

2024/0704

Adam Brearley

Change of use to 2 no. retail units at ground floor and 4 no. flats to first floor

10 - 16 High Street, Wombwell, Barnsley, S73 0AA

Background

2023/1038 - Conversion of building to 8no. flats – Refused for the following reasons:-

In the opinion of the Local Planning Authority, the proposal would result in the loss of a ground floor retail unit and an active shop front, to the detriment of the primary shopping frontage on High Street and the visual amenity of District Centre of Wombwell. Policy TC2 'Primary and Secondary Shopping Frontages' indicates that ground floor uses should remain predominantly retail in nature and insufficient information has been submitted which demonstrates that the vitality and viability of the primary shopping area would not be negatively affected. The proposal is therefore contrary to policy TC2 'Primary and Secondary Shopping Frontages' of the Local Plan and the 'Supplementary Planning document 'Design of Housing Development'.

In the opinion of the Local Planning Authority, the proposal would be an overdevelopment of the site and fails to provide sufficient shared external amenity space, bin and secure cycle storage for future residents. As a result, the proposal does not uphold the minimum external space standards, bin and cycle storage expected of new residential development, to the detriment of residential amenity of the future occupants, contrary to Local Plan policies GD1 'General Development', D1 'High Quality Design and Place Making', Local Plan Policy T4 'New Development and Transport Safety', the 'Supplementary Planning document 'Design of Housing Development' and the South Yorkshire Residential Design Guide.

In the opinion of the Local Planning Authority, the proposal would result in more than 10% of the residential properties being used as HMOs, studio apartments/bedsits within a 50m radius of the site and therefore does not comply with the 'Supplementary Planning document 'Design of Housing Development' in relation to the concentration of HMOs, studio apartments/bedsits.

Description

10 - 16 High Street is set within a stone built L shaped building set on the corner of Station Road and High Street. The building currently consists of retail units at ground floor and offices within the first and second floor. There are no external areas allocated to the building, shown on the site plan.



Proposed Development

The proposal involves the conversion of the building into 2 no. retail units at ground floor and 4 no. flats to first floor

The accommodation has been amended during the course of the application and now consists of a 2 x 2 bed and 1 x 1 bed flat and a studio flat. The retail units at ground floor are existing.

The red line boundary indicates that no external gardens are provided and no off street parking is provided. The plans show bin storage and cycle storage.

There are no external alterations 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.

Local Plan

The site is located within the District Centre of Wombwell and is a Primary shopping frontage as allocated within the Barnsley Local Plan Proposals Map, therefore the following policies are of relevance:-

GD1: General development – Proposals for general development will be approved providing there is no significant adverse effect on residential amenity, highway safety, the current or future use of nearby land and it upholds good quality design in accordance with local plan policy D1.

SD1: Presumption in favour of sustainable development – The Council will take a positive approach to proposals that reflect the presumption in favour of sustainable development contained in the NPPF.

D1: High quality design and place making – This policy sets the overarching design principles for the borough. Development is expected to be of high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of the local area.

TC1: Town Centres – Centres are split between Barnsley Town Centre, District Centres and Local Centres. Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

TC2: Primary and Secondary Shopping Frontages - Proposals for retail (A1-A5) uses will be allowed on Primary and Secondary Shopping frontages in Barnsley Town Centre and the District Centres provided that:

- Within each primary shopping frontage in Barnsley Town Centre and the District Centres, ground floor uses would remain predominantly retail (Class A1) in nature.
- Other uses may be acceptable, especially where they diversify and improve provision in a centre, provided that it can be demonstrated that the vitality and viability of the primary shopping area concerned would not be negatively affected and that ground floor uses on the Primary Shopping Frontages remain predominantly retail (Class A1) in nature.

T3: New development and sustainable travel – New development is expected to be located and designed to reduce the need for travel, be accessible to public transport and encourage smarter ways to travel rather than unsustainable use of the private car.

