

Application Reference Number:	2026/0338
--------------------------------------	-----------

Application Type:	Prior Notification – Class MA – commercial, business and service uses to dwellinghouses.
--------------------------	--

Proposal Description:	Prior Approval application for the change of use from Office (Use Class E(C)(i)) to a dwelling house (Use Class C3)
Location:	21 Spark Lane, Mapplewell, Barnsley, S75 6AA

Applicant:	Mr A Gillott
-------------------	--------------

Third-party representations:	None	Parish:	None
		Ward:	Darton East

Summary:

This application has been submitted under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).

This application is being considered within the scope of Class MA, Part 3 of Schedule 2 of the GPDO. Class MA specifically permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order, if the relevant criteria and conditions are complied with. Exclusions to this are set out by paragraph MA.1.

Having checked these specifications, the proposed development would comply with the legislation and requirements for permitted development under Class MA, Part 3 of Schedule 2 of the GPDO and therefore, this notification is awarded a positive recommendation that further prior approval is not required, and this application should be granted subject to the necessary conditions.

Recommendation: **Prior Approval – Granted subject to conditions.**

Site Description

This application relates to 21 Spark Lane which is currently used as a financial services/office use. The development site benefits from an edge of Mapplewell Centre location and is within an area that is characterised by a mix of uses, including various housing types and commercial uses served by a good level and frequency of public transportation.

The application building is a two-storey, stone fronted, end-of-terrace commercial property. The remainder of the terrace is residential with a church directly to the north. Fountain Parade public car park is within close proximity. The application building is fronted by an open front yard area which faces onto Spark Lane. To the rear is a small, enclosed yard/garden area and a single storey rear extension.

Planning History

The site has a long history of planning applications and various uses as follows:-

2014/0088 - Change of use from A2 at ground floor with flat (C3) above to A2 use for full building – Approved with conditions

2010/0574 - Change of use of first floor flat to offices (Class A2) – Approved with conditions but not implemented within 3 years

2007/1698 - Change of use from residential/retail to residential/A2 office – Approved with conditions

2005/1695 - Change of use of ground floor of dwelling to retail sale of motor cycles (retrospective) – Refused for the following reason:-

In the opinion of the Local Planning Authority the introduction of a motorbikes sales use in close proximity to residential properties results in noise and odour nuisance and is materially detrimental to the amenity of the neighbouring residential properties contrary to the provisions of UDP Policies ES1 and S8.

03/1040 - Change of use from offices to residential use – Historic

97/0408 - Change of use of ground floor of premises (excluding rear annex) from office to retail use – Historic

93/1177 - Modify Condition 2 of B/92/1424/DT, use of rear control room 24 hours daily – Historic

