

Application Reference: 2024/0879

Site Address: Nu Well Shopping Mall, Summer Lane, Wombwell, S73 0DR

Introduction:

This application seeks full planning permission for the consolidation of retail space at ground floor to create 3 retail units and addition of new storey to building to create 7 apartments.

Relevant Site Characteristics

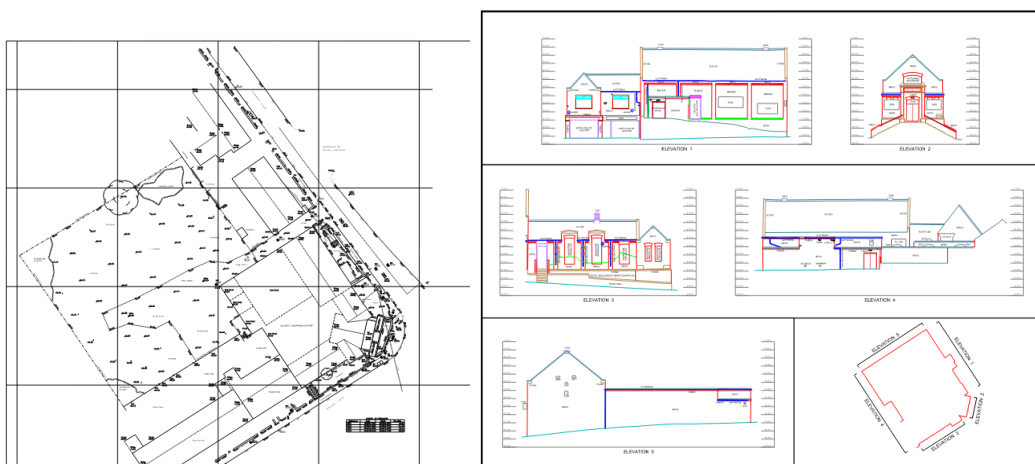
The site is situated on the corner of Hough Lane and Summer Lane. The existing red brick building forms the cornerstone of the site. The building has been vacant for many years and is annotated as 'Nu-well Shopping Mall' on OS data. The building is separated into different units and arranged over two floors due to the level changes. The original building faces Hough Lane which was used as a working man's club, with later additions of various design and heights extended in a piecemeal way, developing into the shopping centre in the early 1990's.

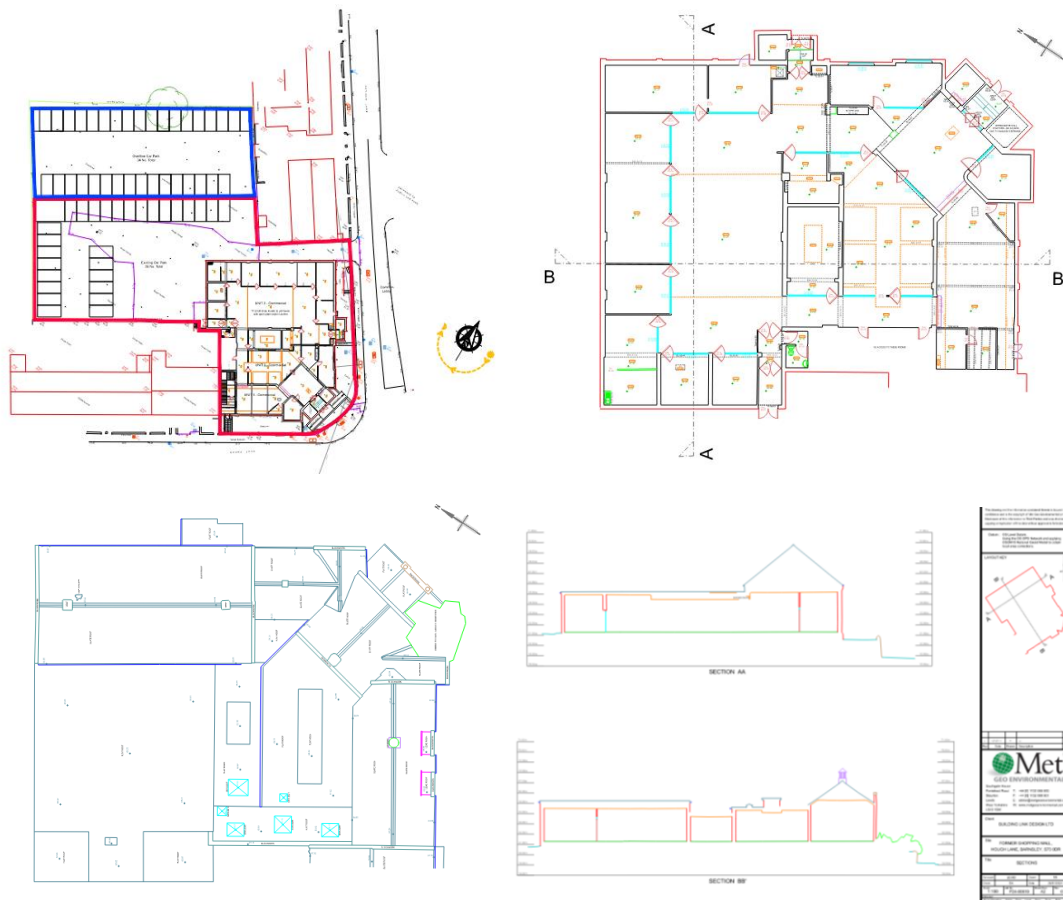
The main space is at the upper ground floor level, which has two entrances, the main via the entrance steps and foyer which faces the corner junction, and a secondary off Summer Lane via steps and a ramp. From the front, the building has an unusual church like appearance with the bricked up arched windows and gothic features above the entrance doorway. The front part of the building has a high-pitched roof with front facing gables whilst the rear part has a number of flat roofed additions inferior in design. The entire building is primarily finished in red brick though the most northern part has render finish, albeit this has deteriorated in places.