T4: New development and highway improvement - New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

LG2: The Location of Growth – Priority will be given to development in the following locations:

- Urban Barnsley
- Principle Towns of Cudworth, Wombwell, Hoyland, Goldthorpe, Penistone and Royston; and
- Villages

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principle Town, and the Principle Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy.

Poll1: Pollution Control and Protection - 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.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

SPD's

Those of relevance to this application are as follows:

- Design of 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.

Consultations

Highways DC – No objections subject to condition
Pollution Control – No objections subject to condition
Drainage – Details to be checked by Building Control
Ward Councillors

Cllr Eastwood - 'There are 4 flats on the second floor I don't agree to anymore flats, as they are parking issues and household bins. I happy to keep retailers on the ground floor'

Cllr Frost - 'I agree with Cllr Higginbottom's comments that the big concerns are for lack of parking. With the second-floor proposals there are still 4 flats. I do welcome the keeping of retail on the ground floor'

Cllr Higginbottom - 'From my perspective the proposals don't really change a great deal apart from expanding upwards! The concerns that we have expressed regarding parking pressures and access would remain the same given there is no change to the overall number of units.'

I do welcome the addition of a two bedroom flat on the first floor and would question whether the second floor unit is required, given that it is not in the original plans.

On the whole, I would reiterate comments from the previous consultation in that we generally welcome the proposals to bring this unit overall back into use through a residential/commercial mix but the revised proposals still leave some areas of concerns.'

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site. No comments have been received as a result of these consultations.

Assessment

Principle of development

The site and surrounding area is situated within Wombwell District Centre. The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to implement and support the role of Barnsley Town Centre, new retail and town centre development will also be directed to the District Centres.

Local Plan Policy TC2: Primary and Secondary Shopping Frontages is relevant in this case as the site is within the primary shopping frontage of a district centre where the primary shopping frontage should primarily be retail. Other uses may be acceptable, especially where they diversify and improve provision in a centre, provided that it can be demonstrated that the vitality and viability of the primary shopping area concerned would not be negatively affected and that ground floor uses on the Primary Shopping Frontages remain predominantly retail (Class A1) in nature.

This particular site falls within the district centre and the site shown as a primary shopping frontage to High Street and a Secondary Shopping Frontage to Station Road. The amended scheme retains the existing retail units which is in compliance with TC2.

In terms of the Council's policy for conversions of existing buildings into residential uses, the Supplementary Planning Document 'Design of Housing Development' has specific guidance for the conversion of buildings to dwellings, flats or houses in multiple occupation (HMOs). The guidance states that they will be allowed where the following criteria are satisfied:

The following guidance applies to proposals for conversion of non-residential buildings or smaller dwellings (i.e., those not protected by policy H9 – refer to paragraph 8.2 of this guidance) to HMOs, studio apartments or bedsits.

Such proposals will be allowed where the following criteria are satisfied:

- On the street in question, HMOs, studio apartments/bedsits account for less than 10% of the residential properties.

- HMOs, studio apartments/bedsits account for less than 10% of the residential properties within a 50 metre radius of the site.
- That the proposal would not result in 3 or more HMOs being located immediately adjacent to each other or the sandwiching of a dwelling house between two HMOs.
- The building and curtilage are of sufficient size to provide suitable facilities for residents. o In the case of HMOs, each one should have a shared lounge and shared dining room, and garden sizes should be comparable with the general criteria for dwellings (i.e., a minimum of 60 square metres).

In all cases, amenity space, external and internal spacing standards and separation distances should adhere to the requirements within the general criteria.

- There will be no unacceptable noise nuisance for either existing neighbouring residents or occupants of the proposed residential unit(s).
- Satisfactory provision is made for off-street car parking in accordance with the Council's standards or, exceptionally the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off street car parking.
- The appearance of the building or its curtilage would not be altered to the detriment of the visual amenities of the area.

Concentration

In terms of the concentration of HMO's in the area, the SPD Design of Housing Development states that HMOs and bedsits should account for less than 10% of the residential properties within a 50m radius of the site.

