



Notice of Prior Approval Determination

TOWN & COUNTRY PLANNING (GENERAL PERMITTED DEVELOPMENT) ORDER 2015 SCHEDULE 2 PART 3 CLASS MA

Correspondence Address:

Office One
Drill Hall
11 Eastgate
Barnsley
S70 2EU

Decision Date: 27/11/2024

APPLICATION NO: 2024/0688
DESCRIPTION: Change of use from betting shop to 3 no flats (Prior Approval - Change of Use)
LOCATION: Tote Bookmakers, Birk Avenue, Kendray, Barnsley, S70 3AL
APPLICANT/AGENT: White Agus Ltd

Prior approval is **not required** for the development described above; subject to the following standard conditions:

- 1 The development hereby permitted under Class M(a), and under Class M(b), of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), shall be completed within a period of 3 years starting with the prior approval date.
Reason: In order to comply with the condition M.2(3)(a) as set out by Class M of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans:

Plans and Elevations 24-041 01 Rev. B

Noise Impact Assessment NIA/11703/24/12026/v1/Birk Avenue, Barnsley dated 15th November 2024.

and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

- 3 The external materials shall match those specified by the approved plans listed above.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 4 Prior to the first occupation of the development, all dwellings shall be provided with a fully mechanical ventilation system providing supply and extract ventilation without facade openings or trickle vents. The proposed ventilation shall be capable of achieving the minimum ventilation rates without partially open windows or other simple facade openings, in accordance with the recommendations set out by section 4.2 in the report 'Noise Impact Assessment' produced by Environmental Noise Solutions dated 15th November 2024, ref: NIA/11703/24/12026/v1/Birk Avenue, Barnsley.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 5 Prior to the first occupation of the development, the glazing described in table 4.1 in the report 'Noise Impact Assessment' produced by Environmental Noise Solutions dated 15th November 2024, ref: NIA/11703/24/12026/v1/Birk Avenue, Barnsley, shall be installed so that any environmental noise avoids significant adverse impacts on health or the quality of life as required by noise planning policy. The scheme as approved shall be maintained for the duration of the development.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 6 The cycle parking provision shown on [24-041 01 Rev. B] shall be provided prior to the first occupation of the development and shall comprise of a minimum of 3no. cycle parking spaces in accordance with the recommended number of spaces as set out by Table 1 in the Parking SPD. The cycle parking spaces shall be retained thereafter.
Reason: To ensure the provision of cycle parking in the interests of sustainable and active travel and in accordance with Local Plan Policy T3 New Development and Sustainable Travel.

Additional information:

- 1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

- 2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848.

Further information is also available on the Coal Authority website at:

www.gov.uk/government/organisations/the-coal-authority

- 3 If a protected species (such as any bat, barn owl or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended) and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.
- 4 Condition M.2(3)(b) as set out by Class M of Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), requires a building which has changed use under Class M is to be used as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as such a dwellinghouse.

Signed:

Dated: 27 November 2024



Garry Hildersley

Head of Planning, Policy & Building Control
Growth & Sustainability Directorate