

Representations

None

Assessment

Principle of development

The site falls within an Urban Fabric area and the site and surrounding area is made up principally of housing.

Class MA of the GPDO 2015 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states 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 constitutes permitted development. Exclusions to this are set out in paragraph MA.1 and it is considered that the current proposal meets the relevant criteria set out in that paragraph.

Paragraph MA.2. sets out the criteria the prior notification application can be assessed against. This includes transportation and highways impacts of the development, contamination risk on the site, flooding risks on the site, impacts from noise from commercial premises on the intended occupiers of

the development and the provision of adequate natural light in all habitable rooms of the dwellinghouse.

As the building is not within a Conservation Area, an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of uses and the building was not a registered bursary or a health centre, parts e, g and h are not considered to apply in this case. With regards to part I, the building would be subject to a Building Control application and the applicant will have to adhere to the relevant Building Regulations.

The relevant criteria outlined above have been assessed as follows;

Transport and highways impact of the development

The proposal will remove the commercial element of the site and return the building into a full residential use. It is likely that the conversion to residential use from retail would reduce vehicular movements. The Council's highways department have been consulted and have not raised any concerns. As such, the scheme is acceptable from a highway's perspective.

Contamination risks on the site

The Council's pollution department were consulted but have not submitted any comments regarding the proposal. Given the previous retail/residential use and the fact no extensions or increase in footprint is required, it is unlikely that there will be any significant impact in terms of possible contamination risks.

Flooding risks on the site

The building is not located within a flood zone area and is consequently at low risk of flooding therefore a flood risk assessment is not required.

Drainage Officers have been consulted on the application and raised no objections.

Impacts of noise

The Council's regulation department were consulted but have not submitted any comments regarding the proposal. The immediate neighbouring area is predominantly residential in character. As such, there would not be a significant impact on the future residents from noise generated by the proposal.

Adequate natural light in all habitable rooms

The development provides windows to all habitable rooms as indicated on the submitted drawing. As such, the future residents would be afforded adequate natural light to all habitable rooms.

Conclusion

The proposal meets the requirements of Class MA of the Town and Country Planning General Permitted Development Order 2015 (as amended), as such, a prior notification application is appropriate. The application can only be assessed against the criteria set out in this report and as illustrated above there are no objections on these grounds, as such, prior approval is not required.

Recommendation

Approve with conditions.