2022/1036

Applicant: Mr Guruinder Singh

Change of use of storage unit serving a shop to a dwellinghouse

134 Rotherham Road, Smithies, Barnsley, S71 1XA

Site Description

The site is in relation to a detached outbuilding located in the rear courtyard area of an existing convenience store at 134 Rotherham Road, Smithies. The outbuilding is single storey with a maximum height of 4.3m to the highest part of the roof ridge and 2.45m to the eaves. The building faces onto Richard Road to the South-East and was extended under application ref. 2014/0122 to facilitate its use as ancillary storage for the shop. There is access into the courtyard area/outbuilding through a metal gate leading to a parking area, with a c.1.5m high brick boundary wall on the front boundary line.

The rear elevation of the convenience store has a metal roller shutter door, a smaller access door and several ancillary elements such as extraction units. The site is located in the Urban Fabric with the surrounding area being largely residential with the exception of the shop.

Relevant Site History

2011/1120 – Erection of 1st floor extension to first floor flat with external staircase and new shop front and shutters to ground floor shop (Approve with conditions)

2012/0444 - Change of use of shop (Class A1) to shop and fish and chip shop (Class A5) (Refuse)

2014/0122 - Extension and conversion of detached garage to form retail unit storage area and erection of a boundary fence (Approve with conditions)

2016/1130 – Installation of 1 no. ATM machine (Approve with conditions)

2016/1132 – Display of 1 no. internally illuminated fascia sign to shop (Approve with conditions)

Proposed Development

The applicant is seeking approval to convert the outbuilding into a dwelling. The application has been amended numerous times but now seeks to form a studio flat with associated amenity space to the front and rear. The additional amenity space will be partially formed by the removal of part of the building to create additional space to the Eastern side. The resultant amenity area now measures 56sqm.

Several other alterations are proposed, as follows:

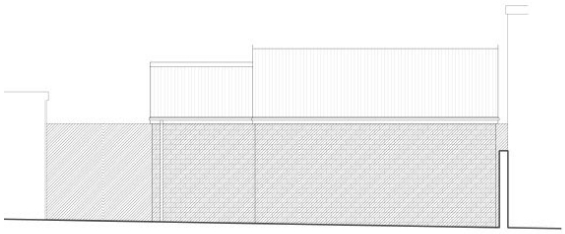
1. Removal of the extraction fan on the rear elevation of the shop,
2. Removal of existing front boundary wall and gate, to be replaced by a wall/fence to a maximum height of 1.2m (900mm high fence panels and 1.2m brick piers),
3. Removal of roller shutter and blocking up of the cavity,
4. Formation of parking space to the front of the shop defined by hatching, with a sign designating that the space is for residents only and a 900mm high fence.

Several other alterations are proposed on the amended plan such as the removal of the extraction fan on the rear elevation of the dwelling and re-positioning to the Southern elevation.

