

2024/0862

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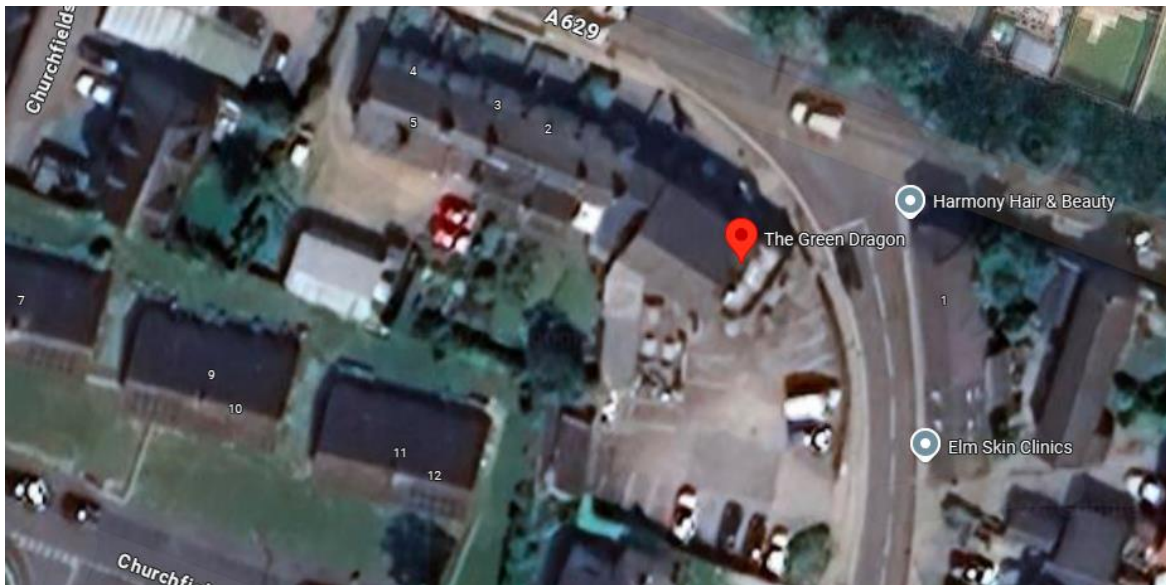
1 Crossways, Halifax Road, Thurgoland, Sheffield, S35 7AL

Change of use from retail to residential use (Prior Approval)

Description

The application relates to a 2 storey, terraced property, which is attached to the Green Dragon Public House off Halifax Road, Thurgoland. The building is located on a corner plot with Halifax Road to the north and Cote Lane to the east. The use of the building is part residential (upper floor) and part retail (one room of the ground floor) (class E). The front elevation of the property sits at the back edge of the footpath and the retail entrance features a bay style window and open forecourt which was once the front garden. To the rear of the property is an area of garden. From the site visit, it appears that the previous retail use has not been in use for some time.

The surrounding area is predominantly residential with the exception of The Green Dragon Public House to the east and further Hair and Beauty uses to the east off Cote Lane and a Small General Store at the opposite side of Halifax Road.



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 one room of the ground floor property from retail (class E) to residential (Class C3). This would be combined with the existing residential use on the first floor and ground floor to create one dwelling. The amended layout would include a kitchen, utility and 3 reception rooms on the ground floor.

A small part of the property has an existing retail use, the remainder is already residential. It is proposed to convert the small retail element to residential use, this will include the removal

Plans



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 2006, 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 – No objections, Building Control to check

Highways – No objections

Regulatory Service – No objections

Representations

Neighbour notification letters were sent to adjacent properties and no comments were received.

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 l, 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 impacts of the development

The proposal would increase the habitable floor space of the dwelling by removing the retail element of the property and creating a further reception room at ground floor. There are no additional bedrooms proposed therefore no increase in parking requirements.

Highways have been consulted and consider that it is likely that the conversion to residential use from retail would create a net reduction in vehicle movements. As such, the scheme is acceptable from the perspective of highways and no conditions are required.

Contamination risks on the site

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 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 immediate area is predominantly residential in character with the exception of the attached public house. 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 one room, the remaining rooms are used as a dwelling – including the upper floor, and rooms to the rear which are also attached to the pub. 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 state that 'As the majority of the property is already residential then I would expect the occupiers are familiar with the levels of noise from the Green Dragon. The Green Dragon has recently been granted an extension to their licence but the hours that they are allowed to play music has not changed.'

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