

DELEGATED DECISION REPORT

DET/2022/0015
Valid 05/10/2022

HIGH PEAK DENTAL CARE
ECCLES ROAD
CHAPEL-EN-LE-FRITH

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR A
PROPOSED: CHANGE OF USE
FROM FORMER DENTAL
PRACTICE TO 2 RESIDENTIAL
UNITS

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether the proposal complies with Schedule 2, Part 3, Class MA, Paragraph MA of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended), or falls against any of the limitations set out in paragraph MA.1.
- Whether the proposed development is acceptable having regards to matters of Prior Approval set out under Schedule 2, Part 3, Class MA, Paragraph MA.2 and the provisions of Paragraph W, of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended).

DESCRIPTION OF SITE

The application site is a two-storey terraced building on the corner of Eccles Road and Cross Street near Chapel-en-le-Frith town centre. The building was most recently used as a dental practice but is currently unoccupied.

PROPOSAL

The application is for prior approval for the change of use of the building to residential use under Schedule 2, Part 3, Class MA of the General Permitted Development Order 2015, comprising two residential units.

Class MA allows for the following development without planning permission, subject to certain conditions and the prior approval process:

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.

As originally proposed, the converted building would have comprised three one-bedroom units, with single storey units at both floors, and a third unit spanning ground and first floor. However, the two-storey dwelling (unit 1) would fail to satisfy the minimum floorspace standards set out in the Nationally Described Space Standards and following feedback, unit 1 has been removed from the proposal, with that portion of the building proposed to be retained in its existing use.

Proposed plans submitted with the application indicate an additional entrance door would be formed to provide separated access to the first floor flat. Class MA does not allow for external alterations (in contrast to other permitted development rights for change of use). The following determination therefore only relates to the proposed change of use.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

HPK/0000/6596 - For Change Of Use Ground Floor Of Doctor's Surgery To Stationery Store, Photography Studio & Dark Room. Approved.

14306/HPK/381/184 - For Proposed Change Of Use Of First Floor Only To Residential Flat. Approved.

HPK/0003/7371 - Conversion Of Workshop To Living Accommodation. Approved, 21/09/1998

HPK/0003/8403 - Conversion To Dental Surgery Comprising Reception Area Waiting Room And Four Surgeries. Approved, 22/09/1999

CONSULTATIONS

Publicity

Site Notice expiry date: 24.11.2022
Neighbour consultation period ends: 03.11.2022
Press Advert: 13.10.2022

Public Comments

28 High Street, Chapel – Object.

Historical shop frontage, which will be impacted by conversion to residential. Has been both commercial for printing business. High demand for shop/ commercial premises currently, against conversion into three properties.

Parking issues in area currently especially will impact parking on road at night

Never to our knowledge locally advertised to let as shop/ commercial

Heavy impact existing drainage

Recommend it goes through full planning permission, especially in a conservation area

Waste bins for three properties, potentially up to 9 bins could be a issue

Town / Parish Comments

None received

Environmental Health

No observations

HPBC Conservation Officer

No Objection. No comments.

Derbyshire County Council Highways

Considering the location and size of the proposed units and taking in to account the extensive waiting restrictions on surrounding streets, it is considered that an application for the proposed change of use would not warrant an objection on highway safety grounds.

OFFICER COMMENTS

Permitted development

Schedule 2, Part 3, Class MA of the GPDO notes that

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

is permitted development, subject to certain limitations and conditions.

Where any of the following limitations apply, the development is not permitted development and planning permission is required.

1.—(1)Development is not permitted by Class MA—

(a) unless the building has been vacant for a continuous period of at least 3 months immediately prior to the date of the application for prior approval;

Complies - The application indicates that the building has been vacant for at least the minimum period. The building was fully vacated upon the site visit and the former business is now operating from another neighbouring property (2-4 Cross Street)

(b) unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;

Complies – The application indicates that the building was within one of the defined uses for a continuous period for at least 2 years prior to the date of the application. The former dental surgery use is seen on Street View imagery to be in operation since at least 2009.

(c) if the cumulative floor space of the existing building changing use under Class MA exceeds 1,500 square metres;

Complies – the application indicates that the cumulative floor space of the existing building does not exceed 1500 square metres; as indicated by the floorplans the floor space is around 160 square metres.

(d) if land covered by, or within the curtilage of, the building—

(i) is or forms part of a site of special scientific interest;

(ii) is or forms part of a listed building or land within its curtilage;

(iii) is or forms part of a scheduled monument or land within its curtilage;

(iv) is or forms part of a safety hazard area; or

(v) is or forms part of a military explosives storage area;

Complies – none of the designations apply

(e) if the building is within—

(i) an area of outstanding natural beauty;

(ii) an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;

(iii) the Broads;

(iv) a National Park; or

(v) a World Heritage Site;

Complies – none of the designations apply

(f) if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or

Does not apply

(g) before 1 August 2022, if—

(i) the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and

(ii) the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the

provisions of Schedule 3.

