DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0522/23/PNCU
Proposal: Application to determine if prior approval is required for a proposed: Change of use from Commercial, Business and Service (Use Class E), or betting office or pay day loan shop to mixed use including up to two flats (Use Class C3) Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class G. The proposal is to use the basement as a commercial showroom for bathroom equipment. The ground floor and first floor will become a dwelling.
Location: 44 Charlotte Street
South Shields
NE33 1PX

Site Visit Made: N/A

Relevant policies/SPDs

1 DM1 - Management of Development
2 LDF CS SC1 - Creating Sustainable Urban Areas
3 LDF CS SC3 - Sustainable Housing Provision
4 LDF CS A1 - Improving Accessibility
5 SPD6 - Parking Standards
6 SSTCW AAP Policy SS11 - Living in South Shields

Description of the site and of the proposals

This application seeks prior approval under Class G Part 3 Schedule 2 (change of use) of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (as amended), for the change of use of the ground and first floor to a single residential flat and to use the basement as a commercial showroom for bathroom equipment (creating a mixed use area) at 44 Charlotte Street, South Shields. The change of use includes internal configuration / refurbishment. Also shown on the plans is the addition of 2 no. basement windows along the front elevation and along the side elevation a third basement window and 2 no. doors for access for direct access to the stairs to the dwelling and business in the basement. Separate planning permission may be required for these additions.

The existing basement is used as storage for the above ground business. The basement would be used as a commercial showroom for bathroom equipment and the residential dwelling would be situated on the floors above. The flat would have a gross internal floor area of at least 37 square metres which would comply with the nationally described space standard. The applicant also confirmed that the dwelling would be used as a dwelling by a single person or by people living together as a family and it would not be used by more than 6 residents living together as a single household including a household where care is provided for residents).

Publicity / Consultations (Expiry date 07/09/2023

1) **Neighbour responses**
None received

2) **Other Consultee responses**
Waste (Collections) - No comments received

Transport Development Officer - The proposal has been considered and the Highway Authority object to the scheme as it creates additional pedestrian accesses onto the side lane (northern boundary) which lacks the provision of a segregated footway. This would result in pedestrians, including the visiting public, staff and delivery personnel, having to emerge from the building directly onto the carriageway and walk on the carriageway, conflicting with vehicles, to the detriment of pedestrian safety.

Parking and Utilities - No comments received

Environmental Health (Land Contamination) – No comments in relation to land contamination.

Environmental Health (Flooding) – The LLFA would have no further comment on the application and there would not be a requirement for a Drainage Strategy or Flood Risk Assessment.

The surface water discharge should be dealt with in accordance with The Building Regulations 2010. Approved Document Part H (Drainage & Waste disposal). The applicant should adhere to a Hierarchy of Preference as contained within the Building Regulations which propose the surface water should be discharged :-

1. To a soakaway or infiltration system, or where it is not reasonably practicable,
2. To a watercourse (either open or closed) or where it is not reasonably practicable,
3. To a Sewer

Note: There should be no discharge of surface water onto the highway or any other neighbouring land from the development.

Environmental Health (Noise) – I have no concerns in this regard, although this is a predominantly commercial area, I do not believe there are any commercial activities which give rise to unreasonable noise levels in the vicinity, there are other residential properties nearby and we have not received complaints relating to noise nuisance from any of the commercial operations close to the application site.

Assessment

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

Where the development proposed is development under Class G, 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—

(i) contamination risks in 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.

(i) Contamination risks in relation to the building -

The change of use relates to the ground and first floor of the existing building, with no extension or demolition works proposed. No contamination risks are therefore judged to arise from the conversion.

(ii) Flooding risks in relation to the building –

The site is not within Flood Zones 2 and 3 and, as such, there are no flooding risks in relation to the building. The LLFA have also stated that they have no further comment on the application and there would not be a requirement for a Drainage Strategy or Flood Risk Assessment.

(iii) Impacts of noise from commercial premises on the intended occupiers of the development -

The attached commercial premises is a beauty salon (Class E) and there are a number of adjacent commercial premises. It is considered that the noise created from these premises would not have an adverse impact on the proposed residential premises. The Environmental Health team were consulted on this application and stated that they do not believe there are any commercial activities which give rise to unreasonable noise levels in the vicinity. Furthermore no complaints have been received by Environmental Health from other residential properties within this area in relation to the adjacent commercial premises. Therefore the impacts of noise from the commercial premises on the intended occupiers of the proposed development is considered to be acceptable.

(iv) The provision of adequate natural light in all habitable rooms of the dwellinghouses -

All of the rooms within the dwelling will utilise the existing windows. This is considered to be adequate in providing natural light to the dwellinghouse.

(v) Arrangements required for the storage and management of domestic waste -

The agent confirmed that the rear yard will be used for waste storage. This is considered to be adequate in providing storage and management of domestic waste.

Other Matters

Although the Transport Development Officer was consulted on this application and has objected, the objection relates to the 2 no. doors along the side elevation of the property which is not part of this permission. An informative has been included stating that a separate planning application may be required for this element of the scheme. Furthermore under the prior approval procedure for changes of use such as this, highways matters are not a consideration.

Conclusion

It is considered that given the nature of the development, prior approval is required. However, the development as proposed is considered to be acceptable in the context of the matters which are to be considered. It is recommended that prior approval is granted.

The local planning authority may grant prior approval unconditionally or subject to conditions reasonably related to the subject matter of the prior approval.

In assessing this application due regard has been had to the requirement of section 149 of the Equality Act 2010.

Recommendation

Prior Approval Required & Given PNCU

Conditions

1 Development permitted under Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) must be completed within a period of three years starting with the prior approval date.

As required by Part 3 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Informatives

1 In dealing with this application the Council has implemented the requirements of the National Planning Policy Framework to seek to approve applications for sustainable development where possible.

2 Planning permission may be required from the Council for the proposed basement windows to the front and side elevations and 2 no. doors with roller shutters along the side elevation. Please note that this decision notice relates solely to the change of use of the premises and gives no approval for external alterations to the building.

3 Please note that a requirement of this approval is that the proposed commercial use of the basement area must remain within Use Class E. In this regard if the display or sale of bathroom equipment is not principally to visiting members of the public but is primarily to trade customers then planning permission would be required from the Council for such use.

List of approved plans for standard note

Existing and Proposed Plans Rev 0 - Received 11/07/2023

Case officer: Emma Thomas
Signed: Emma Thomas
Date: 18/09/2023

Authorised Signatory: G.Horsman
Date: 18/09/2023

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