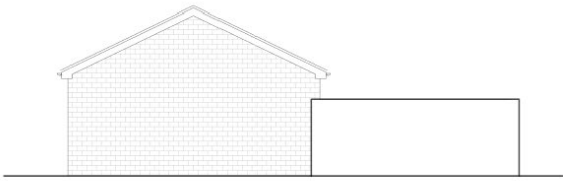
Proposed Ground Floor Plan

Proposed Front Elevation

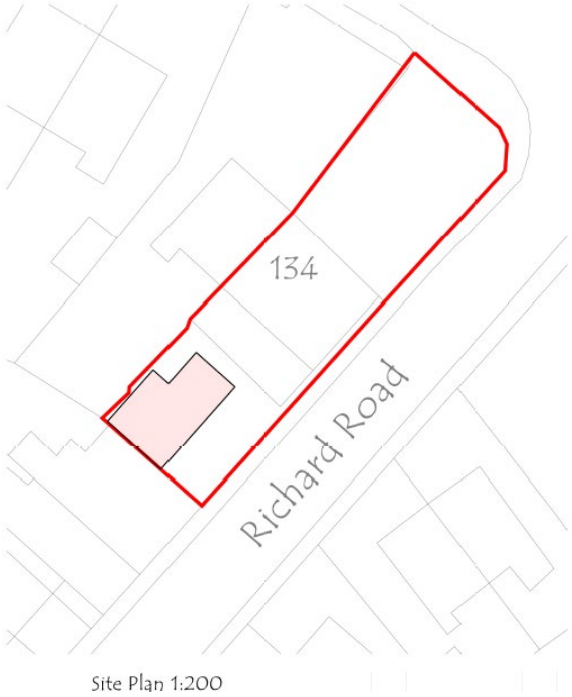
Proposed Side Elevation



Proposed Rear Elevation



Proposed Side Elevation



Site Plan 1:200

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 development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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 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,

superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

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Relevant Local Plan policies include:

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.

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.

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.

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.

<u>Supplementary Planning Documents</u>

- Design of housing development

- Parking

- Sustainable Travel

<u>NPPF</u>

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.

Paragraph 7 – the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 – achieving sustainable development has three overarching objectives:

a) An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
b) A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
c) An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way.

Paragraph 111 – 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 should be severe.

Paragraph 119 – Planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 120 – Planning policies and decisions should

a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
d) promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)48; and
e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 126 - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Paragraph 134 – Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design taking into account any local design guidance and supplementary planning documents such as design guides and codes.

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

Highways DC (two responses) -

> Initial response – The proposed plans show a parking space within the red line boundary on the forecourt of the convenience store which is an acceptable level of parking. However, the remote location of the parking is unacceptable as there is no demonstration of safe pedestrian access to the parking space which would likely encourage vehicles associated with the development to park on the highway which would not be acceptable. Gates to the site should be removed and the kerb outside the storage area should be reinstated to footway level. Information should also be provided in relation to a parking layout plan for the shop frontage to demonstrate that the provision of a parking space would not encroach upon parking for the shop.
>
> Second response – The amended scheme still shows a parking space within the red line boundary, but the previous concerns raised with relation to the parking space being remote have not been suitably addressed. Concerns would also be raised regarding restrictions of the use, monitoring, maintenance, and access to the space marked 'Residents Only' which cannot be secured, guaranteed or enforced and will therefore be unacceptable. An objection to the scheme is made on highways grounds due to the failure to provide an acceptable level of parking which is likely to lead to indiscriminate parking on the highway causing obstruction to the detriment of highway safety.

Pollution Control – No objection raised.

Ward Councillors – Cllr. Tattershall raised no issue with the development stating that suitable accommodation is always welcomed in the area.

Representations

Neighbour consultation letters were sent to neighbouring residents with a site notice placed nearby; one comment was received stating that any building alterations to the storage unit, now or in the future, for example addition of windows on the back or development into a two-storey building would have a significant impact on the privacy of neighbouring properties and result in a significant loss of light.

Assessment

Principle of Development

The site is located in the Urban Fabric with residential being the long-established use of the area. The proposed development is to convert the existing outbuilding into a studio flat showing a single bed. Local Plan Policy H4 states that proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan. Further assessment will come in the following sections of this report.

The proposed development seeks to convert an existing ancillary storage building which forms a small part of a wider plot for a convenience store. The proposed development is to effectively create a small scale domestic plot and assessment against the Council's SPD for Design of Housing Development, Local Plan Policy GD1: General Development and Local Plan Policy D1 is relevant to determine whether the building/plot is appropriate to facilitate residential development. Paragraph 134 of the NPPF also reads:

> *Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes. Conversely, significant weight should be given to:*

a) *development which reflects local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes; and/or*

b) outstanding or innovative designs which promote high levels of sustainability, or help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

In this case, the proposed development, in the opinion of the local planning authority, does not improve the character and standard of design in the area and does not fit in with the overall form and layout of its surroundings. The conversion of such ancillary storage buildings is not deemed to result in a high-quality level of residential dwelling which is expected from modern development. There is no extension potential for future residents, with extremely limited outlook from the proposed dwelling which fails the tests for providing high quality new homes, contrary to Local Plan Policies GD1, D1, the SPD for Design of Housing Development and NPPF paragraph 134.

