
Ref 2022/0562

Applicant: Mr Andrew Williams

Description: Mixed use development for 3no retail units (use class E(a) and 6no residential flats

Site Address: Land of Former Butchers Arm, 10 High Street, Monk Bretton, Barnsley, S71 2EL

Site Location and Description

The application relates to a relatively recently cleared site on the corner of High Street and Judy Row. The site previously accommodated the Butchers Arms Public house and its associated car park. The site is relatively square in shape and measures approximately 1000m2. There is a gradual fall across the site from West to East and North to South. Existing vehicular access is from High Street to the South and Judy Row to the North.

The surrounding area is predominantly residential in nature with semi-detached bungalows along Judy Row, to the North and West of the site, and opposite High Street to the South. There are, however, a number of commercial properties bounding the site with a hot food take away to the West and a pharmacy, post office and takeaway to the East.

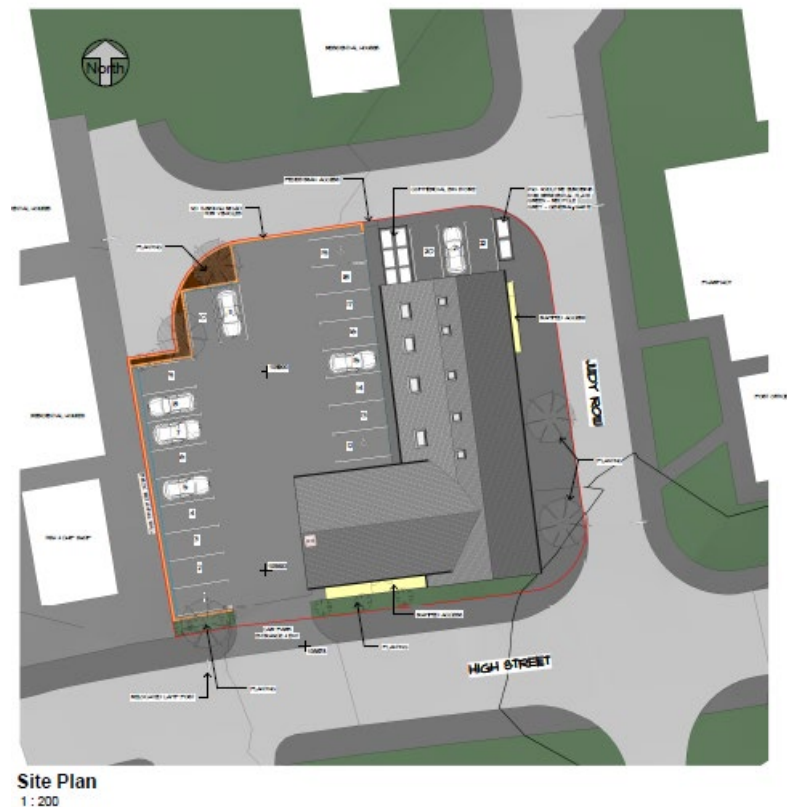


Site History

2013/1246 – demolition of public house and erection of Doctors Surgery and pharmacy, with 5no. flats above. – withdrawn

2016/0064 – Demolition of former public house and erection of 2no. doctors surgery's and 8no. flats - Withdrawn

2018/0435 - Erection of mixed use development consisting of 3 no. retail unit and 6 no. residential units.- approved subject to conditions



