**2022/1187**

Applicant: Mr Matthew Hilton
Description: Subdivision from linked commercial and residential property to separate ground floor commercial property and first floor 1 bedroom flat (Class C3).
Address: 87 Summer Lane, Barnsley, S75 2AD

## Site Location and Description

The application relates to a 2 storey, stone built, triangular shaped property located on the corner of Summer Lane and Hope Street to the North West of Barnsley town centre. Part of the ground floor accommodation consists of a vacant locksmiths shop which has shopfronts facing both adjacent highways, with the customer entrance on the very corner of the building. Residential accommodation occupies the rest of the ground floor and the whole of the first floor, resulting in a 3 bedroom property. The front pedestrian entrance to the dwelling is on Summer Lane and there is a vehicular access to the rear yard off Hope Street. The residential accommodation has internal access to the retail unit and vice versa for a live/work arrangement.

The immediate area is predominantly residential in nature with an attached neighbouring dwelling to the North West. Summer Lane and Hope Street predominantly consist of 2 storey terraced properties.

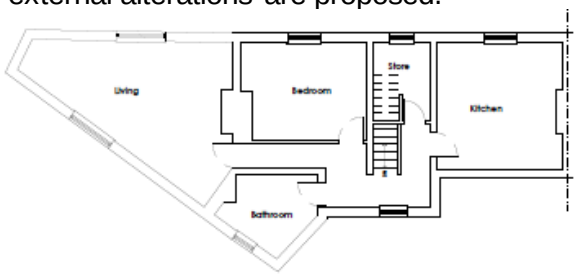
## Proposed Development

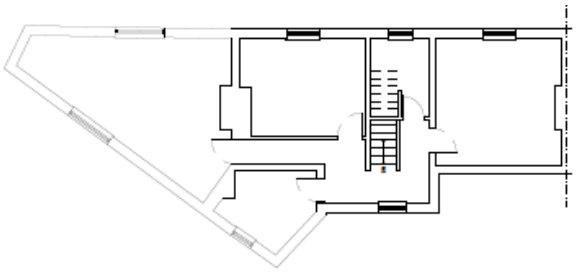
Initially the applicant applied to sub-divided the building into 2no. apartments, 1no. on the ground floor and 1no. on the first floor, however, throughout the course of the application and following some initial concerns with the original scheme the description and plans were amended.

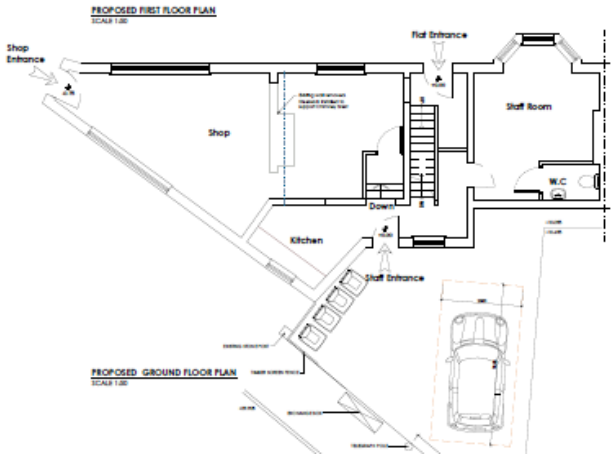
The applicant now seeks permission to incorporate the commercial use on the entire ground floor and create a separate, self-contained 1 bedroom flat on the first floor. The ground floor would consist of a sales area, kitchen and staff room with WC. The first floor would have a living area, dining/kitchen, bedroom and bathroom. The flat would be accessed via the existing front door on Summer Lane and the shop would utilise the existing customer entrance plus a rear staff access.

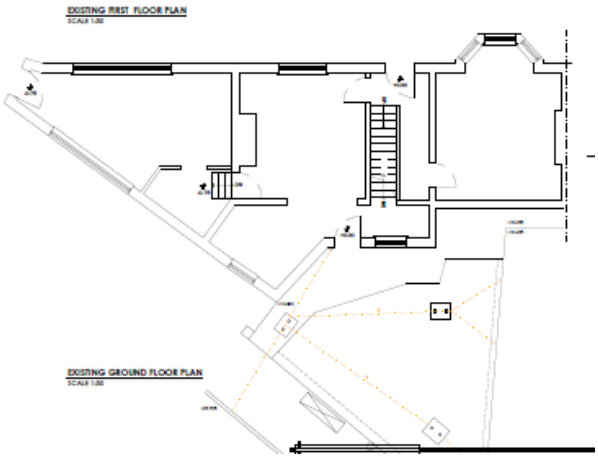
The rear yard area would accommodate 1no. parking space and a bin store area.

No external alterations are proposed.





**Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances, require it.

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

*Policy T4 New development and Transport Safety*

*Policy SD1 Presumption in favour of Sustainable Development*

*Policy GD1 General Development*

*Policy D1 High Quality Design and Place Making.*

*Policy Poll1 Pollution Control and Protection*

*Policy BIO1 Biodiversity and Geodiversity*

*Policy CC1 Climate Change*

*Policy CC2 Sustainable Design and Construction*

SPD's

Those of relevance to this application are as follows:

-New 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 85 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 115 - 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 131 - 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 – Had concerns with the initial proposal but the current scheme does not warrant refusal on highways grounds.

Ward Cllrs – No comments

**Representations**

23 notification letters were sent to neighbouring properties and a site notice was erected within the immediate area. Following the amendments to the description of the proposal and the plans a re-consultation exercise took place for a further 14 days. No objections were received to either scheme.

**Assessment**

Principle of development

The site is located within Urban Barnsley and relatively close to the amenities within Barnsley Town Centre. The significance of this is that is a priority location to accommodate growth and new development in spatial and sustainable development terms making it compliant with policy LG2.

Local Plan Policy H4 'Residential Development on Small Non-allocated Sites' states that proposals for residential development on sites below 0.4Ha will be allowed where the proposal complies with other relevant policies in the plan. Sites in towns and villages can offer good opportunities for providing houses where other people already live, near to shops and services.

However, it should be noted that section B.1.1.9 of the South Yorkshire Residential Design Guide states that shared private drives are unadopted and may give access upto a maximum of 5 dwellings. Green Lane is a shared private drive and it is evident it already serves that number of properties, as such, additional dwellings would be contrary to the South Yorkshire Residential Design Guide.

In addition to the above all new dwellings 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. Furthermore, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety.

In terms of the commercial element of the application, NPPF paragraph 85 states 'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity'.

It should also be noted that this application does not actually introduce any new uses to the site, it is simply reorganising the commercial and residential uses already accommodated within the property.

The merits and acceptability of the proposal will be assessed under the headings below;

Residential amenity

The property is attached to a neighbouring dwelling and is located within a densely populated residential area. As outlined above, the property already accommodates a commercial and a residential use, the proposal is to just reorganise the space allocated to these uses. The commercial element would be enlarged to occupy the whole ground floor and the 3 bedroom accommodation, over 2 floors, would be reduced to a 1 bedroom unit occupying the first floor. The commercial element would extend to the internal wall shared with the attached dwelling, however, that area is allocated as a staff/store room with the main sales area remaining where it currently is. As a result, the residential amenity of the neighbouring properties would not be significantly affected and the proposal would comply with Local Plan Policy GD1.

In terms of the type of use proposed in the commercial part of the building, limited information has been provided and it is a speculative development, however, operating hours will be limited and the uses that fall within use class E shall be restricted via condition given the predominantly residential nature of the area.

The residential accommodation on offer has reduced in floorspace but so have the number of bedrooms. The accommodation on offer meets or exceeds the requirements of the South Yorkshire Residential Design guide and the amenity of the future residents would be to a reasonable standard. It is acknowledged that there is no outdoor amenity space to speak of, however, this was the case with the 3 bedroomed accommodation which was more likely to accommodate a family and need outdoor space, as such, the one bedroom unit is more suited to the plot. Furthermore, the applicant has submitted an assessment of the local recreation spaces which are within walking distance of the site and the occupants are also relatively close to the leisure and amenity offers within the town centre.

Arguably a 3 bedroom family home has been lost and replaced with a 1 bedroom unit, however, the property as it stands is unlikely to attract the majority of families given that it is linked to a business, has limited outdoor space and has limited parking (3 bedroom properties should have 2no. off street parking space whereas only one can be accommodated within the curtilage. As such, on this occasion reducing a 3 bedroom property to a 1 bedroom unit is acceptable.

Visual Amenity

No external alterations are proposed as part of this application. If the future occupants of the commercial unit propose any shop front alterations or signage they may require separate permission/consent.

The applicant has proposed a waste area for both the commercial and residential waste within the rear yard. This area is not within a predominant location and would maintain the visual amenity of the streetscene, in accordance with Local Plan Policy D1.

Highway Safety

The proposal falls short of SPD ‘Parking’ requirements in that there is only 1no. in-curtilage parking space for both the residential and commercial uses. However, given there is a reduction in the number of bedrooms in the property and both residential and commercial uses already exist, there would not be a significant intensification of use or increase in demand for parking as a result of the proposal. Therefore, highway safety would be maintained, in accordance with Local Plan Policy T4 and, as a result, colleagues in highways have raised no objections.

Conclusion

Taking into account the relevant development plan policies and other material considerations, predominantly Local Plan Policies GD1, T4, D1, LG1 and Poll1, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of the revised planning permission for the 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, subject to conditions.

**Recommendation**

Approve subject to conditions.