In addition to the above, assessment against Local Plan Policy H6 is also necessary which requires the Local Planning Authority to take a judgement as to whether the proposal will contribute successfully to achieving an appropriate mix of homes to meet local needs. The BMBC SHMA 2021, through a 2020 housing survey, outlines that the least desirable dwelling type expected in the borough is 1-bedroomed flats/studios with 2.4% expected with the current stock being 3.6%. As such, the current stock of the proposed units in the borough is already out delivering for what is the least desirable dwelling type. It is therefore considered that there is weak justification for what is considered a poor and unnecessary form of conversion/development and in this sense, the proposed development is contrary to Local Plan Policy H6 and is considered to be unacceptable in principle. No evidence has been submitted by the agent in the Planning Statement or other information which indicates that the SHMA has been acknowledged or referenced and that the development is in response to meeting the existing and future housing need in the community.

Further, NPPF paragraph 8b states that development should address social progress and should foster well-designed, beautiful, and safe spaces by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations. The proposed development is considered to result in a low quality level of residential development which does not lead to social progress nor does it improve the character or quality of the area, which would bring wider benefits to the area/borough. An approval to convert an unsuitable and inadequate smallscale outbuilding/plot such as this for residential development is considered to be completely inappropriate and would set an unwanted precedent for other similar development elsewhere in the borough. The Council has an important duty to provide adequate homes, in the right areas which are fit for purpose which the development simply does not achieve.

For the above reasons, the proposed development is deemed to be contrary to Local Plan Policies GD1, D1, H4, H6, the Council's SPD for Design of Housing Development and NPPF paragraphs 8b and 134 and is considered to be unacceptable in principle.

Residential Amenity

The proposed development has been amended numerous times with the final proposed plan showing a studio flat with a single bed, living/dining area and kitchen and a separate shower room. Part of the existing building is also to be removed to increase the amenity space within the proposed garden area. The internal size of the studio flat is 34sqm with the shower room measuring 2.75m. This meets the criteria within the SYRDG which requires a minimum of 33sqm for studios flats. The building also contains an attached shed to the rear measuring 2.7sqm which can be used for storage.

The Council has an adopted SPD for Design of Housing Development which states that new dwellings and flats with 2 or less bedrooms should have a minimum of 50sqm of private amenity space. The amended proposed plans show that there will be 56sqm of amenity space within the site, which exceeds the 50sqm expected in the SPD. This amenity area is partially due to the fact that part of the building will be removed to form additional space within the site.

However, it should be stressed that this expectation is a minimum requirement and consideration must also be given as to whether the proposed amenity space is of sufficient quality and is indeed private. In this case, the proposed amenity space is located to the front and side of the building, with an amended plan showing that the existing front boundary wall will be removed and replaced by a wall/fence with a maximum height of

1.2m. The amenity space will be in clear view from the adjacent road (Richard Road) as well as from neighbouring properties, with little obstruction given that the boundary wall will be removed and replaced by a mid-height wall/fence. The amenity space is therefore not private, is marginally above the minimum standards expected and the newly formed area to the side (due to part of the building being removed) will be enclosed by the building and the retail unit to either side. The amenity area will therefore be significantly enclosed and overshadowed by a mixture of the proposed boundary wall and the convenience store and the building itself and the end result would be poor quality amenity space. Further to this, the proposed dwelling shows a minimum number of openings, solely located on the frontage which face onto a small forecourt area, a boundary wall, and the road. There will be very little outlook offered from the windows on the property which would accentuate the issues raised in terms of lack of adequate amenity space and the quality/standard of the living conditions offered by the unit is considered to be substandard and not in line with Local Planning Policies.

