

DELEGATED DECISION REPORT

DET/2022/0016
Valid 11/10/2022

33 35 GLOSSOP MENTAL
HEALTH PROJECT
CHARLES STREET
GLOSSOP

CHANGE OF USE FROM USE
CLASS E SERVICES
(GLOSSOP MENTAL HEALTH
PROJECT) TO C3
RESIDENTIAL TO FORM 2NR
DWELLINGHOUSES

(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 height end of terrace building with a cellar, on the corner of Charles Street and Talbot Street in Glossop and within the Norfolk Square Extension Conservation Area.

The application site is understood to have previously been an office for the Derbyshire County Council run Glossop Mental Health Project, but is currently vacant.

PROPOSAL

The application is for prior approval for the change of use of the building from it's existing use as offices for medical or health services (Use Class E(g)) to residential use Class C3, comprising one two-bedroom house and one three-bedroom house, under Schedule 2, Part 3, Class MA of the General Permitted Development Order 2015.

The existing building will be subdivided vertically to form the two dwellings.

The two-bed unit would be set across four levels (basement, ground and first floors, and converted attic). The three-bed unit would be set across three levels (basement and ground and first floors).

Each would feature a kitchen/lounge and small w/c on the ground floor, bedroom accommodation and larger bathroom on the first floor. One dwelling would have a second bedroom in the loft space. Both properties would have access to space in the basement, the use of which is not specified on the proposed floor plans.

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.

A recent prior approval application (ref DET/2022/0007) for the same change of use was refused for the following reason:

1. Insufficient information has been provided to allow the Local Planning Authority to determine whether the loss of the health centre as defined under section 3 of the National Health Service Act 2006, would have an impact on the local provision of the type of service lost. Accordingly, the development fails to comply with Part W and MA.2 (h) (ii) of Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended).

The submitted plans show the insertion of two external doors and four rooflights; a separate application (ref HPK/2022/0156) for these was recently approved.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

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

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2022/0007 – Prior approval for change of use from Commercial, Business and Service (Use Class E) to 2 Dwellinghouses (Use Class C3). Refused, 08/07/2022

HPK/2022/0156 - Form new entrances to the front and rear elevation as enabling works prior to a Change of Use application
Approved, 27/10/2022

HPK/0003/6054 - Extension Of Opening Times Of Charles Street Project Monday-Thursday to 10.30pm & Saturday 9am-6pm
Approved.

HPK/0003/3755 - Internal Alterations For Use As A Social Services Community Mental Health Centre
Approved, 28/09/1994.

HPK/0002/5556 - Change Of Use Of Shop To Office
Approved, 01/07/1987.

CONSULTATIONS

Publicity

Site Notice expiry date: 24/11/2022
Neighbour consultation period ends: 10/11/2022
Press Advert: 20/10/2022

Public Comments

None received

Town / Parish Comments

None received

Environmental Health

No observations to make.

Derbyshire County Council Highways

There does appear to be a high demand for on street parking in the vicinity of the application site and the change of use to residential dwellings is likely to increase that demand. However, taking in to account the potential increase in the demand for on street parking created by the proposed dwellings over that which could have been generated by the former use, it is considered that this issue alone would not warrant an objection on highway safety grounds. There are no highway safety objections to this application.

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 applicant has confirmed that they purchased the property from DCC in October 2021 after it had become vacant when Glossop Mental Health Project closed the office; therefore the property has been vacant for more than 3 months immediately prior to the date of the application being submitted.

(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 – Sub-paragraph 2 contains the list of use classes that applies to this criteria. This list includes '(v) Class D1(a) (non-residential institutions – medical or health services)' and '(b) on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2'.

It is understood that the former use of the building was a mix of office (Use Class E(g)(i)) and medical or health services ([e] Medical services not attached to the residence of the practitioner), which prior to 1st September 2020 would fall within the D1 Use Class and after this date fell within the newly formed Class E.

As such, the application is compliant with Paragraph MA.1(b).

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

Complies – The proposed change of use concerns the whole of the building. In this instance the floor area is approx. 165sqm (including the basement and the converted loft area). The proposal will therefore fall considerably below the above threshold.

(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.

Both 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, as indicated below.

