

2023/0463

Applicant: Kruidberg Capital

Change of use of the existing retail shop areas into residential use and associated internal and external alterations to the buildings including removal of shop fronts and demolition of existing outbuildings to create 3no dwellings with gardens and parking area to rear in place of 2no shops and 2no dwellings

163, 165 - 167 Midland Road, Royston, Barnsley, S71 4BZ

Site Description

The application site relates to nos. 163, 165 and 167 Midland Road, Royston. The properties are 2.5 stories with commercial use on the ground floor and residential uses on the second and third (roofspace) floors. The frontages face onto Midland Road, which is located in the District Centre of Royston on what is a primary shopping frontage.

To the rear of each property is an external area and various outbuildings, one of which (serving no. 165) is a two-storey outbuilding which connects to the main part of the dwelling by a single storey link.

Relevant Site History

None

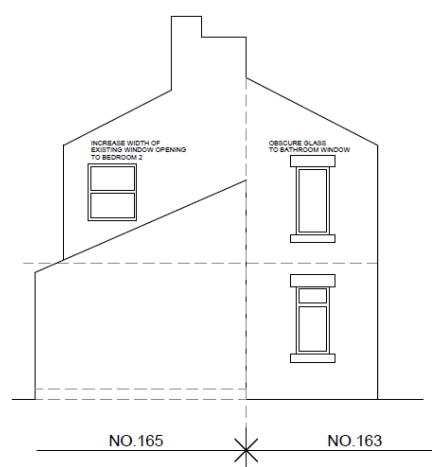
Proposed Development

The applicant is seeking approval for the conversion of the properties into 3 x 3-bedroom flats, with associated parking and external amenity space to the rear. The proposal primarily includes the internal conversion of the properties, but several minor external alterations are also proposed to facilitate the alterations. This includes the following:

1. Demolition of the two-storey outbuilding to the rear of no. 165.
2. Demolition of other small outbuildings to the rear of no. 167.
3. Alterations to the frontages of the properties including the removal of the shopfront features (large windows and doors), filling the cavity with a rendered finish and the installation of domestic fenestration features on each respective frontage. The domestic fenestration of no. 163 will differ slightly to nos. 165 and 167, with no. 163 featuring a double panelled to the ground floor and first floor on the frontage.
4. Installation of a larger first floor window on the rear elevation of no. 165 serving bedroom 2.
5. Installation of boundary treatment to the rear external areas and a metal wrought iron fence to the frontage of each respective plot (details to be submitted at a later stage via planning condition)



