

Application Reference Number:	2025/0252
--------------------------------------	-----------

Application Type:	Full
--------------------------	------

Proposal Description:	Conversion of existing takeaway to form additional retail unit, front entrance area addition
------------------------------	--

Location:	7A Station Road, Dodworth, Barnsley, S75 3JD
------------------	--

Applicant:	Mr Ali Asgari
-------------------	---------------

Third-party representations:	One	Parish:	None
		Ward:	Dodworth

Summary:

This planning application seeks the conversion of the existing vacant takeaway use to re-open the takeaway with the addition of a proposed retail unit and front entrance area.

The site falls within Urban Fabric as allocated by the adopted Local Plan. Development comprising a change of use is considered acceptable in principle if proposals are a suitable location for the use class and would not significantly adversely affect residential and visual amenity and highway safety.

The proposal would have no adverse impact on highway safety, residential or visual amenity and is considered acceptable in policy terms. The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

Recommendation:

Approve subject to conditions

Site Description

The application site relates to a detached red brick building located on Station Road in Dodworth. The building is currently vacant and was previously used for a hot food takeaway with a small area to the front of the building which is used for parking. The site is located in close proximity to the local centre of Dodworth. The surrounding area features a mix of uses, with residential, retail, drinking establishments and takeaways. There is a flat roofed substation located to the eastern side of the building, existing residential to the west and a newly built dwelling to the south.



Planning History

There are two planning applications associated with the site.

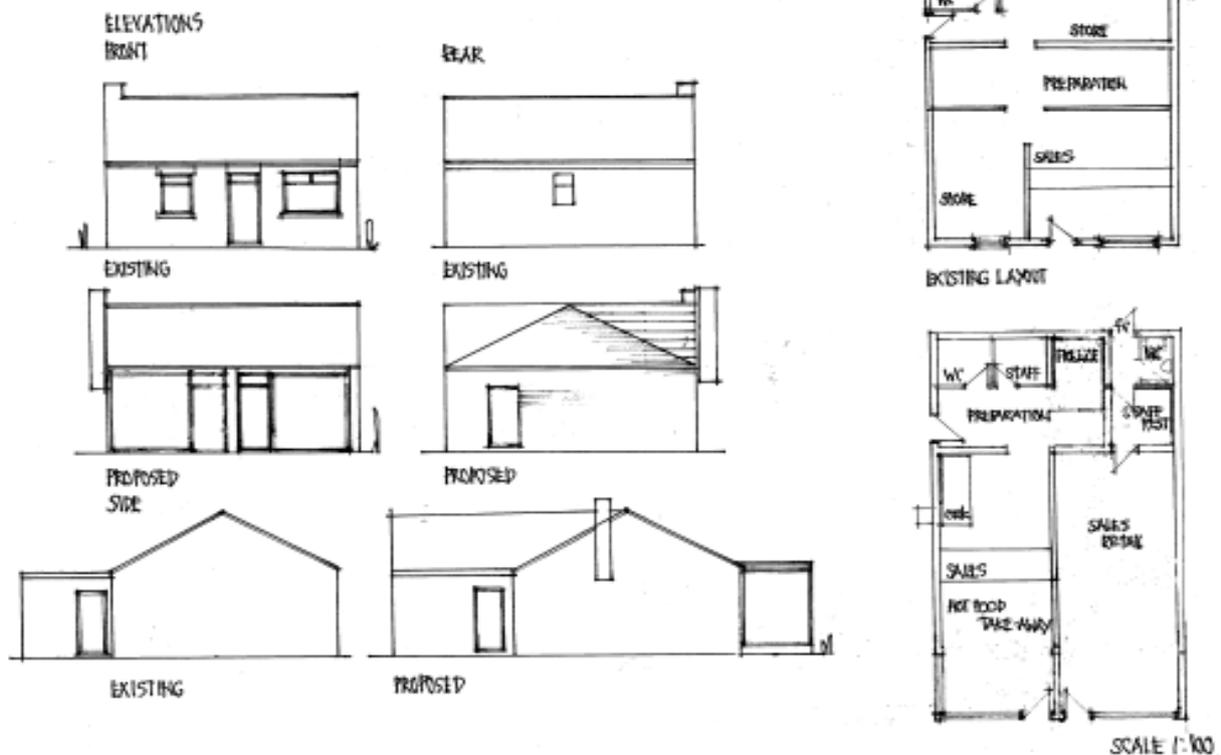
Application Reference	Description	Status
B/90/1000/DO	Erection of storeroom extension to fish and chip shop	Approved with Conditions
2022/1248	Alterations to existing hot food takeaway consisting of a new shop front, a replacement kitchen extraction flue and a single storey rear extension	Approved with Conditions

Proposed Development

The proposal consists of an internal retail area addition, front extension and rear extension. The retail area is proposed to use half of the existing takeaway space inside the unit. The front extension has a projection of 2.3 metres and a width of 8 metres. The extension will feature a flat roof with a total height of 3.3 metres. The materials used will be glass to the elevations.