Does not apply – clause (g) expired on 1st August 2022

Nationally Described Space Standards

Paragraph 9A of Article 3 of the GPDO (as amended) notes that:

(9A) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

All of the proposed units would exceed the lower limit of 37 square metres in size.

The Nationally Described Space Standard 2015 set out minimum gross internal floor areas for dwellings based on numbers of bedroom, numbers of storeys, numbers of bedrooms and occupants.

Units two and three would be single storey, one-bedroom dwelling. As amended, 'unit one' would be retained in its existing use and would not change to residential use.

The minimum internal floorspace for such a unit is 39m² if occupied by one person, or 50m² if occupied by two. Units two and three would have internal floor areas of around 42.8m² and 43.6m² respectively, and would therefore comply with the NDSS if occupied by one person, but would not comply with the NDSS if occupied by two people. Paragraph 9A set out above does not provide further interpretation on whether proposals should be considered to comply with the NDSS in such a scenario. In this case, both units would be comfortably above the minimum for occupation by a single person and as such it is considered that the proposals would be satisfactory in terms of paragraph 9A.

Conditions

Paragraph MA.2. notes the following:

(1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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 impacts of the development, particularly to ensure safe site access;

The application site is located within Chapel town centre and close to the town centre. Whilst the site will not provide any on-site car-parking, the location is considered to be sustainable and that occupants would (due to the on-street parking limitations noted by the Highways officer) tend to use other means of transport. There is no vehicular access onto the site and the scale of the development would mean that impacts on the highways network would be minimal. Moreover it is noted that when the building was operating as dentist it equally did not have any allocated parking. Therefore, the transport needs and parking requirements of the proposed development are unlikely to be significantly more intense than the previous use. The change of use is therefore considered to be acceptable in terms of transport impacts.

(b) contamination risks in relation to the building;

Given the existing use, context and location of the building, it is not considered that the residential use of the building would give rise to any concerns in terms of contamination risk. The Environmental Health officer has made no objections to the change of use.

(c) flooding risks in relation to the building;

The site is not located within an area at elevated risk of flooding or with identified critical drainage problems, and the residential use of the building would not give rise to concerns in terms of flooding risk.

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

As amended, 'Unit 1' would remain in its existing use with the rest of the building converted to residential use. The new residential units at ground and first floor would both have combined living room / kitchens adjacent to the retained part of the building. Following reform of the Use Class Order, the existing use of the building falls within Use Class E, Commercial, Business and Service, and the use of the building can change to any of these without planning permission.

None of the commercial uses permissible under Class E are considered to give rise to potential significant concern in terms of noise impacts. Class E includes the former B1c industrial process which can be carried out in any residential area without causing detriment to the amenity of the area, and the definitional limitation on such a use is considered to be a sufficient safeguard against this potential use of the building.

Surrounding commercial development, including the relocated dentist business now operating from adjoining unit at 2-4 Cross Street, comprises retail and other business uses which are not considered to give rise to significant impacts on the intended occupiers in terms of noise.

For these reasons, the impact of noise from commercial premises on the intended occupiers of the development is considered to be acceptable.

(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;

The building is located in a Conservation Area. The Conservation Officer has made no objection to the proposal and as such it is considered that the impact of the change of use on the character and sustainability of the Conservation Area would be acceptable.

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

With proposed internal reconfiguration, all habitable rooms would be served directly by windows sufficient to provide adequate natural light.

Without the internal reconfiguration, the bedroom at unit 2 would be provided with limited natural light due to existing internal partitions.

The reconfiguration would rely on the insertion of an new external doorway to provide separate external access to unit 3 at the first floor, which would require separate planning permission.

Prior approval would be on condition of implementation of the submitted floor plans, and it is considered that this is a sufficient safeguard that the scheme would not be implemented without the internal reconfiguration being undertaken.

(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

The site is not in an area considered to be important for any of the uses listed.

(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

The development would not involve the loss of services provided by a registered nursery or health centre.

(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building.

The fire risk condition does not apply as the building is not 18 metres or more in height and does not contain 7 or more storeys.

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

The application was made after 1st August 2021.

Condition (4) provides amendments to paragraph W (Procedure for applications for prior approval under Part 3) which are specific to Class MA. These relate to statutory consultations as follows:

- The Environment Agency regarding flood risk in areas at elevated level of flood risk or which have critical drainage problems. These do not apply in this case.
- Amending the scope of matters on which the local highways agency are consulted.
- The Health and Safety Executive regarding fire safety. This does not apply in this case as noted above.

Conditions 5 and 6 are as follows and do not need to be considered as part of the Council's prior approval.

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

CONCLUSION / PLANNING BALANCE

The report has found that the proposed change of use of the existing building complies with Paragraph MA.1 and thus comprises permitted development.

An assessment of the proposal against the Prior Approval matters set out in Paragraph MA.2 in accordance with the procedure set out in Paragraph W has concluded that the application (as amended to two units) is acceptable. The public comments on various matters are noted.

OFFICER RECOMMENDATION : Approve

Case Officer: Tom Hiles

Recommendation Date: 29.11.2022

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council