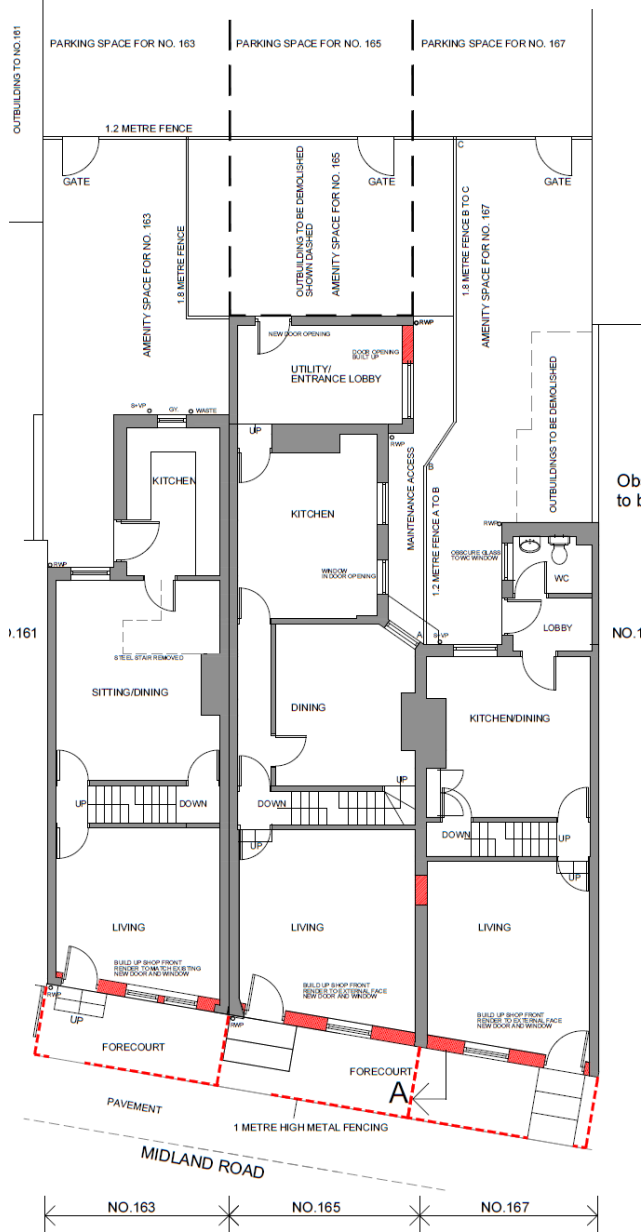
ELEVATION TO MIDLAND ROAD



ELEVATION B-B

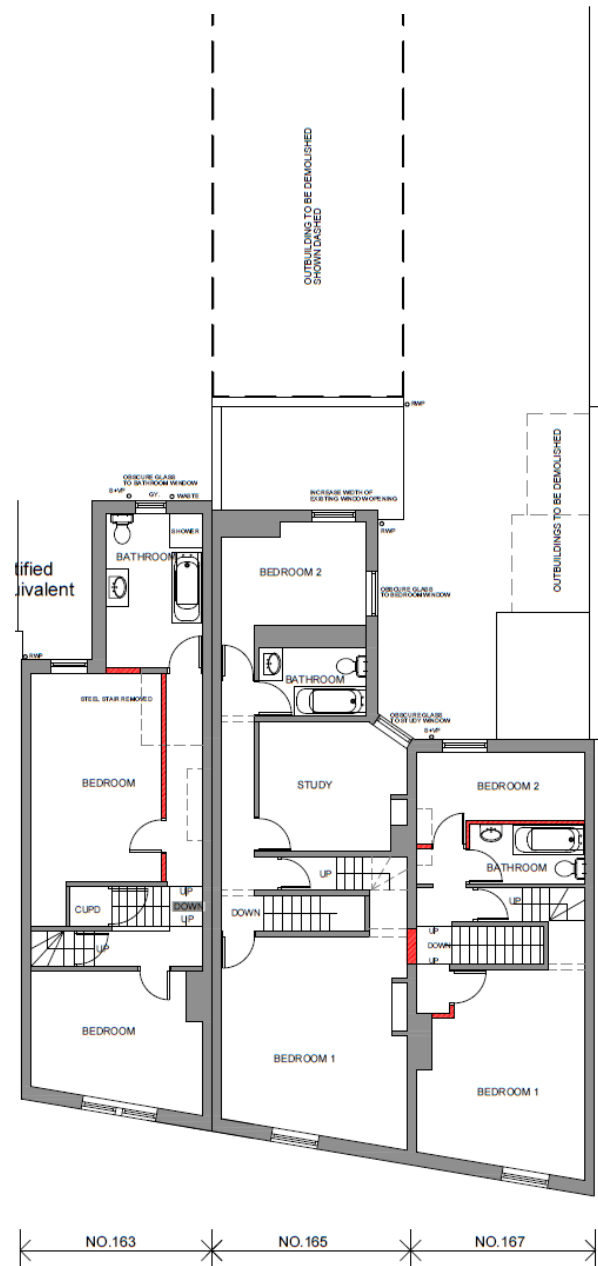


ELEVATION / SECTION A-A

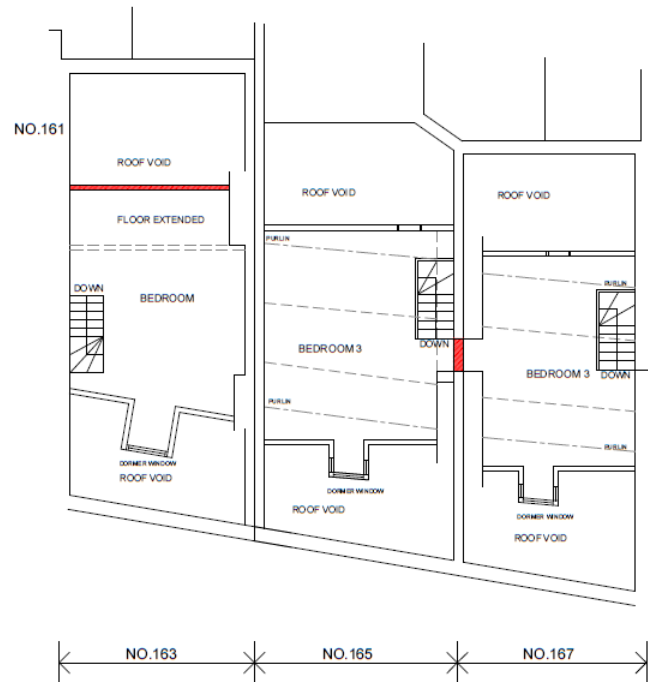


GROUND FLOOR PLAN
AND SITE PLAN

1 METRE HIGH METAL FENCING
TO FRONTAGES SHOWN THUS



FIRST FLOOR PLAN



SECOND FLOOR PLAN

Policy Context

Local Plan

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 National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application. As such, the following policies are relevant:-

GD1 – General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1 – High Quality Design and Place Making – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

SD1: Presumption in favour of Sustainable Development – When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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

Urban Barnsley;
Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (which includes Thurnscoe and Bolton on Dearne), Penistone and Royston; and
Villages.

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

H1: The Number of New Homes to be Built – The Council will seek to achieve the completion of at least 21,546 net additional homes during the period 2014 to 2033. A minimum five year supply of deliverable sites will be maintained.

H2: The Distribution of new Homes – The location of housing development accords with the settlement hierarchy and Policy LG2 regarding location of growth.

H4: Residential development on small non-allocated sites - 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.

H6: Housing Mix and Efficient use of Land – Housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities. Homes must be suitable for different types of households and be capable of being adapted to meet the changing needs of the population. Proposals to change the size and type of existing housing stock must maintain an appropriate mix of homes to meet local needs.