The main upper ground floor space is understood to be last used as a bed/furniture warehouse. There are two existing smaller commercial units at the lower ground level accessed directly off Summer Lane, which were last in use as hot food takeaways. There is an area of hardstanding located behind the building, accessed via a narrow passage between the northern elevation and No.1 Summer Lane. The land is used by adjacent residents for parking.

The surrounding area is predominantly residential, though there are other commercial uses within the locality. Terrace housing abuts the site to the north and west along Summer Lane and Hough Lane which are finished in either stone or red brick. The site is adjacent to the Wombwell District Centre boundary as defined in the adopted Local Plan, with a large car park, pub and hairdresser located on the opposite sides of the road junction.

Existing Plans:





Site History

Application Reference	Description	Status (Approved/Refused)
2011/1108	Variation of condition 4 of application 2010/0844 to extend opening hours of hot food takeaway	Approve with conditions
2010/0844	Change of use from Cafe (A3) to Hot Food Takeaway (A5)	Approved with conditions
B/03/1807/WW	Outline Application for Residential Development	Refused
B/05/0485	Residential Development (Outline)	Appeal dismissed
B/76/0083/A/WW	2 projecting illuminated signs	Historic
B/83/0053/WW	Alterations to working men's club and formation of pedestrian access	Historic
B/85/1624/WW	Change of use of existing building from club to religious meeting hall and caretaker's flat	Historic