Proposed development

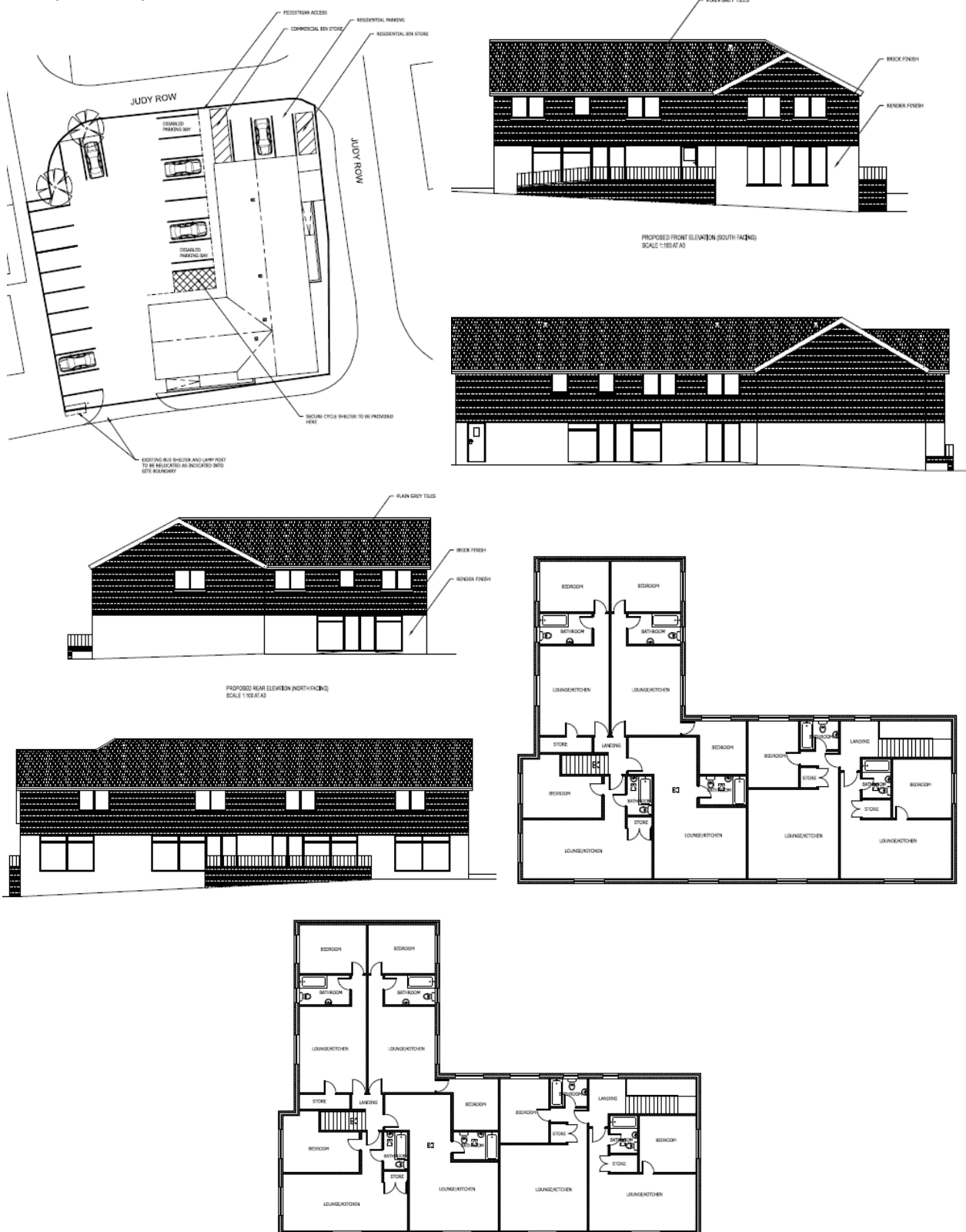
The applicant seeks permission to erect a detached, 2 storey, 'L' shaped building with associated carparking and landscaping.

The building would accommodate 3no. commercial units on the ground floor. Unit 1 (78m²) would be accessed from High Street and units 2 (105m²) and Unit 3 (103m²) would front Judy Row.

On the first floor of the building 6no. residential units are proposed with 1no. studio, 4no. 1 bedroom units and 1no. 2 bedroom unit.

Externally the main car park would be located to the West of the building with an entrance off Judy Row and an Exit onto High Street. 18 parking spaces would be provided as well as a secure cycle

park. There are a further 3no. parking spaces adjacent to the Northern elevation accessed directly off Judy Row.



Policy Context

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless

there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

The site is allocated as Urban Fabric in the Local Plan, as such, the following policies are relevant;

Policy H1 The Number of New Homes to be Built

Policy H4 Residential Development on non-allocated Site

Policy H6 Housing Mix and Efficient Use of Land

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy TC3 Thresholds for Impact Assessments

Policy TC5 Small Local Shops

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 BIO1 Biodiversity and Geodiversity

Policy CC2 Sustainable Design and Construction

Policy CC4 Sustainable Drainage System (SuDS)

Policy RE1 Low Carbon and Renewable Energy

SPD's

Those of relevance to this application are as follows:

- Designing of Housing Development
- Parking
- Residential Amenity and siting of Buildings
- Shopfront Design

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 objections subject to conditions

Yorkshire Water –

Reg services – No objections subject to conditions

SFSY – No objections subject to condition

SYPALO – provide guidance on how to improve security

Representations

The application has been advertised by way of neighbour letters and a site notice. As a result 7no. objections have been received and 2no. letters of support. The main points of concern are;

- Negative impact on the visual amenity of the streetscene
- Building needs to be repositioned on the site
- Increase in traffic movements
- Overspill parking on surrounding streets
- Concerns regarding future residents of the flats
- Potential gathering of youths around the retail units
- Concerns regarding the potential businesses within the units

- Building needs to be of a higher quality with better quality materials
- Car park not large enough

Assessment

Principle of development

The site is allocated as Urban Fabric within the Local Plan and sits within an area of commercial and residential properties.

