

Description - Conversion of vacant first floor into 8no apartments - Application to determine if prior approval is required for a proposed change of use from Commercial, Business and Service (Use Class E) to Dwellinghouses (Use Class C3)

Site Description

The application relates to a 2 storey, brick built, flat roofed building located within Hoyland Town Centre. On the ground floor of the building is a frozen food store and on the first floor is an open plan vacant commercial space. The building fronts King Street and has a pedestrian walk way adjacent to the Western elevation leading to Southgate. Adjoining the Eastern elevation are further 2 storey commercial properties with shop frontages on the ground floor facing King Street.

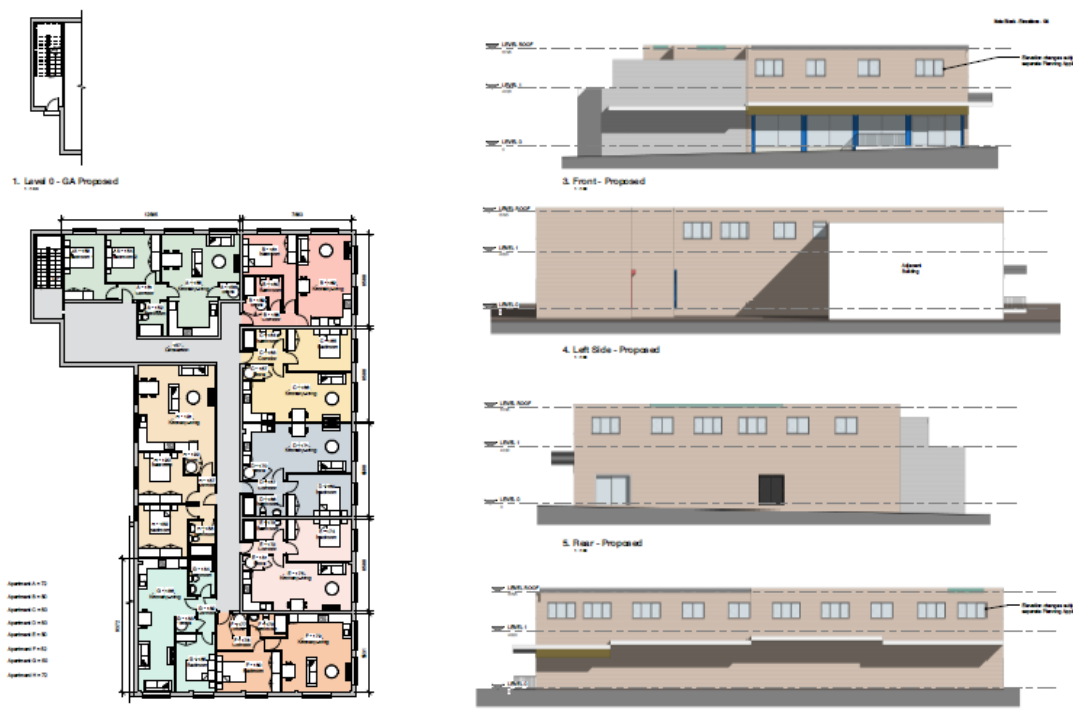
Given the site is within the District Centre of Hoyland the surrounding area is predominantly commercial in nature. However, there are residential properties above the retail units opposite and the upper floors of the town hall, immediately to the West of the site, have recently been converted to residential. There are also dwellings within and around the town centre within close proximity of the site.

Immediately to the rear of the building is Hoyland Open Air Market and associated car park, as well as a vacant area of land which has planning permission for a small block of apartments, fronting Hall Street.

Proposed Development

This application is to determine whether prior approval is required to change of use from commercial, business and service (Class E) to 8no. apartments (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 6no. 1 bedroom apartments and 2no. 2 bedroom apartments. Some amendments to the fenestration is required in order to provide the units with natural light and outlook, however, that is subject to a separate application (Ref 2022/0953).



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 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.

The eligibility section of the application form also requires the units to have a gross internal floor area of at least 37m² and comply with the nationally described space standards in order to qualify for prior notification.

Consultations

Drainage – No objections, Building Control to check

Highways – No objections

Reg Services – Requested a noise survey and associated addendum to it, following receipt they have no objections subject to a condition.

Ward Cllrs – 2no. Cllrs have objected to the application. The main points of concern are;

- Lack of parking within Hoyland Town Centre
- Over development of Hoyland town centre with similar residential developments within the immediate area.
- The density of the development
- Negative impact on the redevelopment of the town square

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was put up publicising the proposed development. 1 letter of support was received as a result.

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 site is located on B6097 King Street, a town centre retail/commercial street with a 30mph speed limit, adjacent to the point where it becomes B6097 High Street and opposite the junction with Market Street. The site is located in the centre of Hoyland close to all shops, local transport services, amenities and facilities which complies with NPPF 9 Promoting Sustainable Transport policies and Barnsley Local Plan (January 2019) Policy T3 New Development and Sustainable Travel which will be acceptable

The Barnsley Supplementary Planning Document (SPD)Parking (2019) Table 1 requires that 1 parking space is provided for a 1-2 bedroom dwelling and 1 visitor space per 4 dwellings. The proposal would therefore usually require 10 parking spaces. However, the proposal would occupy an existing commercial space which has the ability to generate traffic through visitors and staff and it is located within walking distance of public transport and local facilities and amenities within Hoyland Town Centre. As such, inline with the approval of the conversion of Hoyland Town Hall into apartments with no parking provision, adjacent to this site, Highways have raised no objection in this instance.

Contamination risks on the site

Given the application relates to the first floor space within an existing building 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. The application relates to the first floor of an existing building with no history of flooding.

Impacts of noise from commercial premises on the intended occupiers of the development

The application was not initially accompanied by a Noise Assessment, However, given the nature of the area, the neighbouring commercial uses and the associated plant and machinery, Regulatory Services requested a Noise Impact Assessment in order to be able to fully assess the application and identify any mitigation measures which maybe required.

The Noise Survey concludes that the noise affecting the development was determined to be primarily from the setup and operations of Hoyland Market as well as noise from surrounding roads, shops and pedestrians. It is determined that internal noise levels are anticipated to be within the guidelines of BS8233 subject to a glazing and ventilation scheme. As such, Regulatory Services concur with the findings and have raised no objections subject to a condition requiring the mitigation measures to be installed prior to occupation.

There is potential for noise between the commercial units below and the apartments however, the application would be subject to a Building Regulations application where this would be assessed.

Adequate natural light in all habitable rooms

The development provides windows to all habitable rooms as indicated on drawing DA22070-003. It is noted that the shower/bath rooms are located within the centre of the flats and have no access to adequate light, however, they are not considered habitable rooms.

Conclusion

The proposal meets the requirements of Class O of the Town and Country Planning General Permitted Development Order 2015, 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

Not required subject to conditions