Application Reference Number:	2026/0596

Application Type:	Change of Use.

Proposal Description:	(RETROSPECTIVE) Change of use from Class E to Hot Food Takeaway (Use Class Sui Generis) including installation of extraction equipment.
Location:	1 Peel Street, Barnsley, S70 2RA

Applicant:	Mr Zanyar Mahmudi

Third-party representations:	One	**Ward:**	Central

Summary:

This application is seeking retrospective planning permission for a change of use of the existing class E florists to a hot food takeaway establishment classified as Sui Generis. The works also include the installation of an extractor fan to the west facing elevation within the rear 'Outside Yard'. The front elevation is proposed to be altered to provide increased levels of glazing to span the front elevation.

Having balanced all material planning considerations, the proposal is situated in a suitable location and provides an acceptable form of development which due to the minimal nature of the alterations and satisfactory impacts of the proposal would result in a scheme which would not detrimentally impact the local health of the community, residential amenity, visual amenity, highway safety and the character of the adjacent conservation area and therefore weighs in favour of the proposal.

For the reasons given above, and taking all other matters into consideration, this proposal complies with the relevant local and national planning policies and guidance, and as such, planning permission should be granted subject to necessary conditions.

The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 4 of the National Planning Policy Framework (NPPF, 2026).

Recommendation: **APPROVE subject to conditions.**

Site Description

The application relates to an existing florists located at the east end of Peel Street and currently classified as Class E. The building is a 3 storey, 19th century commercial building constructed from stone and featuring a pitched roof. The front elevation faces onto Peel Street, while the east side elevation faces onto Graham's Orchard.

The street scene has varied characterisation and is constructed from varied materials including, brickwork, stone and render. The street scene is mostly commercial with various shops and other takeaway establishments. The site is located directly to the west of the Regent Street/Church Street/Market Hill conservation area. Peel Square is located to the southeast of the site and separated by the highway.



Proposed Development

The proposal includes the retrospective change of use of the existing class E florists to a hot food takeaway establishment classified as Sui Generis. The works also include the installation of an extractor fan to the west facing elevation within the rear ‘Outside Yard’. The front elevation is proposed to be altered to provide increased levels of glazing to span the front elevation. Advertisement signage is detailed to the front elevation, however an advertisement application has subsequently been submitted during the assessment of the application which will deal with the advertainment consent for the signage.

Notes

Extruded Aluminium Framed Windows and Door 45 x100mm RAL 9005 Black
Single Pane 8.8mm Laminated Safety Glass Used throughout
Existing Galvanised Steel Roller Shutter 6500w x 2400h - RAL 9005 Black
Existing Shutterbox Housing at top 6540 x 300 x 300 – RAL 9005 Black

