

Applicant: Mr Barnes

Description: Change of use of former chemist to a mixed use of 1no shop unit and 1no dwellinghouse (use classes E and C3) - Part retrospective

Site Address: 31 Agnes Road, Barnsley, S70 1NJ

### Site Location and Description

The application relates to a 2 storey, stone built, hipped roof property located on a corner plot. The building was previously used as a pharmacy; however, unauthorised works have recently taken place which retain a retail/commercial unit on the ground floor and create a 5 bedroom property over part of the ground floor, the first floor and the roof space.

Agnes Road runs along the front (South) elevation and Spring Street runs along the side (west) elevation. The former shop front wraps around the corner of the building and the entrance opens onto the junction between the adjacent roads. To the rear (North) of the property is a small yard area and a detached garage which opens directly onto Spring Street. Attached to the Eastern elevation is a terraced dwelling and there are further terraced residential properties across Spring Street and beyond the rear boundary.

The immediate area is predominantly residential in nature, although there are a number of commercial units in-between the dwellings along Agnes Road.



### Site History

2020/1186 - Change of use of former chemists to mixed use shop and 5no bedroom HMO (Use Class Sui Generis) – refused for the following reason;

*In the opinion of the Local Planning Authority the proposed House of Multiple Occupation (HMO) would make a further negative contribution to the concentration of HMO's and bedsits within the immediate area to the detriment of the areas character. Furthermore, given the substandard shared living spaces and external amenity space, the future residents would be*

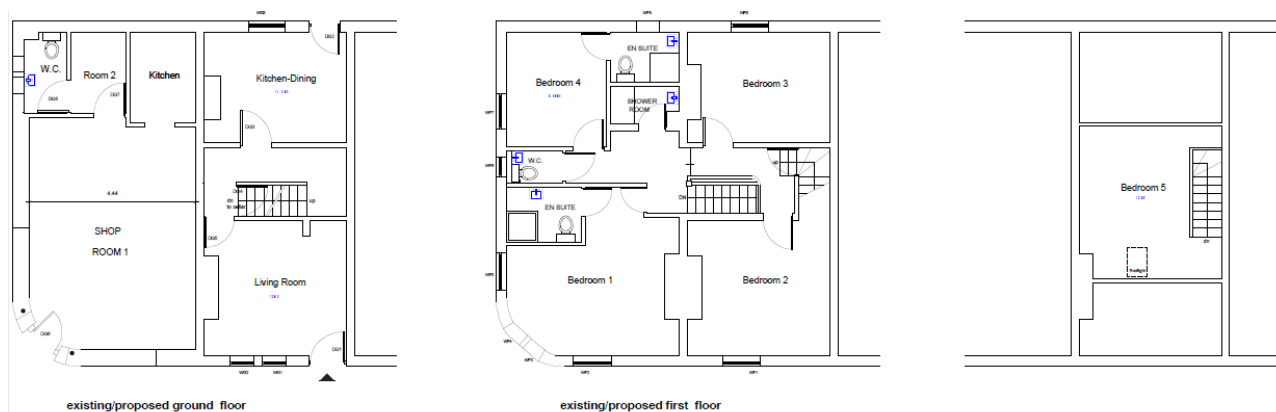
subject to an inadequate standard of residential amenity. In addition, the HMO use, in combination with the retained commercial use, would increase noise and disturbance through increased activity and be detrimental to the amenity of neighbouring residents. Therefore, the proposal is contrary to Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making', the 'Supplementary Planning document 'Designing New Housing Development' and the South Yorkshire Residential Design Guide.

In the opinion of the Local Planning Authority the proposal to change the use of the building to a House of Multiple Occupation is contrary to the aims of Local Plan Policy H9, which seeks the re-establishment of single family sized houses. The application property is within a predominantly residential area and is capable of becoming a larger home again without significant adaption.

The applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on residential amenity of the future occupants, in terms of light and outlook.

## Proposed Development

Following on from the refusal of the mixed use shop and 5 bedroom HMO under application 2020/1186, the applicant now seeks retrospective permission for a ground floor shop/commercial unit and 5 bedroom family home. The work has already taken place and includes a shop unit and associated kitchen and WC on part of the ground floor. The remaining ground floor accommodates a living room and kitchen/diner for the residential property. On the first floor is 4no. bedrooms (2no. en-suite) and a separate WC and Shower room. Within the roof space is a 5<sup>th</sup> bedroom.



## Policy Context

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

*Policy T3 New Development and Sustainable Travel*

*Policy T4 New development and Transport Safety*

*Policy SD1 Presumption in favour of Sustainable Development*

*Policy LG2 The Location of Growth*

*Policy GD1 General Development*

*Policy D1 High Quality Design and Place Making.*

*Policy Poll1 Pollution Control and Protection*

*Policy H9 Protection of Existing Larger Dwellings*

## SPD's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking

## Other

South Yorkshire Residential Design Guide

## NPPF

The NPPF sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 93 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 111 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 126 - The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

## **Consultations**

Highways – No comments

Reg Services – No objections

Ward Councillors – No comments

## **Representations**

9no. notification letters have been sent to neighbouring residents and a site notice has been erected within the immediate area. As a result, 1no. objection has been received. The main points of concern are;

- Inaccuracies on the application form
- Rooms could be sublet and application is a backdoor way to HMO
- Use of the property should be restricted to family home