92/1424 - Change of use of shop to office - Historic

79/0478 - To erect extension to dwelling - Historic

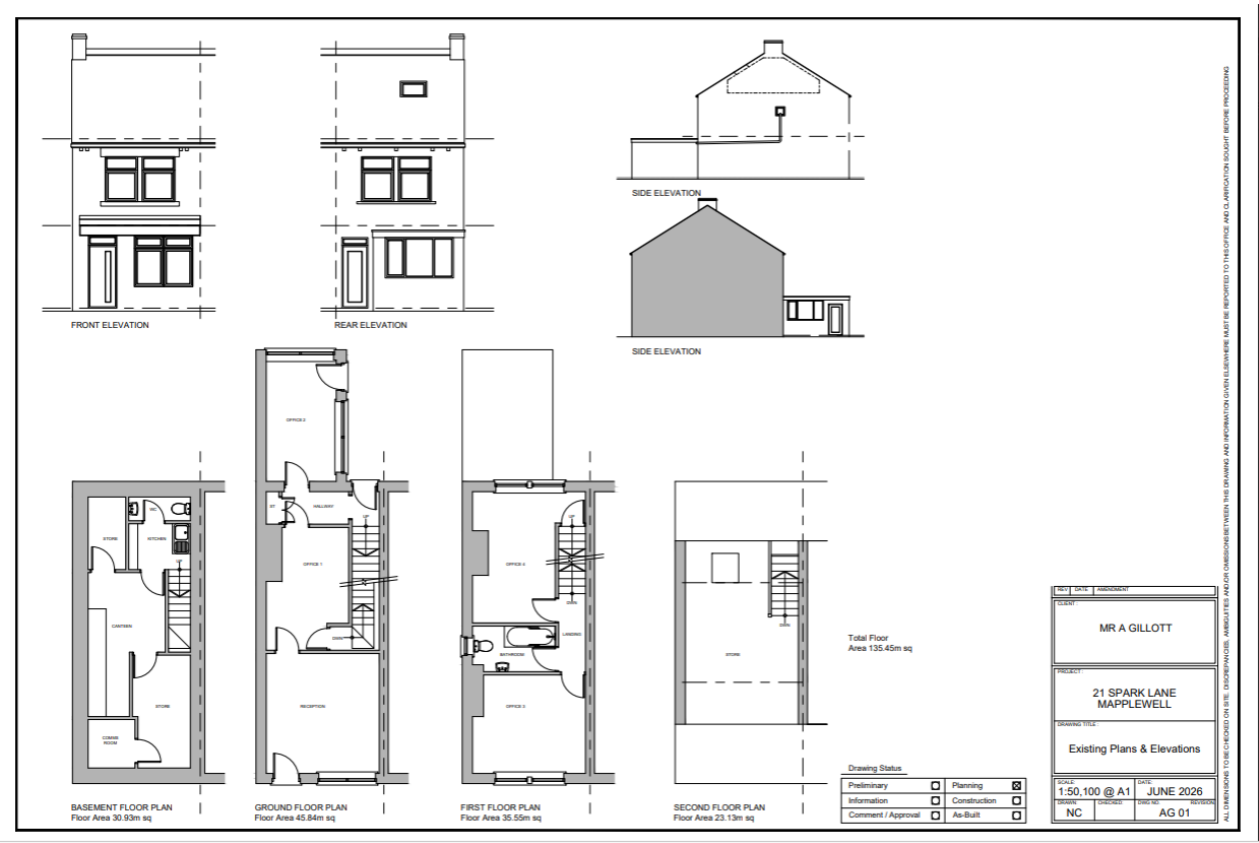
Proposed Development

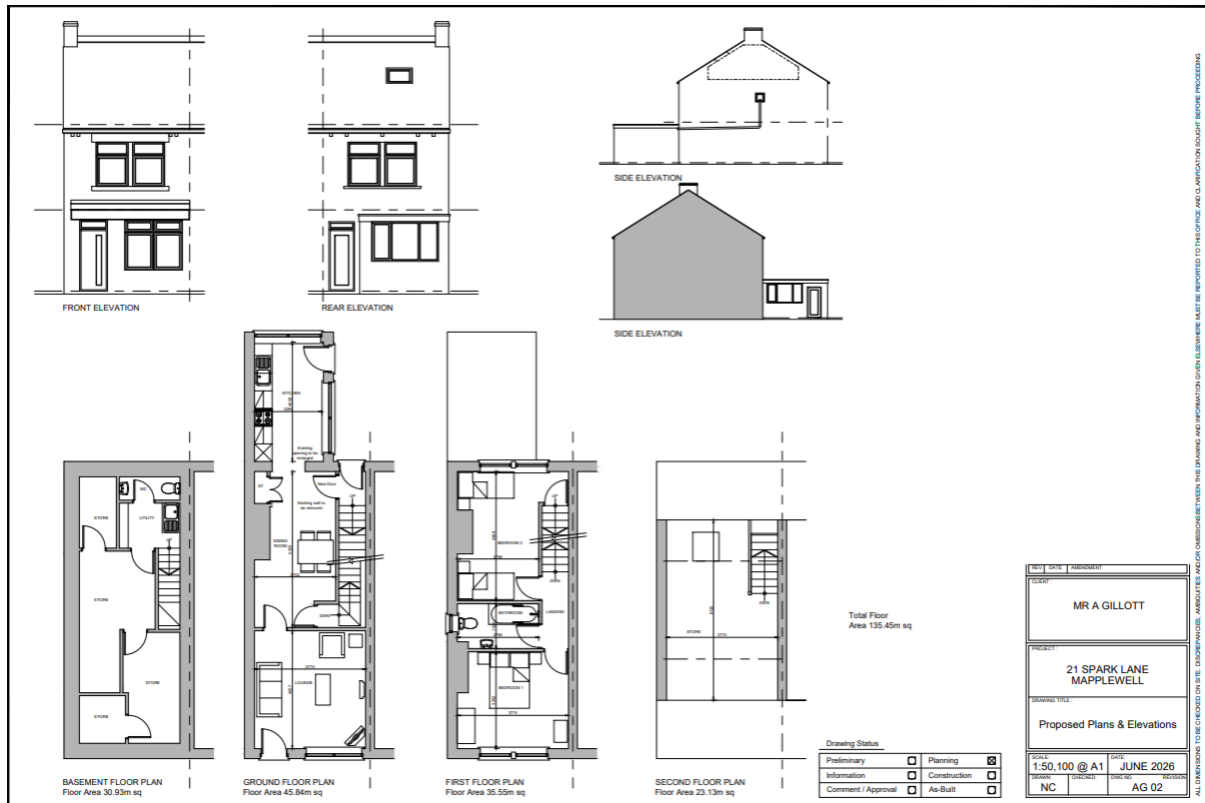
This application has been submitted under Class MA, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended).

Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order is permitted development under Class MA, Part 3 of Schedule 2 of the GPDO subject to

condition MA.2.(2), which requires the developer to apply to the Local Planning Authority (LPA) for a determination as to whether prior approval is required.

The application proposal involves the change of use of an office premises (Class E(g)(i)) into a single three-bedroom dwellinghouse (Class C3). The property would be set over 4 floors, with a basement level, ground floor with kitchen, living and dining, first floor with two bedrooms and a bathroom and a room within the roofspace with a roof light.





Relevant Policies

No special restrictions or designations affecting the proposal are considered to apply to this site, such as permitted development rights having been removed, or listed status etc.

Class MA, Part 3 of Schedule 2 of the GPDO permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order subject to an assessment of the following matters:

Development not permitted

MA.1.— (1) Development is not permitted by Class MA—

- b. *unless the use of the building fell within one or more of the classes specified in subparagraph (2) for a continuous period of at least 2 years prior to the date of the application for prior approval;*
- d. *if land covered by, or within the curtilage of, the building—*
 - i. *is or forms part of a site of special scientific interest;*
 - ii. *is or forms part of a listed building or land within its curtilage;*
 - iii. *is or forms part of a scheduled monument or land within its curtilage;*
 - iv. *is or forms part of a safety hazard area; or*
 - v. *is or forms part of a military explosives storage area;*
- e. *if the building is within—*

- i. *an area of outstanding natural beauty;*
- ii. *an area specified by the Secretary of State for the purposes of section 41(3) of the Wildlife and Countryside Act 1981;*
- iii. *the Broads;*
- iv. *a National Park; or*
- v. *a World Heritage Site;*
- f. *if the site is occupied under an agricultural tenancy, unless the express consent of both the landlord and the tenant has been obtained; or*
- g. *before 1 August 2022, if—*
 - i. *the proposed development is of a description falling within Class O of this Part as that Class had effect immediately before 1st August 2021; and*
 - ii. *the development would not have been permitted under Class O immediately before 1st August 2021 by virtue of the operation of a direction under article 4(1) of this Order which has not since been cancelled in accordance with the provisions of Schedule 3.*

(2) The classes mentioned in sub-paragraph (1)(b) are the following classes of the Use Classes Order—

- a. *the following classes of the Schedule as it had effect before 1st September 2020—*
 - i. *Class A1 (shops);*
 - ii. *Class A2 (financial and professional services);*
 - iii. *Class A3 (food and drink);*
 - iv. *Class B1 (business);*
 - v. *Class D1(a) (non-residential institutions – medical or health services);*
 - vi. *Class D1(b) (non-residential institutions – crèche, day nursery or day centre);*
 - vii. *Class D2(e) (assembly and leisure – indoor and outdoor sports), other than use as an indoor swimming pool or skating rink;*
- b. *on or after 1st September 2020, Class E (commercial, business and service) of Schedule 2.*

Conditions

MA.2.— (1) Development under Class MA is permitted subject to the following conditions.

(2) Before beginning development under Class MA, 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.*

(3) An application for prior approval for development under Class MA may not be made before 1 August 2021.

(4) The provisions of paragraph W (prior approval) of this Part apply in relation to an application under this paragraph as if—

- a. *for paragraph (e) of sub-paragraph (2) there were substituted—*

“(e) where—

- i. *sub-paragraph (6) requires the Environment Agency to be consulted, a site-specific flood risk assessment;*
- ii. *sub-paragraph (6A) requires the Health and Safety Executive to be consulted, a statement about the fire safety design principles, concepts and standards that have been applied to the development,”;*
- b. *in the introductory words in sub-paragraph (5), for “and highways impacts of the development” there were substituted “impacts of the development, particularly to ensure safe site access”;*
- c. *after sub-paragraph (6) there were inserted—*

“(6A) Where the application relates to prior approval as to fire safety impacts, on receipt of the application, the local planning authority must consult the Health and Safety Executive.”;

- d. *in sub-paragraph (7) for “(5) and (6)” there were substituted “(5), (6) and (6A)”;*

(5) Development must be completed within a period of 3 years starting with the prior approval date.