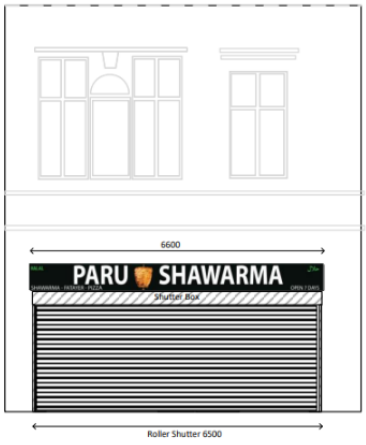
Existing



Proposed Shutters UP

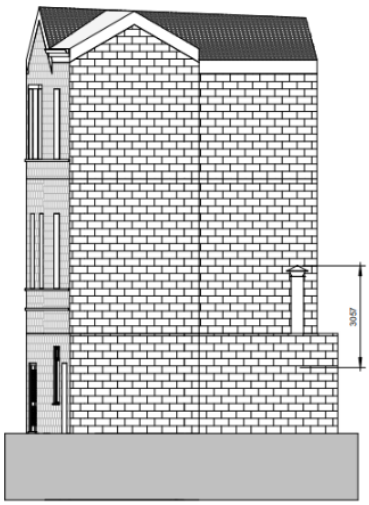


Proposed Shutters DOWN

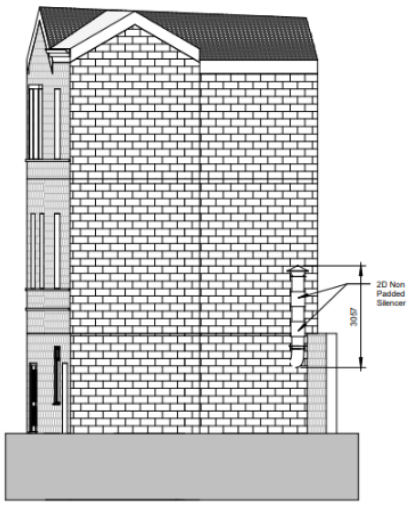


Drawing Purpose – Repalcement Windows Doors and Shutter **Drawing Details** The purpose of this drawing is for the submission of a change of use consent. All Measurements have been drawn in millimeteres. This drawing is not be used for the intention of any building, shop fitting or construction purposes.	**Drawing Name** Replacement Windows **Drawing Title** W S70 2RA	**Premises Address** 1 Peel Street, Barnsley S70 2RA	**SCALE** 1-100 @ A4