TC1: Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres:

Barnsley Town Centre

District – Cudworth, Hoyland, Wombwell, Goldthorpe, Penistone, Royston

Local - Athersley, Bolton on Dearne (St Andrew's Square), Darfield, Darton, Dodworth, Grimethorpe, Hoyland Common, Lundwood, Mapplewell, Stairfoot, Thurnscoe (Houghton Road), Thurnscoe (Shepherd Lane)

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 will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document.

T4: New Development and Transport Safety – 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.

Poll1: Pollution Control – 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. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

RE1: Low Carbon and Renewable Energy - All developments will be expected to seek to incorporate initially appropriate design measures, and thereafter decentralised, renewable or low carbon energy sources in order to reduce carbon dioxide emissions and should at least achieve the appropriate carbon compliance targets as defined in the Building Regulations.

Supplementary Planning Documents

- Design of Housing Development
- Parking
- Sustainable Travel

NPPE

The National Planning Policy Framework 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

Biodiversity Officer – Initially requested that the application is deferred as the first bat report stated that additional information was requested from the South Yorkshire Bat Group and Barnsley Biological Record Centre. A second report was submitted which included this additional information which was acceptable subject to a condition requiring the adherence to the bat report.

Highways DC – Initially queried various aspects of the development including details of visibility, driveway width, bin storage and turning space. Upon receipt of an amended plan indicating these details, no objection was raised to the scheme subject to a condition relating to hard surfacing of the access and driveway areas.

