
Ref 2022/0930 – Planning Application

Applicant: Mr John Twigg

Proposal: Conversion of building into new sandwich bar/delicatessen style food outlet with 2no football match day sales kiosks and associated internal and external works including replacement shop front, food cooking and preparation area, internal customer waiting area, staff facilities and integral storage units

Address: Rockingham Bakery, Windermere Road, Barnsley, S71 1EG

Planning History

2022/0572 – Conversion of building into hot food takeaway with football match day kiosks and associated internal and external works – withdrawn.

Site Description

The application relates to premises that have frontage onto Windermere Road and Belgrave Road. The premises appear to have a longstanding commercial use. The surrounding area is residential in character, terraced houses with significant levels of on street parking.



Google streetview



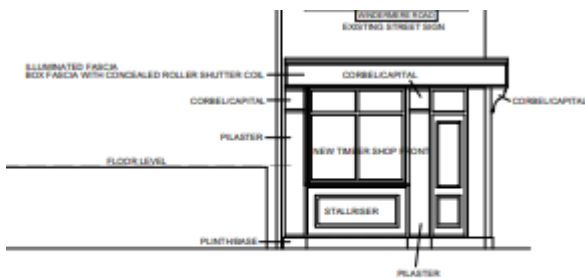
Proposed Development

The applicant seeks permission to change the use of the application site from 'commercial former bakery' to a sandwich shop with proposed alterations to form a new shop front and also the creation of sales kiosks in the existing store rooms.

The originally submitted supporting information which indicated that the proposal included hot food takeaway sales has been amended. The amended information confirms that the proposal is for a 'new sandwich bar/delicatessen style food outlet' and will be a 'healthy food establishment' serving customers including people passing by on the way to/from The Metrodome and Barnsley Football Club and also selling food via online orders to be collected and delivered by eg Deliveroo and just eats. The business will be open 7am to 2pm Mon to Sat when Sandwiches, soups and salad boxes will be sold; and on event/match days will be open 1 hour either side of the event – these are anticipated to occur 30-35 times per year/season, when the menu be a limited selection of the day time menu. The kiosks will serve hot and cold drinks and cold snacks.

In addition the originally proposed flue has been removed in the amended plan, on advice that it was inappropriate in this setting. The applicant has confirmed that some form of flue or other fixed building services will be required to deal with cooking smells as food such as bread, sandwich and salad fillings and soup will be cooked on the premises.

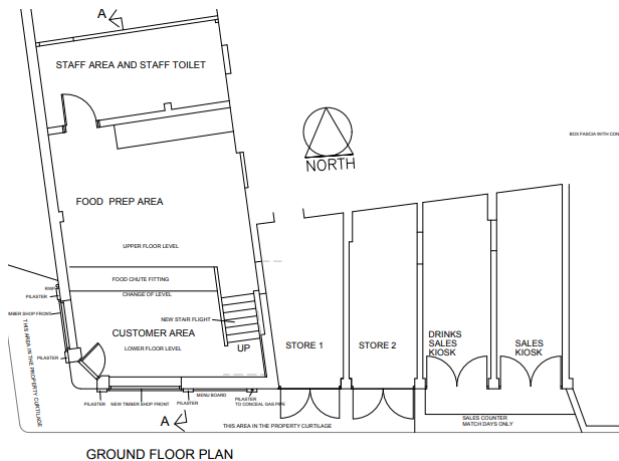
The proposed shopfront:



ELEVATION TO WINDERMERE ROAD



Proposed ground floor plan



The applicant also notes:

- The proposal will result in the employment of 6-8 people
- The proposal will result in the re-use of a unit which has been a long term unused and deteriorating space.
- 6 parking spaces are allocated on adjacent land within the applicants ownership off Queens Road for staff and visitors.

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 by the Council in January 2019. The Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The Local Plan review was approved at the full Council meeting held 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.

The National Planning Policy Framework represents up-to-date government planning policy and is a material consideration that must be taken into account where it is relevant to a planning application

Local Plan

The application site is in an area designated as Urban Fabric in the Local Plan. The following policies are relevant:

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 – 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 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 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 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 T3 New development and Sustainable Travel – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians of cycles. Also sets criteria in relations to minimum levels of parking; provision of transport statements and of travel plan statements.

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.

