

2024/0720

Ms Ellie Cook

Darton Fisheries, Church Street, Darton, Barnsley, S75 5HQ

Change of use from food takeaway to bar

Site Description

The site is an existing single storey, detached fish and chip shop, a small commercial unit located in Darton on Church Street. The surrounding area has a mix of uses with the closest adjacent uses being retail (co-op) and residential (80 Church Street).

Planning History

B/80/1047/DT - Change of use from mortuary to fish and chip shop (Historic)

2024/0726 - Proposed illuminated advertisement signs (Under consideration alongside this application)

Proposed Development



The applicant is seeking approval for the change of use of an existing hot food takeaway (fish and chip shop) to a bar. There will be no significant external changes only the signage that is being considered under application 2024/0726. The opening hours will be from 12:00 and controlled via the submitted noise control policy. There will be a maximum of 3 staff members.

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 Local Plan was adopted in January 2019 and is also now 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 and are a material consideration in the decision-making process.

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 it.

Local Plan Allocation – Urban Barnsley

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 LG2: The Location of Growth – Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town, and the Principal Towns will be expected to accommodate significantly more growth than the villages, to accord with their place in the settlement hierarchy.

Policy TC1: Town Centres – Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres:

- **Town:** Barnsley Town Centre
- **District:** Cudworth, Hoyland, Wombwell, Goldthorpe, Penistone, Royston
- **Local:** Athersley, Bolton on Dearne (St Andrew's Square), Darfield, Darton, Dodworth, Grimethorpe, Hoyland Common, Lundwood, Mapplewell, Stairfoot, Thurnscoe (Houghton Road), Thurnscoe (Shepherd Lane).

All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

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 I2: Educational and Community Facilities – We will support the provision of schools, educational facilities and other community facilities. New schools, educational and community facilities such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship, should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling and public transport.

Policy T3: New Development and Sustainable Travel – New development will be expected to: Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.

PolicyT4: 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.

Supplementary Planning Documents

- Parking
- Residential amenity and the siting of buildings
- Shop front designs

National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant policies include:

- Section 12: Achieving well designed places

Consultations

Darton West Ward Councillors were consulted and raised no objections.

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

Highways Drainage were consulted and raised no objections.

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

Yorkshire Water were consulted and raised no objections.

Representations

The application was advertised by neighbour letters and a site notice, no comments were received.

Assessment

The main issues for consideration are as follows:

- The acceptability of the change of use to a bar
- The impact on the character of the area
- 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:

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

Principle of Development

The application site lies in the Local Centre of Darton, therefore Policy TC1 requires developments to maintain and enhance the vitality and viability of the Centre, and not adversely impact on the vitality or viability of other nearby centres. The proposed development will take on a local centre lease with pubs being a typical and expected use within such centres. It will serve as a community facility, as outlined in Policy I2 which states that the Council will support the provision of community facilities such as public houses where they will be accessible by walking, cycling and public transport. The site is located within very close proximity to public transport links including Darton train station and various bus stops.

The site also falls within Urban Fabric which has no specific land allocation; however, the site and surrounding area is made up principally of commercial uses and housing. The existing use is a commercial use, hot food takeaway, and change of use to a bar is acceptable in principle where it will not have a detrimental impact on the amenity of surrounding residents, visual amenity and highway safety.

Residential Amenity

The proposed bar is located in a Local Centre which is generally expected to contain public houses; however, the neighbouring area also contains residential properties, including immediately adjacent to the site (c.25 metres to the southwest). 25 metres is within close proximity but fundamentally this is a local centre with other late night uses nearby, such as a convenience store.

The proposed opening times of the building are 12:00-23:00. This is in line with other late night uses nearby (generally open until 11pm) and other pubs in Darton, including Darton Tap (open until 23:00) and the Anvil Arms (Open until 23:00). Both of these pubs are in closer proximity to existing neighbouring properties and no issues have been presented regarding opening times. The applicant has also submitted a noise management plan which outlines how noise and customers will be managed in the building. The measures include:

- Low volume background noise will be played inside the bar. There will be no external speakers or live music.
- Last orders

- Monday – Thursday 20:30
 - Friday and Saturday 22:30
 - Sunday 20:00
- Outdoor seating will be closed at 21:00 on Fridays and Saturdays.
 - A heat recovery air input and extract system will be installed to ensure that windows can remain closed through opening hours.
 - When last orders are announced customers will be encouraged to leave quietly without disturbance to local residents. Any customers ignoring this will be barred from the premises.

The LPA's pollution control team were consulted and raised no objections with regards residential amenity nor the proposed opening hours. It is deemed that the proposed use would be no more harmful to the neighbouring residents than the existing takeaway was. The proposed change of use will not have a significant detrimental impact on any neighbouring property as no significant external works are proposed. The proposal is considered to be in compliance with Local Plan Policy GD1: General Development and is acceptable in terms of residential amenity. This weighs significantly in favour of the proposal.

Visual Amenity

The site was most recently used as a takeaway and the planning history shows that this use has been well established since the 1980's. Therefore, the visual changes needed to convert this to a bar will not have a detrimental impact upon the street scene of Church Street. No major external changes are proposed. The proposed development is therefore not considered to be contrary to Local Plan Policy D1: High Quality Design and Place Making and is considered acceptable in terms of visual amenity. This weighs significantly in favour of the proposal.

Highway Safety

There will be no impact upon highway safety. The site is located within the Local Centre of Darton and is one of a number of commercial/retail premises within close proximity. The existing building is positioned immediately adjacent the parking area of the Darton Co-Op convenience store, this is a private car park for use by Co-Op customers only and the application site presumably has a right of access through the car park.

With regard to accessibility for visitors/customers, the site is in a sustainable location with good access to the regular bus services that run along Church Street and the train station can be reached within a 300-metre walk. The nearest public car park is some 170 metres from the site and there is a large residential population within comfortable walking distance.

The area over which rights of access exist and clarification has been provided that all stock deliveries would be carried out by the owner using a private car. Two parking spaces are to be provided immediately in front of the building. It is anticipated by the applicant that staff would either walk to the site or car-share.

It is considered unlikely the proposal would create parking problems in the area. There are no issues regarding emergency vehicles being able to access the front of the building in the event of an emergency. The NPPF states that: "*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.*" The use as a micro pub would have a limited number of customers due to its size, of which presumably only a small proportion would be driving.

Given the above, the operation of the building as a micro pub is considered to be no worse than the existing use as a fish and chip shop in terms of both the number of vehicle trips generated by the

site and the demand for parking spaces within the local area. In view of the above, there are no particular concerns that the development would have an unacceptable impact on highway safety. This weighs significantly in favour of the proposal.

Conclusion

Having balanced all material planning considerations, the proposed changed of use will not be significantly harmful to residential and visual amenity nor highway safety. Therefore, the positive aspects of the proposal are not outweighed by any other material planning considerations. The proposal is therefore, on balance, recommended for approval.

Recommendation

Approve with conditions