

DELEGATED DECISION REPORT

DET/2021/0004
Valid 10/03/2021

LEES HALL QUARRY
TURNLEE ROAD
SIMMONDLEY
GLOSSOP

CONVERSION OF OFFICE
INTO DWELLING

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether the application complies with the relevant parameters set out under Schedule 2, Part 3, Class O Paragraph O.1 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) - GPDO
- Whether Prior Approval is required and if so whether the application is acceptable having regard to the issues set out under Schedule 2, Part 3, Class O paragraph O.1 of the GPDO and paragraph W

DESCRIPTION OF SITE

The application relates to a single-storey building located within the former Lees Hall Quarry, accessed off a private lane from Turnlee Road, in the outskirts of Glossop.

Permission was granted in 1992 for part of the former quarry to be used for an arboricultural business. A later permission was granted to increase the size of the yard area and to provide a new workshop/office and store building. The current building would appear to be that approved by the later permission. The building is in use by the current occupants of the site, an arboricultural business.

PROPOSAL

The application is for prior approval of matters relating to the change of use of the building under permitted development rights provided by Class O of the General Permitted Development Order 2015 (as amended).

Although the Use Class Order has recently been restructured, for the purposes of change of uses under Part O, buildings must still be considered under the previous use class order, until August 2021 when applications can be made in relation to buildings falling within the new Use Class Order. In this case, Class O relates to buildings within the old use class B1(a) and allows for the change of use to a use falling within Class C3 (dwellinghouses).

External elevations and floor plans were submitted with the application indicating external changes, comprising the addition of new and replacement windows. It is

noted that Class O does not allow for building works required as part of a change of use from B1(a) to a dwelling.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0002/8954 - Seven Detached Houses/bungalows In Small Courtyard Style Development. Refused, 15/02/1990

HPK/0003/1704 - Change Of Use Of Disused Quarry And Part Of Forestry Building To Storage For Arboricultural Business. Approved, 21/07/1992

HPK/0003/2828 - Detached Bungalow For Forestry Manager. Refused, 08/09/1993

HPK/0003/3194 - Dwelling For Forestry Manager. Refused, 01/02/1994

HPK/0003/4930 - Increase In Yard Area For Additional Storage Of Timber And New Workshop/office And Store Building. Approved, 09/11/1995

CONSULTATIONS

Publicity

Site Notice expiry date: 11/05/2021
Neighbour consultation period ends: N/A

Public Comments

None received

Town / Parish Comments

None received

Environmental Health

Recommend refusal of this application as there isn't sufficient information. An acoustic report and phase 1 contamination report (owing to the historic use of the site as a quarry) should be included at application. In the event of approval, conditions relating to contaminated land, and dust, noise, vibration, and waste disposal relating to the construction phase are recommended.

Derbyshire County Council Highways

It is noted that the building / site is currently being used by the applicant in association with a landscaping business and I assume this is lawful in planning terms. On this basis it can be assumed that the site will generate vehicular activity associated with that business, which is unlikely to be restricted in any way (unless your Authority is able to confirm otherwise).

The conversion from an office to dwelling may alter the overall traffic movements slightly, however, the Highway Authority is not aware of any accidents attributable to the use of either access point, associated with the existing business / commercial use of the site, over the last 5 years. I am also aware that the access route from Turnlee Road carries the route of a public right of way and that this also provides access to a number of other properties / farm (s). Therefore any impact on pedestrian users of this route is likely to be negligible.

In the absence of any data to the contrary the Highway Authority would not be in a position to demonstrate that the impact of the development proposals would, in transport and highway terms, result in an unacceptable impact on highway safety or that the residual cumulative impact would be severe, the tests to be met in the NPPF to justify refusing the application on highway safety grounds.

Clearly there will be sufficient parking within the site for the existing and proposed uses.

Derbyshire Wildlife Trust

The proposed development falls within a Lees Hall Local Wildlife Site (HP147). We do not consider that the proposed development is likely to adversely impact on the features for which the LWS is designated. We also do not consider that the conversion is likely to be pose a significant risk to protected species. The existing building as described in the documents submitted does not sound suitable for roosting bats (single storey, artificial slate roof and timber cladding). It is also a relatively new building that has been is use as an office as far as we are aware. Overall we do not consider that the development is likely to result in a loss of biodiversity. Recommend informative on discovery of evidence of bats during development.