An assessment has been made of the residential properties in the 50m radius area, based on the information contained within the Council's records. Within this 50m radius there are a number of commercial properties with flats above and the introduction of just 1 studio flat would not result in the concentration of smaller HMO and Studio properties exceeding 10%.

Other matters such as visual amenity, residential amenity and highway safety are assessed below:-

Residential Amenity

External and Internal Standards

Section 27 of the adopted SPD Design of Housing Development relates to the 'Conversions of buildings to dwelling houses or apartments/flats (excluding HMOs, bedsits or studio apartments)' Section 28 relates to 'Conversions of buildings to Houses in Multiple Occupation (HMOs), studio apartments or bedsits'. As the proposal includes 3no 1 and 2 bedroom flats and 1 studio apartment then both sections are of relevance.

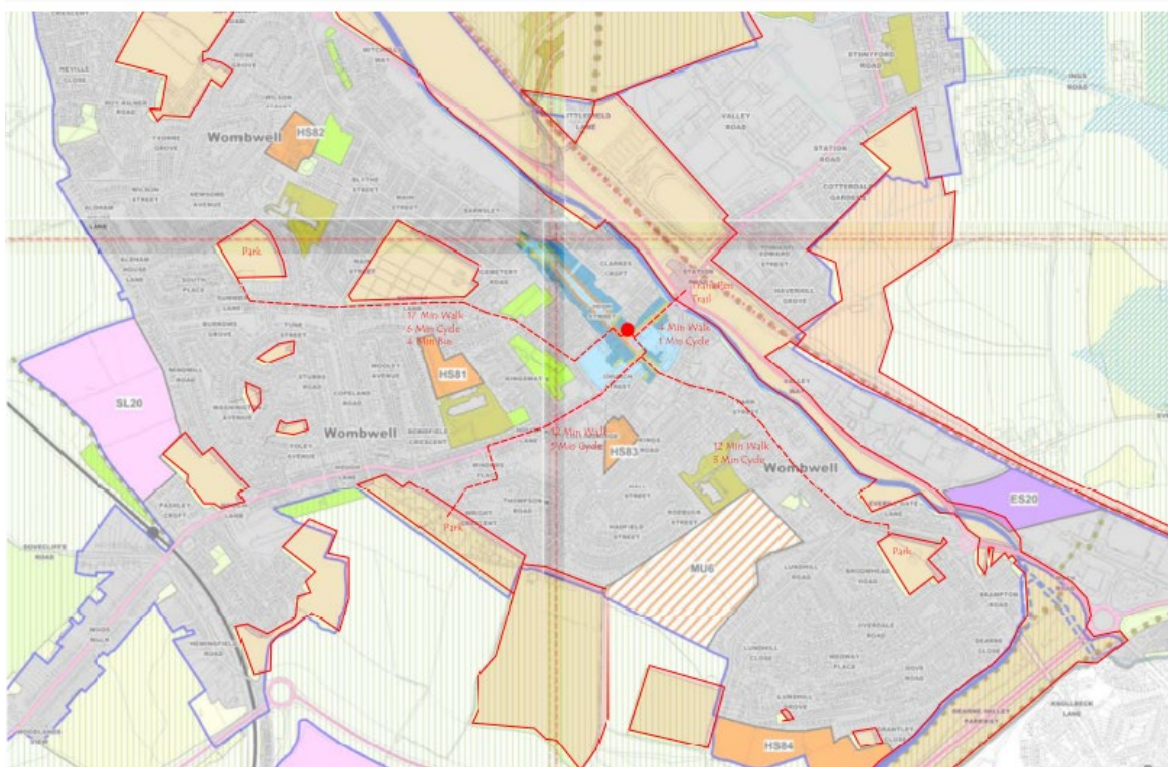
The SPD Design of Housing Development section 5 Internal Spacing Standards, states that in all cases, internal spacing standards should meet the requirements set out in the general criteria, which includes reference to the South Yorkshire Residential Design Guide (para 5.1). Barnsley's Adopted SPD Design of Housing Development does include specific external spacing standards and for internal spacing standards, para 5.1 states that 'all developments should achieve the internal spacing standards set out in the South Yorkshire Residential Design Guide –Technical Requirements section 4A.2, (p130-131).' Therefore, the standards of the SYRDG should clearly be applied to applications for smaller units of accommodation such as HMO's and studio flats within the Barnsley area as stated within the adopted SPD.

