



Proposed Change of Use of 11 Market Hill, Barnsley to a Takeaway Restaurant Design and Access Statement

July 2013

9098

Foreword

Property Address: 11 Market Hill
Barnsley
South Yorkshire

Applicant Tri Capital Properties

Agent Carl Andrews BA DipArch RIBA AABC IHBC
On behalf of Soul Architects Limited

This Design and Access Statement has been prepared by Carl Andrews of Soul Architects Limited.

The document has been prepared in support of the Full Planning Application for the proposed change of use of 11 Market Hill formerly an Amusement Arcade (Sui Generis) to a Takeaway Restaurant (A5).

Contents

1	Understanding the Site	4
1.1	Site Location and Topography	4
1.2	Management and Maintenance	5
2	The Proposed Development	5
2.1	The Existing Property	5
2.2	Proposed Change of Use	6
2.3	Appearance.....	6
2.4	Parking.....	6
2.5	Access	6
2.5	Planning History	6
3	Policy	7

1 Understanding the Site

1.1 Site Location and Topography

The site is located in Barnsley town centre and is very well serviced by a large number of local amenities.



Extract from Google Earth

Market Hill is a busy thoroughfare to the north of the pedestrianised Queen Street. 11 & 13 Market Hill is serviced from the public highway. Market Hill is within a conservation area.



Extract from Google Earth

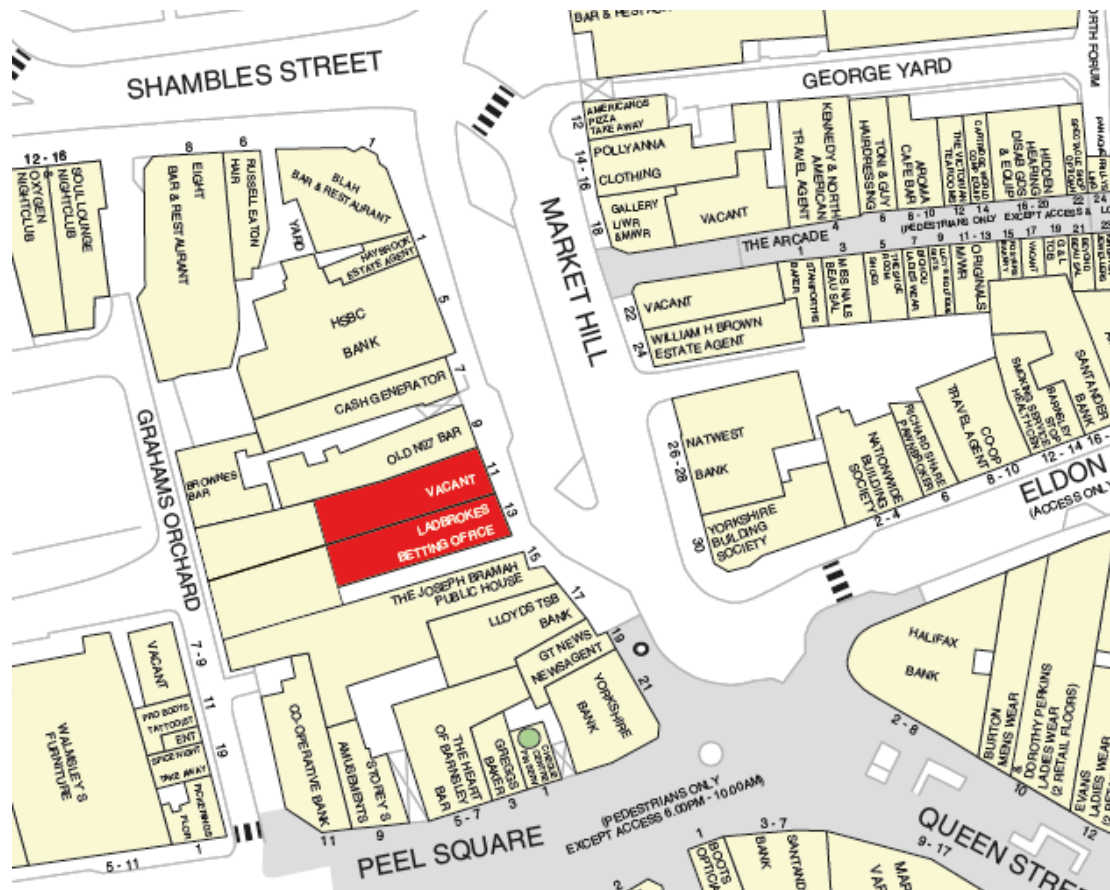
1.2 Management and Maintenance

11 & 13 Market Hill is typical of post war construction and built mainly in brick work with concrete panel cladding over the modern ground level shop fronts. 13 Market Hill is occupied by Ladbrokes and will remain unaffected by the proposed change of use to 11 Market Hill. The first floor is a single space that covers both units and is accessed from the rear stair, it is suitable for subdivision if required to meet the needs of the lower units. The property is in single ownership and appears to be well maintained.

