

DELEGATED DECISION REPORT

DET/2024/0013
Valid 18/04/2024

14 16 LLOYDS BANK
UNION ROAD
NEW MILLS

CONVERSION OF FIRST
FLOOR TO A FLAT

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether the proposed development complies with the criteria set out under Schedule 2, Part 3, Class G, Paragraph G.1(a)-(c)
- Whether Prior Approval is required in relation to any of the matters set out under Schedule 2, Part 3, Class G, Paragraph G.1(d).

DESCRIPTION OF SITE

The application refers to an existing two storey building Nos.14-16 Union Road, New Mills, that until recently operated as a Lloyds Bank (Class E(c)) at ground floor level, with the first office containing a Conference Room, Kitchen and Bathrooms that are ancillary to the primary use of the building.

The site lies within the defined Town Centre of New Mills and within the Conservation Area.

PROPOSAL

This Prior Notification application submitted under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended seeks permission for the conversion of the upper floor of Nos. 14-16 Lloyds Bank, Union Road, New Mills to a 1no. bedroom residential unit (flat).

The flat is shown to comprise an Entrance Hallway, which serves a Double Bedroom, a Kitchen/Diner, Bathroom, and a Study.

CONSULTATIONS

AES Waste

Objection

The plan shows a bin store with a Euro 1100 litre bin in it. However, this property would need to be provided with a storage area with 2 x euro 240 litre bins (refuse and recycling) and space for a food waste caddy.

The must be an area on the site to store the bins; this can be hard-standing or a bin store structure. There must be sufficient space within the storage area to accommodate the correct number of bins to prevent waste being dumped on the floor.

The bins storage must be designed so they are easily accessible for all residents, including those with mobility problems. Bin stores must have adequate lighting and ventilation.

Bin store doors must open outwards and be wide enough to accommodate an 1100litre wheeled bin. Doors must be fitted with a catch or similar device, to lock the door back into position to allow the crew to move bins safely in and out of the store with both hands, without having to hold/open the doors.

There must not be steps or raised door surrounds on the floor at the entrance to the bin store, these prevent bins being wheeled safely and can be easily damaged.

Waste collection vehicles should be able to get within a minimum of 25m of the storage point and the gradient between the two should not exceed 1:12. However, BS 5906:2005 recommends shorter distances of 15m for two wheeled containers, and 10m for four wheeled contained. These recommendations should be followed where possible.

The access from the bin storage point to the collection vehicle should be concrete/paving/tarmac, not gravel. There must be dropped kerbs where necessary, no steps.

Pathways must be wide enough for an 1100l bin and must not be obstructed by planting, parked cars or bollards. If the bin structure has a roof it should be high enough for bin lids to open fully.

Do not provide combined bike and bin stores.

Environmental Health

No comments received at time of writing.

Derbyshire County Council Highways

No objections.

OFFICER COMMENTS

1. Whether the proposed development complies with the criteria set out under Schedule 2, Part 3, Class G, Paragraph G.1(a)-(c)

Schedule 2, Part 3, Class G permits development consisting of a change of use of a building from a use within Class E (commercial, business and service) to a mixed use for any purpose within that Class and as up to 2no. (residential) flats.

In order to be permitted, the proposal must comply with all relevant criteria set out under Paragraph G.1. An assessment of the proposal against such criteria is carried out as follows:

G.1 Development permitted by Class G is subject to the following conditions

- (a) **some or all of the parts of the building used for a use within, as the case may be, article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of, or Class E of Schedule 2 to, the Use Classes Order is situated on a floor below the lowest part of the building used as a flat**

The application is supported by an Application Form and Proposed Floor Plan that confirms that the ground floor commercial/retail unit would remain in situ with the proposed 1no. bedroom residential flat above. It is therefore accepted that the proposed development complies with Paragraph G.1(a).

- (b) **where the development consists of a change of use of any building with a display window at ground floor level, the ground floor must not be used in whole or in part as a flat**

As shown by the image from Google Street View (June 2023) the existing ground floor unit which until recently operated as a Lloyds Bank would be retained, with the Proposed Plans showing no residential use at ground floor level. As such the proposal is compliant with Paragraph G.1(b).



- (c) **a flat must not be used otherwise than as a dwelling (whether or not as a sole or main residence) –**
- (i) **by a single person or by person living together as a family, or**
 - (ii) **by not more than 6 residents living together as a single household (including a household where care is provided for residents)**

The Proposed Plans show the proposed residential flat as having 1no. bedroom, with an assumed maximum capacity of 2no. people. The flat would be functional as a planning unit, and as a joint household (not as a House in Multiple Occupation).

