
2021/0301

W Linder-Green

Change of use of ground floor retail units to 2no. flats

303-307 Barnsley road, Cudworth, Barnsley, S72 8SY

The application is before Members at the request of ward councillors.

Description

The site is in relation to a number of attached, 3-storey building located on Barnsley road in Cudworth. The buildings are constructed from stone with retail units at the ground floor and residential accommodation above. There are 2 x dormer windows on the roof plane facing onto the road. The site is located to the North-East of the District Centre of Cudworth on the secondary shopping frontage. There is no allocated parking for the existing building.

To the rear of the site is a small courtyard area which is accessed by a small walkway with a flying freehold above. The rear elevation of the building has a metal external staircase leading to the first floor of the building.

Proposed Development

The applicant seeks approval for the change of use of the ground floor of the building from retail usage to two one bedroom flats. No changes are proposed to the first floor of the building.

The only external alterations would be to the frontage with the removal of the shop fronts and their replacement with windows and doors

There is no dedicated parking provision for the proposed flats but the agent has indicated that the existing rear courtyard area could be utilised as amenity space.

Planning History

B/75/3383/CU: Store extension (Conservation area consent; historic)

B/81/1752/CU: Change of use from shop to sale of hot food (Refused)

B/95/0811/CU: Installation of new shop front and alterations to form additional information (Historic)

2007/1853: Conversion of ground floor shop units into three bed sits (Approve with conditions)

2020/1345: Change of use of ground floor retail units with HMO above to 6no.apartments including external alterations (Refused due to inadequate room sizes, lack of dedicated parking, and lack of private amenity space)

Policy Context

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough. Policies of relevance to this application would be as follows:

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.

SPDs:

- Parking
- Design of New Housing Development

Others

South Yorkshire Residential Design Guide

Consultations

Pollution Control – No comment or objection

Highways DC – No comments received

Ward Councillors – All 3 ward councillors have raised objections on the following grounds:

- Previous problems with the site with the flats being used for anti-social behaviour.
- Loss of Shops
- The proposal doesn't fit into investment aspirations for Cudworth
- Lack of parking and impact on highway safety

Highways Drainage – No objection

Yorkshire Water – No comment

Planning Policy – Local Plan Policy TC2 remains a material consideration and the applicant hasn't made a convincing case that PD is a fall-back position which would be adopted if permission is refused. The requirement for ground floor uses to remain predominantly in nature applied only to primary shopping frontages so the 51% threshold doesn't apply to this secondary shopping frontage. The government haven't changed the policies in the NPPF which require us to support town centres and promote their vitality and viability, including defining primary shopping areas.

Having looked at the frontage on Google, it appears to be a mix of shop, pub, restaurant, takeaways and beauty. These units are also the last two units in the district centre and on the retail frontage. Since the submission also indicates that 18 months marketing hasn't elicited any market interest in the shops, it would be difficult to refuse the application based on a retail reason. The key argument being that the vitality and viability of the primary shopping area won't be negatively affected by loss of retail units at the edge of the centre that have been vacant for some time and given there is no/little prospect of their retail use in the future.

Representations

Neighbour notification letters were sent to surrounding properties and a site notice placed to the front of the site. One letter has been received in relation to the previous application (2020/1345) post decision. The occupant has said that they are re-developing their property so they acknowledge that any letters they have sent may not have been read but they have raised the following concerns which are relevant to this planning application:

- Loss of small retail units
- Over supply on one bedroom accommodation

Assessment

Principle of Development

The site and surrounding area is situated within Cudworth 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 secondary 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 on the edge of the district centre and is the last 2 retail units before reaching the Urban Fabric area to the North/North-East. As such, the site is considered to be on a secondary shop frontage.. Notwithstanding this, Policy TC1 and TC2 are still relevant which determine whether the loss of a retail use will be detrimental to the vitality and viability of the district centre. A view of the area has therefore been taken and it is shown that the surrounding area already has a mix of use with shops, a pub, restaurant/hot food takeaway, beauty, etc. in the near vicinity. As this is a secondary shopping use, the loss of the retail units are therefore not considered detrimental to the viability or vitality of the area.

