



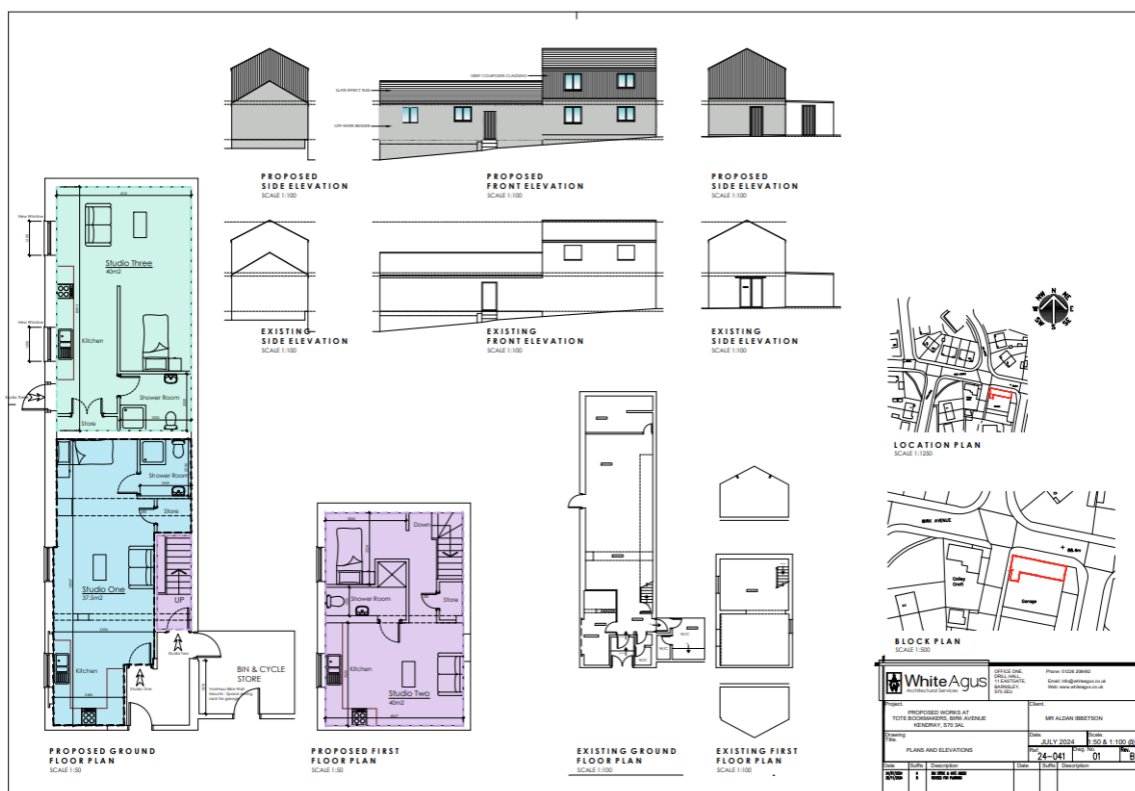
There is no relevant previous planning applications associated with this site. Google Maps history shows that the building was used as a betting office between 2009 and 2012. The building is shown to have remained vacant since at least 2016.

This application has been submitted under Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The change of use of certain uses to dwellinghouses together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses), is permitted development under Class M, Part 3 of the GPDO subject to condition M.2(1), which requires the developer to apply to the Local Planning Authority for a determination as to whether prior approval is required.

The above schedule defines the eligible uses for this permitted development right as the following:

- (aa) laundrette;
- (bb) betting office;
- (cc) pay day loan shop;
- (dd) hot food takeaway; or
- (ii) a mixed use combining use as a dwellinghouse with a use falling within one of the uses mentioned in paragraph (i)(aa), (bb) or (cc) (whether that use was granted permission under Class G of this Part or otherwise).

The application shows the proposed change of use of a former betting office to dwellinghouses with the resulting accommodation consisting of 3 x 1-bedroom studio apartments.



Policy Context

Class M, Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) permits the change of use of certain uses to dwellinghouses.

Permitted development

Development consisting of –

(a) a change of use of a building from –

(i) a use falling within one of the following –

(aa) laundrette;

(bb) betting office;

(cc) pay day loan shop;

(dd) hot food takeaway; or

(ii) a mixed use combining use as a dwellinghouse with a use falling within one of the uses mentioned in paragraph (i)(aa), (bb) or (cc) (whether that use was granted permission under Class G of this Part or otherwise);

to a use falling within Class C3 (dwellinghouses) of Schedule 1 to the Use Classes Order; or

(b) development referred to in sub-paragraph (a) together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses).

Development not permitted

M.1 Development is not permitted by Class M if—

(a) the building was not used for one of the uses referred to in Class M(a)—

(i) on 20th March 2013; or

(ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use;

(b)

(c) the cumulative floor space of the existing building changing use under Class M exceeds 150 square metres;

(d) the development (together with any previous development under Class M) would result in more than 150 square metres of floor space in the building having changed use under Class M;

(e) the development would result in the external dimensions of the building extending beyond the external dimensions of the existing building at any given point;

(f) the development consists of demolition (other than partial demolition which is reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order); or

(g) the building is—

- (i) on article 2(3) land;
- (ii) in a site of special scientific interest;
- (iii) in a safety hazard area;
- (iv) in a military explosives storage area;
- (v) a listed building; or
- (vi) a scheduled monument.

