

Application reference number	2025/0365
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Application Type	Full planning permission
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Proposal Description:	Change of use of part of hair salon therapy space to a walled beer garden associated with the adjacent micropub
Location:	70 and 72 Church Street, Darton, Barnsley, S75 5HQ

Applicant	Ms Kathleen Staniland
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Number of Third Party Reps	One	Parish:	n/a
		Ward:	Darton West

SUMMARY

The application seeks full planning permission to change the use of part of a hair salon therapy space (to the rear of 72 Church Street) to a walled beer garden associated with the adjacent micropub at 70 Church Street

The proposal is considered to be acceptable in policy terms being located within a designated Local Centre within the Local Plan and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2024).

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, or the wider character of the area subject to suitably worded conditions.

Recommendation: **GRANT Planning Permission**

Introduction

- The application seeks planning permission to create a walled beer garden for use in connection with a microbar in Darton Local Centre.
- The application has been amended during the course of the application including by the submission of a Noise Impact Assessment which sought to demonstrate that the proposed beer garden would not have an unacceptable impact on local residents.

Site Description

The application site forms part of the rear of the building 72 Church Street which is currently used as a hair salon therapy space. The application site amounts to 16 square metres

internal floor area. The site is within the designated Darton Local Centre which has a range of shops, takeaways and restaurants, including a restaurant and a café either side of 70 and 72 Church Street and flats above. Adjacent/to the south of the part of the building which forms the application site is a shared rear yard and beyond that, two houses. Beyond the houses to the south is a Darby and Joan Club; and beyond the houses to the east is a shared car park to the rear of a Co-op fronting onto Church Street.

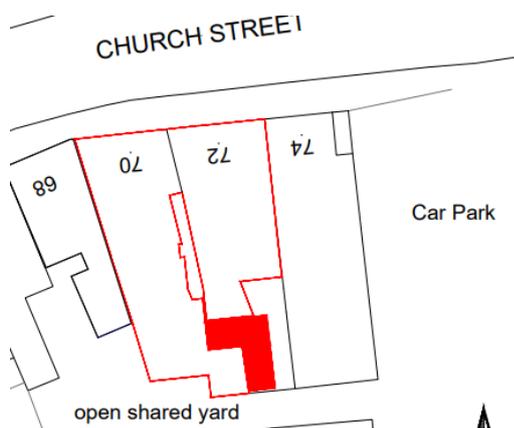
Proposal

The application seeks full planning permission to change the use of part of a hair salon therapy space (to the rear of 72 Church Street) to a walled beer garden associated with the adjacent micropub at 70 Church Street. The proposal includes removing the existing corrugated roof and replacing it with a louvred roof which can be opened. The walled beer garden will amount to an additional 16 sqm of space in addition to the existing 130sqm gross internal floorspace.

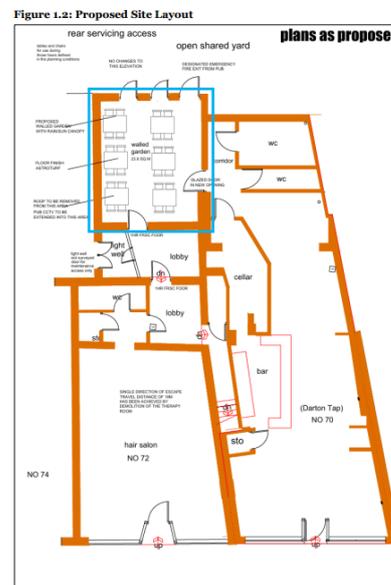
The application is supported by a Planning Statement; and also a Noise Impact Assessment and Noise Management Plan submitted at the request of Pollution Control.

The application has clarified a number of issues including to confirm that there won't be any television or music in the beer garden and that the retractable roof will be closed at 20:30 each night

Block plan



Internal layout included with noise impact assessment



Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2018/0387	Change of use of ground floor of former gym (Class D2) to micropub (Class A4) including alterations to frontage	Granted

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which 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 identified as being within Darton Local Centre within the Local Plan and as such the following policies are considered to be relevant to this application:

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development, including the development would not cause significant adverse effects on the living conditions and residential amenity of existing residents

Policy T3 New development and Sustainable Travel – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plans.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

Policy TC1 Town Centres – indicates that new retail and town centre development will be directed to centres in order to maintain and enhance their vitality and viability and that a sequential approach will be used to assess proposals for new retail and town centre development outside the designated centres.

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

Adopted Supplementary Planning Documents relevant to this application:

Parking

NPPF

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. NPPF policy of relevance to this application includes:

Paragraph 85 Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 116 - 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 would be severe.

