Application Reference Number:	*2025/0474.*

Application Type:	*Change of Use.*

Proposal Description:	*Change of use of part of ground floor from residential dwelling (Use Class C3) to convenience store (Use Class E) with 2no. flats at ground floor and above (Use Class C3); associated parking and formation of ramped access (Amended Description).*
Location:	*82 - 84 Pontefract Road, Barnsley, S71 1EZ.*

Applicant:	*Mr Robert Hobson (Hobson Homes).*

Third-party representations:	*X2 Objections.*	**Parish:**	
		Ward:	*Central.*

Summary:

The applicant is seeking planning permission for the change of use of part of the ground floor from a residential dwelling (Use Class C3) to a convenience store (Use Class E) with 2no. flats at ground floor and above (Use Class C3) with associated parking and the formation of a ramped access.

The proposal is considered an acceptable form of development in accordance with Paragraph 98(a) of the NPPF and Local Plan Policies TC5 and I2 in that the proposal would provide a small local shop to meet the daily convenience needs of a local community within a sustainable location that is accessible by walking, cycling and public transport. Significant weight is attributed to the principle of development in favour of the proposal. The proposal would adopt reasonable opening hours within a residential setting and would be supported by sufficient car and cycle parking and adequate waste management provisions. The proposal would complement surrounding existing commercial uses and would not have a significant adverse impact on Barnsley Town Centre or primary shopping areas. Significant weight is therefore also attributed to the anticipated economic benefits of the scheme and limited impact on highway safety in favour of the proposal. Moderate weight is also attributed in favour of the proposal regarding visual amenity. While the proposal would not wholly comply with minimum internal spaced standards for dwellings, the proposal would maintain existing internal spaces sizes, and therefore only limited weight is attributed against the proposal in this instance.

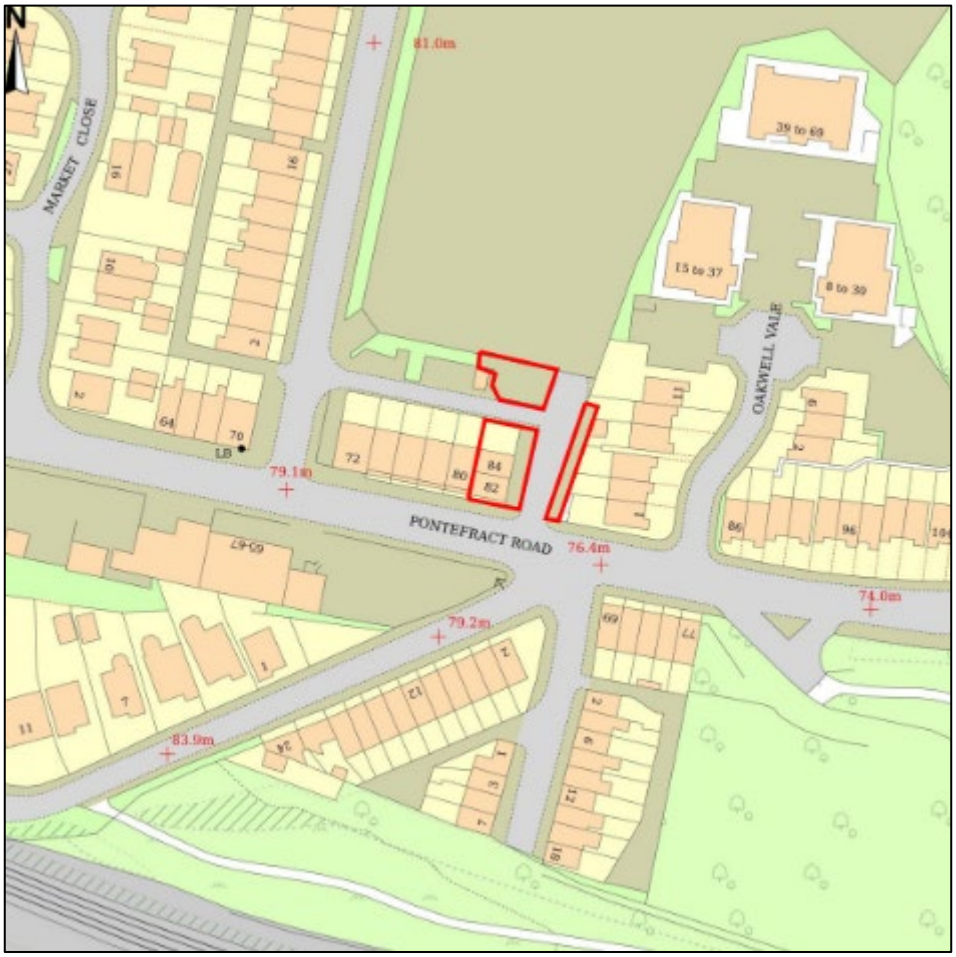
Having balanced all material planning considerations, whilst objections have been received in respect of the proposal, they have been suitably addressed through the information supplied with some elements to be secured by condition. Consequently, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations. The proposal is therefore, on balance, recommended for approval subject to necessary conditions.

