
2022/0731

Applicant: Mr Ross Walk

Proposal: Change of use of first floor ancillary space to shop (Use Class E) into 1 no. residential flat (Application to determine if prior approval is required for a proposed change of use).

Address: 80 Summer Lane, Barnsley, S70 2NN

History

None

Site Location & Description

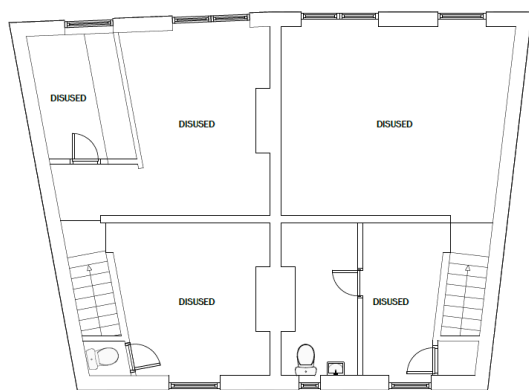
The application site refers to the first floor of 80 Summer Lane on the outskirts of Barnsley Town Centre – c.250m to the North of the Town Centre's Western boundary line. The stone-built building is an end terrace with the unit above a sandwich shop/bakery. To the side is a narrow access leading to a parking area to the Southern side with a storage room to the rear. Summer Lane is one of the main roads from the Hospital/North of the Town Centre, into the Town Centre itself and hosts a diverse set of uses and services. However, the immediate surrounding area is residential (with the exception of the sandwich shop/bakery).



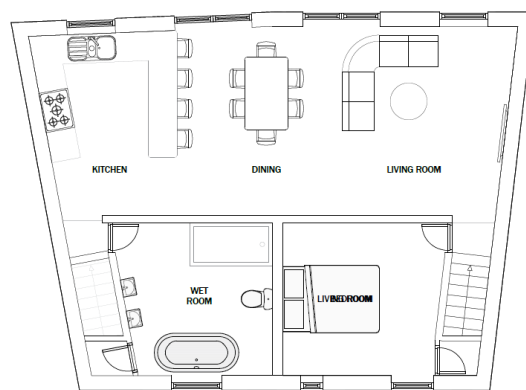
Proposed Development

This application is to determine whether prior approval is required to change the use from a use falling within Class MA 'Commercial, business and service uses' of the Schedule of the Use Classes Order to dwellinghouse (Class C3) under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

The applicant has notified the Local Planning Authority of their intent to alter the 'Use Class E' ancillary space to shop use of the property and return it to a C3 Dwellinghouse under Class M rights stipulated in Part 3 of the General Permitted Development Order. The original development was proposed for 2 x flats, but the application has been amended to one flat.



EXISTING FIRST FLOOR PLAN SCALE 1:50



PROPOSED FIRST FLOOR PLAN SCALE 1:50

Policy Context

Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states 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 constitutes permitted development.

Paragraph MA.1 sets out a number of limitations where development is not permitted.

Paragraph MA.2 states that before beginning the development, the developer must apply to the LPA for a determination as to whether the prior approval of the authority will be required as to;

- a. transport and highways impacts of the development
- b. contamination risks on the site
- c. flooding risks of the site
- 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; and
- (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 2006/56, 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.

Representations

A site notice was erected publicising the development and neighbour notification letters were sent to surrounding properties, no representations were received.

Consultation Responses

Ward Members – No comments received.

Highways DC – The proposed residential use of the first floor as two flats requires the same level of parking provision as the existing office use (2 spaces) and could potentially see a decrease in the number of vehicle movements. It is therefore considered that the proposed change of use would not adversely impact upon the highway and is acceptable from a highways development control perspective

Pollution Control – No objection

Drainage – No objection.

Assessment

Class MA of the GPDO 2015 Class MA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states 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 constitutes permitted development. Exclusions to this are set out in paragraph MA.1.

The application initially proposed 2 x units which did not meet the minimum spacing standards despite the eligibility criteria being ticked within the application form. An amended scheme was submitted by the agent which removed one of the units and increased the internal floor size to 57sqm which is greater than the minimum national spacing standards expected for a 1-bedroom, two-person unit.

Paragraph MA.2. sets out the criteria the prior notification application can be assessed against. This includes transportation and highways impacts of the development, contamination risk on the site, flooding risks on the site, impacts from noise from commercial premises on the intended occupiers of the development and the provision of adequate natural light in all habitable rooms of the dwellinghouse.

As the building is not within a Conservation Area, an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of uses and the building was not a registered bursary or a health centre, parts e, g and h are not considered to apply in this case. With regards to part I, the building would be subject to a Building Control application and have to adhere to the relevant Building Regulations.

The relevant criteria outlined above have been assessed as follows;

Transport and highways impact of the development

The site is located within a sustainable area, within walking distance to the Town Centre and Barnsley interchange which contains an array of public transport links. Equally, Summer Lane is one of the main routes into the Town Centre and is a key bus route with several bus stops.

The site plan shows a parking area on site to the side which is large enough for 3 vehicles. The proposed development has been reduced from 2 units (requiring 2 spaces) to one unit, requiring one space. The parking area will be shared between the staff of the sandwich shop and the future tenant of the proposed residential unit. Highways DC has been consulted and have not raised any objection to the proposed development. Whilst the parking provision is shared, one parking space

has been shown for the residential unit which is in line with the Council's Parking SPD and is considered acceptable in terms of highways safety.

Contamination risks on the site

Given the previous office use and the fact no extensions or increase in footprint is required, it is unlikely that there will be any significant impact in terms of possible contamination risks.

Flooding risks on the site

The building is located within Flood Zone 1 and is consequently at low risk of flooding therefore a flood risk assessment is not required.

Drainage Officers have been consulted on the application and raised no objections.

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

Summer Lane is mixed use, but the immediate surrounding area is largely residential with the exception of the sandwich shop beneath the residential unit which is under the same ownership as the applicant. A sandwich shop is not a particularly noisy use which results in disturbance and the shop is open at limited hours during the day (7am – 2pm).

Regulatory Services have been consulted on the application and have raised no objections and not required any additional noise information.

Adequate natural light in all habitable rooms

The development provides windows to all habitable rooms as indicated on drawings HA-22-11-03 Dated September 2022 show at least 1 window serving the proposed habitable rooms which will allow for adequate natural light.

Conclusion

The proposal meets the requirements of Class MA of the Town and Country Planning General Permitted Development Order 2015 (as amended), as such, a prior notification application is appropriate. The application has been amended with a reduction from 2 units to 1 unit which brings the singular unit up to the minimum space standards, expected in the national regulations. The application can only be assessed against the criteria set out in this report and as illustrated above there are no objections on these grounds, as such, prior approval is not required.

Recommendation

Prior Approval Granted subject to conditions