
2022/0525

change of use from a shop to a micro pub and associated external alterations including replacement shop front

138A Redbrook Road, Gawber, Barnsley, S75 2RB

Site Location and Description

The application relates to a small retail unit (43 square metres ground floor area), previously a flower shop, at one end of a small group of commercial properties including a shop/post office (with a flat over), two hot food takeaways and a sandwich shop. The surrounding area is otherwise residential, including the immediate neighbour to the west. Some 300 metres to the east are Barnsley Hospital and the club mentioned in representation, Gawber Road Working Mens Club.

Frontage:

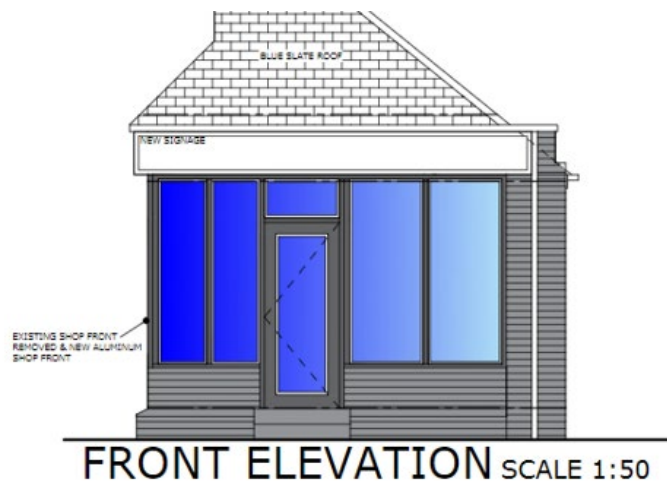


Proposal

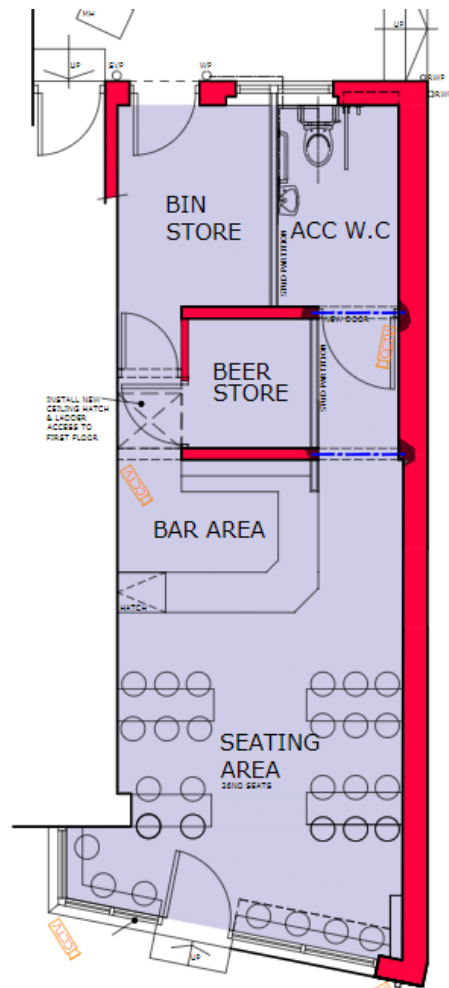
The application proposes to change the use of the building to a micropub. The submitted drawings showing a seating area capable of seating 29 people; a bin store accommodated inside the building and the existing first floor area used for storage, with the existing stairs removed and a loft hatch inserted. The application also proposes to replace the existing timber shop front with a new aluminium shopfront powder coated grey. The original proposal also included the creation of a side entrance door, but this has been removed from the proposal. The application is supported by an operational management plan which indicates amongst other things that there will be no outside drinking or smoking; limits deliveries and refuse collection to 9am to 5pm, no music will be played at all; and removal of waste will be from 9am to 5pm.

In addition, a noise report has been submitted during determination of the application.

