JohnsonMowat
Planning & Development Consultants

TRINITY HOUSE ORTHODONTICS

34 HIGH STREET,
WOMBWELL,
BARNSLEY,
S73 8AA

Application for Change of Use Former Post Office (A1)
to Orthodontist Practice (D1)

PLANNING CASE REPORT

Trinity House Orthodontics
34 High Street, Wombwell, Barnsley

Planning Case Report

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Johnson Mowat
Planning & Development Consultants
Coronet House
Queen Street
Leeds
LS1 2TW

t: 0113 887 0120
e: hello@johnsonmowat.co.uk
w. www.johnsonmowat.co.uk

RTPI Chartered Town Planners
RICS
A member of HBF HOME BUILDERS FEDERATION

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1.0 INTRODUCTION

1.1 The proposal which forms the subject of this detailed planning application seeks the change of 34 High Street, Wombwell, a vacant former post office (A1) to Orthodontist Practice (D1). The application is submitted on behalf of Trinity House Orthodontics.

1.2 This Planning Case Report should be read alongside the following documents:

- Location Plan;
- Floor Plans (proposed and existing); and
- Application Forms.

1.3 It is considered that this statement, together with the accompanying plans and documents, clearly demonstrate to the Council that the proposal accords with national planning policy and when judged against this and all material considerations, it is clearly the case that planning permission should be forthcoming. The applicant is willing to provide any further advice or clarification on any issues that may arise.

1.4 This statement now proceeds to give details of the background into the applicant, the site and proposal and background. Relevant Planning Policy and Central Government advice in the form of the National Planning Policy Framework is then outlined. The issues that the proposal raises are then examined and finally the conclusion reached that permission should be granted for the proposal to proceed.

1.5 Nevertheless, the applicant remains willing to discuss all aspects of the proposal with the planning authority and will submit any further information as necessary.

2.0 BACKGROUND

2.1 This application is submitted on behalf of Trinity House Orthodontics, a Yorkshire based specialist Orthodontic Practice who provides treatment of braces to children and young adults on the NHS.

2.2 Trinity House Orthodontics opened their first practice in 1997, in the town of Hemsworth, within the Wakefield District. The business further expanded to open a practice in Wakefield city centre in 2000 followed by a practice in Barnsley in 2004. The business now delivers orthodontic treatments from practices in Wakefield, Barnsley, Selby and Goole. The business since inception has always offered NHS orthodontic care. The business has continually improved through team development, investing in high-end equipment and always maintaining a second to none customer service for their patients.

2.3 As part of current expansion plans and to ensure the further the reach of their orthodontic care, including NHS care, the firm now seeks to expand further into the Barnsley District and seeks to open a practice in Wombwell Town Centre. As part of the expansion the practice will seek to increase its varying level of roles from an orthodontist and orthodontic therapists to dental nurses and receptionist, which will be recruited from the local area and therefore provide a sustainable employment opportunity.

2.4 The grant of planning permission in this instance will enable the Practice to continue its high standard of service and provide specialist NHS dental care in a new location that is best suited in terms of accessibility to the people of Wombwell and the surrounding areas who are at present having to travel out the immediate locality to obtain their treatment; this means at present there is more time taken out of schooling, due to the majority of patients starting their treatments between the ages of 12 and 16 years and with a practice in Wombwell, less traveling time will be needed, benefiting the patients, parents / legal guardians who have to attend with the patient and less disruption to their education needs.

2.5 The provision of NHS dental care in a highly sustainable location also provides and creates the best opportunity for patients to make use of the community service. This is particularly important to those on lower incomes and ensures they have high quality NHS dental care in an easily accessible location.

3.0 THE SITE, PLANNING HISTORY AND PROPOSAL

The Site

3.1 The subject site constitutes a vacant former post office in Wombwell town centre. The property was last used 18 months ago due to the relocation of the post office into the nearby Heron Foods unit. The premises have remained vacant since this time despite marketing. The site is located High Street. Close to the property are a number of users on High Street including public houses/bars, pound shops, hot food takeaway, off-licences, cafes, fruit and vegetable shop, undertakers, pharmacy, travel agents, clothing shops, barbers, hardware shop, butchers, charity shops and betting shops.

Planning History

3.2 In relation to the planning history of the site, there are no recent relevant applications in relation to the site. However there are historic applications which relate to signage and the installation of an ATM.

