
2021/0186

Change of use from retail to licence bar

52 The Arcade, Barnsley, S70 2QP

Site Location and Description

The application relates to the ground floor only of a two-storey mid terraced property located on The Arcade within Barnsley Town Centre. The Arcade links Eldon Street and Market Hill with pedestrian access also to Hanson Street, George Yard and the rear entrance to the rear of The Civic. The Arcade is generally occupied by small/independent retail and cafés, and there are three pub/bars currently on The Arcade and two recent permissions for further bars at this lower end of the Arcade. The application building was last occupied by a charity shop which closed in October 2020. The building floorspace is 49 sq metres.

Proposed Development

The applicant seeks permission to change the use of the building from retail (class E, previously A1) to a use as a bar (sui generis, previously A4).

The applicant has clarified that they propose to have seating for 40 and standing space for 20; to offer a premium service with a small range of quality drinks including coffee, tea, soft and alcoholic beverages. They plan live solo acoustic artists occasionally, and soft background music otherwise. They currently operate a small bar on Shambles Street (Pour) and want to keep the same quiet atmosphere in this property. The proposal will employ 4 part time (2FTE) staff; and the proposed opening hours are 4pm to midnight Mon to Fri; midday to midnight Saturday, Sunday and Bank Holidays.

They are intending to allow families/children in during the day until 7pm; they will be selling alcoholic and non-alcoholic drinks and simple bar snacks (not hot food); they hope to offer table top bar games, a weekly quiz night, live music (solo singer or guitarist) in the evenings. They won't have outdoor seating or drinking; and they are happy to close at 12pm.

The applicant has further clarified that they are happy to amend the opening hours to open as a coffee shop type experience from midday; that they have no intention of applying for a pavement licence; that smokers won't be allowed to take drinks outside; that signage will be placed to ask people to respect their surrounding and not to cause an obstruction outside; and to clarify that the refurbishment outside is simply paint/repair of the wooden shop window, with signage of non-illuminated black, grey and copper letters.

Policy Context

Planning decision 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 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

The site is allocated as a Town Centre (and specifically is within The Lanes) within the Local Plan Proposals Maps. It is in the primary shopping area and is a secondary shopping frontage, and the site is within the Regent Street/Church Street/Market Hill Conservation Area and therefore the following policies are relevant:

Policy TC1 Town Centres - indicates that new retail 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.

BTC20 The Lanes – all new development must have an active frontage at ground level; supports shops, financial/professional, food and drink and non-residential institutions at ground floor level; new development must conserve and enhance the specialist nature of this area and be appropriate to the character of the area; Mandela Gardens must be maintained as public open space.

Policy BTC1 - The daytime and evening economies – we will work with developers and operators to diversify the daytime and evening economies (particularly early evening) with preference given to uses which meet a range of criteria. Planning permission will be given to a range of leisure uses provided they meet a range of criteria.

Policy BTC2 – late night uses – late night uses will only be encouraged in a closed list of locations in the town centre and will be supported where they meet a range of criteria.

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 HE1 The Historic Environment – indicates that we will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment and will support proposals which conserve and enhance the significance and setting of the borough's heritage assets.

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.

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 position approach to their growth, management and adaptation.

Consultations

Conservation – This proposed change of use includes some very rough drawn plans that appear to show no physical external alterations to the unit which is within the Victorian Arcade. If this is the case and changes are restricted to internal / cosmetic alterations I'd have little reason to object in terms of the setting of the Arcade and the conservation area. However as ever, I would anticipate that the change of use would require external unit alteration and the addition of signage to advertise the new bar. Assuming this is the case I would advise we would expect the design to be reasonably restrained and in keeping with the character, appearance, and decoration of the Arcade and the conservation area. I also believe an advert consent would be needed with supporting plans so we can understand the overall impact on the shopfront and its wider context.

Pollution Control – No recommended conditions, as any concerns can be managed through the premises licence

Culture and Visitor Economy – We have some concerns about this application due to the location and small size of the shop unit and the likely impact of the change of use on the Victorian Arcade. The unit in question is at the narrowest point of the arcade and has no outdoor space. It is likely that customers will stand outside the unit when the bar is busy, or to smoke, causing congestion for other users of the footpath. This is already seen at the top of the arcade, where there are other licensed premises, although in this area the arcade is wider and so it is less of an issue.