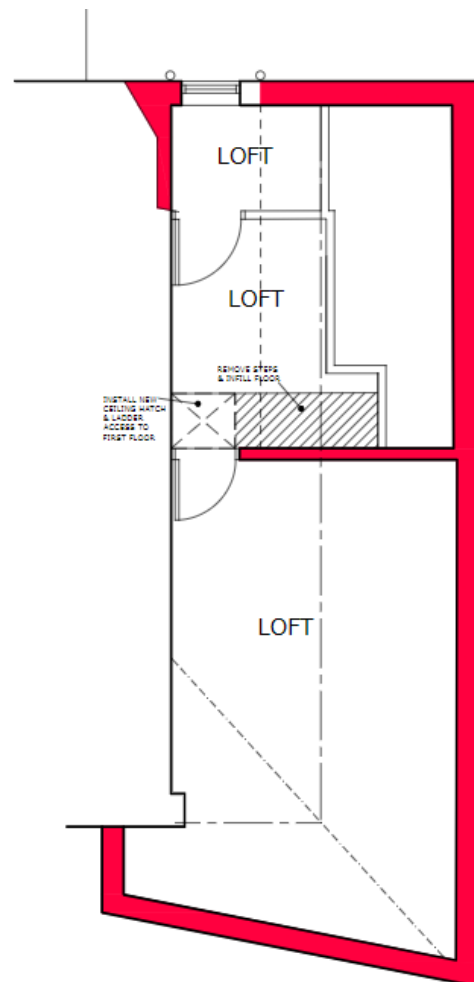
Proposed shopfront



Proposed ground and first floor layouts:



**GROUND FLOOR PLAN
AS PROPOSED** SCALE 1:50



**FIRST FLOOR PLAN
AS PROPOSED** SCALE 1:50

Policy Context

To the extent that development plan policies are material to an application for planning permission, the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70 (2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

The Local Plan was adopted by the Council in January 2019 and the Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

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.

The site is within an area allocated as Urban Fabric and therefore the following policies are relevant:

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.

Policy E5 Promoting Tourism and encouraging Cultural Provision – we will promote and encourage the growth and development of cultural provision; safeguard and sustain existing cultural provision; promote the existing cultural provision and tourism offer (including hospitality); and encourage the growth of the tourism sector.

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.

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 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.

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. 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.

Paragraphs of relevance to this application include:

Para 80 – planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt.

Para 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 would be severe.

Para 185 – 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.

Consultations

Pollution Control – This development has the potential to have an adverse impact on health and the quality of life of those living and/or working in the locality. Although the applicant has acknowledged the need to prevent nuisance and disturbance to local residents, more detailed information is required in order to make an informed decision.

A Noise Impact Assessment is required which will detail the predicted increase in noise levels at the nearest noise sensitive receptors from sounds including breakout noise and any fixed plant (e.g. chillers, air conditioners, extraction units etc) and any mitigation necessary to ensure that residents are not adversely impacted

In response to reconsultation on the submitted Noise Report recommends conditions requiring the mitigation measures in the submitted noise report to be implemented to avoid adverse impacts on health or the quality of life of those living in the area; requiring windows and doors to be kept closed during hours of operation apart from to allow ingress and egress of personnel; stating no music to be played in pub; the first floor area to be used for storage only; no outside drinking or smoking; hours to be controlled and restricting hours of waste and recycling collections and of deliveries.

Highways DC – Given the proposed use of the premises as a micro pub, it is considered that most visitors would likely arrive by a means of transport other than the private car. The sustainable edge of town location would further support this view and therefore the effect of the proposals in terms of demand for on-street parking spaces would unlikely be such that the impact upon the safety or efficiency of the highway would be significantly detrimental.

I note that the proposals include the creation of a new disabled access in the side elevation of the property, however it is unclear how it is proposed for this access to operate. The new doorway would be accessed via the adjacent driveway which is not within the control of the applicant and is used for the parking of vehicles. The new disabled access point would for all intents and purposes be rendered inaccessible.

Police – No objections in principle. Note that the operational management plan mentions the installation of CCTV inside and outside the premises. I would suggest that any system is fitted and registered in accordance with the latest ICO rules.

Ward Councillors –No responses.

Representations

The application has been advertised via letters direct to neighbours and a site notice displayed for the period 31 May to 23 June 2022. Neighbours and objectors were re-notified in response to the receipt of the noise report and invited to comment between 7 September and 21 September.