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.

Paragraph 92 states that planning policies and decisions should aim to achieve healthy, inclusive and safe places which (amongst other things) enable and support healthy lifestyles, especially where this would address identified local health and well-being needs – for example through the provision of safe and accessible green infrastructure, sports facilities, local shops, access to healthier food, allotments and layouts that encourage walking and cycling.

Paragraph 185 indicates that planning policies and decisions should ensure that new development is appropriate for its location and should avoid noise giving rise to significant adverse impacts on health and the quality of life.

Consultations

Pollution Control – The development has the potential to have an adverse impact on health and the quality of life of those living and/or working in the locality, therefore approval with conditions is recommended to ensure that any construction or remediation work is carried out during specified hours.

Highways Development Control – The proposal is in an area where parking spaces are at a premium. The proposed sandwich bar/takeaway result in an off-street parking provision of 6 spaces being required. Parking spaces have been allocated within the applicants ownership, accessed off Queens Road but there is no information about the walking route for customers and employees. Until such time as it can be demonstrated that the proposals include a feasible and satisfactory car parking arrangement, I would have concerns that the proposals could lead to indiscriminate parking of vehicles to the detriment of highway safety.

Further comments – On the proviso that the hot food takeaway element is to be omitted, the proposal would operate in a similar manner to the existing use in terms of vehicular traffic generation and parking demand and as such the proposals, with the hot food takeaway element removed, are considered acceptable from a highways development control perspective.

Public Health – No response

Ward Councillors – No response.

South Yorkshire Police – while not formally consulted, the following comments were received: the security and layout of the new adaptation should reflect current crime on site. Therefore a pragmatic approach to security requirements is encouraged. Should the risk to the building be increased by this extension, security should reflect those risks. Advises a secured by design approach to construction site security.

Representations

The application was advertised by way of a site notice (30 September to 21 October) and letters sent to properties adjacent and near to the proposal site. No comments have been received.

Assessment

Principle

The application site is not 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. The proposal has been amended in order to overcome objections to the originally proposed hot food takeaway element.

The proposed sandwich bar/delicatessen will serve local residents as well as customers of the nearby Metrodome and football ground. It is reasonable to conclude that it has some characteristics of a business that has a locational requirement to be accommodated in this location and therefore according to national planning policy guidance does not require to be directed to a town centre location. The principle of the proposal is acceptable subject to assessment of detailed considerations.

Residential Amenity

The proposal is in an area that is predominantly residential, albeit with the Metrodome and Oakwell Football Ground within 300 metres. The amendments to the proposal, reflecting objections to the proposed hot food takeaway and flue, have addressed concerns that the proposal would be likely to cause unreasonable noise to local residents, in a location where residents have a reasonable expectation of a high level of residential amenity. As amended, the proposal is for the sale of cold food, with the option of online ordering and no provision for customers to sit inside the premises to eat.

Conditions are recommended restricting the sale of food and opening hours as specified, restricting the use to class E (a) and no other use within the use class, requiring details of any fixed plant and flue to be agreed and restricting the hours of construction work as recommended by Pollution Control. It is concluded that subject to these conditions the proposal is unlikely to adversely affect the amenity of those living and working in the area and is in compliance with Local Plan Policy GD1.

Design

The design of the proposed shopfront alterations which would re-instate a traditional painted timber shopfront is considered to be acceptable. The originally proposed flue has been removed from the scheme. Subject to a condition requiring the colour finish of the shopfront to be agreed (and the flue condition referred above) it is concluded that the proposals are considered to be in compliance with Local Plan Policy D1.

Highway Safety

The proposal has been amended in response to the objections to the hot food takeaway element of the proposal and, reflecting the advice of the Highways Engineer, it is concluded that the proposal would not be likely to adversely affect highway safety conditions in the vicinity of the application site. A condition is recommended requiring the proposed parking provision to be surfaced, delineated and made available for the duration of the use. The proposal is considered to be in compliance with Local Plan Policy T3.

Secured by Design

The application includes shopfront alterations. The Police have made recommendations about security and an informative note is recommended to advise the developer about these

Conclusion

The proposal is considered to be acceptable in principle in this residential location subject to the recommended conditions which seek to ensure that the business operates in the manner envisaged and

Recommendation

Grant subject to conditions