Highway Drainage – No objection.

Ward Councillors – Cllr Makinson supported the scheme stating that it is a positive that the application had been received. The frontage of the shops are an eyesore at the moment, and have been for a long time.

Representations

Neighbour consultation letters were sent to neighbouring residents with a site notice placed nearby; no comments were received.

Assessment

Principle of Development

The application site is located on a primary shopping frontage in the District Centre/Principal Town of Royston. As such, there are two main overriding elements to assess in terms of the principle of development:

1. The loss of retail units in what is a primary shopping frontage in the centre of Royston. Assessment against Local Plan Policies TC1: Town Centres and TC2: Primary and Secondary Shopping Frontages.
2. The desirability of 3-bedroom properties, in relation to the requirements of Barnsley's most recent SHMA (2015) as well as assessment against Local Plan Policy H6: Housing Mix and Efficient Use of Land as well as the Council's SPD for Design of Housing Development.

In regard to the first point raised above, Local Plan Policy TC1 states that the 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.

Local Plan Policy TC2 relates to primary and secondary shopping frontages and states that proposals for retail use (A1-A5) uses will be allowed on primary and secondary shopping frontages provided that:

- Within each primary shopping frontage in Barnsley Town Centre and the District Centres, ground floor uses would remain predominantly retail (Use Class E – formerly 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 (Use Class E – formerly A1) in nature.

For the purposes of TC2, the Council takes the view that predominantly means 'most' and will apply a 51% threshold. For development of this type which seek to remove retail/town centre uses from primary and secondary shopping frontages, the Council will require evidence which clearly shows that the use is no longer desired. Typically, evidence/proof that the units have been marketed for a minimum period of 18 months with no interest from prospective buyers to buy or lease the units.

No such market evidence has been presented but the agent has provided information/evidence that no. 163 has been vacant since 2007, and visually the external appearance of the frontages has clearly deteriorated. No.165-167 has been occupied by a charity for a couple of years and is still occupied by the charity now at a heavily subsidised rate which the owners are now making a loss on the building given the increase in energy costs. This information does not fully comply with the Council's Policy which states that evidence should be presented to prove that there is no market interest in taking on the buildings for commercial letting. However, there has been some evidence presented that there is a lack of interest in taking on commercial units within this area given that no. 163 has been vacant for 16 years (confirmed by colleagues in Business Rates) and nos.165-167 are occupied by a charity. As such, it is considered that whilst the Council seeks to protect retail frontages in District Centres on primary shopping frontages, there are some clear mitigating circumstances here.

Firstly, it has been evidenced that no. 163 has been vacant since 2007 and as mentioned is in a poor and visually deteriorating state. Secondly, Councillor Makinson has contacted the Council in regard to the application stating support given the poor state of the frontages. Thirdly, the site is on the very Eastern edge of the Centre of Royston, in what is a mixed use, but is characterised by terraced housing – particularly to the East of the site. Lastly, nos. 165-167 has been occupied by a charity at a heavily discounted rate, with the charity vacating the premises soon to focus efforts on a different shop elsewhere, outside of the borough. With all of this in mind, the Council is prepared to be flexible and allow for the loss of the retail units on the ground floor without the usual market information.

Barnsley's most recent SHMA (2015) provides information about the desirability, expectation and aspiration of different dwelling types, tenures against the current stock at that time. The SHMA indicates that the highest expected dwelling type of those surveyed in the Borough is 3-bedroom houses. Whilst the current stock (in 2015) is greater than the expected % of such homes, the development is nonetheless considered to contribute 3 x desired/expected forms of dwelling type in what is a sustainable location, close to local services. Other properties are more desirable, such as bungalows for example, but the application is ultimately to convert the buildings rather than a full-scale redevelopment and 3-bedroom properties are considered to be the most appropriate dwelling type. As such, the proposed development is considered to be in line with the SHMA and Local Plan Policy H6 as it is a desirable house type. Additionally, it is considered that the desirability of three-bedroom plots in the Borough adds further weight to the Council's position to allow for the loss of the retail units.