The proposed scheme includes 6no. residential units, therefore, Local Plan policy H4 'Residential Developments on Small Non-allocated Sites' is relevant. That policy states that proposals for residential development on sites below 0.4 hectares will be allowed where the proposal complies with other relevant policies in the plan. These sites make a valuable contribution to the housing supply.

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, residential development will only be granted where the proposal would maintain visual amenity and not create traffic problems.

The site sits outside an existing commercial centre and includes 3no. commercial units. The overall approach is that new retail and town centre development should be located within existing centres. This will help to strengthen and protect their important roles and to reduce the need to travel to out of centre locations.

National and local planning policy indicates that new retail development should be subject to a sequential test if they are not in an existing centre and are not in accordance with an up to date Local Plan. The proposed retail units do not exceed the threshold at which a retail impact assessment would be required by the NPPF and meet the requirements of Local Plan Policy TC3 'Thresholds for Impact Assessments'.

Outside the centres identified above, proposals for small local shops will be considered in the context of Local Plan Policy TC5 'Small Local Shops'. This policy allows for the development of small local shops to meet the daily shopping needs of the local community provided that they would meet local needs (and those needs are not already met by existing shops) and are located and designed to encourage trips by pedestrians and cyclists and would not encourage car trips. The text attached to the policy indicates that small shops have a gross floor area of less than 500sq m, developments must not have a large dedicated car park and that conditions may be attached to any planning permission to restrict the range of goods to be sold.

The site is also a brownfield site, therefore, the development would represent the effective and efficient re-use of previously developed land on a site within Urban Barnsley. Local Plan Policy LG2 'The Location of Growth' states priority will be given to development in Urban Barnsley. That is because it is the most sustainable location in spatial policy terms. The site is located immediately adjacent to existing infrastructure and is within a sustainable location well positioned in relation to adjoining residential areas and public transport. Urban Barnsley is the location whereby far the largest number of new homes is due to be located and is the largest existing population centre. Substantial weight is afforded to the proposal being in accordance with local plan policy LG2, therefore.

Furthermore, by recycling derelict/vacant brownfield land in a relatively accessible part of Urban Barnsley the development is a form of sustainable development, which would improve the economic, social and environmental conditions in the area, in accordance with Local Plan Policy SD1 'Presumption in Favour of Sustainable Development'. In addition, paragraph 120 (c) states

that substantial weight should be afforded to the value of using suitable brownfield land within settlements for homes and other identified needs.

It should also be noted that the site previously accommodated the Butchers Arms pub which had commercial use on the ground floor and residential accommodation above. The site has also had permission granted for a very similar proposal assessed under currently adopted policies and guidelines, for the 'erection of mixed use development consisting of 3no. retail units and 6no. residential units' (Ref: 2018/0435). That permission expired on 15th March 2022.

Residential Amenity

The proposed building would be located in the South East corner of the site where the previous public house building was located, and where the previously approved building, of a similar size and scale, was positioned. The closest properties to the East are all commercial including a post office, pharmacy and take away. The closest property to the West is also a fish and chip shop. There are residential properties to the West but the proposed building would be circa 25m from their principle elevations. There are also dwellings to the north but the closest elevation is a blank gable over 15m from the proposed side gable. As such, the building would not significantly increase overshadowing or result in an overbearing feature.

It is acknowledged there would be noise and disturbance generated by the proposed retail and residential units, as well as the associated car park. However, the site previously accommodated a public house with a car park in a similar position as that proposed and has had permission for a similar use with commercial on the ground floor and residential above. Furthermore, as outlined above, there are a number of commercial units within the immediate area including 2no. hot food takeaways. As such, noise and disturbance would not be to an unreasonable degree and residential amenity would be maintained.

The proposed first floor residential units would have habitable room windows facing the neighbouring bungalows. The recommended separation distances to existing habitable room windows, set out in SPD 'Design of Housing Development, have been exceeded with circa 25m to the dwellings to the West and circa 15m from the side gable to the North. As such, privacy levels for both the existing residents and future residents of the flats would be to a reasonable degree.