Recommendation: **APPROVE subject to conditions.**

Site Description

This application relates to a two-storey end-of-terrace property which comprises one 4-bedroom flat and one 3-bedroom flat. This row of terraced properties comprises six properties of terraced houses, houses in multiple occupation (HMOs) and flats. The western end-of-terrace property comprises flats and a ground floor sandwich shop. The surrounding area is a mixture of residential and commercial uses with Oakwell Football Stadium to the north, a motorhome dealership to the south, and additional commercial uses lining the south side of Pontefract Road towards Barnsley Town Centre to the west. The development site lies outside of the Town Centre boundary.

The application property is constructed of stone with a pitched concrete tiled roof with a small dormer window to the front and rear. The property is bounded by a low stone wall to the front and a larger stone wall and timber fencing to the rear. The development site includes areas of hardstanding to the north and east. An access road runs parallel to the rear of the terraced properties connecting with Grove Street to the west.



Planning History

Application Reference	Description	Status
B/74/1972/BA	Historic.	Historic.
B/78/0325/BA	Change of use from shop to living accommodation and external alterations.	Historic.

Proposed Development

The applicant is seeking planning permission for the change of use of part of the ground floor from a residential dwelling (Use Class C3) to a convenience store (Use Class E) with 2no. flats at ground floor and above (Use Class C3) with associated parking and the formation of a ramped access.

The ground floor would comprise a convenience store (approximately 26.1sqm), break room, lounge and kitchen as part of a 2-bedroom flat that would span the ground and first floors and would act as an associated shopkeeper's residence providing dual-aspect amenities.

An existing 3-bedrrom flat spanning the first and second floors would remain unchanged.

Part of an existing stone wall would be removed and a new ramped pedestrian access formed to the front. Roller shutters would also be installed at ground level to the side and rear, and external lights and security cameras would be installed on all elevations.

Indicative signage is shown on the proposed elevations. However, this is not under consideration as part of this application and will require separate advertisement consent.

Front Elevation
1 : 100

Rear Elevation
1 : 100

Left Elevation
1 : 100

Right Elevation
1 : 100

Ground Floor Plan
1 : 100

1st Floor Plan
1 : 100

2nd Floor Plan
1 : 100

KEY TO FLATS

FLAT 1 - 2 BEDROOMS
FLAT 2 - 3 BEDROOMS

No.	DESCRIPTION	DATE
[illegible]	[illegible]	[illegible]

NORTH CONSTRUCTION: DESIGN & BUILD

26 Church St.
Gawber
S.Yorks
S75 2RH

Tel: 01226 828972
Mob: 07974116241
https://bennorth60.wixsite.com/ncdb

Project Title

HOBSON HOMES
82-84 PONTEFRACT RD. BARNSLEY. S71 1EZ
PROPOSED CHANGE OF USE

Drawing Title

Proposed Plans & Elevations

Scale	Drawn By	Checked By	Date
As indicated	BN	RH	02.10.25

Drawing Number	Revision
NCDB- RHB- A102	D

Original Sheet Size A1

Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development 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 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.

