

Application reference number	2025 0162
-------------------------------------	-----------

Application Type	Full planning permission
-------------------------	--------------------------

Proposal Description:	Change of use from sandwich shop to Microbar (Use Class Sui Generis).
Location:	48 Barugh Green Road, Barugh Green, Barnsley, S75 1JT

Applicant	Mr David Clayton
------------------	------------------

Number of Third Party Reps	4	Parish:	n/a
		Ward:	Darton West

SUMMARY

The application seeks full planning permission for the change of use of a former sandwich shop to use as a micro bar. The proposal is considered to be acceptable in policy terms being located within a small group of commercial properties and is 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 change the use of a former sandwich shop to a micro bar at one end of building that accommodates a small group of commercial properties.
- The application has been amended by the submission of details comprising an operational plan, amended design and access statement, noise management plan and parking survey data.

Site Description

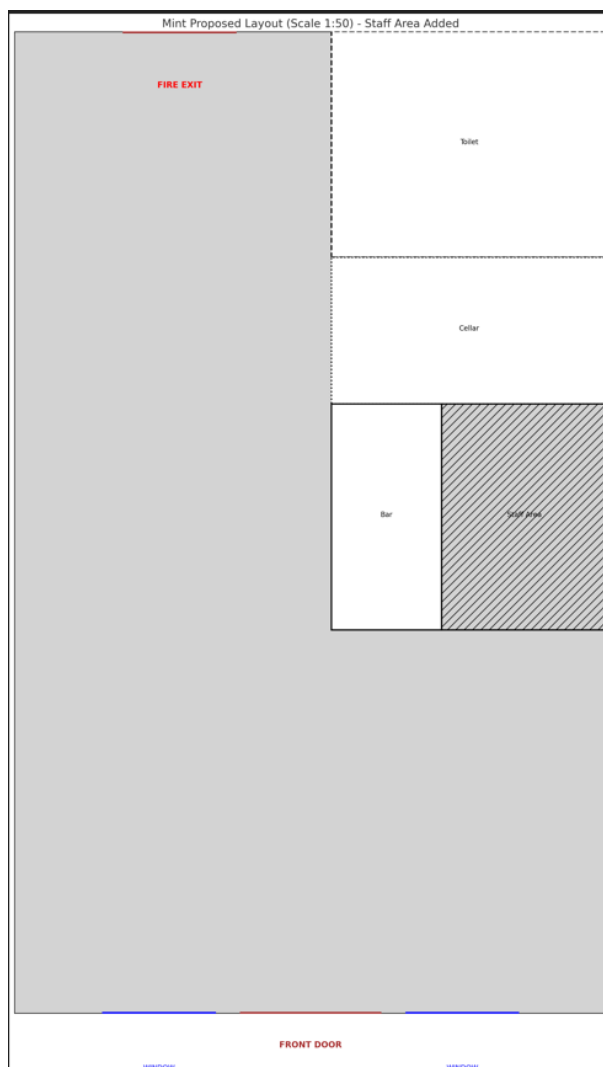
The application site is a former shop within a modern development of commercial units at ground floor with flats above and parking to the rear (the redevelopment of a former public house). The application site, a former sandwich bar and deli operating under the name 'Mint', forms the end unit of the group, the adjacent unit being in use as a nail bar. Next door

to the east is a building which has been converted to flats and on the opposite side of the road is Barugh Green Recreation Ground. The wider area is predominantly residential. The building that the application is in has rear parking provision. The road immediately in front of the application site and the wider commercial building is unrestricted but outside the adjacent flats and on the opposite side of the road are double yellow lines.

Proposal

The proposal is to change the use of a former sandwich shop to a micro bar. The submitted layouts indicate that the proposed change of use will accommodate 20 seats within a space of around 38sq m of which in the region of 11sqm will be used for the bar area, 'cellar' and toilet. Expected number of customers per day is stated in the operational plan to be 1-25 people, with a calculated capacity of 54 that is only expected to be reached on an occasional basis. The application is supported by parking survey data and report, an operational plan, amended design and access statement and a noise management plan.

