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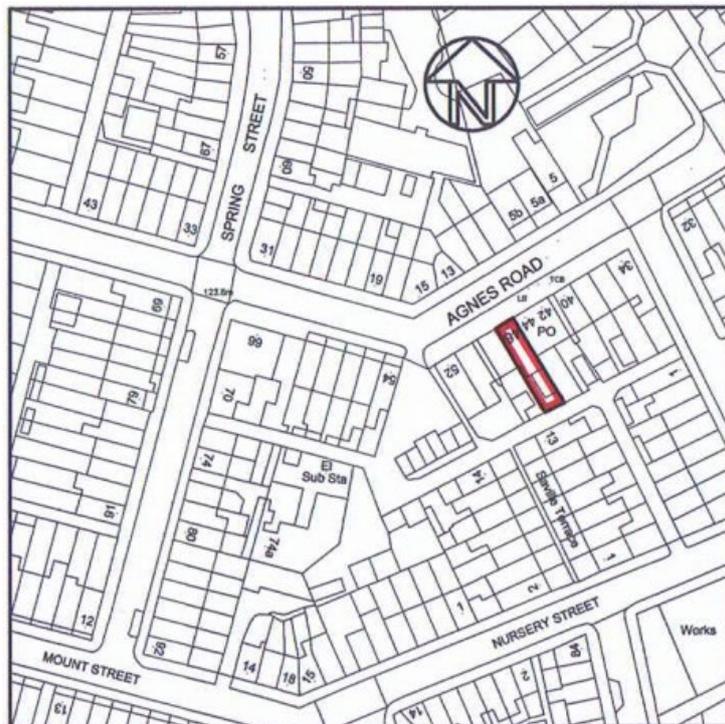
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46 Agnes Road, Barnsley, S70 1NH

Change of use of former butcher shop to mixed use shop and 1no. flat above with front and rear dormers.

Site Description

The application relates to a two-storey terraced commercial building comprising a former butcher's shop on the ground floor and ancillary storage and cold store facilities on the first floor. The property is located to the south-west of Barnsley Town Centre and in an area that is a mix of commercial and residential uses, which includes a Post Office, Hot Food Takeaway, Café, Convenience Store and other retail uses. The property is stone fronted with a pitched blue slate roof. To the rear, the building has a brick construction with an existing fire escape stair from the first floor. There is an existing single storey outbuilding within the rear yard area.



Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which are a material consideration in the decision-making process.

The Local Plan review was approved at a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

Local Plan Allocation – Urban Fabric

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. Therefore, the following policies are relevant:

- ***Policy SD1: Presumption in favour of Sustainable Development.***
- ***Policy LG2: The Location of Growth.***
- ***Policy TC1: Town Centres.***
- ***Policy TC3: Thresholds for Impact Assessments.***
- ***Policy TC5: Small Local Shops.***
- ***Policy H1: The Number of New Homes to be Built.***
- ***Policy H4: Residential Development on Small Non-allocated Sites.***
- ***Policy H6: Housing Mix and Efficient Use of Land.***
- ***Policy GD1: General Development.***
- ***Policy POLL1: Pollution Control and Protection.***
- ***Policy D1: High quality design and place making.***
- ***Policy T3: New Development and Sustainable Travel.***
- ***Policy T4: New Development and Transport Safety.***
- ***Policy BIO1: Biodiversity and Geodiversity.***

Supplementary Planning Document(s)

- ***Design of Housing Development (Adopted July 2023).***
- ***Biodiversity and Geodiversity (Adopted March 2024).***
- ***Parking (Adopted November 2019).***

National Planning Policy Framework (December 2024)

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant sections include:

- ***Section 5: Delivering a sufficient supply of homes.***

Paragraph 61. To support the Government's objective of significantly boosting the supply of homes, it is important that a sufficient amount and variety of land can come forward where it is needed, that the needs of groups with specific housing requirements are addressed and that land with permission is developed without unnecessary delay. The overall aim should be to meet an

area's identified housing need, including with an appropriate mix of housing types for the local community.

– **Section 9: Promoting sustainable transport.**

Paragraph 116. 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

– **Section 11: Making effective use of land.**

Paragraph 125(d). Planning policies and decisions should:

d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

– **Section 12: Achieving well designed places.**

Paragraph 131. The creation of high quality, beautiful and sustainable 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. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process.

Paragraph 135. Planning policies and decisions should ensure that developments:

- a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;*
- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;*
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);*
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;*
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and*
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users⁵¹; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.*

Other Material Consideration(s)

- *South Yorkshire Residential Design Guide 2011.*
- *Planning Practice Guidance.*

Consultations

Enterprising Barnsley	<i>Support.</i>
Pollution Control	<i>No objection subject to condition.</i>
Highways Development Control	<i>No objection subject to condition.</i>
Waste Management	<i>No comments.</i>
Local Ward Councillors	<i>No comments.</i>

Representations

Neighbour notification letters were sent to surrounding properties. A site notice was placed nearby, expiring 14th February 2025.

One objection was received from one address citing concerns regarding the residential element of the proposal. It is stated that the area is becoming increasingly dangerous for motorists, the road is often congested, and it is frustrating that they can very often not park outside their own home. More housing without parking would make an already bad situation worse.