With regards to the amenity of the future residents of the flats, 4no. of the units exceed the internal floor space requirements set out in the South Yorkshire Residential Design Guide. 1no. of the 1 bedroom units and the 2 bedroom unit do fall marginally short of the requirement at 1m² and 4m² respectively, however, that was the case with the previous scheme and the current residential element provides a better housing mix (the previous scheme consisted of 4no. studios and 2no. 1 bed units). As such, given the relatively small shortfall, a refusal in this case would not be warranted or justified.

Each of the habitable rooms within the proposed units are served by at least 1no window providing adequate light and outlook for the future residents, in accordance with Local Plan Policy GD1. 3no. of the bathrooms do not have natural light, however, they are not considered to be habitable rooms.

It is noted that there is no private amenity space proposed for the future residents, contrary to the SPD, but there are a number of recreation grounds and sports clubs within the immediate area for residents to access. In addition, the previously approved scheme was very similar to the current proposal and did not incorporate private amenity space.

Visual amenity

The proposed building would be located on a prominent corner plot and within close proximity to the back edge of the footpath. As noted above, the previous building on the site was located in a

similar position and the footprint of the currently proposed building is very similar to that previously approved.

The front elevation facing High Street would incorporate a gable with a side off shoot set back to avoid one long continuous elevation. The side elevation facing Judy Row is on one line but the roof slopes away from the highway and interest is added through the mix of materials and fenestration. From street level the building would have light render on the ground floor and relatively large glazed openings serving the retail units giving a light open feel rather than a dark oppressive one. As a result of the above, the building would not appear overbearing and would maintain the visual amenity of the streetscene, in accordance with Local Plan policy D1.

The design has been amended from the previous approval but the footprint remains almost identical. Arguably the current proposal does not reflect the details of the former building on the site as closely as the expired permission did, however, the building has been demolished a number of years and the current proposal still maintains the shop fronts at ground floor to create an active frontage and interact with the streetscene. The proposed first floor of the building is relatively simple in design with regimented openings which generally line up vertically with openings below. It is a shame the large expanses of glazing on the ground floor have been lost, however, the previous scheme was speculative and the current proposal has a developer attached and end users lined up. The large expanses of glazing would have given limited storage and shelving space within the units and could have ended up looking cluttered from the streetscene. In addition, the smaller openings reduce the number and size of security shutters required which can have a negative impact on the streetscene outside trading hours.

The surrounding area is also a mix of architectural styles, designs and ages meaning there is not a distinctive character to harmonise with or reflect or an architectural language to follow.

Landscaping around the site is limited by that was the case with the previous pub and associated car park. The proposed car park also reflects the previous car park on the site in terms of size and location. There is some landscaping proposed in the North Western corner of the car park to aid break up the amount of hardstanding.

The scheme includes separate waste storage areas for the residential and commercial elements. These would be to the rear of the building and within a compound, as such, it would limit views of the bins/recycling containers and maintain the visual amenity of the streetscene to a reasonable degree.

Policy

The site is designated as Urban Fabric in the Local Plan but the character of the area is mixed, in that the site is surrounded by residential dwellings to the north, south and west, and a fish and chip shop to the west and a post office, sandwich shop and pharmacy to the east.

National and local planning policy indicates that new retail development should be subject to a sequential test if they are not in an existing centre and are not in accordance with an up to date Local Plan. The proposed retail units do not exceed the threshold at which a retail impact assessment would be required by the NPPF and meet the requirements of Local Plan Policy TC3 'Thresholds for Impact Assessments'.

Local Plan Policy TC5 allows for the development of small local shops to meet the daily shopping needs of the local community provided that they would meet local needs (and those needs are not already met by existing shops) and are located and designed to encourage trips by pedestrians and cyclists and would not encourage car trips. The text attached to the policy indicates that small shops have a gross floor area of less than 500sq m, developments must not have a large dedicated car park and that conditions may be attached to any planning permission to restrict the range of goods to be sold.

The proposed units at 78sq m, 105 sq. m and 103 sq. m are well under the size set out in the text attached to policy TC5. Policy have stated that if planning permission is to be granted, it should be subject to a condition restricting the use of the retail units and this will be conditioned.