2 The Proposed Development

2.1 The Existing Property

Although previously used as A1 and currently with approval for A2, the unit doesn't occupy a prime site in the town centre and therefore the potential to find a tenant for this type of use is limited. A2 is more likely but the demand for this is low. Market Hill is located away from the pedestrianised town centre and in an area that is predominantly occupied by Banks and Estate Agents. There are also a couple of public houses and a take-away on the opposite side of the road. It would seem that this area has the potential for a class A5 or A4 use.



Extract from sales brochure

2.2 Proposed Change of Use

The application is for a change of use to A5 Hot Food Takeaways as this is considered the most desirable use for the property. The application is speculative to allow the applicant to secure a tenant for the property. The layout shown is suggested and may be subject to change once a tenant has been secured. The shop front and roller shutter will remain unchanged. A void/ duct has been created at first floor to accommodate the kitchen duct work which will be terminated at roof level.

Details of the ventilation systems will be agreed with the local authority once a tenant has been secured.

2.3 Appearance

The external appearance will not change as a result of the proposed change of use. Any external signage required will be subject to a separate application.

2.4 Parking

As a town centre development, with good local amenities and services, sustainable modes of transport should be supported such as cycling and public transport and therefore parking spaces have not been provided.

2.5 Access

The development is entirely at ground level and has good level access from Market Hill

2.5 Planning History

11 Market Hill

Currently a vacant unit. The unit was last used as an Amusement Arcade and has approval in place for a change of use to class A2. The unit has previously been used for Retail A1.

2011/0798 Change of use from Amusement Arcade (Sui Generis) to Financial and Professional Services (Class A2)

2007/1078 Change of use A (retail unit) to Amusement Centre (Sui Generis) and a new shop front

2006/0437 Change of use from class A1 (Retail) use to class A2 (financial and professional services)

13 Market Hill

Currently occupied by Ladbrokes.

No changes proposed to 13 Market Hill

3 Policy

The following policies are considered appropriate.

National Planning Policy Framework

Para 6 The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 23 Planning policies should be positive, promote competitive town centre Environments.

- promote competitive town centres that provide customer choice and a diverse retail offer and which reflect the individuality of town centres

Barnsley's Core Strategy was adopted in 2011. The council has prepared a consultation draft of the Town Centre Area Action Plan (TCAAP) which currently carries little weight but will gain more weight as it goes through the process to adoption.

TCAAP The TCAAP includes the Market Hill District which cites shops, Financial and professional services, food and drink, non-residential institutions and assembly and leisure as appropriate uses.

Appendix A

Pre Application correspondence with Barnsley Metropolitan Council

Carl Andrews

From: Hyde , James [JamesHyde@barnsley.gov.uk]
Sent: 14 June 2013 14:23
To: 'Carl Andrews'
Subject: RE: 11 Market Hill Barnsley

Hi Carl,

An outline application is not appropriate for a change of use. The change of use would just be for an A5 use – not a specific type of takeaway in that class. Therefore, anyone who operates an A5 business from Fish and Chip shops to Indian takeaways could rent the property under the same permission. In addition, if the applicant gets A5 permission but it is not implemented than the previous or last use would still be valid. Also, if the application is approved for A5 and a tenant commences an A5 business, the owner could at a later date convert it to a number of other uses without further planning permission, such as A1, A2 and A3.

The new tenants would need to apply for any signage they may need and any proposed shopfront alterations.

For the application we would need the application form, the fee, floor layouts before and after and a location plan. The link below will take you to our planning applications page which also contains guidelines and checklists.

<https://www.barnsley.gov.uk/services/environment-and-planning/planning/development-management/planning-application-forms>

regards

From: Carl Andrews [mailto:carl.andrews@soularchitects.co.uk]
Sent: 14 June 2013 12:10
To: Hyde , James
Subject: RE: 11 Market Hill Barnsley

Thanks James,

If I were to submit an application for change of use to A5 can you confirm what level of information you would require? Could this be done with outline consent to allow my client to find a suitable tenant and then a detailed application submitted later?

Regards

Carl Andrews

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From: Hyde , James [mailto:JamesHyde@barnsley.gov.uk]
Sent: 24 May 2013 12:18
To: carl.andrews@soularchitects.co.uk
Subject: RE: 11 Market Hill Barnsley

Mr Andrews,

Site address: 11 Market Hill Barnsley

Proposal: proposed A4 or A5 use in unit with a history of A1 and A2 uses.

Thank you for your recent enquiry regarding 11 Market Hill, Barnsley. The property is currently vacant but was previously used as an amusement arcade (sui generis) and has planning permission for an A2 use class. Previous to that the unit was used for retail (A1). There is some recent planning history on the site as outlined below;

05/0991 – Change of use from retail (class A1) to public house (class A4) – refused for the following reasons;

In the opinion of the Local Planning Authority, the proposed use would be contrary to UDP policy TC6 in that it would further reduce the attraction of this area of the town centre for shoppers.