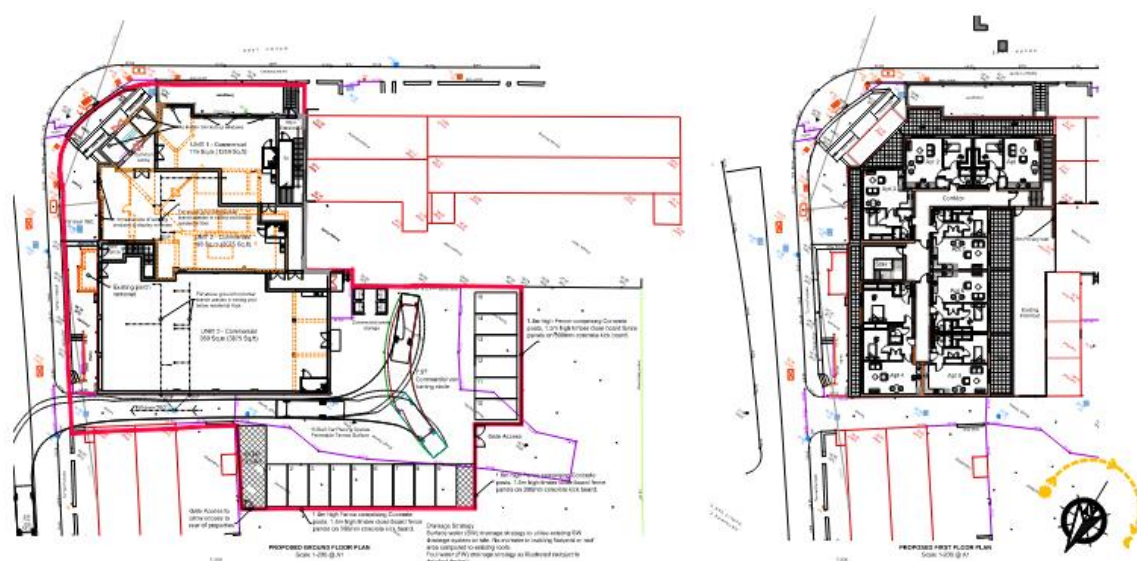
B/86/0296/WW	Change of use from Club to shopping arcade with 42 lock up units, cafe, toilets, and car park	Historic
B/90/0247/WW	Conversion of basement into two shop units	Historic
B/91/0821/WW	Extension to existing shopping centre to form retail area (outline)	Historic
B/98/0434/WW	Conversion of retail premises to theme public house.	Historic
B/98/1357/WW	Conversion of retail premises to public house.	Historic