The rear extension has a projection of 3.85 metres and a width of 8 metres. The extension will feature a hipped roof with a ridge height of 5.2 metres and an eaves height of 2.9 metres. The materials used will be matching brickwork and roof tiles.

7a STATION ROAD, DOPWORTH



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019). The Local Plan review was approved at the full Council meeting on 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.

Local Plan Allocation – Urban Fabric

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). In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy 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. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy 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.

Policy TC5: Small Local Shops – Outside existing centres small shops that meet the daily shopping needs of a local community will be permitted where:

- The shops are of a type and in a place that would meet daily shopping needs and this need is not already met by existing shops; and
- The shops are located and designed to encourage trips by pedestrians and cyclists and would not encourage car trips.

Policy 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.

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 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.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England.

It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent.

The most relevant sections are:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 12 - Achieving well-designed places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Supplementary Planning Documents:

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Hot Food Takeaways
- Parking
- Shop front designs
- Sustainable Travel

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Planning Advisory Note

- Hot Food Takeaways

Consultations

Dodworth Ward Councillors were consulted and raised no objections.

Highways Development Control (DC) were consulted and raised no objections subject to conditions.

Pollution Control were consulted and raised no objections subject to conditions.

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Neighbour notification letters were not sent to surrounding properties, and a site notice was erected at the site. One comment was received and in summary raised the following points.

- Impact of food smells
- Litter being thrown into neighbouring gardens
- Noise pollution
- Parking
- People congregating outside

The use of the takeaway is already established and backed up by recent planning permission therefore it is not under consideration during this planning application.

Assessment

The main issues for consideration are as follows:

- The acceptability of the additional use and extensions
- The impact on the character of the area
- The impact on residential amenity
- The impact on highway safety

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 site is located in the Urban Fabric, in close proximity to the local centre of Dodworth which starts 16 metres to the east. The surrounding area can therefore be described as mixed use, with public houses, retail, betting shops and residential being located in the area. The site was last used as a hot food takeaway and has done for a number of years with planning permission dating back to 1990 which refers to a fish and chip shop and street view images from 2008 which show the building being used for this purpose. Furthermore, the takeaway use was confirmed under application 2022/1248.

The application seeks to extend and alter the hot food takeaway and assessment against the Council's Planning Advisory Note and Supplementary Planning Document for Hot Food Takeaways is necessary in respect of meeting the Council's health and wellbeing agenda. That being said, these documents largely relate to the establishment of new hot food takeaways and the impact of the proposed use in that particular location which is not required in this instance. The SPD also contains a section which relates to extensions and alterations which states that:

“Any proposal for the extension of a property will be viewed on its merits, taking into account any increased trading that will result from the extension and therefore the effect on such factors as the amount of servicing left available to the property, the increase in traffic and the effects on any neighbouring residential properties”.

The proposal includes two extensions and the part conversion of the unit which does not seek to significantly increase production or trade from the hot food takeaway. Rather it seeks to facilitate internal layout changes to form two separate entrances/exits, one for the takeaway and one for the retail unit. The proposed development is considered to be in line with the SPD and PAN for Hot Food Takeaways, but full assessment in terms of residential amenity, visual amenity and highways safety will be made in the below sections. This weighs significantly in favour of the proposal.

With regards the retail use the proposed shop is located approximately 16 metres from the nearest local centre (Dodworth) however an impact assessment for the shop is not required because the proposed floorspace does not exceed 500sqm. In relation to local shops, Policy TC5 states the following:

- *The shops are of a type and in a place that would meet daily shopping needs and this need is not already met by existing shops; and*
- *The shops are located and designed to encourage trips by pedestrians and cyclists and would not encourage car trips.*

Whilst there is an argument as to the daily shopping needs given that there is a Co-Op also located to the east further along Station Road it is approximately 150 metres away from the application site along a main road and given the limited floor space of the application site it is likely to mainly cater for small items from residents of the local surrounding residential street rather than a bigger shop that could be carried out at the Co-Op which also has on-site parking.

Nonetheless the proposed shop will not encourage car trips as no extra parking spaces are to be created and is likely to be walked to from the surrounding streets. Additionally, the existing building already has a commercial usage which will generate a certain amount of activity once brought back

into use. Given the small size of the unit it would also not affect the vitality and viability of nearby local or district centres. The change of use to Class E is acceptable in principle where it will not have a detrimental impact on the amenity of surrounding residents, visual amenity and highway safety. This weighs significantly in favour of the proposal.

Design and Visual Amenity

The development includes several external alterations to the building including the installation of a replacement extraction unit and flue on the southeast (side) elevation of the building, alterations to the shop front and to the rear. The extraction unit is positioned in the same position as the existing approved plans which can still be implemented and is therefore acceptable. This weighs moderately in favour of the proposal.

