

DELEGATED DECISION REPORT

DET/2024/0019
Valid 05/06/2024

60 VICTORIA STREET
GLOSSOP

APPLICATION TO DETERMINE
IF PRIOR APPROVAL IS
REQUIRED FOR -
CHANGE OF USE FROM A
HOT FOOD TAKEAWAY TO 1
NO. RESIDENTIAL DWELLING

(NOTIFICATION - CHANGE OF
USE PRIOR APPROVAL)

MAIN ISSUES

- Whether the proposed development complies with the relevant parameters of Schedule 2, Part 3, Class M of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended)

DESCRIPTION OF SITE

The site comprises a two storey mid terrace property that includes a takeaway at ground floor and residential above comprising a 3 bedroom flat including one bedroom at attic level. The property also has a basement level. It is situated on the western side of the Victoria Street (A624) within the defined settlement limits of Glossop.

The surrounding area is largely residential with some commercial uses interspersed as shop units along Victoria Street. The site is not within a conservation area and it is flood zone 1.

PROPOSAL

The application is seeking residential use via the Class M of the Town & Country Planning (General Permitted Development) (England) Order 2015 process.

It proposes converting the ground floor premises into residential accommodation to enable the whole building to be combined into one residential property. The ground floor would comprise living room, dining room, kitchen and WC. The first floor layout would be reconfigured creating an additional bedroom out of the existing living room. The alterations would result in a 3 bedroom property (or 4 bedrooms if you include attic room which is described as a games room but on the current plans is shown as a bedroom).

The floor areas are: Ground Floor 51.5 sq.m, first floor 48.7 sq.m and second floor 21.9 sq.m. The total floor area is 122.1 sq.m.

SITE HISTORY / RELEVANT PREVIOUS APPLICATIONS

The site has not been subject to any recent planning applications.

CONSULTATIONS

Public Comments

None received.

Derbyshire County Council Highways

The Highway Authority raise no objection and suggest conditions relating to the submission of a Construction Management Plan (CMP) and bicycle storage.

OFFICER ASSESSMENT

This is an application for prior approval, change of use from commercial to residential, and should be assessed against Schedule 2, Part 3, Class M of the Town & Country Planning (General Permitted Development) (England) Order 2015 (as amended):

Permitted development

M. Development consisting of—

(a) a change of use of a building from—

(i) a use falling within one of the following—

(aa) launderette;

(bb) betting office;

(cc) pay day loan shop;

(dd) hot food takeaway; or

(ii) a mixed use combining use as a dwellinghouse with a use falling within one of the uses mentioned in paragraph (i)(aa), (bb) or (cc) (whether that use was granted permission under Class G of this Part or otherwise);

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or

(b) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).

Each relevant criteria of Class M is addressed in turn below.

Development is not permitted by Class M if:

(a) the building was not used for one of the uses referred to in Class M(a)—

(i) on 20th March 2013, or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

The application form confirms the use of the building on 20th March 2013 was in use as either a betting office, pay day loan shop or launderette; or a mixed use combining use as a dwellinghouse with one of the above uses; a Hot Food Takeaway. Google streetview images indicate that the building has been in takeaway for many years, with a 2009 photograph show it as a Chinese takeaway and more recently it has been an Indian takeaway.

(b) – criterion deleted in 2021

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

The application principally relates to the ground floor use which is in commercial use currently. This ground floor area comprises approximately 50sqm which is below the 150sq.m threshold and the proposal is therefore compliant with this criteria.

(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

The upper floors have historical been in class C3 use and have not been subject to class M applications. Therefore the proposal is compliant with this criteria.

(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

The application only proposes internal alterations to facilitate the change of use no external alterations are proposed so the proposals are compliant with this criteria.

(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

The application does not proposes any demolition works and therefore the proposal is compliant with this criteria.

(g) the building is—

- (i) on article 2(3) land;***
- (ii) in a site of special scientific interest;***
- (iii) in a safety hazard area;***
- (iv) in a military explosives storage area;***
- (v) a listed building; or***
- (vi) a scheduled monument.***

The application site is not located in area designated as an article 2(3) land nor is it subject to any of the other designations listed in ii- vi of criteria g.

Conditions

M.2 1) Where the development proposed is development under Class M(a) together with development under Class M(b), development 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,

The agent has submitted a Traffic and Travel Statement in support of the application which outlines that the site is situated in a sustainable location walking distance to bus stops, town centre and railway station. The site doesn't have any off-street parking and is reliant on on-street parking. The submitted Traffic and Travel statement and the proposed plan indicates bike storage could be provided at basement level.

The proposal is considered acceptable in highway terms and is located in a sustainable location. The use could potentially result in less traffic movements as its previous use as a takeaway would most likely had frequent vehicle movements from customers visiting the premises to pick up orders.

The Highway Authority has been consulted and suggest two conditions relating to the requirement for a construction management plan and bicycle storage parking. The requirement for a construction management plan seems excessive given the proposed development works only relate to ground floor conversion works which may only require a small skip and not any large plant or machinery. The cycle parking is shown on the plans but its provision can be reinforced by a planning condition.

(b) contamination risks in relation to the building,

The property dates from the Victorian era and is not considered to be at risk from contamination based on its previous uses.

(c) flooding risks in relation to the building,

The site is in flood zone 1 and is therefore in an area with low flood risk.

(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (laundrette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services

NA

(e) the design or external appearance of the building, and

The design and external appearance will be virtually unchanged. The signage will be removed from the frontage but the windows and door arrangements will not change.

The internal arrangements will be minimal with new partition walls to create the dining room, WC and entrance lobby areas.

In terms of NDDS, if the property is considered to be a 3 bedroom 5 person house which the supporting statement says it is then it would need to be 93 sq.m (2 storey). The total floor area is 122 sq.m which complies with NDSS for a 4 bed storeys (4B6P 112sq.m) if the attic room is also considered as a bedroom.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses, and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

The GPDO defines a habitable room as any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms. The proposed conversion relates to the ground floor which in living accommodation (living room, dining room, kitchen and WC). All rooms have windows with the exception of the WC which is not a habitable room. The window arrangements of the upper floor are unchanged. The proposals therefore satisfy this criteria and the corresponding provisions of paragraph W 2 (bc) and 2 A relating to windows and natural light.

(2) Where the development proposed is development under Class M(a) only, development 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 the items referred to in sub-paragraphs (1)(a) to (d) and (f), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

CONCLUSION / PLANNING BALANCE

As the proposal is compliant with the conditions, limitations and restrictions of Part 3, Class M of the Town and Country Planning (General Permitted Development) (Amendment and Consequential Provisions) (England) Order 2015 and the guidance contained within the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG), therefore it is considered as permitted development as described by the Class M provisions.

OFFICER RECOMMENDATION : Prior Approval Required and Given

Case Officer: Rosie Dinnen

Recommendation Date: 30.07.24

X *J. Colley*

Signed by: Jane Colley Signature

On behalf of High Peak Borough Council