Proposed floorplan



Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2005/0877	Residential development (outline)	Refused
2008/1405	Demolition of public house and adjacent shop and erection of apartment block (outline)	Approved
2011/0421	Erection of 3 shop units with 6 flats above	Approved
2018/1536	Erection of single storey side extension to shop	Approved

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 Urban Fabric 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 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.

Policy I2- Education and Community Facilities – indicates that we will support the provision of such facilities, which should be located centrally to the communities they serve, and that such uses will be protected from development unless it can be demonstrated that the sites/premises are no longer required by the existing or an alternative community facility.

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:

Highways DC – Initial comments expressed concern at the parking and highway safety implications of the proposal and requested a highway survey of the roads in the vicinity.

- In response to reconsultation on parking survey data and report, confirmed no objections.

Pollution control – Initial comments expressed concern at the risk of adverse impacts from noise from the proposed development on those living close by and requested clarification and a more detailed noise management plan.

- In response to reconsultation on revised information including a revised noise management plan, confirmed no objections subject to conditions.

Ward Councillors – no comments received

Representations

Neighbour notification letters were sent to 31 surrounding properties and a site notice was placed nearby.

3 representations were received from local residents objecting to the proposal and raising the following material planning issues:

- Noise and light pollution (both including late night and weekends), litter and air pollution affecting nearby homes
- Encouragement of drunken, inappropriate and antisocial behaviour
- Increased traffic and risk of drunk driving on an already dangerous road, the scene of numerous serious and fatal car accidents over the years.
- Lack of suitable infrastructure including insufficient parking provision currently for residents.
- Disruption to the higher percentage of older people who live in the area, as well as to families and children with a nearby school and playground
- The proposed use after normal business hours and at weekends would cause loss of peace and safety in a quiet, residential neighbourhood
- Incompatibility with existing local businesses and the area's character
- Second-hand smoke and loitering near residential neighbours
- The use would be better suited to a town centre location.

The following matters were also raised, however these are not material planning considerations and as such are afforded no weight:

- Negative impact on property values and future marketability of homes

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

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

:

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

Principle of development

The application site is within an area that is designated in the Local Plan as Urban Fabric. The area is predominantly residential but the application site is part of a redevelopment of a public house under a 2011 planning permission. This allowed four retail units at ground floor and flats above.

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 proposed micro bar is a main town centre use that national and local planning policy indicate should be directed to a designated town centre. However, given the authorised retail use of the application site, the

change of use to a microbar would not have any additional impact on the vitality and viability of any nearby town centre. Local Plan policy I2 indicates that community facilities (which include public houses) should be located centrally to the communities they serve. This is a modest use which is acceptable in principle subject to consideration of issues of impact on residential amenity and highway safety, which are considered below.

The proposal will re-use an existing vacant shop of 38 sqm. The operational plan indicates that the proposal will employ 6 people and significant weight is given in favour of the proposed use.

Residential Amenity

The application site is located in an existing parade of four shops. The application is limited in scale, the retail unit amounting to 38sq m and in the region of 11sqm will be given over the bar, cellar and toilet.

Pollution control recommend approval subject to conditions relating to the hours of deliveries, refuse collections and disposal of bottles/waste; limiting the opening hours; prohibiting the playing of live or amplified music outside the premises; restricting alcohol consumption to within the premises and preventing drinking, smoking or any other use of the outside areas (other than use of the bins); requiring doors and windows to be kept closed when there is live or recorded music being played indoors; requiring all party walls and ceilings to be insulated to building regs standards; and indicating that there shall be no fixed external plant and any cooling/heating equipment shall be installed internally. It is also considered that a condition to clarify that the use applies only to the use of the former sandwich bar would provide certainty that the use will remain, as proposed, relatively modest. A further condition requiring the use to be operated under the terms of the operational plan, design and access statement and noise management plan – since these establish management practices that will assist with the sensitive running of the business. It is considered that these conditions will adequately address the objections received in relation to noise and disturbance.

