

2024/1051

Mrs Marie Malkin (Albany Construction (Yorkshire) Ltd)

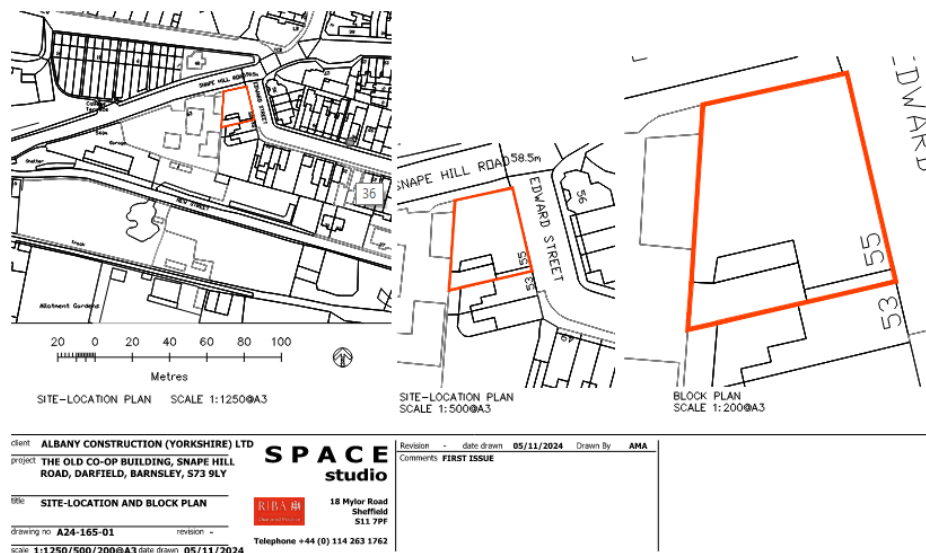
Prior approval application for change of use of retail unit to 5no. 1-bedroom dwellings

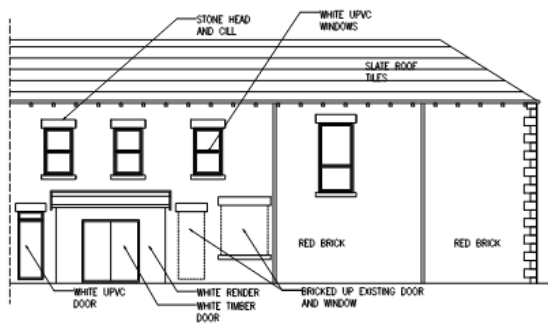
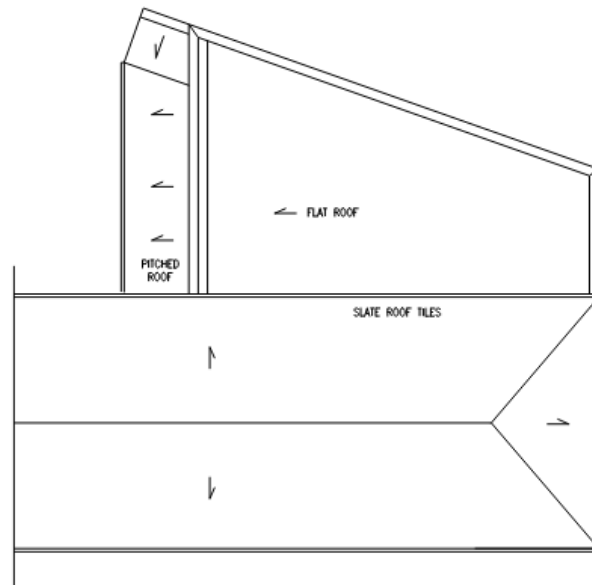
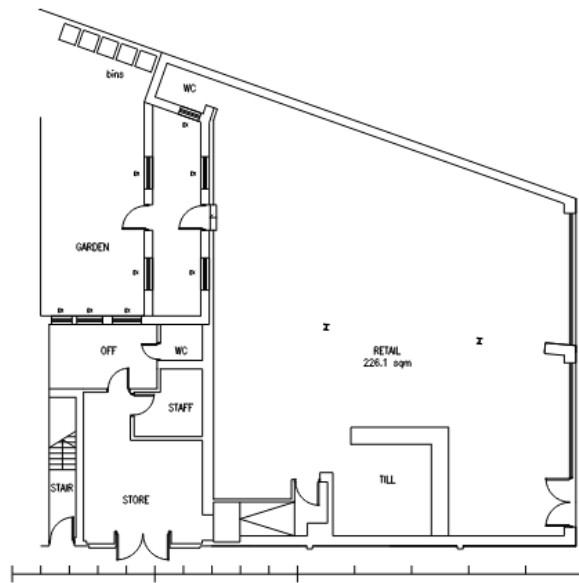
Co Op Food, Snape Hill Road, Darfield, Barnsley, S73 9LY