The Application Form confirms that the flat will function in a manner that is compliant with the above criteria. It is therefore judged that the proposal complies with Paragraph G.1(c).

2. Whether Prior Approval is required in relation to any of the matters set out under Schedule 2, Part 3, Class G, Paragraph G.1(d).

Paragraph G.1(d) states that before beginning 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 to –

- (i) contamination risks to relation to the building;
- (ii) flooding risks in relation to the building;
- (iii) impacts of noise from commercial premises on the intended occupiers of the development;
- (iv) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (v) arrangements required for the storage and management of domestic waste;

Each matter is considered and assessed as follows:

Contamination Risks

Whilst Officers are not in receipt of any comments from Environmental Health at the time of writing, it is considered that given the proposed use relates to the first floor of an existing building, and when considering the existing use, there are no contamination risks associated with the proposal and as such Prior Approval is not required in this regard.

Flooding Risks

The site lies within Flood Zone 1 and is not located within an area identified as being at risk by the Environment Agency. As such, Prior Approval is not required with regards to the flood risk.

Impacts of Noise

The proposed residential flat would be situated above a commercial premises that operates as a Bank, understood to trade within normal working hours. The site is also located within the Town Centre of New Mills and thus a degree of low level noise associated with town centre uses should be taken into account when considering the potential impacts on future occupants.

Having regard to the nature of the proposed financial services unit at ground floor level and the sites location within the Town Centre, it is considered that the introduction of a residential dwelling on the upper floors of the building would not give rise to any adverse noise impacts and therefore Prior Approval is not required in this regard.

Provision of Adequate Light

The Proposed Plans show that each habitable room would be served by a reasonably sized window, thereby offering a generous amount of natural light into the property. As such, Prior Approval is not required with regards to the provision of natural light.

Arrangements for Waste

The Proposed Plans shows the introduction of a newly constructed outbuilding to facilitate the storage of a 1110l wheel bin for waste disposal.

Notwithstanding the fact that this (new) structure is not shown on any Elevation Plans and may require full planning permission in its own right, these proposals have generated an objection from the authority responsible for waste collection and disposal.

Grounds of objection include the following:

- Property needs to be provided with storage area for 2 x 240 litre bins (refuse and recycling) and space for a food waste caddy
- Storage must be on site either on hard standing or in a bin storage structure
- Must be easily accessible for all residents with adequate lighting and ventilation
- Doors on any structure must open outwards and be wide enough to accommodate bins.
- No steps or raised door surrounds on the floor at the entrance
- Waste collection vehicles need to get within 25m of the storage point

Further to the above comments, the agent has submitted revised plans that show the bin storage structure to be omitted, with 2no. 240l bins (one for waste and one for recycling) located in the area of land immediately adjacent to and within the ownership of the applicant.

It is considered that these amendments fully address the grounds of objection set out above, and in its revised form, matters of waste disposal have been fully addressed and that Prior Approval is not required in this regard.

Other Matters

Nationally Described Space Standards

The GDPO requires all Prior Notification applications that involve the creation of new residential units to demonstrate compliance with Nationally Described Space Standards (NDSS) as published by DCLG (2015), which set out minimum floor areas of residential units based on the number of bedrooms and occupancy. These standards also dictate minimum floor areas and dimensions for single and double bedrooms.

The proposed residential unit is shown to have a total floor area of 67.05m² which comfortably exceeds the minimum floor area of 50m² for a single storey unit for 1no. bedroom 2no. person occupancy. In addition, the Double Bedroom has a width and floor area that comfortably exceeds minimum NDSS.

As such, Prior Approval is not required in this regard.

Heritage and Conservation

The site lies within the New Mills Conservation Area. Given that matters of design or indeed heritage are not considerations for whether the application is permitted and are not listed within the issues that require an assessment of whether Prior Approval is required, matters of heritage are not material to the assessment and determination of this application.

CONCLUSION / PLANNING BALANCE

This Prior Notification application submitted under Schedule 2, Part 3, Class G of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended seeks permission for the conversion of the upper floor of Nos. 14-16 Lloyds Bank, Union Road, New Mills to a 1no. bedroom residential unit (flat).

An assessment has concluded that the proposed conversion would constitute permitted development having regard to all relevant criteria under Schedule 2, Part 3, Class G, Paragraph G.1(a-c), and that there are no grounds for Prior Approval being required in relation to matters set out under Paragraph G.1(d).

As such it is submitted that Prior Approval is not required.

OFFICER RECOMMENDATION : Prior Approval not Required

Case Officer: James Stannard

Recommendation Date: 13th June 2024

X 

Signed by: Ben Haywood

On behalf of High Peak Borough Council