The agent has referenced that Smithies Recreation Ground is within walking distance to the site, and an assessment shows that the entrance to the park is c. 325m from the entrance to the site. It is not contended that this is walkable and the SPD references that the amount of shared private space to be provided for flats will also depend on the quality, quantity and accessibility of local public open space. However, this guidance was written for shared amenity space for several flats and goes onto state that full compliance with the standards will be expected in predominantly residential areas. The amenity area proposed is not shared and the area is predominantly residential so full compliance is expected. On balance, the proposed amenity space is not considered to be up to appropriate standards and is unacceptable.

The existing outbuilding contains an access door on the front and side elevation, respectively as well as 2 x windows on the frontage. The outbuilding will be reduced in size but will still contain the same amount of access doors and windows in generally the same position on the building. The flat is a studio therefore the windows, located in the kitchen area and are therefore habitable. The windows face onto the neighbouring properties across the street but are at a distance of 17.5m away from the nearest dwelling which is in excess of the minimum 12m expected between front facing windows on dwellings. Given the building is single storey, the proposed positioning of the dwelling and windows is not considered to result in overlooking/privacy issues to neighbouring properties.

The building is not being extended in any way and its overshadowing and overbearing impact is neutral compared to the existing.

Highway Safety

The outbuilding is located to the immediate rear of the existing convenience store and currently serves as a parking area for the shop owner/staff. The site is addressed as Rotherham Road – which is a main road – but the entrance into the site is actually off Richard Road, with a T-junction connecting the two roads. The surrounding area does feature some street parking and immediately adjacent is double yellow lines which indicates that parking is an issue within the area and there has been an attempt to control this.

The proposed development seeks to include a parking space which is shown within the red line boundary of the wider site which includes the existing convenience store. This is located to the North of the store directly in front of the main access door for the shop in a forecourt area. This creates an arrangement in which future residents of the proposed unit would be required to leave the red line boundary and walk on the highway to the parking space which is located in a shared car park. The distance from the entrance door of the proposed dwelling to the parking space (door-to-door) is 34m. Highways initially expressed concern with this arrangement given the remote nature of the parking space and lack of information in regard to the parking layout for the store alongside the future resident's parking. Upon receipt of this information, concerns were raised by highways who reiterated concern in regard to the remote location of the parking and the likelihood of indiscriminate parking on the highway rather than the use of the proposed parking space.

The agent has referenced B.1.1.27 within the SYRDG which refers to off-site parking should be provided within 40m of the entrance door. It is considered that this is not applicable in this case as the parking space proposed is shown within the red line boundary and the issues presented above are in relation to the likelihood of the proposed parking space being used. Both the LPA and Highways DC agree that the proposed arrangement is very likely to result in indiscriminate parking on the street, rather than future residents using the proposed space. This is exacerbated by the fact that the proposed space has excessive man-carry distances door to door and is considered to be unacceptable. Indeed, the SPD for Design of Housing Development states in section 24.1 that excessive man-carry distances are generally described as 30m+, which is exceeded in this case.

The agent has provided details as to how the parking space would be managed by showing details on the amended plan such as a 900mm fence to the side of the parking area, hatching on the ground and signage indicting that the space is for residents only. However, these measures would rely on a private arrangement between the shop owner and the future resident which is not controllable or enforceable by the Council. The removal of this agreement is a further future concern which would increase the likelihood of indiscriminate parking on the highway, to the detriment of the safety of other road users. As mentioned above, the area is characterised by street parking (not entirely) but there is a row of double yellow lines immediately adjacent to the site. Regular indiscriminate parking in this area would therefore be to the detriment of the local highway network, which is contrary to Local Plan Policy T4 and the Council's Parking SPD and is unacceptable in terms of the proposed parking arrangement and the detrimental impact it will have on the nearby highways network.

