
2024/0946

Mr Sardar Khan

Conversion of first floor to create 2 bedroom self-contained flat with ground floor maintained as retail (Prior Notification Change of Use)

108- 112 Sheffield Road, Barnsley, S70 1JB

Site Location and Description

The site is an existing ground floor retail/commercial unit with vacant space above. The ground floor was previously used a tattoo studio, though this use appears to have ceased within recent months. The former retail unit has a modern façade, with contemporary black fascia signage and window graphics. The upper floor is served by two large windows on the front elevation, which also have modern black frames.

The property is a mid-terrace finished in light coloured stone. The site is made up of what appears to have originally been 2-3 properties and therefore has a wider frontage than those adjoining. Other retail/commercial units adjoin the site at ground floor level, to form an informal/undesignated shopping parade. To the rear, there is a small car parking area accessed off Waltham Street. Neighbouring ground floor uses include beauty salons and takeaways.

Planning History

2024/0785 - Installation of external stairs to rear of building to provide access to first floor flat, PENDING CONSIDERATION (*associated application*)

2014/1502 - Erection of an external staircase, GRANTED, 20/1/2015

B/95/0327/BA - Installation of new shop front, internal works and change of use to A2 (Financial Services) GRANTED, 11/5/1995

B/88/1071/BA - Alterations to offices, erection of buttress and re-surfacing of car park, GRANTED, 18/8/1988

B/77/2807/BA - Change of use from shop to retail shop with ancillary office accommodation, HISTORIC, 1/12/1977

Proposed Development

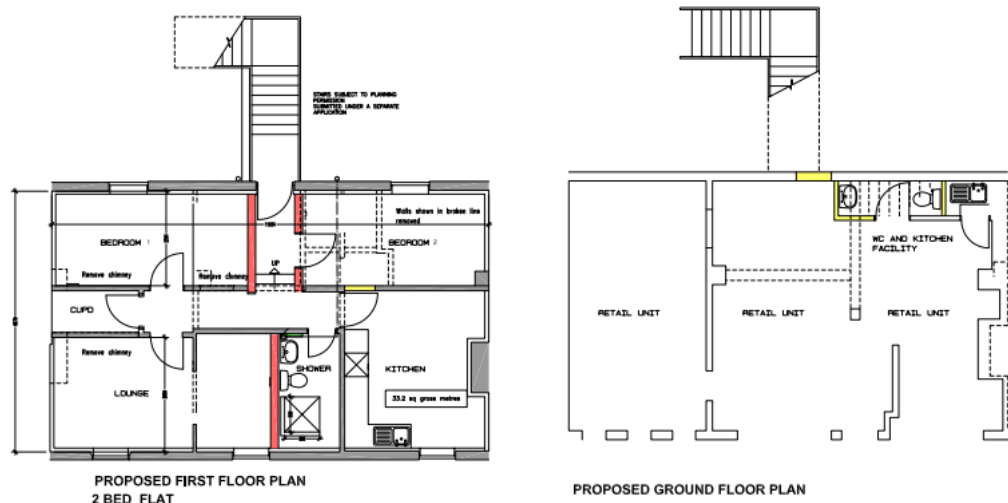
This application seeks confirmation whether prior approval is required in accordance with the conditions set out in Schedule 2, Part 3, Class G of The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Class G relates to the change of use of a building from either:

- A use falling within Class E to a mixed use for any purpose within that class and up to 2 flats;
- A betting office or payday loan shop to a mixed use for any purpose within Class E and up to 2 flats;
- From a use to a mixed use and as up to 2 flats.

The development hereby proposes to retain the existing the ground floor retail unit for Class E purposes and create 1x 2 bedroom flat at the upper floor level.

This application is a re-submission of a previously withdrawn scheme which proposed 2x flats at the upper floor. However as the proposed flats did not achieve the Nationally Described Space Standards, the LPA advised that the development did not accord with the GPDO requirements and was therefore withdrawn.

A separate application has been submitted seeking full planning permission for the erection of an external staircase to serve the flat proposed.



Publicity/Representations

Schedule 2 Paragraph W requires Local Planning Authorities to give notice of the proposed development by either site notice or serving notice on any adjoining owner or occupier.

In this instance, neighbours letters were sent to all adjoining neighbours (consultation expiry: 29/11/2024). No neighbour representations have been received in response to the publicity.

Consultations

Contaminated Land Officer – No response.

Drainage – No objection, no conditions required.

Pollution Control – No objection, there would be a low potential of any adverse impact upon health and/or the quality of life of those living at the site.

Waste Management – No response.

Planning Assessment

Planning regulations relating to this prior notification are set out in The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Schedule 2, Part 3, Class G of the order allows for development consisting of:

Development consisting of a change of use of a building—

(a) from a use within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order, to a mixed use for any purpose within that Class and as up to 2 flats;

(c) from a use within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order, to a mixed use for any purpose within Class E (commercial, business and service) of Schedule 2 to that Order and as up to 2 flats;

(e) from a use (falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order) to a mixed use (falling within article 3(6)(n) (betting office) or 3(6)(o) (pay day loan shop) of the Use Classes Order) and as up to 2 flats.

Paragraph G.1 sets out the criteria for permitted development which is assessed as follows:

a) some or all of the parts of the building used for a use within, as the case may be, betting office or 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;

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;

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 people 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)

d) 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 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.

The proposed development involves retaining the existing ground floor retail unit (Use Class E) with the flat to be at the upper floor. The existing retail frontage will be retained. This therefore satisfies paragraphs G.1 A and B.

The flat will be for residential use only falling with Use Class C3, therefore satisfying paragraph G.1 C.

In terms of the relevant considerations there is not considered to be any contamination issues associated with the site. The Contaminated Land Officer has been consulted on the application though provided no response. The site is in a low risk area as mapped by the Mining Remediation Authority.

The site is in Flood Zone 1 thus at low risk of flooding.

The noise from adjoining uses is not expected to cause significant concern upon future residents. The Environmental Health Officer has reviewed the submission and has raised no concerns in regard to amenity.

The upper floor flat will be served by adequate levels of natural light with windows on the front and rear elevations. The 3 large windows on the front elevation will serve the lounge and kitchen whilst both bedrooms will each have a window. Similar to the above, the Environmental Health Officer has raised no concerns regarding natural light.

An amended site plan has been received which identifies where the domestic bins will be stored. This will be to the rear of the property (adjacent to the proposed staircase) and the waste will be collected utilising the Council's refuse services. This is considered to be acceptable.

Section 3 of the GPDO sets out further requirements stating:

(9) Schedule 2 does not grant permission for, or authorise any development of, any new dwellinghouse—

(a) where the gross internal floor area is less than 37 square metres in size; or

(b) that does not comply with the nationally described space standard issued by the Department for Communities and Local Government on 27th March 2015.

The proposed residential flat consists of a 2x bedroom flat. The NDSS stipulates that the minimum sized 2 bedroom 3 person dwelling must be 61sqm (gross internal floor area). The proposed flat has a gross internal floor area of circa 78sqm, thus according Section 3 (9).

The proposed first floor flat will be accessed from the rear of the property via an external staircase which is to be assessed separately as per application reference: 2024/0785.

The ground floor commercial use is acceptable subject to it remaining within the uses specified in Class G.

Conclusion

Based on the information submitted within this application, it is considered that the development would comply with the legislation of Schedule 2 Part 3 Class G of the GDPO 2015 (as amended) and prior approval granted

Recommendation

Prior Approval Granted – subject to conditions.