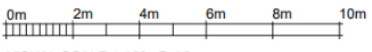
N



Proposed Rear Elevation
1 : 100

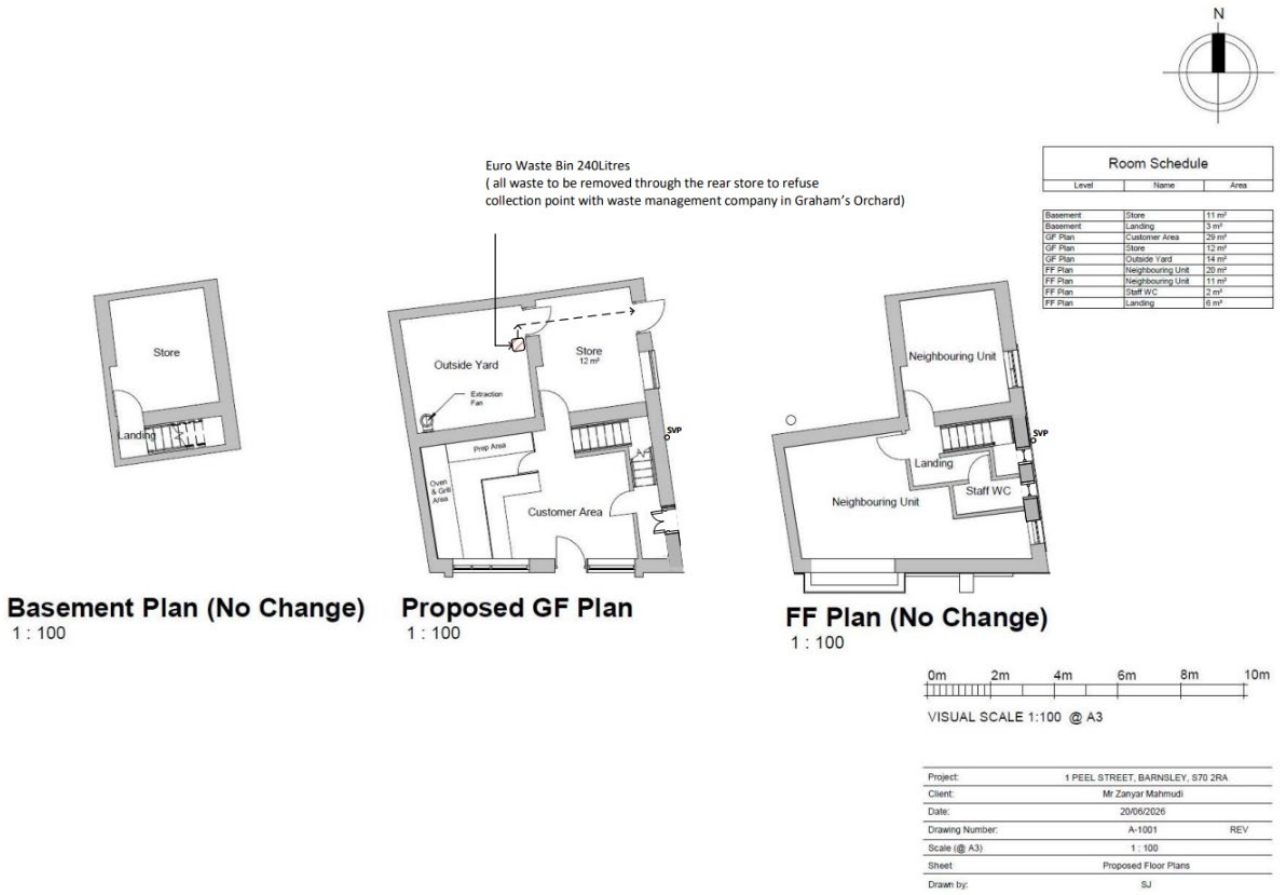


Proposed Rear Elevation No Wall
1 : 100



VISUAL SCALE 1:100 @ A3

Project:	1 PEEL STREET, BARNSLEY, S70 2RA	
Client:	Mr Zanyar Mahmudi	
Date:	20/06/2026	
Drawing Number:	A-2002	REV
Scale (@ A3)	1 : 100	
Sheet	PROPOSED-ELEVATIONS	
Drawn by:	SJ	



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development 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 a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The following Local Plan policies are relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy TC1: Town Centres.*
- *Policy TC2: Primary and Secondary Shopping Frontages.*
- *Policy BTC2 late night uses*
- *Policy BTC17: Southgate District.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy D1: High quality design and place making.*
- *Policy HE1: The Historic Environment.*
- *Policy HE2: Heritage Statements*

- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy CC3: Flood Risk.*

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

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework 2026 sets out the overarching planning framework for England and has replaced the previous version published in December 2024. It has introduced a revised structure comprising national decision-making policies organised by policy code rather than paragraph number. Paragraph 1 confirms that the NPPF is a material consideration of critical importance for making decisions on development proposals in England.

Paragraph 15 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and NPPF Policy S3 sets out a presumption in favour of sustainable development and states that in all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in the NPPF should be approved without delay.

Relevant policies have been taken into account throughout the assessment of this application according to the issues raised by the proposal.

The most relevant sections are:-

Section 3 – Decision-making policies
Section 4 - Achieving sustainable development
Section 14 - Achieving well-designed places
Section 15 – Promoting Sustainable Transport
Section 16 – Promoting healthy communities
Section 20 – Conserving and enhancing the historic environment

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 Guidance

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 following SPDs are relevant in this case:

- ***Shop front designs (Adopted May 2019).***
- ***Hot food takeaways (Adopted May 2019).***
- ***Hot food takeaways planning advice note (HFTA PAN) (Adopted May 2019).***
- ***Parking (Adopted November 2019).***

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

Representations

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

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website. A site notice expiring on the 4th September 2026 was advertised nearby.

Two representations from one address have been received outlining the following concerns. The economic impact on neighbouring hot food businesses and the cumulative impact of an increased concentration of existing hot food takeaways, the environmental and health impacts of the proposal including odour, waste and litter, fumes and noise ,hours of operation, the impacts of deliveries to the site and the impacts on traffic and parking. The possible noise and disturbance as a result of the proposed opening hours and the potential customer activity impacting on local residents.

Consultations

Councillors	No Response
Conservation Officer	No Objection
Public Health	Object due to over proliferation
Planning Policy	No Objection
Pollution Control	No Objection
Highways DC	No Objection
Mining Remediation Authority	No Response
SY Mining Advisory Service	No Objection
Environment Agency	No Objection

Planning Assessment

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

National decision-making policy HC5: Hot food takeaways establishes the following:

1. Development proposals for hot food takeaways should be refused:

    a. Within reasonable walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre; or

    b. In locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.