It should be noted that policy TC5 was written and adopted prior to the significant changes to the use class order in 2020 under The Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020. As such, use class A1, which the previous approval was restricted to, no longer exists and has been incorporated into a broader Class E which covers Commercial, Business and Service uses. Given the Governments attempt to widen the amount of uses buildings can accommodate under class E it would seem reasonable that this current application is not as restrictive as the previous approval. However, in accordance with policy TC5 the units will still need some restrictions limiting them to retail uses, as such, it will be conditioned that any future occupants must fall within use class E (a) 'shop other than for the sale of hot food' and E (b) 'food and drink which is mostly consumed on the premises'. It would be reasonable to assume that businesses falling under those uses would serve the local area and not encourage long distance trips.

It is acknowledged that the car park is relatively large for local shops where means other than the car should be encouraged; however, there is currently pressure on parking within the area. The car park also exists and previously served the public house. 6no. of the proposed spaces would also be utilised by the residents of the flats so would be unavailable for the retail customers. The applicant has included cycle bays to encourage customers to visit by bike.

Highway Safety

The site is located on High Street Monk Bretton, a classified road with a 30mph speed limit which is bounded by Judy Row a mainly residential road to the north and east with access to the Ocean Fish Bar takeaway unit to the west. The site is therefore close to services, amenities and facilities which complies with NPPF 9 Promoting Sustainable Transport policies and Barnsley Local Plan (January 2019) Policy T3 New Development and Sustainable Travel which will be acceptable.

The proposed development will be unlikely to generate additional vehicle movements above that generated by the previous use onto the local highway network which will be acceptable although it is accepted that some trips will occur at different hours. Furthermore, permission was previously granted for a very similar development.

Access to the site will be gained over a proposed amended access from High Street Monk Bretton which is adjacent to the access to the Ocean Fish Bar and may cause conflict with users of the proposed access although the number of events is likely to be low which is therefore likely to be acceptable. As with the previous approval on the site the existing bus shelter and lamp column will have been relocated and this will be conditioned.

Access for delivery vehicles to the retail units should be demonstrated by the provision of a swept path analysis for the largest vehicle that will access the site, however, as the businesses operating the retail units have not been secured this should be provided in a Delivery Management Plan which will be conditioned.

Provision of the proposed access will comprise works in the highway which will require the applicant to enter into a highway agreement with the Council under S184 Highways Act 1980. No works can take place until this agreement is in place and prior approval has been given.

The Barnsley Supplementary Planning Document (SPD) Parking (2019) Table 1 requires that 1 parking space per 1 or 2 bedroom dwelling and 1 visitor space per 4 dwellings is provided. The proposal would therefore require 7 parking spaces for the residential element of the development. The application also proposes 3 x retail units with a combined floor space of 286m² which will

require 1 parking space per 20m² each to comply with the Parking SPD. This equates to 14no. spaces for the retail element of the application. A total of 21 spaces will therefore be required. Drawing MAW001-006 Rev A Block Plan shows that the development can accommodate these parking spaces. Details will be required regarding location and securing of residential spaces and therefore a Car Park Management Plan will be required.

Barnsley SPD Parking (2019) Table 2 Cycle Parking Standards requires that 1 secure and undercover cycle parking space is provided per dwelling. Drawing MAW001-006 Rev A Block Plan shows the location of a Secure Cycle Shelter.

Highways DM have been consulted on the application and have raised no objections subject to conditions.

Conservation

Approximately 70m to the West of the site at the junction with Cross Street/High Street is Monk Bretton Standing Cross which is a Scheduled Ancient Monument. Given the separation distance, the development between the application site and the monument, the previous development on the site and the previous approval on the site, the current scheme would not significantly affect the setting of the heritage asset, in accordance with Local Plan Policy HE1.

There are a number of Listed buildings on Cross Street beyond the Standing Cross, however, views of these buildings are severely restricted from the application site due to the surrounding buildings. As such, their setting would not be affected by the proposal.

Conclusions

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application.

Taking into account the relevant development plan policies and other material considerations the application is in accordance with the development plan (most notably policies LG2, H1, H2, GD1, G1, D1 and T4) and is assessed to be a suitable and sustainable form of development that accords with Local Plan Policy SD1 Presumption in favour of Sustainable Development in overarching terms. Similarly in National Planning Policy terms (NPPF) the presumption in favour of sustainable development is considered to apply also (para 11) which is that proposals that accord with an up to date development plan should be approved without delay.

In addition, the site is considered to be suitable in spatial and sustainable development terms for the reason that it would involve the re-development of a brownfield site that is positioned well within the Local Plan Urban Barnsley settlement.

The recommendation is one of approval therefore subject to the conditions listed below.

Recommendation:

Approve subject to conditions