Objections from residents refer to the impact on their security and safety and that of their children and neighbours, an increase in anti-social behaviour and possible drunken and criminal incidents from individuals under the influence of alcohol, noise. There is no evidence that this would happen, although it is an understandable concern. The proposal is a small bar with a limited capacity and it is also true that public houses can be located in urban and residential areas and managed so that they do not cause any undue harm. While the concerns of the objectors are noted, there is nothing about the nature of this proposal to suggest that it would result in antisocial behaviour and the small scale of the proposal suggests that undue harm would be unlikely. In addition, while objectors note that the proposed use will operate after the normal business hours and at weekends, to the detriment of peace and safety, there are no conditions restricting the hours of use of the existing retail units, but conditions are recommended restricting opening hours and the hours of deliveries, waste disposal and collection.

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 local residents. Moderate weight in favour of the proposal is given to this material consideration.

Highway Safety

The proposal is for a use which the Council's Parking SPD indicates parking provision in the order of 7 customer spaces and additional space for staff should be sought. As the site does

not benefit from any off-street parking, evidence of the on-street parking conditions in the vicinity have been sought. A survey has been submitted and the associated report concludes that 'the proposed conversion of the shop to a public house will not cause significant parking stress. Sufficient on-street capacity exists during peak hours, with a recorded maximum occupancy of 32%. The development is sustainable, access, and unlikely to generate parking overspill'. The Highway Engineer agrees with this conclusion and confirms that this evidence confirms that there are no grounds to raise objections to the scheme on highway safety grounds.

Objections have been received from local residents about the risk of drunk driving on an already dangerous road but there is nothing to indicate that this relatively modest use would have a significant impact on road safety.

Reflecting the advice of the Highway Engineer, it is concluded that the proposal would not adversely affect highway safety and is in compliance with Local Plan policy T3. Moderate weight in favour of the proposal is given to this material consideration.

.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site suitable for the proposed change of use and this weighs considerably in favour of the application. Significant weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

In addition the additional information that has been submitted has addressed consultees concerns by demonstrating that the lack of dedicated parking for the proposed use would not cause a parking problem locally; and submitting details to demonstrate that the proposed use can be operated in a way that would not cause undue harm to local residents. The consultees have raised no objections to the proposal subject to conditions and holistically this weighs in favour of the application.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed through the information supplied and further amendments to the scheme. As a consequence, it is concluded that the proposal is consistent with the development plan as a whole and 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

CONDITIONS/REASONS

01. 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.

02. The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved unless required by any other conditions in this permission:
Location Plan
Mint Front Elevation
Proposed Floorplan
Existing Floorplan
REASON:
To ensure that the development is carried out in accordance with the application as approved.
03. The use hereby permitted relates only to the use of the former Mint sandwich bar and deli as a micro bar.
Reason: To ensure that the use takes the form envisaged by the Local Planning Authority when granting permission and in the interests of residential amenity in accordance with Local Plan Policy POLL1
04. Deliveries, refuse collections and the disposal of bottles and other waste into the bin(s) at the rear of the premises shall be carried out between the hours of 09:00 and 17:00 Monday to Friday and at no time on a Saturday, Sunday or Bank Holiday.
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
05. The use hereby permitted shall be carried on only between the hours of 16:00 to 22:00 Monday to Friday inclusive, 13:00 to 22:30:00 Saturday and 13:00 to 22:00 Sunday.
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
06. No live or recorded music shall be played in the outside areas of the premises.
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
07. There shall be no drinking or smoking outside the premises, no smoking on the premises and other than bin storage no other use of any outside areas in connection with the microbar.
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
08. Doors and windows shall be kept closed (except for ingress and egress) when there is live or recorded music being played indoors.
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
09. Before the use commences all party walls and ceilings have been insulated to the standards set out in building regulations and Approved Document E and evidence that this work has been completed shall have been submitted to the local planning authority.
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.

10. There shall be no fixed external plant installed at the development. Any cooling and/or heating equipment shall be installed internally.
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.

11. The use shall be operated all times in accordance with the submitted operational plan, amended design and access statement and noise management plan July 2025.
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.

INFORMATIVES

INFORMATIVES

01. The developer is advised that advertisement consent may be required for signage on the building.

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:

Parking capacity in the vicinity

Residential amenity