Paragraph 198 – Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

Relevant Consultations:

Barnsley CAMRA- Support the proposed beer garden which will further enhance this success and popular local pub

Highways DC – no objection

Pollution control – Initial comments – objected that the proposed development is likely to significantly impact the quality of life of nearby residents due to noise and recommended a noise impact assessment.

In response to second consultation – recommended a noise impact assessment is carried out.

In response to third consultation on the noise impact assessment – confirmed that the noise impact assessment appears to indicate that noise from patrons will not cause an adverse impact at the nearest residential property. No objection subject to recommended conditions.

Enterprising Barnsley – support the proposal which will hopefully lead to further employment growth and support the boroughs plans for an active destination/leisure market for BMBC

Ward Councillors – no comments received

Representations

Neighbour notification letters were sent to 13 surrounding properties and a site notice was placed nearby.

One representation was received which raised the following material planning issues:

- We share the communal area next to the proposed beer garden and I have to regularly remove plants, garden furniture and bags of empty bottles placed in front of my gate
- Concern at the prospect of patrons throwing/knocking drinks into the communal area causing damage to mobility scooter and wheelchair wheels or my dogs' paws
- Concerned at the noise during televised events and since the garden is to be open until 2300 hours
- Concern that the fire escape will be used as a source of entry and exit and that the beer garden will be used for smoking.

Assessment

The main issues for consideration are as follows:

- The acceptability of the proposed use
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards
- Other matters

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

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

Principle of development

The application site is within Darton Local Centre. Local Plan policy TC1 indicates that new retail development will be directed to centres in order to maintain and enhance their vitality and viability. The change of use is acceptable in principle subject to consideration of issues of impact on residential amenity, visual amenity and highway safety, which are considered below.

The proposal is indicated to support an existing business and involves a modest increase in floorspace to the microbar. Since this is space that will no longer be used as existing by the hair salon and won't lead to any increase in employment by the business, this limits the weight that can be given and moderate weight is given in favour of the proposed use.

Residential Amenity

In response to objections from a local resident and Pollution Control, the applicant has submitted a noise impact assessment, a noise management plan and a number of clarifications.

The noise impact assessment demonstrates that the predicted development noise levels are at least 5 dB below existing ambient noise levels and 3 dB below prevailing background noise levels at the nearest noise sensitive receptor (the nearest house). It has been clarified that the assessment is based on the roof being open and therefore noise levels are likely to reduce from 20:30 when the roof is closed.

The submitted noise management plan indicates that signs will be placed in the walled garden asking guests to be quiet and courteous to local residents; no music will be played in the walled garden; guests will be asked by staff not to loiter outside the premises; and the retractable roof will be closed at 20:30 each day.

The applicant has clarified that smoking will not be allowed in the beer garden and that there will be no playing of a tv in the walled garden and conditions can secure these matters.

Pollution control confirm that the noise impact assessment demonstrates that noise from patrons of the proposed beer garden will not cause an adverse impact at the nearest residential property. Pollution control have recommended conditions preventing live or amplified music being played within the development; limiting the maximum number of patrons within the walled garden to 20 (reflecting the assumptions made in the Noise Impact Assessment); restricting hours of use; requiring the retractable roof/louvres to be closed at 20:30 each day; requiring the doors to the south boundary to be closed during opening hours (except for emergency egress) and requiring the noise management plan to be strictly adhered to. A summary of the recommended conditions has been shared with the applicant.

It is concluded that subject to the recommended conditions, the proposed use would not unreasonably affect local residents and the proposal is in conformity with Local Plan policies GD1 and Poll 1 which seek to protect the residential amenity of existing residents and ensure that development will not cause unacceptable noise or other pollution to people. Moderate weight is given to this material consideration.

Highway Safety

This is a modest proposal to change the use of part of an existing hair salon to use in connection with a microbar and the site is very close to an existing car park. Reflecting the advice of the Highways Engineer it is concluded that the proposal will not adversely affect highway safety and is in compliance with Local Plan policy T3. Moderate weight is given to this material consideration.

Other matters

A number of concerns have been raised by a local resident about the use of a shared area and the prospect of littering in the shared area but none of them lead to any different conclusion.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is located within a Local Centre which is considered to be a sustainable location suitable for a modest expansion to the floor area of the existing microbar and this weighs moderately in favour of the application. The applicant has submitted information to demonstrate that the use of the beer garden use will not adversely affect local residents and it is concluded that the proposal is acceptable subject to the conditions referred to above.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions and holistically this weighs moderately in favour of the application.

Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

Having balanced all material planning considerations, whilst an objection has been received in respect to the proposal this has been suitably addressed through the information supplied and further amendments to the scheme. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is therefore, on balance, recommended for approval

RECOMMENDATION

GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO CONDITIONS

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

The above objections, consideration and resulting recommendation have had due regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

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

- Noise and impact on local residents