The proposed development is considered to be acceptable in principle.

Residential Amenity

The application site is located within the District Centre and therefore the surrounding area can be described as mixed use, however there are a high number of residential properties nearby, especially to the East of the application site. However, the development is for a conversion with existing residential uses in the second and third floors of the building, and the conversion of the ground floor to residential is not considered to lead to a significant detrimental impact over existing neighbours.

The proposed internal amenity space for each plot is the following:

No. 163 – 97sqm
 No. 165 – 111sqm
 No. 167 – 88sqm

These internal areas are in line with the South Yorkshire Residential Design Guide which requires an internal area of 77sqm for 3-bed, 4-person dwellings, as well as national requirements for internal amenity space (84sqm). Additionally, at least two of the bedrooms in each plot measures 12sqm which is sufficient for a double room with the other rooms being a minimum of 7sqm which is suitable for single bedrooms. The internal space is therefore considered to be suitable for dwellings of this size.

The proposed private external space falls short of the minimum requirements in the Council's SPD for Design of New Housing Development for three-bedroom properties with no. 163 having 34sqm, no. 165 having 36sqm and no. 167 having 39sqm – which are less than the required 60sqm in the SPD. However, there is inherent difficulty in achieving the required 60sqm given that the development is for a conversion of existing buildings and there is also the requirement to create on-site parking to the rear of the properties, which reduces the proposed external area.

That being said, the SPD does state that full compliance will be expected in predominantly residential areas whereas they may be slightly relaxed in town centre situations/higher density areas. The site is located in the District Centre of Royston which contains a high number of residential properties but can be described as mixed use.

Additionally, consideration must be given to the fact that the site is in close proximity to a range of local amenities, public transport links and green space. Most pertinently, Royston Park (measuring c. 8 hectares) is within a short walking distance of the proposed dwellings (150m to the West of the site), which provides an array of local facilities and features, including a bowling green, children's play area, MUGA, skate park and of course, green space. With this in mind, the LPA considers that some flexibility can be allowed in terms of the shortfall of external amenity space and the proposed arrangement is acceptable in this context.

There was initial concern that the proposed plots and placement of windows would result in overlooking to each other's habitable room windows and rear garden areas. To alleviate this impact, several windows will be obscure glazed such as the first-floor windows serving no. 165's study and bedroom 2. A note has been added to the plan to this effect and a planning condition will be added to any forthcoming approval notice. Other windows serving bathrooms will be obscure glazed also for general privacy purposes.

There were also slight concerns raised with the lack of suitable outlook from the proposed dwellings, which would be exacerbated by the erection of boundary fencing in the rear external areas. However, clarification has been provided by the amended plans which show that the fencing between nos. 165 and 167, immediately adjacent to the dwellings themselves will be limited to a height of 1.2m to allow for some outlook from both properties. This will mean that the properties are not entirely private but this relationship between the three properties is similar to that of other terraced housing in the Borough, and in the local area which Midland Road is characterised of.

The proposed development is considered to be acceptable in terms of residential amenity and is acceptable in terms of residential amenity.

Visual Amenity

The proposed development primarily covers the internal conversion of the properties to three bedroomed dwellings. However, there are external changes to the buildings with the most visible being the alterations to the respective frontages of the ground floors of the properties. Specifically, the shopfront details will be removed, with the cavity filled with a rendered finish and domestic fenestration details added. The domestic fenestration of each plot includes the installation of a three-panelled window and a main access door, both UPVC. These details are in keeping with the surrounding area which is characterised by a mixture of render, red brick and stone. The agent has agreed to a condition which requires details of the external materials to be submitted upon commencement and agreed by the LPA.