Conditions

M.2 – (1) Where the development proposed is development under Class M(a) together with development under Class M(b), 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 and highways impacts of the development,
 - (b) contamination risks in relation to the building,
 - (c) flooding risks in relation to the building,
 - (d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—
 - (i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (laundrette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services,
 - (ii)
 - (e) the design or external appearance of the building, and
 - (f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,
- and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(2) Where the development proposed is development under Class M(a) only, 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 the items referred to in sub-paragraphs (1)(a) to (d) and (f), and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

(3) Development under Class M is permitted subject to the condition that—

- (a) development under Class M(a), and under Class M(b), if any, must be completed within a period of 3 years starting with the prior approval date;
- (b) 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; and

(c) where the proposed development includes a change of use of a building from a use falling within Class A1 or Class A2 of the Use Classes Order, the developer must apply for a determination under sub-paragraph (1) or (2) on or before 31 July 2021.

Consultations

Highways Development Control	No objection subject to condition.
Pollution Control	No objections subject to conditions.
Councillor Dyson	Lack of parking and potential for noise from surrounding businesses to result in noise complaints in the future.
Councillor Murray	No parking facilities around the building. There are also concerns that if planning is approved any potential occupiers would start to complain regarding any noise or disruption from the garage which would be unfair as the garage has been trading in the location for many years.

A response was issued to Local Ward Councillors on 18th November 2024.

Representations

Neighbour notification letters were sent to surrounding properties. One objection was received from one address. A response was issued on 21st November 2024.

The following material considerations were raised:

- Lack of parking for new residents. Nearby business car parks are private, and disabled visitors need ease of access on the public pavement. Access needs to be maintained for deliveries on a regular basis which arrive on arctic lorries.
- We have our entertainment going on until 00:30am so we want to ensure that new residents will not be disgruntled over any noise up until this time.

The following non-material considerations were raised:

- Will new tenants be private rentals? Our members are fearing that this will draw a lot of undesirables to our club and carpark.

While all concerns are acknowledged, only those which are material considerations can be taken into account.

Assessment

Establishing lawful use and eligibility

This application has been submitted under Part 3 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO). The change of use of certain uses to dwellinghouses together with building operations reasonably necessary to convert the building to a use falling within Class C3 (dwellinghouses), is permitted development under Class M, Part 3 of the GPDO subject to condition M.2(1), which requires the developer to apply to the Local Planning Authority for a determination as to whether prior approval is required.

For reference, Class M permits '*development consisting of change of use from certain uses to a use falling within Class C3 (dwellinghouses)*'.

The above schedule defines the eligible uses for this permitted development right as the following:

- (aa) laundrette;
- (bb) betting office;
- (cc) pay day loan shop;
- (dd) hot food takeaway; or
- (ii) a mixed use combining use as a dwellinghouse with a use falling within one of the uses mentioned in paragraph (i)(aa), (bb) or (cc) (whether that use was granted permission under Class G of this Part or otherwise).

The eligibility for the referenced Class M permitted development right is dependent on the last known use of the building. The premises must have been used as a betting office on 20th March 2013, or in the case of a building which was in use before that date but was not in use on that date, when it was last in use. In this instance, Google Maps history shows that the building was used as a betting office between 2009 and 2012 and has remained vacant since at least 2016. As such, the last known use of the building is a betting office and therefore benefits from the permitted development right subject to meeting the subsequent criteria in this assessment.

All other exclusions set out by criteria 'M.1 development not permitted' within this class are satisfied or are not relevant to this development site.

The local planning authority is therefore required to assess impacts of the development.

Assessment of impacts

The principle of the development is established by virtue of the Class M, Part 3 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) (as amended) which limits the considerations of whether prior approval is required for the change of use of a betting office to dwellinghouses, in respect of the following matters:

M.2 – (1) Where the development proposed is development under Class M(a) together with development under Class M(b), 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 and highways impacts of the development,

During the application process, concerns were raised in relation to no parking facilities serving the application site and the potential for indiscriminate parking around the site which could impact access to nearby business premises.

The proposed development of 3no. 1-bedroom studio apartments would normally require a level of off-road parking provision which as the Council's parking SPD indicates is 1 space per dwelling with 1 or 2 bedrooms. In this instance, the site has no existing off-street car parking provision and none is proposed. However, the building has an extant use as a betting office and could reopen as such without planning permission or requirement to provide car parking spaces. Unnecessary and/or wilful obstruction are offences that can be dealt with by a serving Police Office, and whilst any injudicious parking may be frustrating, it cannot be considered as a planning matter. Moreover, the site frontage is protected by a "no waiting at any time" restriction and it would be the responsibility of residents with private cars to park reasonably and legally within the vicinity. Fortunately, this restriction does not preclude loading and unloading and therefore deliveries should be able to continue unhindered. In addition, it would be reasonable to anticipate that any potential future occupant(s) of the proposed development would consider this when making their decisions on where to live. Furthermore, the site is located in a sustainable location with good access to public transport. The proposal also includes cycle parking provision, in accordance with the Council's parking SPD. This is considered to be sufficient to encourage alternative modes of transport.

