Ref 2022/0231 – Planning Application

Applicant: Mr Alex Richardson

Proposal: Change of use from display or retail sale of goods (use class E(a)) to mixed use display or retail sale of goods (use class E(a) and the provision of medical or health services (use class E(e))

Address: Unit 9, The Glass Works, Barnsley, S70 1GW

Planning History

There is a complex planning history on the site relating to the Glass Works redevelopment and its previous incarnations, the most relevant recent planning permissions being:

2017/0135 - Proposed refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1 ,A3, A4), and leisure (D2) uses - Reserved matters of outline planning permission 2015/0549 (access, appearance, layout and scale, excluding landscaping)

2018/1569 - Variation of condition 2 (approved plans) of planning permission 2017/0586 to enable changes to the design of the multi storey car park and its access arrangements - Mixed use development of land adjoining Barnsley Markets following demolition of part of existing market hall and multi storey car park to provide new retail/food and drink (Use Classes A1, A3), cinema and leisure use (Use Class D2), new multi storey car park and service road, with access to/from Lambra Road

2021/1638 – consent granted for the display of advertisements for the foot health practice

Site Description

The application relates to Unit 9 of the Glassworks Development in the Markets District of Barnsley Town Centre which has a frontage onto Cheapside.

Proposed Development

The applicant seeks permission to change the use of this ground floor unit from retail sale of goods to a mixed use of the display or retail sale of goods and the provision of medical or health services. The applicant has previously operated from a property on Burlington Arcade.

There are no external alterations proposed.

The use has already commenced and the layout has a window display which secures an active frontage.



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 new Local Plan was adopted at the full Council meeting held on the 3rd January 2019.

Local Plan

The application site is in the primary shopping area of Barnsley Town Centre as designated in the Local Plan. The following policies are relevant:

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.

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 TC2 Primary and Secondary Shopping Frontages - proposals for retail (A1-A5) uses will be allowed on primary and secondary shopping frontages in Barnsley Town Centre and the District Centres provided that within each primary shopping frontage ground floor uses remain predominantly retail (Class A1) in nature. Provided that criteria is met, other uses may be acceptable especially where they diversify and improve provision provided that vitality and viability of the primary shopping area wouldn't be negatively affected.

Policy BTC12 The Markets Area District – we will allow shops, offices, leisure developments, and food and drink uses within the Markets District. Other uses will only be supported where they contribute towards the vitality and viability of the town centre.

Policy T4 New development and Transport Safety – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

Supplementary Planning Documents

Parking SPD – Gives guidance on parking standards but indicates that they do not apply in Barnsley Town Centre, where the availability of public parking will be taken into account.

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.

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Consultations

Ward Councillors – No response.

Representations

The application was advertised by way of a site notice (8 - 30 March and consultation letters (3 – 24 March) which were sent to units/properties adjacent and near to the proposal site. No comments have been received.

Assessment

Principle

The application site is in a town centre location where national and local policy indicates that main town centre uses will be directed in order to maintain the vitality and viability of centres.

In addition, the proposal is defined as a primary shopping frontage on the Local Plan policies map. The associated policy TC2 indicates that permission may be forthcoming for uses other than A1-5 which would diversify and improve provision in a centre, would not harm vitality and viability of the primary shopping area and the frontage would remain predominantly retail in nature.

The proposal is the first use which includes non retail elements and the frontage will therefore remain predominantly retail in nature.The proposed mixed retail and medical/health centre use is not entirely a main town centre use (as defined in the NPPF glossary) but it is a use that offers services to visiting members of the public in a highly sustainable and accessible location and will contribute towards the vitality and viability of the centre.

Accordingly it is concluded that the proposed use is in conformity with Local Plan policies BTC12 and TC2 and is acceptable in this town centre location.

Other matters

The proposed use falls within the new (2020) Use Classes Order as Class E which is characterised as ‘Commercial, Business and Services’. Class E appears to represent those uses which the government consider are appropriate in a town centre location. The Glassworks development was permitted as a mixed use scheme with retail uses in this part of the development. Technically, until the permitted retail use has lawfully commenced, the provisions of Class E do not apply. For this reason, planning permission is required for the proposed use, even though it falls within the same use class (E) as the permitted retail use of the units. The requirement for planning permission gives us the opportunity to consider removing the rights that would otherwise exist to change the use of the unit in the future to others uses within Class E which the Council does not consider would be appropriate in this part of the Glassworks. It is proposed to impose such a condition that would only allow the units to be used for the proposed use or for the retail display or retail sale of goods, other than hot food, principally to visiting members of the public.

Since the proposal is in a town centre location which is well provided with public car parking as well as public transport options for travel, even if the proposed use were to result in any intensification in the use of the units, there is no requirement to secure any additional parking or associated contribution.

Conclusion

The proposed use is considered to be acceptable in this town centre location as it would offer services to visiting members of the public in a highly sustainable and accessible location and will contribute towards the vitality and viability of the centre. The recommendation of approval includes a condition to secure control over the future uses of the units in the interests of the future vitality and viability of the Glassworks and the town centre.

Recommendation

Grant subject to conditions