Application number: 2024/0940

Description: Change of use of building to be used as commercial online pharmacy at ground floor and first floor as two flats (Prior Approval application).

Location: 89 - 91 Snape Hill Road, Darfield, Barnsley, S73 9LR

1. Site Location & Description

1.1. 89-91 Snape Hilld Road is located along the B6096 Snape Hill Road within Darfield, the surrounding area is predominantly residential iin nature, with the dwelling types ranging from detached, semi-detached and terraced. There a small number of commercial properties in the immediate area consisting of a convenience store and a fish and chip shop.

1.2. Darfield is located 4 miles East of Barnsley Town Centre and benefits from direct road routes accessible by bus and car. Darfield is approximately 4.5 miles away from the M1 and is considered to be a village.

2. Proposed Development

2.1. 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 Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class G.

2.2. The proposal consists of the change of use of the 1st floor of the property from a dance studio (class E) to residential (Class C3). The ground floor would remain use Class E as it would be used for the use for commercial use of an online pharmacy.

2.3. The applicant seeks to get the prior approval to create two single bed flats on the 1st floor of the property. Both of the created flats would benefit from living and kitchen area and a separate bedroom. There is also land to the rear which could be used as shared amenity space.

3. Planning History

3.1. No recent or relevant planning history.

4. Policy Context

5. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class G. Development permitted by Class G is subject to the following conditions—

(a)some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat;

(b)where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat;

(c)a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence)—

(i)by a single person or by people living together as a family, or

(ii)by not more than 6 residents living together as a single household (including a household where care is provided for residents);

(d)before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i)contamination risks in relation to the building;

(ii)flooding risks in relation to the building;

(iii)impacts of noise from commercial premises on the intended occupiers of the development;

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

(v)arrangements required for the storage and management of domestic waste

6. Consultations

6.1. Highways – raised concerns regarding the potential for indiscriminate parking which could lead to highway safety concerns. However, this is not part of the criteria that can be assessed under Schedule 2 Part 3 Class G

6.2. Drainage – No objections.

6.3. Yorkshire Water – No comments received.

6.4. Regulatory Services – No objections, subject to the following conditions:

- During works, construction or demolition related activity shall only take place onsite between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays

6.5. Contaminated Land Officer – No comment received.

7. Representations

7.1. The application was advertised by individual neighbour notification letter and by site notice. 2 letters have been received by members of the public which have raised the following concerns with the proposed development:

- Increase in traffic in a highly congested area.
- The flats will have no parking.
- No parking for customers.
- Lack of Bin store
- Fear of crime and antisocial behaviour
- Lack of CCTV
- No bike store provided

8. Assessment

8.1. Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class G. Development permitted by Class G states that before beginning development, the developer must apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to—

(i)contamination risks in relation to the building;

(ii)flooding risks in relation to the building;

(iii)impacts of noise from commercial premises on the intended occupiers of the development;

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

(v)arrangements required for the storage and management of domestic waste.

8.2. The relevant criteria outlined above have been assessed as follows;

<u>Impacts of noise from commercial premises on the intended occupiers of the development</u>

8.3. The immediate area is predominantly residential in character with the exception of the current property. The change of the commercial property below from a dance studio to a pharmacy is likely to reduce the amount of noise produced. Regulatory Services have been consulted on the application and have concluded that they have no objections to the scheme subject to the following condition:

- During works, construction or demolition related activity shall only take place onsite between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays

The Regulatory Officer's judgement is sound as the proposed use is unlikely to create a large amount of noise and disturbance to the residential properties which are proposed at the 1st floor. Therefore, this development is acceptable in terms of impact on noise and disturbance.

<u>Contamination risks on the site</u>

8.4. The LPA's contaminated Land Officer did not give comments on this application. However, given the previous use as a dance studio and the fact that the applicant has

not proposed changing the footprint of the site by extending or increasing the property, it is unlikely that there will be any significant impact in terms of possible contamination risks.

Flooding risks on the site

8.5. The applicant has provided a flood map from the Environment Agency which shows that the site is located within Flood Zone one. The Council's Drainage Officer has also been consulted and have confirmed that they hold no objections to the scheme in respect to land drainage.

8.6. Yorkshire Water have also been consulted but have not replied within the 21 days statutory required date and as such the LPA considers that they have no comments to make on the application.

Adequate natural light in all habitable rooms

8.7. 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.

Storage and management of domestic waste

8.8. The applicant has provided a site/block plan which indicates that the applicant is proposing to construct a storage area for domestic waste in the form of bins in the rear amenity area at the back of the property. This is considered to be acceptable.

Other

8.9. The Council's Highways Officer has raised concerns regarding the potential for indiscriminate parking which could lead to highway safety concerns. Unfortunately, for this type of application, as can be seen from the criteria that can be assessed as stated earlier in this report, we don't have the grounds to object on highway safety aspects as its not included in the criteria we are allowed to consider

9. Conclusion

The proposal meets the requirements of Schedule 2, Part 3, Class G 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.

10. Recommendation

10.1. **Prior Approval not required subject to conditions**