Considering the above, and in accordance with the procedure for applications for prior approval under Part 3, it is not considered that the development would be likely to result in a material increase or a material change in the character of traffic in the vicinity of the site. Highways Development Control were consulted on the proposal and no objections were raised subject to a condition securing the required minimum cycle parking spaces.

(b) contamination risks in relation to the building,

The site and wider locality have been identified as a low-risk development area by the Coal Authority 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 building. The proposed works are mostly internal with only minor alterations to the external appearance of the building and therefore should therefore not disturb any groundworks. The risk of encountering contamination is anticipated to be low. Notwithstanding this, a directive can be included to instruct that the Local Planning Authority be contacted should any made ground be identified.

(c) flooding risks in relation to the building,

The site is within Flood Zone 1 which is of the least probability of flooding.

(d) whether it is undesirable for the building to change to a use falling within Class C3 (dwellinghouses) of the Schedule to the Use Classes Order because of the impact of the change of use—

(i) on adequate provision of services of the sort that may be provided by a building falling within article 3(6)(c) (launderette) of the Use Classes Order, but only where there is a reasonable prospect of the building being used to provide such services,

The proposed development would not impact on the adequate provision of services within the locality such as a laundrette. The last known use of the application building was as a betting office and it is not considered that there is a reasonable prospect of the building being used for the provision of such services, especially as the building has remained vacant for several years.

(e) the design or external appearance of the building,

Existing window and door openings on the west and north elevations of the building would be brought back into use and new windows would be installed on the north elevation of the building and would reflect the proportions of existing openings and would align vertically and horizontally. There would be re-roofing works to be finished with slate affect tiles. The external walls at ground level would be

rendered off-white and the external walls at first-floor level would be clad in grey composite cladding. The amount of cladding was reduced to reflect the design of the adjacent MOT testing centre. The proposed external finishes would be in-keeping with the surrounding area, which is characterised by a mix of materials, and are reasonably necessary to convert the building to dwellinghouses.

(f) the provision of adequate natural light in all habitable rooms of the dwellinghouses,

All studio apartments would adopt an open plan that would benefit from 2 no. windows each located on the north elevation of the building. This is considered to give reasonable access to the provision of adequate natural light in habitable rooms.

and the provisions of paragraph W (prior approval) of this Part apply in relation to that application.

Paragraph 9 of the 'procedure for applications for prior approval under Part 3' under paragraph W, states that the local planning authority may require the developer to submit such information as the authority may reasonably require in order to determine the application, which may include—

- (a) assessments of impacts of risks;
- (b) statements setting out how impacts or risks are to be mitigated; or
- (c) details of proposed building or other operations.

During the application process, concerns were raised in relation to potential future noise complaints from residents because of the noise generated from nearby businesses.

In this instance, the site is adjacent to an MOT testing and repairs centre, and close to the Barnsley Central WMC which holds occasional late-night events. As such, the local planning authority required the submission of a Noise Impact Assessment (NIA). Subsequently, a NIA was submitted, and a scheme of sound insulation has been formulated to satisfy the relevant internal ambient noise level criteria. The NIA recommends that all dwellings should be provided with a fully mechanical ventilation system providing supply and extract ventilation without façade openings or trickle vents, and suitable acoustic double glazing be installed. A Council Environmental Health Officer (Pollution Control) was consulted, and no objections were raised. It was suggested that conditions ensuring compliance with the recommendations of the NIA be utilised.

While concerns of nearby businesses regarding potential future noise complaints are acknowledged, it has been demonstrated that suitable mitigation measures would be implemented as to reduce any potential noise impacts on any future occupant(s) should prior approval be granted. It would also be reasonable to anticipate that any potential occupant(s) would be aware of the nearby businesses when making their decisions on where to live. While the potential for future noise complaints cannot be entirely eliminated, the local planning authority is satisfied that appropriate steps have been taken to reduce this likelihood.

Further to the requirements above, section 3 'Permitted Development' of the introductory text in the GDPO states:

(9A) 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.*

(9B) The reference in paragraph (9A) to the nationally described space standard is to that standard read together with the notes dated 19th May 2016 which apply to it.

The national described space standard (NDSS) for 1-bedroom dwellinghouses is 37m² with 1m² of built-in storage. The proposed development complies with this requirement.

Conclusion / Recommendation

This application seeks to establish whether the prior approval of the LPA is required for the change of use of a betting office (Sui Generis) to a use falling within Class C3 (dwellinghouses).

The proposed development has adequately demonstrated that it accords with the relevant permitted development criteria within Class M, Part 3 of Schedule 2 of the GPDO (as amended). Accordingly, this notification is awarded a positive recommendation that further prior approval is not required.