Assessment

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 of Development

Paragraph 125(d) of the framework states that planning policies and decisions should promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

Local Plan Policy H4: Residential development on small non-allocated sites, sets out that proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

Local Plan Policy H6: Housing mix and efficient use of land, states that proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

The principle of development is underpinned by paragraph 125(d) of the framework and Local Plan Policy H4 subject to compliance with other relevant policies in the Plan. In this instance, the proposal includes a change of use of a former ground floor butcher to a shop. Retail development is a main town centre use as specified by Annex 2: Glossary within the framework. National and local planning policy (TC1) seeks to focus new main town centre uses in defined town, district and local centres. The development site is located outside of Barnsley Town Centre, approximately 133 metres to the south-west. In such circumstances a retail sequential assessment is normally required. However, in this case the use of the building as a shop is existing although currently unused and therefore a retail sequential assessment is not required in this instance and the principle of development is therefore considered to be acceptable.

Impact on Highway Safety

During the application process, one objection was received citing concerns regarding the residential element of the proposal. It is stated that the area is becoming increasingly dangerous for motorists with the road often congested, and it is frustrating that they can very often not park outside their own home. More housing without parking would make an already bad situation worse.

Whilst frustrating, there is no right for someone to be able to park outside of their own home provided that any parking regulations or the Highway Code is being adhered to. Moreover, there is no parking restrictions on this part of Agnes Road. Parking is also included within the proposal.

The development is not considered to be prejudicial to highway safety; the application site currently benefits from a retail use (Class E) classification, having previously operated as a butcher's shop on the ground floor with associated storage and cold store facilities on the first floor. As such, it is not anticipated that there would be significant additional vehicle movements or volumes in the immediate locality and wider road network as a result of a continued retail use at the premises.

It is proposed to change the use of the property to that of a mixed use – the ground floor would retain a retail use, and the first floor would change to residential use. This residential use would also include the conversion of the attic area allowing a two-bedroom flat to be created over the first and second floors.

The creation of a two-bedroom flat would require the provision of one off-street parking space within the application curtilage, in accordance with Table 1 of the Parking SPD. The site layout plan shows that this is to be provided within the rear yard area by demolishing an existing outbuilding.

In considering the above, it is not considered that the development would result in an unacceptable impact on highway safety or any severe residual cumulative impacts on the road network. As such, there is no reasonable grounds to refuse the application on highway grounds as set out by paragraph 116 of the framework. Highways Development Control were also consulted, and no objections were received subject to the attachment of a condition to secure appropriate hard surfacing materials. To promote sustainable travel, in accordance with Local Plan Policy T3 and Table 2 of the Parking SPD, a condition will be attached to provide details of cycle parking spaces. Subject to conditions, this is considered to weigh significantly in favour of the proposal.

Subject to conditions, the proposal is therefore considered to comply with Local Plan Policy T3: New Development and Sustainable Travel and Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

Impact on Residential Amenity

Regarding overshadowing, the development would be contained within the existing building. New dormer windows would be installed on the front and rear roof planes, but these are not anticipated to contribute to significantly increased levels of overshadowing that would otherwise be detrimental to the amenity of the occupant(s) of neighbouring properties.

Regarding overlooking and loss of privacy, most existing apertures would be retained in their current locations. An existing first floor window to the rear would be re-positioned and enlarged slightly, a new first floor window would be installed to the front, and front and rear dormer windows would also be installed. All existing separation distances between the application building and the properties to the north and south would be maintained. As such, it is anticipated that privacy would be maintained to a reasonable degree.

Regarding outlook, it is anticipated that this would be maintained to a reasonable degree.

The proposed development would mostly comply with the minimum internal space standards as set out in Table 4A.1 in the SYRDG. The kitchen and second floor bathroom and WC would fall short of these requirements. However, the difference would be minimal, and any potential future occupant(s) of the flat would have access to a larger bathroom and WC located on the first floor. All rooms would also have reasonable access to natural light. As such, the internal layout and spaces is considered acceptable in this instance.

It is acknowledged that there could be some disruption and nuisance caused to people in the locality during construction and demolition works. However, any potential impact would be anticipated to be temporary and construction hours will be controlled by condition.

Subject to conditions, this is considered to weigh significantly in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity.

Impact on Visual Amenity

The existing ground floor shop frontage will be retained, including an existing fascia signage board. Any potential future illuminated signage will need to be considered under a separate application for advertisement consent, to be submitted to the local planning authority, if required.

New apertures would align horizontally with and would reflect the size and style of existing windows.

The proposed dormer windows would be relatively modest in scale and would be positioned centrally within the roof planes. Whilst the flat roof design is not preferred, similar development can be readily seen within the street scene and therefore, the proposal would not significantly detract from or alter the character of the street scene. Moreover, the dormer windows would be constructed of blue slate to closely match the materials of the existing roof.

In considering the above, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy D1: High Quality Design and is considered acceptable regarding visual amenity.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal constitutes acceptable development in respect of highway safety and residential and visual amenity and would comply with national and local planning policies and guidance.

**Recommendation -
Approve with Conditions.**