In addition to the above, it is noted that from August 1st 2021, applicants will be able to take advantage of a amendment in legislation which means that the change of use from a shop (Use Class E) to a residential unit (Use Class C3) would be permitted development in principle subject to an application for prior notification being submitted in which the Council would only be able to consider the following aspects:

- (a)transport impacts of the development, particularly to ensure safe site access;
- (b)contamination risks in relation to the building;
- (c)flooding risks in relation to the building;
- (d)impacts of noise from commercial premises on the intended occupiers of the development;
- (e)where—
 - (i)the building is located in a conservation area, and
 - (ii)the development involves a change of use of the whole or part of the ground floor,the impact of that change of use on the character or sustainability of the conservation area;
- (f)the provision of adequate natural light in all habitable rooms of the dwellinghouses;
- (g)the impact on intended occupiers of the development of the introduction of residential use in an area the authority considers to be important for general or heavy industry, waste management, storage and distribution, or a mix of such uses; and
- (h)where the development involves the loss of services provided by—
 - (i)a registered nursery, or
 - (ii)a health centre maintained under section 2 or 3 of the National Health Service Act 2006(4),the impact on the local provision of the type of services lost.

Given this new legislation comes into effect so close after the Planning Board date it would appear appropriate to assess the scheme against the above factors as has been done below:

Transport Impacts

The site is on a bend in the road with double yellow lines in front and no dedicated parking areas. Nevertheless, the established use of the ground floor is as retail units. It would appear that in the past it may have been three retail units and was then converted into two retail units. The shops have, however, been vacant for a while. Notwithstanding this, if they were to re-open as retail units then

there would be some vehicular activity associated with them including servicing of the shops, deliveries, staff arrivals, customers etc. The proposal to change the use to 2 one bedroom flats is unlikely to result in any significant increase in vehicular movements compared to what the existing use could generate.

In addition to the above, the site is in a sustainable position within easy walking distance of the shops and services in the centre of Cudworth. There is also small public car park opposite the site and a bus stop within 30m of the site. Local Plan policy T3 aims to reduce the need to travel, especially by private car. Given the sustainability credentials of the site, to insist that private dedicated parking be provided, would appear to go against the principles of this policy in encouraging the use of more sustainable modes of transport.

In view of the above, the proposal is not considered to result in any significant detrimental transport impacts.

Contamination risks

The proposal re-utilises an existing building that was used for retail purposes and would be surrounded by residential uses. As such there are not considered to be any contamination risks from the proposal

Flooding risks

The site is not close to any watercourses and is within Flood Zone 1 (lowest risk of flooding). As such the proposal does not raise any flooding risk issues

Residential amenity

In terms of noise from surrounding uses, the new flats would adjoin existing residential uses so commercial noise would not be considered an issue. In addition the Council's Pollution Control Section have raised no objections to the scheme.

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 the internal room dimensions, these now meet the SYRDG standards for internal spaces. The applicant has also indicated that the rear courtyard area can be used as private amenity space and it is also noted that Cudworth Welfare Park is within walking distance of the site. Given the one bedroom flats are unlikely to appeal to families, it is considered that there is acceptable outdoor amenity space for the proposed scheme.

Other factors

The site is not within a conservation area and is not within an area the local authority considered as "important for general or heavy industry, waste management, storage and distribution, or a mix of such uses". The scheme also does not involve any nursery or health services provision.

In terms of visual amenity, the proposed windows and doors would be comparable to the residential elements on the upper floors of the building. The applicant is proposing render to the ground floor. There are a variety of materials in the surrounding area including stone, brick and render. The dormer windows on the building are also clad in white boarding whilst the existing shop frontages have a variety of materials on them. On the proviso the type and colour of render is sympathetic to the building it is considered that this would be acceptable subject to an appropriate condition.

The addition of two one bed flats is not considered to have a significant impact on the housing stock within the Cudworth area. The issues relating to anti-social behaviour at the site are noted but these

cannot be considered as material planning considerations for the scheme put forward. In addition, it is acknowledged that there are plans and thoughts on improving this area but it is not considered that these are at a stage where they hold significant weight in order to be considered as significant factors in the determination of the application.

Conclusion

The scheme is considered to be in line with current guidance and emerging changes to legislation and it is not considered that there are any significant material considerations that weigh against the scheme. As such the recommendation is to approve subject to conditions.

Recommendation

Approve subject to conditions