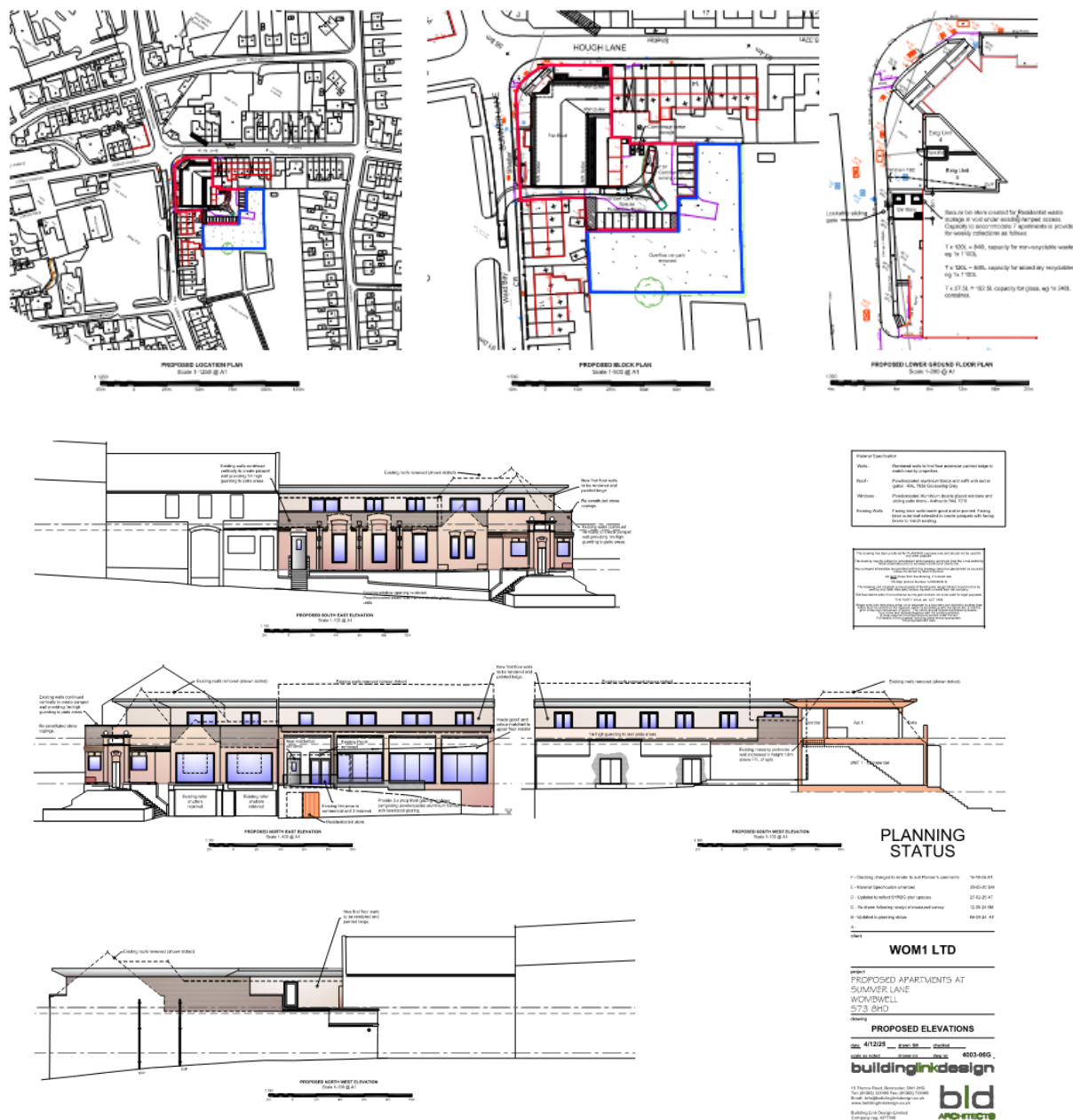
Detailed description of Proposed Works

The proposal is to convert and extend the existing buildings to create a more cohesive building with 3 retail units at ground floor level and to create an upper level for 7 residential flats. One of the flats will have 2 bedrooms and the rest will be 1 bedroomed. All of the flats will have a small balcony/patio area.

The general height of the pitched roof structures will be reduced facing Summer Lane and partly raised facing Hough Lane, and for the most part the single storey rear additions will be raised to allow for an additional residential level. A red brick parapet wall to match the existing will replace the pitched roofs and will provide a guard for the raised patio/ balconies. The height of the proposal overall will still for the most part measure lower than the existing roof height. The second level will have a flat roofed design and will be rendered in beige, which will add a more modern element to the design.

Large shop front windows will be introduced along Summer Lane, and the lower ground floor shutters will remain in situ. The window openings at the crossroads and along Hough Lane will be reinstated.





Relevant policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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 identified as Urban Fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

- Policy SD1: Presumption in favour of Sustainable Development.
- Policy D1: High Quality Design and Place Making.
- Policy GD1: General Development.
- Policy T4: New Development and Transport Safety
- Policy T3: New Development and Sustainable Travel
- Policy TC1: Town Centre
- Policy TC2: Primary and Secondary Shopping Frontages
- Policy TC3 Thresholds for Impact Assessments
- Policy TC5: Small Local Shops
- Policy Poll1: Pollution Control and Protection
- Policy LG2: The Location of Growth
- Policy CC1 Climate Change
- Policy H1: The number of new houses to be built.
- Policy H2: The distribution of new homes
- Policy H4: Residential development on small non-allocated sites
- Policy H6: Housing Mix and Efficient Use of Land
- Policy CC2: Sustainable Design and Construction
- Policy BIO1: Biodiversity and Geodiversity

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social, and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development.

Section 4 - Decision making

Section 5 – Delivering a sufficient supply of homes.

Section 6 – Building a strong competitive economy.

Section 7 – Ensuring the vitality of town centres.

Section 11 – Making effective use of land.

Section 12 - Achieving well-designed places.

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written

ministerial statement states that local planning authorities should take it into account when taking decisions.

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Design of Housing Development
- Biodiversity and Geodiversity
- Residential Amenity and the Siting of Buildings
- Shopfront Designs
- Parking

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Relevant Consultations

Ward Members – Support the scheme in principle, however, have concerns with regarding parking, narrow vehicular access to the rear, and waste management.

Highways DC – After numerous discussions and additional information requests the highways department have no objections to the amended proposal subject to conditions.

Pollution Control – Additional information was requested and subsequently the pollution department have no objections subject to conditions.