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

- *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 I2: Educational and Community Facilities.*
- *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.*

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

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF 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. The 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 (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 7: Ensuring the vitality of town centres.*
- *Section 8: Promoting healthy and safe communities.*
- *Section 9: Promoting sustainable transport.*
- *Section 12: Achieving well designed places.*
- *Section 15: Conserving and enhancing the natural environment.*

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 this guidance 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 following SPDs are relevant in this case:

- *Residential amenity and the siting of buildings (Adopted May 2019).*
- *Shop front designs (Adopted May 2019).*
- *Biodiversity and geodiversity (Adopted March 2024).*
- *Walls and fences (Adopted May 2019).*
- *Parking (November 2019).*

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

Consultations

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website. Additionally, a site notice was placed nearby, expiring 1st August 2025.

Two objections were received from two addresses. The concerns raised are summarised below:

- *Increased traffic and parking congestion.*
- *Impact on residential amenity by way of the shop's opening hours and delivery times which could lead to increased noise and disturbance.*
- *I don't want to see any more dodgy, drunk people wandering around my property, please leave our neighbourhood as it is now, we don't need any convenience store around our homes. There are plenty of shops within reach, we don't need another one.*
- *The proposed shop's windows and/or access points could lead to a loss of privacy for all residents, especially ours, I don't want any shop to be built behind my garden and not being able to relax in my own garden anymore.*
- *There is already a high passing of anti-social behaviour in this area.*
- *Increased littler.*

Highways Development Control	*No objection subject to condition(s).*
Highway Drainage	*No objection.*
Affordable Housing Officer	*No objection.*
Biodiversity Officer	*No objection.*
Pollution Control	*No objection subject to condition(s).*
Waste Management	*No comments received.*
Yorkshire Water Services Limited	*No comments received.*
Local Ward Councillors	*No comments received.*

Planning 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 unless the NPPF establishes a specific weight:

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

Principle of Development

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. Development is therefore acceptable in principle if proposals would not adversely affect residential amenity, highway safety, and where satisfactory design standards will be achieved. The surrounding area is characterised by a mix of commercial and residential uses.

National planning policy and guidance and local planning policy (TC1) seeks to focus new main town centre uses in defined town centres. The proposed convenience store is a main town centre use as established by Annex 2: Glossary of the NPPF. Local Plan Policy TC3 establishes the circumstances in which an application should be supported by an impact assessment. The proposal would not meet any of the establishes thresholds. Local Plan Policy TC3 also establishes that should the LPA have concerns that a proposal below the specified thresholds could have a significant adverse impact on centres, an impact assessment may still be required. The development site is located well outside of the defined Barnsley Town Centre boundaries (approximately 178 metres). Given the location and small-scale nature of the proposed convenience store, it is not considered the proposal would have a significant adverse impact on Barnsley Town Centre or primary shopping areas and therefore, an impact assessment is not required in this instance.

Paragraph 98(a) of the NPPF states ‘to provide the social, recreational and cultural facilities and services the community needs, planning policies and decisions should: plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments’

Local Plan Policy TC5 allows for small local shops that meet the daily convenience needs of a local community. If proposals meet these criteria, a retail sequential assessment will not be required. It is considered that the proposal is of a size and type, and in a location, that would be capable of meeting daily shopping needs. While there are similar shops within the broader locality, provided that sale of goods was limited to ensure the proposal served day-to-day needs, it is considered that the proposal is capable of being compliant this policy in the interests of competition and choice and the proposal would not be required to be supported by a retail sequential assessment.

Local Plan Policy I2 allows for new local shops where they would be located centrally to communities and in places where they would be accessible by walking, cycling and public transport.