The alterations to the shopfront will significantly change the overall appearance of the building and are largely to accommodate an additional door and a see-through frontage. This design is in keeping with the street scene however to which the public house on the opposite side of the road (Dodworth Tap) also features this type of frontage with the entrance being all glass. Therefore, given this immediate precedent the proposed design of the frontage is acceptable in this circumstance as it can be seen to harmonise with the surrounding area. This weighs modestly in favour of the proposal.

The principle of a rear extension was established during the previous application and the main change from that is the hipped roof instead of the approved flat roof. This new roof is seen to harmonise more with the existing building and is to be built out of matching materials. The height of the extension does not exceed that of the original building. This weighs moderately in favour of the proposal.

No signage has been proposed at this stage which would likely require separate advertisement consent. An informative note will be placed on the decision notice to this effect. The proposed development is in line with Local Plan Policy D1 and is considered to be acceptable in terms of design and visual amenity. This weighs significantly in favour of the proposal.

Residential Amenity

The site is located in close proximity to the local centre of Dodworth but is nestled in an area which contains a high concentration of residential properties. The closest being 7 Station Road which is immediately to the west of the application site and 89 Baslow Crescent which is immediately to the south of the application site.

The previous application which was supported by a Noise Impact Assessment with conditions restricting the opening hours of the takeaway to those that are expressed within that Noise Impact Assessment (11am-11pm), and that the noise measurements from all plant and machinery associated with the development shall not exceed 38dB LAeq, 1hr at any time when measured from the nearest noise sensitive premises. Those conditions will be carried forward to the decision notice.

The proposed extraction unit with a flue and rear extension were already approved under application 2022/1248 therefore it is deemed there will be no harmful impact of these upon residential amenity. The proposed front extension will also not be harmful as no dwellings are set towards that elevation.

It is therefore considered that the development is in line with Local Plan Policy GD1 and Poll1 in that it does not have a significant adverse effect on the living conditions and residential amenity of existing and future residents, subject to conditions. This weighs significantly in favour of the proposal.

Highways Safety

There will be no impact upon highway safety. No objections were raised to the application from a highways point of view. The site was subject to a planning application to extend the existing property (2022/1248). This proposal now seeks to split the extended unit into two business uses; the existing hot food takeaway will be condensed and a new retail unit created. The site is within 50m of the

recognised centre of Dodworth and is set amongst residential and commercial premises; some local streets are protected by waiting restrictions.

Although the proposals may generate an increase in demand for on-street parking, it is apparent that the peak demand times of the two uses are likely to be different. The overall impact of the scheme is therefore likely to be minimal from the perspective of highway safety, not least because the commercial use of the unit is already established. It is therefore considered that the proposals won't adversely impact upon the highway and are acceptable from a highway's perspective. This weighs significantly in favour of the proposal.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

Recommendation

Approve subject to conditions

Justification

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

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Conditions

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

The development hereby approved shall be carried out strictly in accordance with the approved plans:

Block Plan
Existing and Proposed Elevations and Plans
Existing and Proposed Side Elevations
Site Plan

and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.

The external materials shall match those used in the existing building with the exception of the proposed glass frontage.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

No works shall commence on site until a scheme for the parking of bicycles complying with LTN 1/20 Cycle Infrastructure Design has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be fully implemented before the development is first occupied (or brought into use) and thereafter retained for this purpose.

Reason: In the interests of encouraging the use of sustainable modes of transport in accordance with Local Plan Policy T3.

Before development commences, details of suitable storage, bin presentation points and access for collection of wastes from the dwellings hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be provided before first occupation and shall be so retained thereafter.

Reason: To meet the requirements set out in Local Plan Policy T4 New Development and Transport Safety.

During works, construction or demolition related activity shall only take place onsite between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

There shall be no burning of any material on the development site during the demolition and construction phases.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

The Rating Levels arising from noise generated by any plant and equipment will not exceed the background sound levels (38 dB LAeq,1h), at the nearest noise sensitive receptor.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

The hot food takeaway shall only be operated between the hours of 11am-11pm, daily.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

The retail use shall only be operated between the hours of 9am-11pm, daily.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

Informatives

The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.

If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

-

Notwithstanding the details on the approved plans, advertisement consent is not conferred by this grant of planning permission and a separate application for it must be made for any advertisements to be displayed on the shop front.

-

The development hereby approved includes the creation of/carrying out of alterations to vehicular access(es). You are advised that before undertaking work on the adopted highway you will require

a Section 184 licence from the Highway Authority. The works shall be to the specification and constructed to the satisfaction of the Highway Authority. Fees are payable for the approval of the highway details, and inspection of the works. Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/roads-travel-and-parking/parking/dropped-kerbs/> or please contact at email Streetworks@barnsley.gov.uk or call to 01226 773555.