Regarding national decision-making policy HC5 1.a and section 2 of the HFT PAN planning considerations, the adopted HFT PAN establishes walking distances to be 800-metres. The site is within an 800m radius of two schools, Shawlands Primary School and Queens Road Academy, however, given the site is located within the designation of the Town Centre, the proposed development does not conflict with part 1.a of National decision-making policy HC5 and section 2 of the HFT PAN planning considerations.

Regarding part 1.b of the national decision-making policy HC5, the adopted HFT PAN establishes that levels of overweight and obesity are a health concern within Barnsley as 67.8% of Barnsley adults are either overweight or obese which is 3.8% higher than the national average. Over a third of Barnsley's 10–11-year-olds are also overweight or obese, including 23.2% of 5-year-olds (NHS England 2024). Improving levels of healthy weight is a priority for Public Health alongside our partners. This is recognised in the most recent Public Health Strategy (2025-2027) and Healthy Life Expectancy Strategy 2025–2030.

The adopted HFT PAN establishes that 25% of 4-5-years-olds and 34.4% of 10-11-year-olds within the Central Ward are overweight or obese. It also sets out that proposals for hot foot takeaways in an electoral ward where the proportion of 10-11-year-olds classified as being overweight or obese exceeds 40% the proposal is more likely to conflict with the NPPF. Given the ward does not provide obesity levels which exceed 40% in 10-11 years olds, the proposal would not conflict with this section 3 of the HFT PAN planning considerations.

The HFT PAN outlines the following application consideration under section 4 in relation to places where young people congregate:

'*Outside Barnsley Town Centre, District and Local centres, proposals for hot food takeaways within 800m walking distance of places where young people congregate will be refused. In accordance with the Planning Practice Guidance, places where young people congregate are places such as community centres and playgrounds. Parks and leisure centres are also considered to be places where young people congregate. These examples are not exhaustive and a planning judgement will be made on a case-by-case basis as to whether a place is considered to be somewhere where young people congregate*.'

The site is acknowledged to be within 800m walking distance of multiple places for which young people can congregate, however given the site is located within the town centre and this planning consideration is specific for wards outside of the town centre, the proximity of the site to areas of congregation is not considered to conflict with this part of the HFT PAN planning considerations.

The HFT PAN further outlines the following application consideration under section 1 in relation to over proliferation:

'In assessing applications for a hot food takeaway use, consideration will be given to the number of hot food takeaways already present in each ward. The NPPF states that "planning decisions should aim to achieve healthy, inclusive and safe places which: enable and support healthy lifestyles". The greater the number of hot food takeaways within a ward the more likely it is that proposals for further hot food takeaways would be in conflict with this part of the NPPF, unless they are within a designated town centre, district or local centre.'

Public Health colleagues have objected to this proposal on the basis there is already an over proliferation of hot food takeaways in the Peel Street/Wellington Street area.

However, Local Plan Policy TC1 states that Barnsley Town Centre is the dominant town centre in the borough and Local Plan Policy BTC2 states that the Peel Street area is suitable for late night uses. To ensure that it continues to fulfil its sub-regional role, most new retail and town centre development will be directed to Barnsley Town Centre. Moreover, all town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

Local Plan Policy TC2 states that proposals for retail (A1-A5) uses will be allowed on Primary and Secondary Shopping frontages in Barnsley Town Centre provided that, within each primary shopping frontage in Barnsley Town Centre, ground floor uses would remain predominantly retail (Class A1) in nature. Other uses may be acceptable, especially where they diversify and improve

provision in a centre, if it can be demonstrated that the vitality and viability of the primary shopping area concerned would not be negatively affected and that ground floor uses on the Primary Shopping Frontages remain predominantly retail (Class A1) in nature. In this instance, the application building is located on a secondary shopping frontage. Hot Food Takeaways fall within one of the permitted use classes on a secondary shopping frontage. Whilst the Policy TC2 also requires ground floor uses to remain predominantly retail in nature, Peel Street comprises existing public house, bar and food and drink uses, including several existing hot food takeaways. As such, the proposal would be in-keeping with the existing character of the area and although there is some conflict with this policy, on balance, the proposal is considered acceptable in this instance.