(6) Any building permitted to be used as a dwellinghouse by virtue of Class MA is to remain in use as a dwellinghouse within the meaning of Class C3 of Schedule 1 to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the use as a dwellinghouse.

Representations

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

No representations were received.

Consultations

Highways – No objections

Drainage – No comments received

Pollution Control – No comments received

Contaminated Land – No comments received

Yorkshire Water – No objections

Ward Members – No comments received

Planning Assessment

Principle of Development

This application is being considered within the scope of Class MA, Part 3 of Schedule 2 of the GPDO. Class MA specifically permits development consisting of a change of use of a building and any land within its curtilage from a use falling within Class E (commercial, business and service) of Schedule 2 to the Use Classes Order to a use falling within Class C3 (dwellinghouses) of Schedule 1 to that Order, if the relevant criteria and conditions are complied with. Exclusions to this are set out by paragraph MA.1.

The application proposal involves in the change of use of an office premises (Class E(g)(i)) into a single three-bedroom dwellinghouse (Class C3) and is not an excluded form of development when assessed against the criteria set out by paragraph MA.1.

Paragraph MA.2. sets out the criteria in which this application can be assessed against. This includes (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; and (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses.

The application building is not located within a Conservation Area or in an area that the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses. The application building would not result in the loss of services provided by a registered nursery or a health centre. As such, paragraphs MA.2. (e), (g) and (h) are not applicable in this instance.

Regarding paragraph MA.2. (i), this proposal would be subject to Building Regulations approval and therefore, fire risk and fire safety would be considered during future regulatory stages.

The relevant applicable criteria (MA.2. (a), (b), (c), (d) and (f)) have been assessed as follows.

Transport impacts of the development

Highways Development Control were consulted, and it was acknowledged that the development site does not incorporate off-street parking provision.

The Highways Officer states that:- 'The site is one of a group of four terraced properties situated close to the centre of Mapplewell on Spark Lane (B6428). It is proposed to convert the property from its current office use back into its original residential use.

The site has no off-street parking provision and none is proposed, however, the residential use would result in a reduction in terms of both parking demand and the number of vehicular movements generated by the premises in comparison with the existing office use. Given that the proposed change of use would result in a less intensive use of the site, the proposals are considered acceptable from a highways development control perspective.'

Considering the above, the proposal is considered acceptable regarding transport impacts.

Contamination Risks

The development site and immediate locality have been identified as a low-risk development area by the Mining Remediation (Coal) Authority (MRA) and there are no known sources of contamination in this location that would otherwise necessitate further investigation in association with this scale of development. The site has been deemed fit for human occupation as evidenced by the former use of the application building. The proposed works are mostly internal with only minor alterations to the external appearance of the building and should therefore not disturb any groundworks. The risk of encountering contamination is anticipated to be low. Pollution Control have been consulted and have raised no objections.

Considering the above, the proposal is considered acceptable regarding contamination risks.

Flooding Risks

The development site is located within Flood Zone 1 which has the least probability of flooding. A Flood Risk Assessment (FRA) was not required in this instance, and Highway Drainage and Yorkshire Water have been consulted, and no objections were raised.

Considering the above, the proposal is considered acceptable regarding flooding risks.

Impacts of noise from commercial premises on the intended occupiers of the development

The immediate surrounding area is mixed with residential uses on Spark Lane, and commercial units, including public houses and restaurants off Fountain Parade, however the closest commercial and other uses to the development site generally operate within sociable hours and are relatively low noise generating uses (such as the church which is the closest non-residential use). This proposal would also be subject to Building Regulations approval and therefore, noise risks and mitigation would also be considered during future regulatory

stages. The Council's Environmental Health Officer (Pollution Control) was consulted, and no objections were raised.

Considering the above, the proposal is considered acceptable regarding impacts of noise from commercial premises on the intended occupiers of the development.

The provision of adequate natural light in all habitable rooms of the dwellinghouses

The proposal would provide windows or rooflights to all habitable rooms as indicated on the submitted drawings.

Considering the above, the proposal is considered acceptable regarding the provision of adequate natural light in all habitable rooms of the dwellinghouses.

Conclusion

Having checked these specifications, the proposed development would comply with the legislation and requirements for permitted development under Class MA, Part 3 of Schedule 2 of the GPDO and therefore, this notification is awarded a positive recommendation that further prior approval is not required, and this application should be granted subject to the necessary conditions.

RECOMMENDATION: Prior Approval – Granted subject to conditions.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering representations, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