In the opinion of the Local Planning Authority, the proposed use would be contrary to Unitary Development Plan Policy TC17 as the proposal will not preserve and enhance the character of the Town Centre Conservation Area.

2006/0437 – Change of use from class A1 (Retail) use to class A2 (financial and professional services) – approved

2007/1078 – Change of use A1 (retail Unit) to amusement Centre (sui generis) and a new shop front – approved

2011/0798 – Change of use from amusement arcade (sui Generis) to financial and professional Services (class A2) - approved

As shown above, an application for an A4 use has previously been refused. The UDP policies which that application was assessed against have been saved and, as such, remain relevant today. However, since that application the Council has adopted its Core Strategy and the Government adopted the National Planning Policy Framework which means some of those policies are outdated. In addition, the Council has produce a consultation draft of the Town Centre Area Action Plan (TCAAP) which currently carries little weight but will gain more weight as it goes through the process to adoption.

In the TCAAP the site is within the Market Hill District which cites shops, Financial and professional services, food and drink, non-residential institutions and assembly and leisure as appropriate uses. In addition, there are a number of A4 and A5 uses already within the area, as such, the proposed A4 or A5 uses would be acceptable in principle within this area and would not be contrary to the existing character.

It is also worth mentioning that a change to permitted development rights with regards to change of uses is proposed to come into force on 30/05/2013 a summary of the proposals is outline below:

There are also new temporary rights for buildings used within classes A1, A2, A3, A4, A5, B1, D1 and D2. Planning permission is not needed for a change to a flexible use falling within class A1, A2, A3 or B1 for a single continuous period of up to 2 years. During that 2 year period, the use of the site can be further changed to a use within the identified range of flexible uses, but the use must not fall within more than one such class at any one time. The change must relate to no more than 150 m² of floorspace.

The site must revert back to its previous lawful use at the end of the period of flexible use and no further changes will be allowed under the new provision. Listed buildings are excluded. The local planning authority must be notified of the date and type of any new uses introduced.

As the site is within a Conservation Area care must be taken with the external appearance (inc. signage and shop front design) of any proposed use. I have included a link to the Councils Supplementary Planning Documents relating to shop front design and Advertisements below.

https://www.barnsley.gov.uk/media/Development%20-%20Planning%20and%20Transportation/Planning%20Policy/spg/Advertisements_v2.pdf

https://www.barnsley.gov.uk/media/Development%20-%20Planning%20and%20Transportation/Planning%20Policy/spg/Shopfront%20Design_v2.pdf

If you require any further information please do not hesitate to contact me.

Regards

James Hyde

**BA (Hons), MA, MRTPI
Planning Officer**

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Please note that the views expressed in this email are the informal opinions of officers based on the information available at present. They are not binding on the council, who will determine your planning application

From: Carl Andrews [<mailto:carl.andrews@soularchitects.co.uk>]
Sent: 21 May 2013 15:17
To: DevelopmentControl & DevelopmentManagement
Cc: 'Paul Ross'
Subject: 11 Market Hill Barnsley

Dear Sirs,

11-13 Market Hill Barnsley

My client has purchased the above property on Market Hill (agents detail attached). The property is currently separated into two units as follows:

11 Market Hill

Currently a vacant unit. The unit was last used as an Amusement Arcade and has approval in place for a change of use to class A2. The unit has previously been used for Retail A1.

2011/0798	Change of use from Amusement Arcade (Sui Generis) to Financial and Professional Services (Class A2)
2007/1078	Change of use A (retail unit) to Amusement Centre (Sui Generis) and a new shop front

13 Market Hill

Currently occupied by Ladbrokes.
No changes proposed to 13 Market Hill

I understand that the property, 11 Market Hill, is located within a conservation area and that this may limit potential uses. However, my client is keen to find a suitable tenant for the vacant unit and would like to know in planning terms the options available.

Although previously used as A1 and currently with approval for A2, the unit doesn't occupy a prime site in the town centre and therefore the potential to find a tenant for this type of use is limited. A2 is more likely but the demand for this is low. Market Hill is located away from the pedestrianised town centre and in an area that is predominantly occupied by Banks and Estate Agents. There are also a couple public houses and a take-away on the opposite side of the road. It would seem that this area has the potential for a class A5 or A4 use.

Reviewing the planning history online I can see that an A4 use has been refused in the past however there are no documents available and the reasons for refusal not stated.

We would like to seek the advice of the local authority for a change of use to A5 (or A4 if appropriate).

I appreciate that should either of these uses be acceptable then there would be some specific requirements that would need to be met, as this would be a speculative application then any special requirements would need to be conditioned and discharged when a tenant has been lined up.

I look forward to hearing from you in due course.

Regards

Carl Andrews

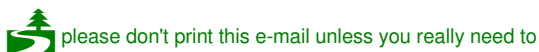
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