9 letters, 8 objecting and one in support, were received in response to the original publicity making the following points:

- This is a busy area with shops, takeaways, cash machine, bus stop and post box.
- Traffic is a concern as there is a bus stop which will affect deliveries; and local streets are frequently congested with traffic.
- There is a safety issue due to the road being extremely busy all day and night with cars and HGVs and anyone under the influence could go out onto the road without being aware of any cars coming etc.
- Cite experience of micropubs nearby and in town where customers spill out onto the pavement and additional cars park where they want, causing environmental and safety issues.
- Children who sleep in the front bedroom of houses opposite the shop, some of whom are at high school, preparing for exams, would have their sleep disturbed by noise from the pub
- Concerned about antisocial behaviour locally that would get worse - cars and van which are parked opposite the shop and get damaged on a regular basis by drunks; regular litter from the takeaways and shop in our garden; harassment and noise from drunks.
- The Redbrook community houses many families and elderly couples who do not agree with this application.
- The application proposes a new side entrance onto a private driveway which is used for the owners business parking and deliveries; also the use of the driveway to access bins is prohibited.
- The adjacent business has a flat at first floor, which requires adequate soundproofing to take into account noise from the building and customers outside.
- I think this will be a good addition to this little group of shops.

One letter of objection was received in response to the further notification, making the following points:

I still object to the planning application due to living across the road from the proposal; I do not want the noise or intoxicated people hanging around my house where I already suffer from rubbish from the takeaways and a bus stop in my garden. The side entrance would only be accessible from the shared driveway which is private property. Drunks will be hanging around at the back of the post office which is an extremely high security risk. There is nowhere for the business' bins. Residents are waiting to start a petition to this as it is not the right fit for the area.

Assessment

Principle of Development

The site is in a location which is designated as Urban Fabric. This designation is described in the Local Plan as a 'notation of no specific allocation' which recognises that the site is in a built-up area. Policy GD1 is applied to all developments and includes a range of criteria to be considered including impact on living conditions and residential amenity. The proposed use is a town centre use which national and local planning policy indicates should be located in a town centre unless a sequential test indicates that there is not a sequentially preferable town

centre or edge of centre location, in the interests of the vitality and viability of the town centre. However, since the existing use is also a town centre use, it is considered that the proposed use would not have a significantly greater impact on the vitality and viability of the town centre and the principle of development is acceptable, subject to consideration of matters of detail.

Residential Amenity

In response to concerns about residential amenity, including from Pollution Control and local residents, a noise survey was submitted by the applicant. The noise survey was conducted between 7.05pm and 22.20pm in July and recorded noise levels were commensurate to the setting with the main noise associated with traffic and pedestrian activity. The report notes restrictions agreed by the applicant (which include that there will be no music played within the pub; the first-floor area will be used for storage only; there will be no outside drinking or smoking areas; and no additional services are planned). It is concluded that the only potential noise source is from within the premises – customer noise and bar activity. Subject to details of noise mitigation for the flat in the adjacent premises, which are set out in the report, it is concluded any noise level that the use generates would not be harmful when existing noise levels are taken into account. Given the advice of Pollution Control the conclusions in the report are accepted and the conditions recommended by Pollution Control are included in the recommendation. The submitted management plan has been amended to reflect the measures agreed with the applicant in the preparation of the noise report and a condition is recommended to require the management plan to be adhered to, that bins will be stored within the building as indicated on the submitted plan and that if any fixed services are required, full details shall be submitted for agreement before they are put in place.

Highway Safety

The advice of the Highway Engineer is that the proposals would be unlikely to cause significantly detrimental impact upon the safety or efficiency of the highway. The pedestrian access to the side elevation has been deleted from the proposal. It is concluded that the proposal is in line with Local Plan policy T3 New Development and Sustainable Travel.

Other matters

The proposal includes CCTV cameras inside and outside the building. It is recommended that the advice of the Police be included in an informative.

A number of concerns have been raised by local residents including in relation to the prospect of an increase in antisocial behaviour and littering but none of them lead to any different conclusion.

Planning balance

The proposal relates to a proposed drinking establishment in a modest building. The application site is in a predominantly residential area, within a small group of shops and on a relatively busy radial route out of town. The applicant has submitted information to demonstrate that the use can be controlled in a manner which would meet the needs of the proposed business but limit the potential for unacceptable impact on local residents. It is concluded that the proposal is acceptable subject to the conditions referred to above.

Recommendation

Grant subject to conditions