OFFICER COMMENTS

Whether the application complies with the relevant parameters set out under Schedule 2, Part 3, Class O Paragraph O.1 of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) - GPDO

Permitted development rights under Class O relate to buildings (and any land within their curtilage) falling within use class B1(a) (offices) of the Use Class Order.

In this case, the building forms part of a wider planning unit which does not fall within use class B1(a). The approved and lawful use of the wider unit is for use by an arboricultural business, which would appear to be a sui generis use. As the building does not form a discrete planning unit, it falls within the use class of the wider planning unit, which is not use class B1(a).

Both the 1992 and 1995 permissions were subject of the following condition:

Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, (or any re-enacting or revoking order), the site shall only be used for arboricultural purposes which for the avoidance of doubt shall consist of the storage, servicing or parking of no more than two commercial vehicles used in connection with work to trees, the storage of timber (cut trees) and the storage, maintenance and use of associated incidental plant and chatels. There shall be no other storage or operations whatsoever at the site.

As such there is no ambiguity that the approved and lawful use of the entire site, including the office building, is for arboricultural purposes only, and therefore that the building is *not* in B1(a) use.

As such, permitted development rights under Class O do not apply to the building and the change to use as a dwelling would not be permitted development. It is therefore not possible for the Local Planning Authority to grant prior approval of any of the matters set out in paragraph O.2.

In any case, for completeness the proposal is considered against the prior approval matters below.

Paragraph O.2 notes that:

(1) Development under Class O is permitted subject to the condition that before beginning the 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—

(a) transport and highways impacts of the development,

Per the advice from the DCC Highways Officer it is considered that the transport and highways impact of the use of the building as a dwelling would be acceptable.

(b) contamination risks on the site,

The advice of the Environmental Health officer is noted. Given the historic use of the site as a quarry, it is considered that there is a reasonable possibility of ground contamination and therefore that the prior approval of the LPA would be required with regards this matter. A supporting letter submitted with the application notes that '*There are no contamination risks on the site*'. This is not considered to be adequate and as no proper assessment of ground contamination risk has been submitted with the application it has not been possible to conclude whether the conversion would be acceptable in terms of contamination risks on the site. Given that the change of use would not be permitted development in principle, an assessment has not been requested.

(c) flooding risks on the site, and

The site does not lie within flood risk zone 2 or 3 and it is not considered that the converted building would be at risk of flooding.

(d) impacts of noise from commercial premises on the intended occupiers of the development, and

The application relates only to the footprint of the building and the two access tracks to the east and excludes the rest of the site. If prior approval was granted, the other areas of the site would therefore remain in their existing use and the arboricultural operations on the site could continue in close proximity to the converted dwelling. The application does not indicate that the current use of the rest of the site would be discontinued. It is considered likely that continued use of the rest of the site (movement of work vehicles, storage and movement of materials and equipment, operation of woodchippers and chainsaws) would result in an undesirable noise environment for future occupants of the converted dwelling.

(e) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

The converted building would comprise a single combined studio space with a separated wetroom. The main space would be served by three existing windows at the front and side elevation and it is considered that these would provide adequate natural light to the sole habitable room. Elevations submitted with the application indicate the addition of further windows at the rear elevation. Whilst external changes cannot be approved through prior approval for Class O, it is not considered that these additional windows would be necessary to achieve adequate natural light.

External alterations

Class O does not allow for building operations which would otherwise normally require planning permission. The external alterations shown on the proposed plans submitted with the application would not be permitted development. In the event that the change of use was permitted development and prior approval was granted for the above matters, this could be granted on condition that the approval does not include the external works.

CONCLUSION / PLANNING BALANCE

The building is not a building within Use Class B1(a) and therefore its change of use to a use falling within Use Class C3 would not be permitted development.

If the change of use to C3 was permitted development, the prior approval of the Local Planning Authority would be required, and refused, with regards contamination risks on the site and with regards the impacts of noise from commercial premises on the intended occupiers of the development.

It is therefore recommended that prior approval be refused.

OFFICER RECOMMENDATION : Refuse

Case Officer: Tom Hiles

Recommendation Date: 19/05/2021

X 

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council