Paragraph 4.7 of the HFT SPD states that there should be no more than one hot food takeaway use in any one length of frontage to protect the street scene, achieve a diverse mix of shops and maintain good standards of design. As established, Wellington Street/Peel Street area comprises existing public house, bar and food and drink uses, including several existing hot food takeaways. Whilst it is acknowledged there would be some conflict with this part of the HFT SPD, the proposal would be in-keeping with the character of the area and on balance, the proposal is considered acceptable in this instance.

Whilst concerns have been raised regarding the cumulative impact of several hot food takeaways in the locality, Local Plan Policy BT17 states that offices, residential development, assembly and leisure uses, hotel and food and drink use, and car parking will be allowed within the Southgate District. In this instance, a hot food takeaway is considered a food and drink use and is therefore acceptable. The economic impact of and competition with existing hot food takeaways is not a material planning consideration.

The proposed development would see an additional hot food takeaway created in the Central Ward. Whilst there is a localised concentration and clustering of such uses on Wellington Street/Peel Street area, it is not considered that the proposal would materially or detrimentally impact the character, function or vitality of the frontage or the wider town centre. The proposal would not impact a primary shopping frontage and is located away from the main retail and leisure core of the town centre which is now centred around the Glass Works. In addition, the Peel Street/Wellington Street area is identified as an area within Barnsley Town Centre where late night uses are encouraged as established by Local Plan Policy BTC2. Whilst the proposal would not constitute a late-night use, existing public house and bar uses on Peel Street would. As such, the proposed HFT would be located in an area of Barnsley Town Centre that is more likely to attract footfall from adults rather than children. This area of Barnsley Town Centre is therefore considered to be most appropriate for a proposed HFT use.

Consequently, whilst it is acknowledged that there is some conflict with national and local planning policies and guidance, the proposal would be appropriate for its setting, would enable the continued use of an existing commercial premises allowing the site to continue to contribute to the vitality and viability of Barnsley Town Centre, and would be located in an area of the town centre designated for late night uses which are more likely to attract footfall and custom from adults and not children. On balance, the proposal is considered acceptable in principle and caries significant weight in favour of the proposal.

Impact on Residential Amenity, Health and Pollution Control

Concerns have been raised regarding impacts on environment and health, including from odour, waste and litter fumes and noise, and the impact of customer activity on local residents. However, the development site is located within an area that is principally commercial which comprises bars, and food and drink uses, including hot food takeaways, shops, banks and restaurants.

The application is also supported by a Health Impact Assessment (HIA) based on the HFT SPD template. The HIA confirms amongst other things that the proposed extraction system would incorporate silencers and carbon-filtration and canopy extraction systems. Pollution Control officers were consulted, and no objections were received, stating ‘this development has a low potential to

have an adverse impact on the health and quality of life of those living and/or working in the locality regarding pollution. The information provided suggests that noise is unlikely to affect nearby receptors.' The applicant has stated 'contracted grease traps will be fitted on-site. All commercial oils will be stored securely internally and collected regularly by a licensed environmental waste contractor'. The proposal is unlikely to result in increased levels of contamination. As such, this is considered to not detrimentally impact the surrounding area in terms of noise, odour and contamination and therefore weighs moderately in favour of the proposed development.

The potential for littering is acknowledged to be a localised issue and would not be specific to the site. The Health Impact Assessment has detailed 'a customer waste bin will be provided inside the premises, supplemented by an external receptacle. Staff will undertake a minimum of two daily perimeter litter sweeps of the immediate shopfront.' Multiple waste bins are also acknowledged to be located nearby on Grahams Orchard and Peel Square which can be used by customers to dispose of litter. The impacts of littering as a result of the proposal are therefore considered to be minimal and have been proposed to be minimised by the applicant. As such, this therefore weighs modestly in favour of the proposed development.