Site Description

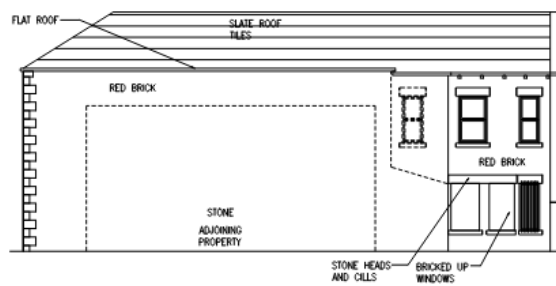
The proposed relates to a property located at the junction of Edward Street and Snape Hill Road. The property is currently empty but the last use was retail (Co-op Food). Prior Approval was granted in 2017 for the change of use of the first-floor offices into residential accommodation in the form of 5 apartments with access from Edward Street. No off-street parking was provided.

The ground floor continued with retail use. The ground floor is currently the co-op food store fronting onto Snape Hill Road in the Darfield which is located within the principal town commercial area. The property is a large 2 storey brick-built building located at the end of a residential terraced row. Adjacent to the property is a hardware shop.

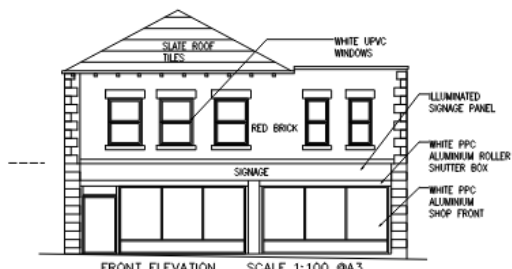




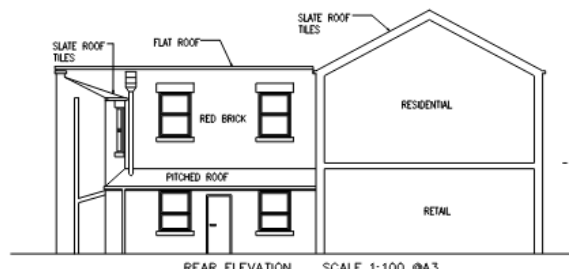
EDWARD STREET SIDE 1 ELEVATION SCALE 1:100 @A3



SIDE 2 ELEVATION SCALE 1:100 @A3



FRONT ELEVATION SCALE 1:100 @A3



REAR ELEVATION SCALE 1:100 @A3

Relevant Site History

2017/0972 - Change of use of first floor offices to 5 no. apartments (Prior Notification) Granted