In terms of residential amenity standards, the SPD Design of Housing Development states that: 'In all cases, amenity space, external and internal spacing standards and separation distances should adhere to the requirements within the general criteria.

The proposed room sizes and accommodation are acceptable when measured against the standards set within the South Yorkshire Residential Design Guide (SYRDG).

The SPD Design of Housing Development also indicates acceptable external standards for shared amenity space. Flats should allow for 50sqm of shared private amenity space plus an additional 10sqm per flat added to the amenity space or in balcony space. The SPD does state that full compliance with standards is expected in predominantly residential areas whereas they may be slightly relaxed in town centre situations/higher density areas. This location is within the district centre of Wombwell.

The agent has provided a drawing (PL003) which makes use of the local plan map, and shows all the available green spaces in the area that may be utilised by residents within the locality. The Supplementary design guide does indicate that there may be a relaxation of amenity space standards in town centre situations; acknowledging that density of development and amenity space is limited. The flats are in an area where greenspace is readily available, and with good transport links particularly by bus, but also by train, and bike which means that residents are not restricted to Wombwell. On balance the proposal is considered acceptable as there are other Green Spaces which are accessible and may be used by the residents. Adequate cycle and bin storage is also now proposed.



Local Green Spaces

Noise and Disturbance

Given that there are not a significant number of other residential properties within the area and the main use of High Street is commercial/retail, then the main impact would be the noise of these existing premises upon the living conditions of the proposed residents.

The Pollution Control Officer has been consulted and has no objections subject to conditions. Due to the location of the proposed development, with road traffic noise and potential noise from close-by licenced premises, the following condition has been recommended.

'No development shall commence until details of a noise assessment have been submitted to and approved in writing by the Council. The report shall include details of noise attenuation measures required to meet the standard for internal noise levels defined in table 4 of BS8233:2014 (including glazing and ventilation details). The dwellings hereby permitted shall not be occupied until the noise mitigation measures have been provided in accordance with the approved details and shall thereafter be retained in perpetuity.'

Subject to the above being complied with, on balance there are no significant concerns with regard to noise and disturbance.

Overlooking and light

In relation to the provision of natural light, all the proposed dining, living, and bedroom areas all contain windows that allow adequate natural light into these areas. In terms of overlooking impacts, the building is existing and is set at a reasonable distance away from neighbouring residential properties.

Given the above the proposal is therefore not considered to be contrary to Local Plan Policy GD1, the SPD 'Design of Housing Development' and the SYRDG.

Highways Safety

No off-road vehicular parking has been proposed as part of the scheme. The intention is to create four residential flats in a building most recently used as a travel agent on the ground floor with offices above. The Highways Officer has been consulted and states that:- 'The site is within the recognised centre of Wombwell and is in easy walking distance of local car parks and public transport links, being within 150m of bus stops on routes to Barnsley, Rotherham, and Doncaster; the site is also just under a mile from Wombwell train station. As such, although no off-street parking is provided in the proposal, Highways has no wish to raise objection to the scheme on these grounds given the sustainable location of the development.

In terms of cycle storage and bin storage, an amended site layout plan (drawing no. PL002 Rev. A) has now been submitted which addresses previous concerns insofar as cycle parking facilities are provided for the retail units along with sufficient bin storage areas, and both retail units are now shown to have access to the rear service yard.

In view of the above, the proposals are considered acceptable from a highways development control perspective in accordance with Local Plan Policy T4.

Visual Amenity

There are no external changes to the appearance of the building and the ground floor shop units would remain. The property is set on a primary shopping frontage where it is expected that a main active shopfront should be. The proposal would therefore retain an active shopfront which is acceptable in accordance with Policy TC2 and D1 of the Local Plan.

Recommendation

Approve with conditions