It is acknowledged that the frontages of the units are in a poor and visually deteriorating state, and the alterations to the front elevation of each plot is a welcome element of the proposed development. Subject to the use of good quality materials, the proposed development will therefore lead to a positive impact on the character of the area.

The other external changes are in relation to minor details such as obscure glazing to windows and the increase of the size of the first-floor rear-facing window on no. 165, which are both to include functionality of the proposed units. Boundary treatments will be added to the rear external areas of the units, with details confirmed at a later stage through a condition. Additionally, c.1m high metal fencing will be added to the frontages of each respective plot to provide separation between the front elevations of the dwellings and to ensure that the development is similar to the surrounding area in terms of character.

The proposed development is considered to be in compliance with Local Plan Policy D1: High Quality Design and Place Making and the Council's SPD for Design of Housing Development and is considered to be acceptable.

Highways Safety

The proposed dwelling all have one parking space to the rear of each plot site which is less than the required two parking spaces within each three-bedroom plot as required by the Council's SPD for Parking. However, Highways DC have been consulted and have allowed some flexibility given the central location of the site within the District Centre of Royston, the close proximity to local public transport links and the character of the area with the vast majority of properties on Midland Road not featuring any off-street parking. Additionally, the existing properties contain residential units in the first and second floor with two-bedrooms which do not benefit from any off-street parking, and the proposed parking arrangement is considered to be appropriate.

Access into the rear parking areas is from a side street (North Road) off Midland Road onto an established secondary access. Colleagues in Highways DC did not raise any objection to the intensification of the access subject to conditions and an informative.

The proposed development is considered to be acceptable in terms of highway safety.

Ecological impact

The proposed development includes the demolition of an outbuilding on site and required a bat survey to support the development. This was submitted by the agent but alterations were required, alongside a second survey of the building. Upon receipt of this updated report, no objection was raised by colleagues in Ecology subject to a condition ensuring that the development strictly adheres with the recommendations/supporting documents. The recommendation includes the installation of a bat box on the external walls of the converted building which should remain on the building for the lifetime of the development.

Drainage

Colleagues in Drainage have been consulted who have raised no objection to the proposed drainage details for the development and the proposed development is therefore considered to be acceptable from a drainage perspective.

Conclusion

The applicant is seeking approval for the conversion of three properties located on Midland Road which is in District Centre of Royston. The buildings are mixed use with retail/commercial on the ground floor and residential units above, on the first and second floors. Midland Road is the primary shopping frontage of the District Centre of Royston.

Evidence has been presented that there is a lack of desirability for the retail/commercial units in this area, with no. 163 being vacant since 2007 and nos. 165-167 having periods of vacancy in the past and is now occupied by a charity at a heavily subsidised rate, who are due to vacate the premises in the near future. Cllr. Makinson has offered support for the application stating that the frontages of the units are now visibly deteriorating and there is clearly little interest in taking them on for commercial units. Barnsley's most recent SHMA (2015) has outlined that there is an expectation and desire for the creation of 3-bedroom units in the Borough which the proposal would provide.

The internal space is in line with the South Yorkshire Residential Design Guide. The external amenity space falls short of the required 60sqm as expected for three-bedroom developments. However, the site is centrally located within Royston with Royston Park within walking distance (150m away) which provides c.8 hectares of accessible green space for the future residents of the dwellings. Additionally, one parking space each is provided for the properties which falls short of the required two parking spaces per unit as expected in the Council's SPD for Parking. However, Colleagues in Highways DC are prepared to allow for flexibility given that the site is centrally located, and the character of the area is largely comprised of a lack of on-site parking, especially on Midland Road. A bat report has been submitted which colleagues in Ecology have assessed and raised no objection to the scheme subject to a condition ensuring that the submitted information is strictly adhered to and an informative.

The proposed development does not fully comply with Local Policy as outlined above, however it is in a sustainable location and seeks to introduce desired three-bedroomed properties and the application is recommended for approval.

Recommendation

Approve with Conditions