Drainage – Happy for the details to be checked by building control.

Yorkshire Water – No comments received.

Biodiversity – No objections subject to conditions

Enterprise Barnsley – Support the proposal.

Representations

Neighbour notification letters were sent to surrounding properties, a site notice was placed nearby and a press notice placed in a local newspaper.

No representations were received.

Planning Assessment

The main issues for consideration are as follows:

- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- The impact on the ecology of the site

For the purposes of considering the balance in this application, the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle

The site falls within urban fabric which has no specific land allocation. Extensions to buildings and changes of use, are therefore considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity or on highway safety and accord with the relevant national and local policies as referred to below.

Local Plan policy H4 indicates that proposals for residential development on sites below 0.4ha will be allowed where the proposal complies with other relevant policies in the plan. The principle of residential development at the site is therefore considered to be acceptable subject to the considerations assessed below.

Policy LG2 The Location of Growth states that priority will be given to development in Wombwell. The NPPF is clear that the Government is committed to securing economic growth, and that the planning system must do everything it can to support sustainable economic growth. The Local Plan will seek to protect existing employment sites and premises from alternative uses.

Local Plan Policy TC1 sets out the hierarchy of centres, with Wombwell being a district centre. The Policy states: District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres.

Policy TC3 and National Policy Framework indicates that proposals for retail and leisure uses will be required to provide an impact assessment if they are of a scale, role, or function where they could have a negative impact on the vitality and viability of the district centre. This development falls short of the threshold stated within Policy TC3 and is therefore exempt and an impact assessment is not required in this instance.

Development is encouraged within Barnsley's district centres, however, the site falls just on the outskirts of the district centre. The site's previous use was a small shopping centre which provided a number of retail units. Retail development is not usually encouraged within residential areas beyond the district centre, however, the use has been established on this site historically. When weight is given to not only the size of the development, the previous use and also the location, the principle of retail development is considered to be acceptable subject to the appraisal below.

Scale, Design and Impact on the Character

NPPF Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Local Plan Policy D1 states that development is expected to be of high-quality design that should respect take advantage of and reinforce the distinctive, local character and features. Developments should contribute to place making; be of high quality; complement and enhance the character and setting of distinctive places and transform environments which lack distinctiveness. Proposals should provide an inclusive environment; clear connections and ensure ease of movement for all users whilst making use of high quality materials and architectural quality.

The application proposes improvements to the overall appearance of the building whilst retaining some of the existing historical character. The red brick will be retained with parapet walls in matching brick proposed, this is considered to be sympathetic to the area ensuring the building harmonises within this location. The reinstallation of the windows along Hough Lane and the introduction of windows along the frontage positively contribute towards the appearance of the street scene and enhance the character of the site.

The raised porch along Summer Lane will be removed and a new residential entrance door will be located in its place. The existing entrance to unit 3 will be retained and the render on the summer lane elevation will also remain. A residential bin store will be located on the lower ground floor adjacent to the existing roller shutters serving the lower ground floor storage space.

The proposed upper level will be rendered in beige which will harmonise with the existing and surrounding properties. The proposed brick/render materials are considered to be sympathetic to the area, with the beige render relating sympathetically within this locality. It is noted that the historic features on the building have been retained and retaining the original character is strongly supported.

In view of the above, it is considered that the proposals would not result in an unacceptable impact on the visual amenity of the locality. As such, the scheme is acceptable from a visual amenity perspective in compliance with Local Plan Policy D1: High Quality Design and Place Making and GD1: General Development.

Significant weight has been given to the design and impact on the character of the area.

Impact on Neighbouring Amenity

Local Plan Policy GD1 states that proposals for development will be approved if there are no significant adverse effect on the living conditions, are compatible with neighbouring land and do not significantly prejudice the current or future use of neighbouring land.

The proposed site has been in non-residential use historically and the principle of expanding commercial uses at the site is considered to be acceptable subject to their being no detrimental harm upon neighbouring amenity. The application is therefore acceptable in terms of residential amenity in compliance with Local Plan Policy GD1 and D1.