Regarding anti-social behaviour, the development site is in an area characterised by late night uses, including public houses, bars and other hot food takeaways. As such, there is the potential for anti-social behaviour to occur. However, no demonstrable evidence was provided which would otherwise show that anti-social behaviour is a specific problem in this area. As such, this is considered to weigh modestly in favour of the proposed development.

Regarding healthy eating, the Health Impact Assessment details 'the kitchen concept actively avoids deep-fat frying of frozen or processed foods. Meats are prepared via a flame-grilled method with no added oils or trans fats. Whole fresh vegetables are prepared daily on-site. Lower-calorie meal combinations will be visibly promoted on menu boards.' The proposal would therefore provide an appropriate mix and level of choice for local people. The applicant's approach to healthy eating also reflects the aims and policies of section 16 of the NPPF, including those specified by plan-making policy HC1. As such, this is considered to weigh modestly in favour of the proposed development.

Whilst concerns has been raised about the hours of opening, the applicant has indicated the proposed hot food takeaway would be operational between the hours of 09:00 - 23:00 Monday – Sunday. The proposed operational hours are compliant with the Hot Food Takeaways SPD. The opening hours will be conditioned to ensure the hours to not differ and impact on the surrounding area.

The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and is considered acceptable regarding residential amenity and overall carries considerable weight in favour of the application.

Impact on Design, Heritage and Visual Amenity

The site is located close to the Regent Street/Church Street/market Hill Conservation Area. Despite this, the interest in the buildings historical interest is significant and the historical value of the building is considered significant enough to positively compliment the setting of the adjacent conservation area.

The proposed alteration to the existing shopping front including the increased glazing would not offer a drastically different arrangement to the previous scheme. The existing frontage offers significant glazing and is of a similar character to the new frontage. The use of a roller shutter to the front elevation of the building is not a preferred design, however given the existing shop frontage included a similar roller shutter and other roller shutters are located on Peel Street, the use of a roller shutter on this occasion is considered acceptable.

Although details are indication on the proposed plans, these are subject to a separate advertisement consent application.

The proposed extractor equipment is detailed to the rear of the building and within a secluded outside yard and will therefore not impact the visual amenity or heritage of the building or the character of the street scene.

It is therefore considered that the proposed change of use is acceptable in terms of visual amenity and in compliance with Local Plan policy D1: High Quality Design and Place Making and HE:1 The Historic Environment and as such carries considerable weight in favour of the application.

Highways

Concerns have been raised regarding traffic impacts including parking and deliveries.

The site is positioned on the corner of Peel Street and Graham's Orchard and sits within a signalised junction; there are parking restrictions (double yellow lines) in place in and around the junction and along the entire length of Graham's Orchard due to its narrow carriageway width. However, Peel Street does have a significant amount of on-street parking available along the site side of the road as well as a loading bay approx. 12m from the site which would allow the proposed Takeaway to be adequately serviced.

Highways officers note that the site has good pedestrian and cycle access, it is within comfortable walking distance of Barnsley Interchange as well as the many services and amenities within the town centre. The site is therefore considered to be in a sustainable location which complies with Policy T3 New Development and Sustainable Travel

Although the site has no off-street parking provision and none is proposed, given there are other hot food takeaways and eating establishments along with public houses/bars and retail stores on Peel Street, the majority of which also have no off-street parking provision, the similar arrangement is therefore commonplace on the street and typical of the town centre location. The proposed change of use from a Florists (Use Class E) to a Hot Food Takeaway does therefore not result in an increased parking requirement.

As such the proposal is considered acceptable in terms of its impact on highway safety and in compliance with Local Plan Policy T4 New Development and Transport Safety. This carries significant weight in favour of the application.

High Risk Coal Authority Development Area

Although the site is acknowledged to be within a high-risk area, the South Yorkshire Mining Advisory Service has provided a consultation response and provided no objection to the proposal due to the omission of any ground works.

Flood Risk

Although the site is acknowledged to be within flood zone 2, the Environment Agency has provided a consultation response and provided no objection to the proposal due to the minor scale of the development.

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 however additional details have been submitted during the application process, including a Health Impact assessment.

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 representations, 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.