Visual Amenity

The proposed outbuilding is relatively unchanged from the existing arrangement with the exception of the reduction in its size/length by 1.35m and the replacement and repositioning of the windows on the front elevation. There are other minor changes to the wider site including the front boundary wall and gate being removed to make way for a replacement boundary wall with fence toppers, as well as a new pedestrian gate. The replacement wall is at a height of 1.2m at the highest and is considered an improvement in terms of design as it removes the existing large (c.1.5m) front boundary wall, and the proposed wall is similar to the surrounding street scene.

There will be minor alterations to the existing commercial unit which includes the blocking up of the roller shutter and removal of extraction units/equipment. These are minor alterations which have a neutral impact on visual amenity.

It is considered that the proposed alterations have a neutral impact on visual amenity of the area compared to the existing, and there is no reason to raise concern with the development from a design standpoint. This is subject to the use of good quality external materials for the replacement windows and boundary wall. Alongside the use of matching materials to block up the cavities on the commercial unit. All of these measures can be reasonably controlled through planning conditions are the proposed development is acceptable in terms of visual amenity.

Drainage

Colleagues in Drainage have assessed the details presented on the plans and have not raised any objection to the proposal. Standard conditions will be attached.

Conclusion

The proposed development seeks to convert an outbuilding which serves the existing convenience store at 134 Rotherham Road into a residential unit (a single bed studio flat). The Local Planning Authority has assessed the proposal and has raised concerns which can be summarised below.

Firstly, the proposal is contrary to Local Plan Policy GD1, D1, H6 as well as NPPF paragraphs 8b and 134 which seek for residential development to raise the design standard in the area, contribute to creating mixed and balanced communities and result in high quality standards of living for existing and future communities. The proposed development does not reflect the requirements in the Councils most recent Strategic Housing Market Assessment (SHMA) 2021 has outlined, through a 2020 Housing Survey, that 1-bedroomed flats are the least desirable form of dwelling type in the borough with the current stock (3.6%) exceeding the expectation (2.4%) raised in the SHMA Housing Survey. The agent has not provided any information or evidence which indicates that the Borough's housing needs have acknowledged or formed the basis of the proposed development and that it meets the current or future housing needs of the community. The proposed development therefore does not appropriately successfully contribute to or support the borough's current or future housing needs, does not raise the standard of design in the area and does not support the communities' health from a social perspective and is considered to be inappropriate development.

Secondly, the proposed development seeks to incorporate a parking space within the red line boundary, but it is location to the front of the convenience store in what is a shared forecourt area and would require residents to leave the red line boundary/application site and walk to the parking space, passed the shop and partially through the shared parking area at an excessive distance (34m). This is considered to result in excessive an 'man-carry-distance' as outlined in the SPD: Design of Housing Development and the

applicant has failed to demonstrate that the parking space will be used solely by the future resident of the unit. The parking arrangement proposed is therefore very likely to discourage residents to use the proposed parking space in the forecourt area and it is extremely likely that residents will indiscriminately park vehicles on the highway, which is in close proximity to a junction and immediately adjacent to double yellow lines. This is contrary to Local Plan Policy T4 and the Council's SPD for Parking and Design of Housing Development and is deemed to be an unacceptable arrangement.

Lastly, the proposed development seeks to form an area of amenity space to the front and side of the building which measures 56sqm which is marginally above the minimum space standards for a residential unit of this size, however the front boundary wall will be lowered to a maximum height of 1.2m resulting in amenity space which is not private, easily viewable from the street and from neighbouring properties, is significantly enclosed by the existing buildings on either side and will be significantly overshadowed. Additionally, the proposed residential unit offers very little outlook with the windows positioned solely on the frontage of the proposed dwelling which faces onto the forecourt of the area of the dwelling, the boundary wall, and the road. The proposed development is therefore contrary to the SPD for New Housing Development and Local Plan Policy GD1 which seeks to protect the amenity of future residents of the proposed unit and produce residential development which is high quality and produces adequate living conditions.

For the above reasons, the application is recommended for refusal.

Recommendation

Refuse