

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 2/3 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.

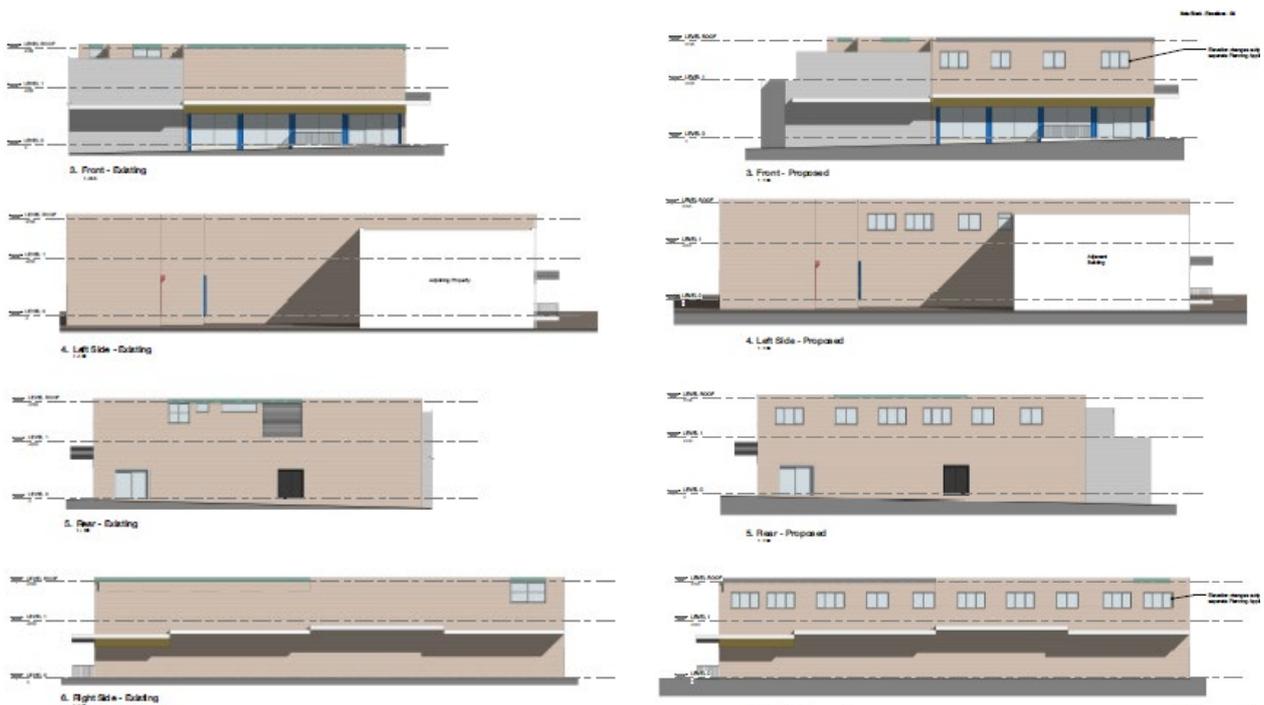
Given the site is within the District Centre of Hoyland the surrounding area is predominantly commercial in nature. However, there are residential properties above the retail units opposite and the upper floors of the town hall, immediately to the West of the site, have recently been converted to residential. 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 follows on from the Prior Notification application to convert the vacant first floor of the building into 8no apartments (Ref: 2022/0954). The application seeks permission to insert windows in the first floor of the building to serve the apartments. At present there are only a small number of high level windows at first floor level whereas 4no. windows in the front elevation, 4no. windows on the Western elevation, 10no. windows on the Eastern elevation and 6no. windows on the rear elevation are proposed.

The existing elevations are shown to the left below and proposed elevations to the right;



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

The site is located within Hoyland Town Centre where the following policies are relevant;

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy CC2 Sustainable Design and Construction

SPD's

Those of relevance to this application are as follows:

-Design of Housing Development

Other

South Yorkshire Residential Design Guide

NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 92 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 126 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Consultations

Ward Cllrs – 2no. Cllrs have objected mainly to application 2022/0953 but have also referenced this application as it is linked. 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 which cited the proposed alterations as being a positive contribution to the visual amenity of the building.

Assessment

Principle of development

The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Visual Amenity

The existing building at first floor level consists mainly of blank brickwork only interrupted with a small number of high level windows. The first floor of this building is in contrast with the neighbouring buildings, including the building attached to the West, the former town hall to the East and the buildings directly opposite King Street to the South, which have a number of regimented openings.

The proposal is to punctuate the first floor elevations with relatively regimented openings to serve the residential units. This would aid to break up the relatively blank elevations and add interest while referencing the design and style of the neighbouring buildings, some of which serve residential accommodation. As such, the proposed external alterations would sit comfortably within their surroundings and maintain visual amenity, in accordance with Local Plan Policy D1.

A Local Councillor was concerned the works could have a negative impact on the renovation of the town square immediately to the East of the building. However, that work has now been completed and arguable the proposed works would have a positive impact as the apartments would overlook the square and the windows would provide a more aesthetically pleasing backdrop to the square than the existing blank brickwork.

The ground floor and the windows surrounding the existing roof structure, above the first floor, would remain unchanged.

Residential Amenity

The proposed front elevation windows would serve habitable rooms and would face the habitable rooms of the first floor flats opposite. However, they would be separated by King Street and would meet the requirements of SPD 'Design of Housing Development' in terms of separation distance.

The majority of the proposed windows and the windows serving the apartments in the town hall would be separated by the town square and would meet or exceed the required separation distances or be at an angle where overlooking would not be unreasonable. It is noted, however, that there would be some overlap between the proposed habitable room windows to the rear of Eastern elevation of the application building and a section of the former town hall which projects towards the application property and falls below the required separation distances. The overlap would only affect an open plan living area within 1no. existing apartment at first floor level within the former town hall and that apartment is double aspect. As such, the room affected also has windows fronting the town square which would not be overlooked.

Some of the proposed apartments on the Eastern side of the application property would be overlooked by some of the first and second floor windows within the former town hall but those applications are subject to a prior notification and the future buyers/occupants would be aware of the existing situation. Again, those windows on the Western elevation of the town hall are secondary windows serving double aspect open plan living/dining/kitchen rooms.

The proposed windows on the Western elevation of the application building would overlook a car park and commercial uses and the rear elevation windows would overlook the market and car park beyond.

For the reasons outlined above, the residential amenity of existing and future residents would be maintained to a reasonable degree, in accordance with Local Plan policy GD1.

Conclusion

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies LG2, GD1 and D1) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay.

Recommendation

Not required subject to conditions