Proposals will also be expected to demonstrate that they are not likely to result, directly or indirectly, in increases in pollution which would otherwise unacceptably affect or cause nuisance to the natural and built environment or to people.

Considering the above, the principle of development is considered acceptable, subject to compliance with other relevant policies in the plan and an assessment of all other material considerations.

Impact on Residential Amenity, Health and Pollution Control

During the application process, concerns were raised regarding loss of privacy, increased noise and littering and existing anti-social behaviour within the area.

Paragraph 96(a) states 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which: promote social interaction, including opportunities for meetings between people who might not otherwise come into contact with each other'.

Paragraph 96(b) states 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which: are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion'.

Paragraph 198(a) of the NPPF states 'planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life'.

Regarding loss of privacy, the convenience store access for customers would be provided to the front of the property off Pontefract Road. The existing access to the rear would be maintained for the existing flat spanning the ground and first floors proposed to be used as the Shopkeeper's residence. The existing access to the side would be maintained for the existing 3-bedroom flat spanning the first and second floors. No alterations are proposed to existing apertures nor are any new apertures proposed. The area surrounding the rear gardens to the terraced properties is relatively open and is frequently used for access. While the proposal could result in an intensification of the use of surrounding hardstanding areas, it is not considered that this would significantly detrimentally affect residential amenity by way of loss of privacy.

Regarding noise, the proposed convenience store would operate between 08:00am – 20:00pm Monday – Sunday which is in line with nearby surrounding uses that have varying opening hours between 07:30am – 23:00pm. The proposed opening hours are considered reasonable for a residential setting and when considered against Pontefract Road being a busy main road into Barnsley Town Centre and existing surrounding commercial premises, including a nearby public house and the Oakwell Football Stadium, it is considered that the proposal is unlikely to have a significant adverse impact on amenity. While details of delivery times have not been provided, Pontefract Road is subject to loading restrictions and therefore, it is anticipated that deliveries would occur within store opening hours. Should this application be approved, both opening and delivery hours could be conditioned. The Council's Environmental Health Officer (Pollution Control) was also consulted, and no objections were received subject to a condition controlling construction hours.

Regarding littering, the application is supported by a Site Waste Management Plan (SWMP). The SWMP indicates that there would be separate provisions for commercial and domestic waste and that a new external bin would be located outside the premises during opening hours for customer use which would be collected and stored at closing time. The SWMP states that the Duty Site Manager or Shopkeeper would be responsible for ensuring the instruction of workers, implementation and overseeing of the SWMP, and monitoring of the effectiveness of this strategy to make improvements or changes if deemed necessary by performing site inspections of waste management. This is considered to adequately demonstrate on-site waste management, and the

provision of an external bin for customer use alongside regular site inspections could be secured by condition should this application be approved.

Regarding anti-social behaviour, paragraph 96(b) of the NPPF states 'planning policies and decisions should aim to achieve healthy, inclusive and safe places which: are safe and accessible, so that crime and disorder, and the fear of crime, do not undermine the quality of life of community cohesion.' While crime and disorder, and the fear of crime can be a material consideration, concerns must be relevant to the specific proposal under consideration. In this instance, the concerns raised relate to existing issues, and whilst these could continue under the current proposal, it would be unreasonable to attribute significant weight against the proposal on the grounds of existing issues, or future potential. In addition, no demonstrable evidence has been supplied to evidence these issues. As such, limited weight is attributed to these concerns in this instance.

It is acknowledged that the proposal would not wholly comply with the minimum internal space standards set out by Table 4A.1 within the SYRDG. However, the proposal would comply with the overall spacing standards for a 4-bedroom 3-person dwelling and a 1-bedroom 2-person dwelling. Notwithstanding this, beyond the reduction of the existing 4-bedroom flat to a 2-bedroom flat, the proposal would maintain existing internal space sizes and therefore, while non-compliance is not desirable, it would be unreasonable to refuse this application on this basis in this instance and is therefore, attributed limited weight against the proposal.