We are also concerned about the proposed opening hours - from 4pm-midnight on weekdays, and 12noon-midnight on Saturdays and Sundays. This will leave the unit frontage closed and inactive during the main week-day trading hours for the arcade. We feel this would have a negative impact on the arcade as a primarily independent retail area and is the opposite of what we are trying to achieve through the current Eldon Street Heritage Action Zone and Town Centre regeneration plans.

There have also already been a number of new bars opening up in the Arcade.

Ward Councillors- no responses

Representations

The application has been advertised via site (25 May – 16 June) and press notices (reflecting the Conservation Area location); 1 letter of support has been received stating:

Fully support the application of change of business and the plan outlined. Please allow the licensee to put café tables outside the premises if needed. Please add better external lighting to the premises- circular/eyelid lights.

Assessment

Principle of development

The proposal is for a main town centre use which national and local planning policy supports in this town centre location and the principle is therefore acceptable.

In addition, the site is in the Lanes where local plan policy BTC20 indicates that proposals for food and drink are supported provided that the proposal will have an active frontage at ground level and will conserve or enhance the specialist nature of the area.

The Lanes is also a secondary frontage where local plan policy TC2 indicates proposals for retail (A1-A5) will be allowed – the proposed pub use fell into use class A4 before changes to the use class order in 2020.

Conservation Area

The application site is within a designated Conservation Area where local plan policy (reflecting national planning policy) indicates that we will support proposals which conserve and enhance the significance of the borough's heritage assets. The proposal includes largely cosmetic internal buildings alterations plus painting/repair of the shopfront which will accord with this policy and it is therefore concluded that the proposal will conserve the character and appearance of the Conservation Area. A note is recommending in relation to signage.

Character of The Arcade

The concerns expressed by Culture and Visitor Economy have to some extent been addressed by the applicant who has confirmed that they won't have outdoor seating and don't intend to apply for a pavement licence; that customers won't be allowed to take drinks outside and signage will be placed to ask people to respect their surroundings and not to cause an obstruction outside; and that they are happy to open as a coffee shop type experience from midday.

Further concerns were expressed in relation to the character of arcade as a primarily independent retail area and that the proposal would be in conflict with Eldon Street Heritage Action Zone and Town Centre regeneration plans. However it is noted that the proposed use accords with local planning policy and that the Arcade remains predominantly retail in use. It is further noted that with the introduction of use class E, the Council does not retain control over the change of use of a shop to an office, café/restaurant, or any use that previously fell within use class B1 (including light industry).

It is concluded that the impact of the proposal on the character of the arcade will be acceptable.

Residential Amenity

There are no records of any residents on the arcade (or in the immediate vicinity, the closest residents apparently being at Regent House, separated from the proposal by the Forum complex) but in the interests of general amenity (and visual) considerations it is recommended that conditions are included limiting the hours of operation (to reflect those proposed by the applicant) and requiring details of any external extract/ventilation to be agreed.

Highway Safety

The proposal relates to change of use of a building with no outside parking/servicing areas. It appears that all servicing will be from the Arcade but it is understood that there are provisions in place from several of the units on the Arcade to do the same.

Recommendation

Grant subject to conditions

Full – 3 Years (M3 Code A1)

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.

Opening Hours (M3 Code D16)

The use hereby permitted shall be carried on only between the hours of 09:00 to 24:00 Mondays to Saturdays and 12:00 to 24:00 on Sundays.

Reason: In the interests of the amenities of local residents and of the character of the area and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.

Ventilation equipment

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (as amended), no externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be installed to the property without the prior written approval of the Local Planning Authority,

Reason: In the interest of visual and residential amenity in accordance with Local Plan Policy Poll1, Pollution Control and Protection.

Note:

The developer is advised that advertisement consent may be required for any advertisements to be displayed on the shop front. The design of the advertisements should be appropriate and sympathetic to the historic setting.