

DELEGATED DECISION REPORT

DET/2023/0014
Valid 07/09/2023

33 35 GLOSSOP MENTAL
HEALTH PROJECT,
CHARLES STREET,
GLOSSOP, DERBYSHIRE,
SK13 7DJ

AMENDMENT TO PREVIOUS
APPLICATION -
DET/2022/0016. CHANGE OF
USE FROM USE CLASS E
SERVICES (GLOSSOP
MENTAL HEALTH PROJECT)
TO C3 RESIDENTIAL TO FORM
1 4 BED DWELLINGHOUSE AT
33 & 35 CHARLES STREET,
GLOSSOP (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 site lies within the development boundary for Glossop as confirmed by the Local Plan Policies Map. The application building is a mid terraced property which is located on the corner of Charles Street and Talbot Street. The building is a two storey property with a basement/cellar. The site lies within the Glossop – Norfolk Square Conservation Area.

It is understood that the building was used as an office in association with the Glossop Mental health Project. The building is now vacant.

PROPOSAL

This is an application for the determination as to whether the prior approval would be required for the change of use of the building from offices for medical or health services (Class E(g)) to a dwelling (Class C3). The application is made under Schedule 2, Part 3, Class MA of The Town and Country Planning General Permitted Development Order England 2015 (as amended).

Prior Approval has been granted for the change of use of the building to form two dwellings (DET/2022/0016). This application seeks an amendment to that approval and proposes the conversion of the building to one dwelling.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

DET/2022/0016 - Change of Use from Use Class E Services (Glossop Mental Health Project) to C3 Residential to form 2nr dwellinghouses – Approved – 02/12/22

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.

RELEVANT LOCAL AND NATIONAL PLANNING POLICIES

Paragraph W sets out the procedure for any prior approval application under Schedule 2, Part 3 of the GPDO. Paragraph (10) states that the local planning authority must, when determining an application have regard to the National Planning Policy Framework, so far as relevant to the subject matter of the prior approval, as if the application were a planning application.

Revised National Planning Policy Framework 2021

Chapter 2 - Achieving Sustainable Development
Chapter 5 - Delivering a sufficient supply of homes
Chapter 9 - Promoting Sustainable Transport
Chapter 12 - Achieving Well Designed Places
Chapter 16 - Conserving and enhancing the Historic Environment

CONSULTATIONS

Publicity

Site Notice expiry date: 18/10/23
Neighbour consultation period ends: 05/10/23
Press Advert: N/A

Public Comments

One letter of objection received:

Concerned that these updated plans do not include the plans for the land at the back of the house, a lot of which is communal land and shared by houses that back on to the land.

We have our own garden plots but use communal space out there as well. The builder has stated will be making changes out in that space.

We have not seen any planning permission for these proposed changes or how they may impact on our own properties.

None of us have been consulted on these proposed changes which apparently includes removal of trees from the communal area.

We would like to see plans submitted for these changes as well.

I have selected the option that I object to the planning application - I would like to clarify that I don't object to the plans for the building but I do object to the omission from these plans of the proposed works on the communal land area to the rear of the houses on that end of Charles Street.

Town / Parish Comments

None received

DCC Highways - It is considered that the conversion of the existing premises to one residential unit will not have an unacceptable impact on highway safety, therefore, and in line with the highway comments provided to the previous application, there are no highway objections to the application.

Environmental Health - This looks very low risk from public health/ nuisance perspective, involving converting an existing Class E (2 former stone cottages), into a residential dwellings. There is no retention of the Class E use and the property is in an residential area. You may want to consider model construction conditions (CD STANDARD) as you see appropriate.

Conservation Officer – No comments to provide.

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.

Comments – The lawful use of the application building falls under Class E (commercial, business and service), of the UCO, with the proposed development falling under Class C3. The development **complies** with the uses to which the permitted development right exists.

Therefore, 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 – Under the extant approval it was confirmed that the applicant purchased the property from DCC in October 2021 after it had become vacant when Glossop Mental Health Project closed the office. The property remains vacant and, as such, 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 – The circumstances since the previous approval have not changed. Under that previous approval it was commented that *“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 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;

Complies – the 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.

Complies - Does not apply

Conclusions on MA.1 (1) and (2)

The proposed development would be permitted development as it meets the criteria for the PD right. This is subject to satisfying the conditions set out in MA.2. This is explored below.

Conditions MA.2

MA.2 (2) – Determination of whether prior approval required.

MA.2 (2) –

- (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.

No objections have been raised by DCC Highways with regard to the change of use. While the site does not benefit from off street parking, there are opportunities for parking on street. Furthermore, the demand for parking is unlikely to be any greater than the lawful use of the building. The application is compliant with Paragraph MA.2(a)

(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. The development is unlikely to require any excavation works and would be a simple renovation of the existing building. 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 with regard to land contamination. The application is 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 built form. 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 lies within the Norfolk Square Conservation Area. The development involves a change of use of the whole of the ground floor; however, the external appearance of the building is residential in character which reflects the surrounding land uses. As a terraced property within a Conservation Area with minimal alteration proposed to its ground floor, the proposed residential use is considered unlikely to have an impact on the character or sustainability of the conservation area. The Conservation Officer has reviewed the development and offered no comments. The proposal complies with MA.2(e).

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

The existing building includes windows on the elevations facing Charles Street, Talbot Street and facing into the yard area. The existing openings would serve all bedrooms, the lounge and kitchen/dining room. The windows are of sufficient size to provide appropriate natural light to these rooms. Rooms are proposed within the basement, however these are not considered to be habitable rooms. Unlike the previous application, accommodation is no longer proposed within the loft space,

which negates the need for the installation of any rooflights. 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;**

The site does not lie within an area that is 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;**

It has previously been accepted that the loss of the facility would not have an impact on the provision of health services provided. The circumstances have not changed since that previous approval.

- (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.

MA.2(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.

MA.2 (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.

All relevant consultations have been carried out.

MA.2(5) and (6)

These relate to the time period for the completion of the development and the requirement for the premises to remain in residential use.

Other matters

Neighbours have raised concerns about works to the communal area. However, this does not fall within the scope of any of the limited matters which may be considered as part of a prior approval application. Furthermore, works within the communal area are a civil matter between the various land owners with rights to access and use that area.

CONCLUSION / PLANNING BALANCE

Paragraph W(3) confirms that *“The local planning authority may refuse an application where, in the opinion of the authority— (a) the proposed development does not comply with, or (b) the developer has provided insufficient information to enable the authority to establish whether the proposed development complies with, any conditions except for conditions in paragraph M.2(1)(f), G.1(d)(iv), paragraph M.2(1)(f), paragraph MA.2(2)(f), paragraph N.2(1)(e), paragraph O.2(1)(e), paragraph PA.2(1)(v), or paragraph Q.2(1)(g), limitations or restrictions specified in this Part as being applicable to the development in question”.*

The application has been supported by adequate information to enable the LPA to determine that the development complies with the limitations and conditions set out in Class MA. The application has been found to be permitted development and the effects of the matters for prior approval arising from the development, set out in MA.2, have been found to be acceptable.

OFFICER RECOMMENDATION: PERMITTED DEVELOPMENT

Case Officer: Declan Cleary
Recommendation Date: 24/10/2023

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council