Considering the above, on balance, the proposal is considered acceptable regarding residential amenity, health, and pollution control, and as such, is attributed significant weight 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 Highways

During the application process, concerns were raised regarding increased traffic and parking congestion.

Highways Development Control were consulted, and no objections were received given the presence of an existing access together with on-site parking and turning provision. The application is supported by parking and swept path analysis which indicates that at least one parking space for each flat and 7no. customer parking spaces would be provided, and that the south-east access to the Oakwell Football Stadium car park and access to the rear of the existing row of terraced properties would not be impeded. It is also indicated that at least one cycle parking rail would be provided. While it is entirely reasonable for parking to be provided, it is considered that the proposal is of a size and type, and in a location, that would be capable of meeting daily shopping needs and therefore, it is anticipated that the majority of potential customers could come from within the local area where travelling by car would not be necessary. The development site is also considered to be within a sustainable location on the outskirts of Barnsley Town Centre with access to walking, cycling and public transport readily available.

Paragraph 116 of the NPPF states '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.'

Considering the above, the LPA has no reason to disagree with the professional opinions of Highways Development Control colleagues in this instance, and it is not considered that the

proposal would be prejudicial to highway safety. The proposal is therefore considered acceptable regarding highway safety and is attributed significant weight in favour of the proposal.

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 Visual Amenity

The proposal is not considered to significantly affect the character of the street scene. While the installation of external roller shutters is not preferred, these would be limited to the side and rear elevations of the application property in this instance and would have a minimal impact on the character of the street scene. The installation of external lighting and CCTV would also be kept to a minimum and no other alterations to the external appearance of the application property are proposed.

Indicative signage is shown. However, signage is not under consideration at this stage and a separate application for advertisement consent will be required.

Considering the above, on balance, the proposal is considered acceptable regarding visual amenity and as such, is attributed moderate weight in favour of the proposal.

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

Impact on Biodiversity and Geodiversity

In England, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and means developers must deliver a BNG of 10%.

During the application process, it was noted that some vegetation clearance works to the rear of the application property appeared to have recently been undertaken. Following initial comments from the Council's Ecologist (Biodiversity Officer) the applicant submitted further evidence demonstrating that the clearance works had been undertaken prior to the introduction of BNG requirements. The Council's Ecologist confirmed that the proposal is exempt from BNG under the de minimis exemption in this instance.

The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable.

Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), this proposal is considered in the context of the presumption in favour of sustainable development.

The proposal is considered an acceptable form of development in accordance with Paragraph 98(a) of the NPPF and Local Plan Policies TC5 and I2 in that the proposal would provide a small local shop to meet the daily convenience needs of a local community within a sustainable location that is accessible by walking, cycling and public transport. Significant weight is attributed to the principle of development in favour of the proposal. The proposal would adopt reasonable opening hours within a residential setting and would be supported by sufficient car and cycle parking and adequate waste management provisions. The proposal would complement surrounding existing commercial uses and would not have a significant adverse impact on Barnsley Town Centre or primary shopping areas. Significant weight is therefore also attributed to the anticipated economic benefits of the scheme and limited impact on highway safety in favour of the proposal. Moderate

weight is also attributed in favour of the proposal regarding visual amenity. While the proposal would not wholly comply with minimum internal spaced standards for dwellings, the proposal would maintain existing internal spaces sizes, and therefore only limited weight is attributed against the proposal in this instance.

Having balanced all material planning considerations, whilst a number of objections have been received in respect of the proposal, they have been suitably addressed through the information supplied with some elements to be secured by condition.

Consequently, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations. The proposal is therefore, on balance, recommended for approval subject to necessary conditions.

RECOMMENDATION: Approve subject to conditions.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- *Minor amendments to plans to address discrepancies between what was shown and what existed on-site.*
- *The submission of additional information to demonstrate that the proposal is exempt from BNG.*
- *The submission of a parking layout with spaces clearly identified for both the residential and commercial premises.*

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 representations, 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.