Table 1 - Minimum gross internal floor areas and storage (m²)

Number of bedrooms(b)	Number of bed spaces (persons)	1 storey dwellings	2 storey dwellings	3 storey dwellings	Built-in storage
1b	1p	39 (37) *			1.0
	2p	50	58		1.5
2b	3p	61	70		2.0
	4p	70	79		
3b	4p	74	84	90	2.5
	5p	86	93	99	
	6p	95	102	108	
4b	5p	90	97	103	3.0
	6p	99	106	112	
	7p	108	115	121	
	8p	117	124	130	
5b	6p	103	110	116	3.5
	7p	112	119	125	
	8p	121	128	134	
6b	7p	116	123	129	4.0
	8p	125	132	138	

Unit 1 – two bedrooms

The four-storey unit would have two bedrooms and a gross internal floorspace of around 126m².

The NDSS do not provide a minimum floorspace figure for a dwelling in this configuration (two beds across a four storey unit).

For comparison the minimum floorspace for a *two*-storey two-bedroom unit is 79m², assuming occupation by four people. The minimum for a three-storey, *three*-bedroom unit occupied by four people is 90m².

Unit 2 – three bedrooms

The proposed three-storey, two-bed unit is therefore considered to be broadly in compliance with the floorspace requirements of the NDSS guidelines.

The three-storey unit would have three bedrooms and a gross internal floorspace of around 121m², and the application indicates that the unit would be occupied by up to five people. For a unit in this configuration and level of occupation, the NDSS minimum floorspace is 99m².

For the above reasons it is considered that the proposals would be satisfactory in terms of paragraph 9A.

Conditions

The above assessment confirms that the proposed change of use is permitted development having regard to the criteria under Paragraph MA.1. As set out under

sub paragraph (MA.2), the developer must apply to the Local Planning Authority for a determination as to whether the prior approval of the authority is required in relation to material considerations set out under this paragraph.

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 building lies within the built-up area boundary of Glossop close to the Town Centre and within a short walking distance of a large variety and quantity of shops, services and facilities. The site also lies within a very short walking distance of the bus station on Henry St and train station on Norfolk St, with a number of public parking facilities. The comments from the highways officer are noted. It is considered that the transport impacts of the development would be acceptable.

(b) contamination risks in relation to the building;

The building previously served as an office/medical services and would have likely originally been built as either a dwelling or a shop, or a combination of the two.

As such, it is considered unlikely that there are any contamination risks arising from the proposed change of use. It is noted that the EHO has no observations to make. The application is thus compliant with Paragraph MA.2(b).

(c) flooding risks in relation to the building;

The site is located within Flood Zone 1 and does not involve any new physical development. The application is therefore not considered to result in any adverse impacts on Flood Risk and the application complies with Paragraph MA.2(c).

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

The proposal is for the change of use of the entire building and therefore no remaining commercial space that will impact the future residents. The surrounding properties are also residential and therefore will not result in any adverse noise impacts. Therefore the application complies with Paragraph MA.2(d).

(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 site is within a Conservation Area. The development involves a change of use of the whole of the ground floor; however, there is no formal shopfront on this building. The application site is located within a predominantly residential area and as such the proposed residential use is considered unlikely to have a significant the impact on the character or sustainability of the conservation area. No comments have been received from the Conservation Officer at the time of completing this report.

The associated external alterations (rooflights and new external doors) were found to be acceptable and approved by recent permission HPK/2022/0156.

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

The existing building benefits from a large number of windows on the elevation facing Charles Street, Talbot Street and facing into the yard area, which would serve most of the habitable rooms. The attic bedroom in the two-bed unit would only be served by rooflights (one each in both roofslopes), but these would appear likely to provide adequate natural light. All habitable rooms would therefore be provided with adequate natural light.

(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.

Since the previous application was refused on the basis that the use would result in the loss of a health centre, further information on the status of the building and the services which previously operated from it have been confirmed by Derbyshire County Council, submitted with the application. These confirm that:

“...the service that was previously provided from the Charles Street premises has not ceased. It is still running but is delivered in a different way using alternative buildings. Staff do a mixture of home working and using touch down desks in Glossop, which will include use of touch down desks at the Town Hall in Glossop once it reopens, and other High Peak areas depending on where they working that day. That particular team also cover Derbyshire Dales so it actually works more efficiently not being tied to one building.”

It is therefore considered that the change of use of the building would not result in the loss of services provided by a registered nursery or health centre, and therefore that the development would be acceptable in terms of clause (h).

(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. They are noted here for completeness.

(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 is acceptable.

02/12/2022

X *J Colley*

Jane Colley

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council