Local Plan Policy POLL1 states development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

A noise impact assessment has been submitted and found acceptable by the Council's Pollution Control department. A condition will be applied to the decision to further ensure that

residential amenity is protected from both internal and external noise impacts regarding the proposal.

The hours of opening have not been specified as part of this proposal therefore a condition has been attached to the decision to protect residential amenity. The application is therefore acceptable in terms of residential impact in compliance with Local Plan Policy POLL1.

Significant weight has been given to the impact on residential amenity.

Highways

The proposal caused some concern with regards to the potential impact on highways safety along with the existing subservient vehicular access at the rear of the property. The Council's Highway Officer stated that the original parking proposal was not acceptable.

A Highways Transport Note has been submitted in order to address the points raised by the Council's Highways Officer. The amended scheme will provide 15 staff only car parking spaces to the rear of the development.

An analysis of the likely trip generation of the proposed development has been undertaken, this shows that a total of 44 two-way vehicle trips in the AM peak hour and 42 two-way vehicle trips in the PM peak hour would be expected to be generated by the retail element of the proposals.

However, the Note then looks at existing amenities within the vicinity of the site which would already attract visitors to this part of Wombwell and in particular the Summer Lane public car park situated directly opposite the site. It can be seen that there are many amenities within a 400m catchment area including Wombwell High Street which is only 180m from the site.

This would suggest that the proposed development would be unlikely to attract many visitors that are new to the local highway network who have travelled exclusively to visit the site. Instead, a significant number would be shared trips whereby visitors to existing local amenities also visit this site.

No specific figure is suggested in terms of the actual number of new vehicular trips; it is however concluded that the majority of trips would be made by users who already park within the Summer Lane car park. This means that there would be little increase in demand for parking spaces within either the Summer Lane car park or other nearby public car parks.

An 800m walking distance isochrone is also included within the Note, this demonstrates that a large number of residential properties fall within the catchment area, as such, it is likely that many trips to the site would be made on foot rather than by car.

Waste storage for the residential properties will be located within the lower ground floor area accessed from Summer Lane. Waste storage for the commercial development will be located at the rear within a designated area. With regard to commercial refuse collection, it is stated that the bins are to be collected from the roadside as per other premises on Summer Lane. The bins are to be positioned adjacent to the residential bin store and it will be the responsibility of a management team to place the bins out for collection. This meets the needs of the highways department.

In view of the above, it is considered that the proposals would not result in an unacceptable impact on highway safety, nor would the residual cumulative impact on the road network be

severe. As such, the scheme is acceptable from a highways development control perspective in compliance with Local Plan Policy T3 and T4.

Significant weight has been given to highway safety.

Biodiversity

A bat activity survey report has been provided to support the application which indicates that no bats were observed to emerge from the building during the survey. Information relating to the daytime building inspection has now been provided within the PEA and BNG report. This report indicates that the building was found to have low potential to support roosting bats and as such a single emergence survey was undertaken, no bats were found to emerge during this survey. The Council's Ecologist is content with these findings.

The PEA/BNG report indicates that the habitats on site are largely of low ecological value comprising developed land, sealed surface, artificial unvegetated, unsealed surface and sparsely vegetated land. As such, a small sites metric was completed to assess the biodiversity value of the site. The results indicate that 0.0397 habitat units are required to ensure a minimum 10% net gain. Post development information has been provided which indicates that the 10% gain cannot be secured on site. Therefore, the applicant is required to secure the habitat units at a suitable offsite location or look to purchase units from a habitat bank.

The PEA/BNG report indicates that rockspray cotoneaster, a Schedule 9 invasive species was located on the southern boundary of the site. This species will need to be managed to ensure it is not spread in the wild.

Bat and bird boxes are required as per the Biodiversity and Geodiversity SPD, alongside invertebrate boxes. This will be secured by planning condition.

In view of the above, it is considered that the proposals would not result in an unacceptable impact on biodiversity in compliance with Policy BIO1: Biodiversity and Geodiversity.

Moderate weight has been given to Biodiversity.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

RECOMMENDATION: Approve subject to conditions

Justification

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

The LPA have worked proactively with the applicant to make the necessary amendments to ensure the development is compliant with the development plan.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home, and his correspondence.