2021/1126

Mr G Wellings

9-10 Burleigh Court, Burleigh Street, Barnsley, S70 1XY

Change of use from commercial, business and service (Class E) to dwellinghouses (Class C3) (Prior Notification)

Site Description

The application relates to a pair of 3 storey, brick built adjoining units located between Sheffield Road (A61) and Burleigh Court. The buildings are purpose-built offices forming part of a larger development and were most recently used for a D1 Non-residential institution (Ref: 2008/0528) which now currently falls within use class E. The NHS were the previous occupants of the building but vacated pre-covid.

The neighbouring units built as part of the same development sit to the North West of the application property and are still within commercial, business and service use. To the South East of the site is the recently built Burleigh Medical Centre. To the North is a small landscaped banking with Sheffield Road, on a lower level, beyond. To the South/South West is a car park which serves the application property and neighbouring buildings. There are 10 allocated parking spaces for no.s 9-10. Beyond the car park is Joseph Locke House and Skyline apartment block which are both built on a higher level.



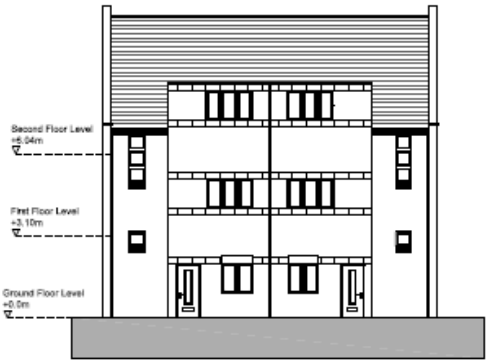


Proposed Development

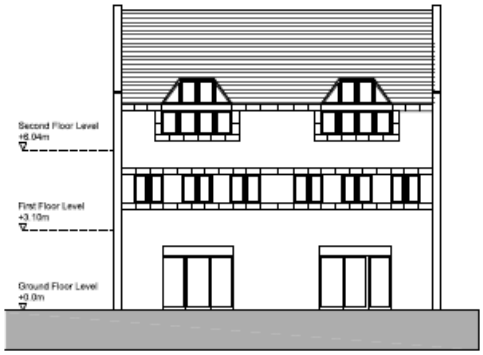
This application is to determine whether prior approval is required to change of use from commercial, business and service (Class E) to 6no. flats (class C3) under Part 3, Class MA of the Town and Country Planning (General Permitted Development) (England)Order 2015 (as amended).

The proposal consists of 6no. 1-bedroom flats with 2 flats per floor over the three floors. Each flat would contain an open plan living/dining/kitchen area, a double bedroom, shower room and hallway with storage cupboard off.

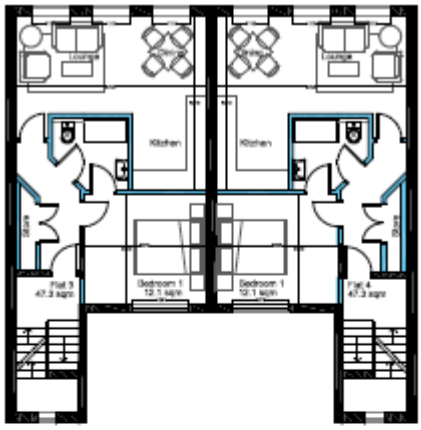
Externally the building remains largely as exists, no extensions or increases to the footprint are proposed.



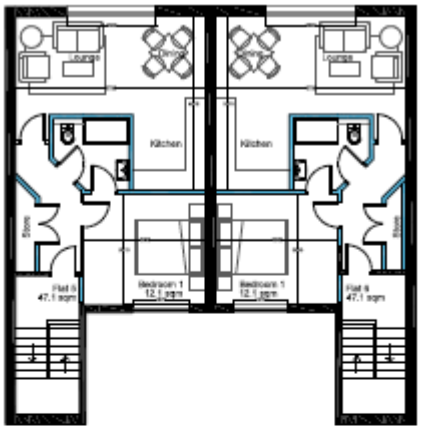
FRONT ELEVATION



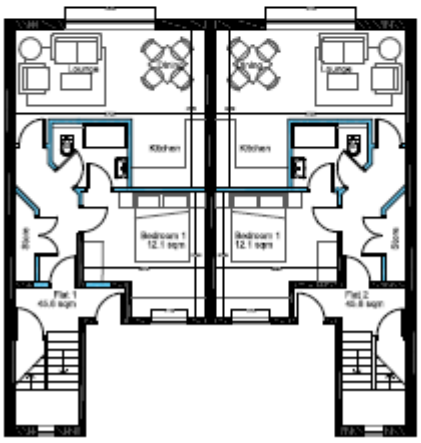
SECTION A ELEVATION



FIRST FLOOR PLAN



SECOND FLOOR PLAN



GROUND FLOOR PLAN

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 form commercial premises on the in 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 200656, 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.

Consultations

Air Quality Officer – No objections subject to EVCP condition

Reg Services – no objections following submission of Noise report and subject to condition

Highways – No objection

Ward Councillors – no comments

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was put up publicising the proposed development. 1 letter of objection has been received. The main points of concern are;

- Residential use would conflict with some of the neighbouring uses

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 and it is considered that the current proposal meets the relevant criteria set out in that paragraph.

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 impacts of the development

The building previously accommodated a commercial use within the building; as such, traffic would have been generated through staff and visitors. It is proposed to use the building solely for residential purposes, with the commercial use ceasing. As such, the proposed use would likely not increase vehicular movements over and above the previous/existing or demand additional parking.

Highways DC have been consulted as part of the prior notification procedure and raised no objections. 6no. 1-bedroom flats are proposed and 10no. parking spaces are allocated to the building, as such, the spaces are above and beyond what is required in SPD 'Parking'.

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.

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

The application was initially not accompanied by a Noise Assessment and the Regulatory Services Officer raised some concerns given the proximity to the A61 and the neighbouring commercial uses. However, a Noise Report was subsequently commissioned and submitted. The report concludes '*A sound insulation scheme has been provided in section 4.0, including glazing and an alternative ventilation strategy. These recommendations should be sufficient to achieve the internal and external noise levels for the proposed development according to the BS8233:2014 internal noise criteria'.* The Regulatory Services Officer concurs with these findings and the proposed mitigation measures and has raised no objections to the proposed scheme, subject to a suitably worded condition.

Adequate natural light in all habitable rooms

The development provides windows to all habitable rooms as indicated on drawing 2112.P01. It is noted that the shower rooms are located within the centre of the flats and have no access to adequate light, however, they are not considered habitable rooms.

Conclusion

The proposal meets the requirements of Class O of the Town and Country Planning General Permitted Development Order 2015, as such, a prior notification application is appropriate. 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

Not required subject to conditions