## **Assessment**

### Principle of development

All new dwellings proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

Reason for refusal 1 on application 2020/1186 states;

*In the opinion of the Local Planning Authority the proposed House of Multiple Occupation (HMO) would make a further negative contribution to the concentration of HMO's and bedsits within the immediate area to the detriment of the areas character. Furthermore, given the substandard shared living spaces and external amenity space, the future residents would be subject to an inadequate standard of residential amenity. In addition, the HMO use, in combination with the retained commercial use, would increase noise and disturbance through increased activity and be detrimental to the amenity of neighbouring residents. Therefore, the proposal is contrary to Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making', the 'Supplementary Planning document 'Designing New Housing Development' and the South Yorkshire Residential Design Guide.*

As this application is now for a 5 bedroom family home rather than a HMO the above reason for refusal has partially been addressed, however, the amenity of existing residents and future residents will be assessed under the Residential Amenity section below.

Reason for refusal 2 on application 2020/1186 states;

*In the opinion of the Local Planning Authority the proposal to change the use of the building to a House of Multiple Occupation is contrary to the aims of Local Plan Policy H9, which seeks the re-establishment of single family sized houses. The application property is within a predominantly residential area and is capable of becoming a larger home again without significant adaptation.*

This reason for refusal has now been addressed as the proposal is for a single family home. It is acknowledged that there is concern that the property could be sublet in the future, however, the application has to be assessed on face value and Barnsley has an article 4 direction which prevents the change of use from C3 to C4 without further planning applications. If the rooms are sublet the scheme could be subject to enforcement action.

In terms of the third reason for refusal (below) whether this has been addressed will be assessed under the following headings.

*The applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on residential amenity of the future occupants, in terms of light and outlook.*

#### Design / Visual Amenity

Limited external alterations have taken place to facilitate the works. The main alterations are replacement windows and an improved/painted shop front and shutters. These alterations are arguably of benefit to the visually amenity of the streetscene.

Signage is likely for new users of the retail/commercial unit, this could be subject to a separate advertisement consent application.

#### Residential Amenity

The applicants proposes to retain part of the commercial unit on the ground floor. This unit would be immediately adjacent to the proposed shared living accommodation and would be beneath a number of the proposed bedrooms. There has been no information on who the end user of the unit would be but it would remain in use class E. There is the potential for noise and disturbance of future residents from this commercial element. However, as the works have already been carried out the applicant commissioned a Noise Report testing the sound insulation of the property, the property was found to have adequate insulation to achieve acceptable internal noise levels.

Reason for refusal 1 of application 2020/1186 partially related to noise and disturbance associated with HMO's. However, the application is now for a single family home which reflects the existing family homes within the immediate area. Arguably single family home would generate less noise and disturbance than HMOs as HMO's are made up of individual adults with separate lives which can result in increased movements and activities within the property.

Reason for refusal 3 of application 2020/1186 referenced a lack of information to allow an adequate assessment to be made regarding light and outlook. The current plans clearly demonstrate the window positions in each room and demonstrate that adequate light and outlook can be achieved for each habitable room, in accordance with Local Plan Policy GD1.

In terms of overall floorspace of the dwelling it exceeds the requirements of the South Yorkshire Residential Design Guide. In terms of the individual room sizes, all the bedrooms exceed the requirements but it is noted that the kitchen/diner falls short of the required 12m<sup>2</sup> by 0.8m<sup>2</sup> and the living room falls short of the required 15m<sup>2</sup> by 2m<sup>2</sup>. However, on balance given the relatively minor shortfall of 2 rooms compared to the overall dwelling it would not warrant a refusal in this case.

The SPD states that external amenity space should be at least 60m<sup>2</sup> for a 3 plus bedroom property. In this instance the rear yard area only provides circa 40m<sup>2</sup> of space and is north facing and immediately adjacent to a detached garage and a neighbouring 2 storey gable elevation, as such, the garden area for future residents is compromised. However, the garden is comparable with neighbouring properties within the immediate area and has good access to green spaces and leisure facilities within the immediate area such as Locke Park and Shaw Lane Sport Club.

As set out above, the current proposal for a single family property overcomes the majority of points raised within the reasons for refusal for the HMO, as such, residential amenity levels for existing and future residents would be acceptable.

It should be noted that this application is purely for a C3 residential use. The article 4 direction in force in Barnsley would prevent a permitted change from C3 to C4, as such, if any HMO uses are proposed in the future, they would be subject to a planning application.

### Highways Safety

It is noted that there is a garage within the redline boundary, however, this falls short of the internal dimensions required to be classified as a parking space in the South Yorkshire Residential Design Guide, therefore, there is no parking provided.

It is acknowledged that the previous use of the site as a pharmacy. However, the site would be used for both commercial and residential use and it should be noted that the movements associated with the pharmacy would have been during office hours when a number of local residents were at work. The residential use will likely result in on street parking in the evening when parking space within the local area is at a premium.

Parking was not a reason for refusal on the previous application for the 5 bedroom HMO and retail unit and the 5 bedroom family home and retail unit would not require additional parking over and above the previous application, as such, on balance, given the previous use of the building, the nature of the surrounding area, the previous reasons for refusal and the proximity of the site to Barnsley Town centre, a refusal on highways grounds could not be justified in this instance.

### Conclusions

Taking into account the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the revised scheme. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

**Recommendation:** Approve subject to conditions