DELEGATED REPORT / CASE OFFICER'S ASSESSMENT

Ref No: ST/0621/23/PNCU
Proposal: Application to determine if prior approval is required under Schedule 2, Part 3, Class MA [of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 3, Class MA] for a proposed change of use from office/storage (Use Class E) to flat (Use Class C3).

Location: 3 Straker Terrace, South Shields, NE34 0JX

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 MA 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 from office / storage area (Class E) to a single residential flat (Class C3 Dwellinghouse) of 3 Straker Terrace, South Shields.

Within the application form it is confirmed that the building has been vacant for a continuous period of at least 3 months immediately prior to the date of this application. The cumulative floor space of the existing building to change use does not exceed the permitted maximum of 1,500 square metres allowed under Class MA and the property does not have an Article 4 direction in place that has removed specific permitted development rights. The proposed new dwellinghouse would have a gross internal floor area of at least 37 square metres.

Relevant Planning History

Reference: ST/0046/11/FUL
Description: Change of use of first and second floor flat and associated ground floor yard (Use Class C3) to an office including second floor storage (Use Class A2), including external alterations comprising a roof over the existing yard area, and a new office front.
Decision: Grant Permission with Conditions
Date: 18/04/2011

Publicity / Consultations (Expiry date 18/10/2023)

1) **Neighbour responses**
None received

2) **Other Consultee responses**

Waste (Collections) - No comments received

Transport Development Officer - No comments received

Parking and Utilities - No objections

Environmental Health - The LLFA have no comments to add

Environmental Protection - No comments in relation to land contamination

Assessment

Class MA 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 the Use Classes Order to a use falling within Class C3 (dwellinghouses) of that Schedule, and building operations (excluding the demolition or extension of the building) reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of that Schedule.

Where the development proposed is development under Class MA, 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 impacts of the development, particularly to ensure safe site access;
(b) contamination risks in relation to the building;
(c) flooding risks in relation to the building;
(d) impacts of noise from commercial premises on the intended occupiers of the development;
(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;
(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses;
(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; . . .
(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
(i) where the development meets the fire risk condition, the fire safety impacts on the intended occupants of the building].

a) transport and highways impacts

No car parking is proposed to serve the flat, however there is on street parking to the rear of the property. The property is located at the corner of Boldon Lane and Straker Terrace and there are bus stops located along Boldon Lane.

The Transport Development Officer (as the Local Authority) was consulted but no response was received. The Parking and Utilities team were also consulted and commented that they have no objections to the application.

The application site is well served by public transport (including the bus stop to the front of the property) and is within walking and cycling distance of the local shops and services along Boldon Lane. As such, it is considered appropriate to promote alternative modes of transport to the private car in this instance.

Having regard to the above, as well as the size and number of residential units proposed, it is not judged that the use would result in a significant adverse impact upon existing traffic and parking conditions in the area.

The agent confirmed that the bins for the property are kept in the bin cupboard at the back of the property on the ground floor and would be stored in the rear yard where they are currently stored.

b) contamination

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

c) flooding risks

The site is not within Flood Zones 2 and 3 and, as such, there are no flooding risks in relation to the building.

d) impacts of noise

The applicant confirmed in the planning application form that the flat is above a shop which closes at 6pm, the shop next door also shuts at 6pm. The Environmental Health team were consulted on this application but no comments were received. The adjacent commercial premises are mainly retail uses (class E) and the noise created from a retail use is considered to not have an adverse impact on the proposal.

e.i) location within a conservation area

The premises is not located within a conservation area and no works are proposed externally.

e.ii) change of use

The ground floor of the building would not be affected by this proposal remain, with only the first and second floors converted to residential use. This type of layout is replicated along this section of Boldon Lane, with a mixture of retail, business and commercial properties at ground floor level; and residential accommodation above.

f) adequate natural light in all habitable rooms of the dwellinghouse

All habitable rooms within the property would host at least 1 no. window. Due to the corner location of the property the first floor bedroom would host 3 no. windows, the kitchen / living room area is open plan and would host a total of 3 no. windows. The 2 no bedrooms on the second floor would also host windows. This is considered to be adequate in providing natural light to the dwellinghouse.

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 property is not located close by to any general or heavy industry, waste management, storage and distribution, or a mix of such uses.

h (i and ii) loss of registered nursery and health centre

The premises is an office / storage area which has been vacant for more than 3 months.

i) fire risk and fire safety impacts

The proposed residential property would be the only residential dwelling within the building and does not measure more than 18m high; therefore a fire statement is not required for this application.

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.

List of approved plans for standard note

First Floor Plan - Received 16/10/2023
Second Floor Plan - Received 16/10/2023

Case officer: Emma Thomas
Signed: Emma Thomas
Date: 02/11/2023

Authorised Signatory: G.Horsman
Date: 02/11/2023

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