09/0427 – Signage for Co-Operative store

03/0545 – Satellite Dish for Co-Operative store

00/0164 – Illuminated Signage for Shop

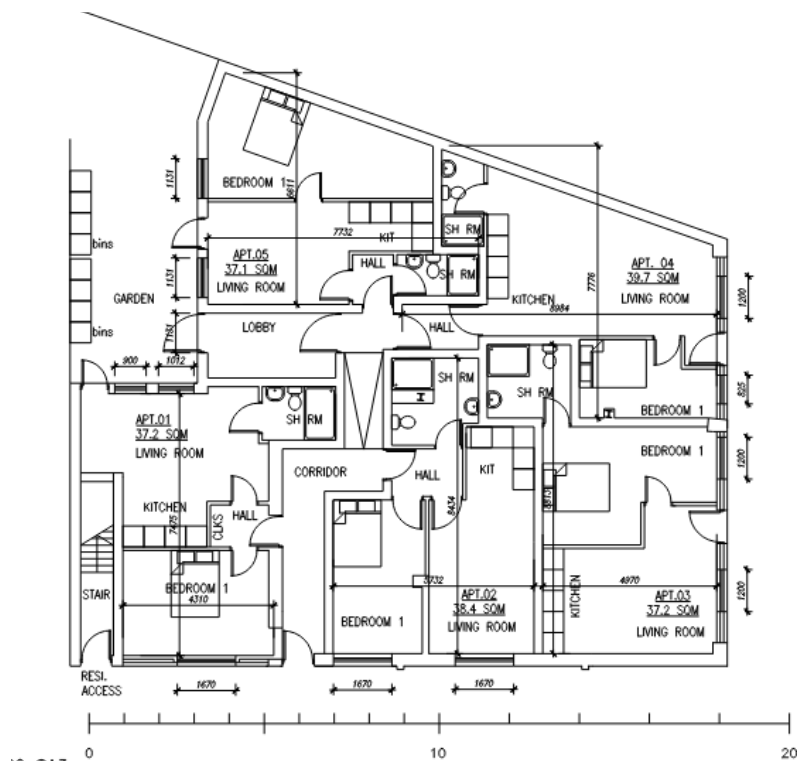
83/0352 – Installation of Shop Front to SPAR

Proposal

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 ground floor property from retail (class E) to residential (Class C3). The only external alterations required are minor changes to the fenestration of the building by way of changing some openings, the addition of a window on Edward Street side 1 elevation and the removal of the shop front and addition of domestic openings. Bin storage will be located at the rear of the building.





Local Plan

Darfield District Centre

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 from commercial premises on the 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
- (l) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

Consultations

- Highways DC – No objections
- Pollution Control – No objections subject to condition limiting construction times.
- Drainage – No objections.
- Ward Councillors – 2 local councillors have objected (see below)
- Yorkshire Water – No comments
- Regulatory Services – No comments

Representations

6 Letters of objection has been received with the following concerns:

- Lack of parking provision/ impact on existing parking
- Personal impact in terms of lack of property maintenance
- No access from the rear of the property for bin storage, movement of bins from the rear yard
- Bins for upper floors left out on the street causing pedestrian flow issues
- Fire hazard
- Noise issues
- Noise issues for upstairs residents
- Impact to water pressure
- Impact to unacceptable existing sewage issues

2 Local Councillors have objected with the following comments:

- Objecting to HMO (It is noted that this application is not for an HMO)
- Negative impact on local businesses and economy
- Reduction in commercial activity affecting the economic health of the area
- Loss of a needed commercial property
- Increased demand on local services, utilities, waste management
- May cause community cohesion and social issues
- Antisocial behaviour
- Loss of available parking provision

Assessment

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 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 upper floor of the existing building had approval for the creation of 5 apartments in 2017. This proposal is for the creation of 5 additional apartments resulting in the building providing a total of 10 apartments. The proposal is to convert an existing convenience store. The site is within a mix of commercial and residential properties. Snape Hill Road and its junction with Edward Street are protected by a 'no waiting at any time' restriction at this point. The scheme is under-prescribed when considering off-road parking, but it is acknowledged that whilst the parking patterns may differ, the proposal is unlikely to increase the demand for parking when compared to that generated by staff and customers associated with the shop. The highways department has assessed the proposed bin store and is satisfied it meets requirements.

Highways have been consulted and consider that it is likely that the conversion to residential use from retail is unlikely to increase the demand for parking in the area. As such, the scheme is acceptable from the perspective of highways and no conditions are required.

Contamination risks on the site

Given the previous/existing 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 located within Flood Zone 1 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 from commercial premises on the intended occupiers of the development

The site is located on the edge of Darfield district centre. The immediate area is predominantly residential in character with the exception of the hardware store adjacent. Class MA (g) states that '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;' The property would not fall within an area of this type. The application only relates to the ground floor as the upper floor is already in residential use. As such, there should not be a significant impact on the future residents from noise generated by commercial premises.

Regulatory Services have been consulted on the application and have raised no objections subject to a condition to limit the hours of construction.

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

Prior Approval not required subject to conditions