

2024/0568

Mr Donya-maly

31 Furlong Road, Bolton Upon Dearne, Barnsley, S63 8JA

Change of use from takeaway to shop and off licence

Site Description

The site is an existing takeaway set on the ground floor of an end terraced building located on Furlong Road in Bolton Upon Dearne. The street scene consists of other two-storey terraced dwellings with some other commercial uses mixed in. The building has recently received planning permission for the creation of two flats to the first floor of the building.

Planning History

B/85/1055/DE - Change of use to fish and chip shop - Approved

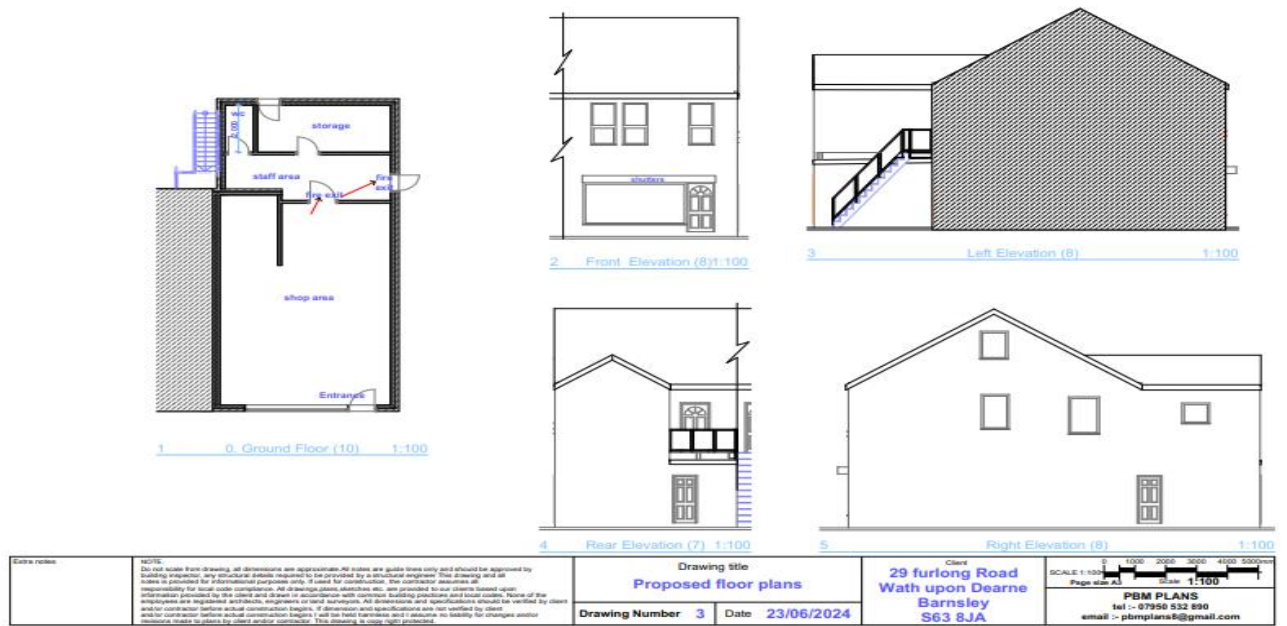
B/86/0859/DE/AD - Illuminated sign - Approved

B/95/0115/DE - Modify condition 2 of B/85/1055/DE to extend hours of opening to 12 midnight – temporary permission granted

2011/0817 - Change of use of Hot Food Takeaway to Hot Food Takeaway and delivery service (Withdrawn)

2024/0222 - Creation of two flats to first floor, with external alterations including external staircase (Part Retrospective) (Approved with Conditions)

Proposed Development



The applicant is seeking approval for the change of use of an existing hot food takeaway to a shop and off licence. There will be no significant external changes as the staircase shown on the plans has already been approved. The opening hours will be from 06:00 to 23:00 each day. The shop is aiming to sell local items and regular household groceries.

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 Fabric

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 TC5: Small Local Shops – Outside existing centres small shops that meet the daily shopping needs of a local community will be permitted where:

- The shops are of a type and in a place that would meet daily shopping needs and this need is not already met by existing shops; and
- The shops are located and designed to encourage trips by pedestrians and cyclists and would not encourage car trips.

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 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
- 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 – The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It is important to plan positively for the inclusion of high-quality design for all developments, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 139 states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.

Consultations

Dearne South 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

Neighbour notification letters were sent to surrounding properties and a site notice erected near the building. In total five objections were received and in summary raised the following points.

- This road is already way too busy, the car fumes will affect people's health, and the proposal will encourage littering and be used for nefarious activities
- A shop and off licence are not right for this area, the shop is not required as the street is too busy with other uses and there is a Tesco further down the road.
- Dealing with the traffic, the number of parked vehicles and people pulling up wherever they feel is dangerous. Opening another business will just make this worse.

Assessment

Principle of Development

The proposed shop is located approximately 450 metres from the nearest local centre (St Andrews square, Bolton upon Dearne) however an impact assessment for the shop is not required because the proposed floorspace does not exceed 500sqm.

In relation to local shops, Policy TC5 stated the following:

- The shops are of a type and in a place that would meet daily shopping needs and this need is not already met by existing shops; and
- The shops are located and designed to encourage trips by pedestrians and cyclists and would not encourage car trips.

Whilst there is an argument as to the daily shopping needs given that there is a Tesco Express also located on Furlong Road it is approximately 240 metres away from the application site along a main road and given the limited floor space of the application site it is likely to mainly cater for small items from residents of the local surrounding residential street rather than a bigger shop that could be carried out at the Tesco Express. Nonetheless the proposed shop will not encourage car trips as no extra parking spaces are to be created and is likely to be walked to from the surrounding streets. In addition the existing building already has a commercial usage so already generated a certain amount of activity at the present time. Given the small size of the unit it would also not affect the vitality and viability of nearby local or district centres.

The site falls within urban fabric which has no specific land allocation; however, the site and surrounding area is made up principally of housing with the exception of the existing takeaway. The change of use to class E is acceptable in principle where it will not have a detrimental impact on the amenity of surrounding residents, visual amenity and highway safety.

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 will not have a detrimental impact upon the street scene of Furlong Road. 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.

Residential Amenity

The LPA's pollution control team were consulted and raised no objections with regards residential amenity nor the proposed opening hours. The proposed opening hours are 0600 to 2300. The original permission for the takeaway allowed the use to operate till 11.30 at night so the shop opening hours are slightly less in an evening than what the takeaway could operate as. 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 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.

Highway Safety

There will be no impact upon highway safety. The site was most recently used as a takeaway. The intention is to convert this to a shop and off-licence open from 06:00 to 23:00 each day. Whilst it is acknowledged that the traffic generated will peak at different times, the parking is likely to be of a similar short-term nature. The requirement for off-street parking when comparing an off-licence to a takeaway is similar and therefore the proposal is acceptable in terms of highway safety.

Recommendation

Approve with conditions