Proposal

3.3 In terms of the proposed scheme, the proposal seeks to change the use of the vacant premises former post office (A1) to an orthodontics practice (D1). The practice will require solely internal changes to facilitate the change of use.

3.4 It is considered that the proposal will add to the NHS orthodontic care within Wombwell and the surrounding areas, within a highly sustainable and easily locatable, town centre location.

3.5 It should be noted that the applicants have examined a number of sites within Wombwell town centre and this is the only unit which matches their expectations in terms of location, price, size and scale.

3.6 It is intended that the practice will operate as follows:-

(i) It is anticipated that there will be on average 40 patients per day.

(ii) Operating hours will be:-

- 8.00 am to 7.30 pm – Monday to Friday;
- 9.00 am to 5.00 pm – Saturday; and

- No opening on Sundays or Bank Holidays.

(iii) 6no staff will be employed from first occupation at the premises.

3.7 In relation to the stated opening hours, the applicants Trinity House Orthodontics currently work the hours Monday to Friday 9:00am to 5:00pm at their existing premises. However, as part of NHS requirements, there is an emerging requirement to work evenings and Saturdays to cater for school children who are unable to miss time during School hours to be treated. Practices are therefore required to offer extended hours to cater for this. It is not expected that there will be a requirement to work full extended hours every evening or Saturday's each month but will be required to offer this to patients.

3.8 Trinity House Orthodontics have recommended the above hours of operation, however do stress that work during all these hours will not occur and it is likely that it may be 1no or 2no days per week for later evening hours and 1no or 2no Saturdays per month however at present due to changing requirements cannot commit in full detail. At present they recommend the above hours however are willing to discuss in further detail with the Local Planning Authority to ensure an acceptable agreement can be made.

4.0 PLANNING POLICY

Central Government Policy Advice

4.1 Section 38 (6) of the Planning and Compulsory Purchase Act 2004 sets out that in considering planning applications the determination with the development plan unless material considerations dictate otherwise. The National Planning Policy Framework also advises of a presumption in favour of development which accords with the Development Plan. The importance of the statutory Development Plan in the decision making process necessitates an examination of the relationship between the policies and proposals of the Plan and to Government Guidance.

The National Planning Policy Framework

4.2 The NPPF was updated on the February 2019 and the following section has been made in relation to the revised document.

4.3 The Government's National Planning Policy Framework (the Framework) now forms the relevant policy guidance at the national level for the determination of all planning applications; this is especially so where the local development plan is either silent, absent or out of date. The Framework is a material consideration which must be taken into account in all planning decisions.

4.4 Para 2 of the advice states:-

"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 must be taken into account in preparing the development plan, and is a material consideration in planning decisions."

4.5 At Para 8 the advice sets out three overarching objectives for achieving sustainable development, are as follows:-

"a) an economic objective – to help build a strong, responsive and competitive economy,….

b) a social objective – to support strong, vibrant and healthy communities….with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being…..

c) *an environmental objective – to contribution to protecting and enhancing our natural built and historic environment; including making efficient use of land…"*

4.6 Para 10 sets out that the heart of the framework is a presumption in favour of sustainable development.

4.7 Para 11 goes on to state:-

"Plans and decisions should apply a presumption in favour of sustainable development….

For decision-taking this means;

c) *Approving development proposals that accord with an up-to-date development plan without delay; or*

d) *where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:*

i. *the application of policies in this Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or*

ii. *any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole."*

4.8 Para 12 goes on to state:-

"The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed." (JM underlining)

4.9 At para 38 in relation to decision taking it sets out that:-

"Local planning authorities should approach decisions on proposed development in a positive and creative way…. and work proactively with applicants to secure developments that will improve the economic, social and environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible."

4.10 In relation determining applications para 47 sets out that:-

"Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. Decisions on applications should be made as quickly as possible, and within statutory timescales unless a longer period has been agreed by the applicant in writing."

4.11 In relation to building a strong competitive economy (Section 6) para 80 sets out that:-

"Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development."

4.12 In relating to "Ensuring the vitality of town centres" (Section 7) para 85 sets out that:-

"Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation…"

4.13 Section 8 relates to "Promoting healthy and safe communities". Para 92 relates to the provision of "social, recreational and cultural facilities and services the community needs" in planning policies and decision making.

4.14 Para 212 with regard to decision taking:-

"The policies in this Framework are material considerations which should be taken into account in dealing with applications from the day of its publication."

4.15 The proposals constitute sustainable economic development and under the circumstances, it is clear that significant weight should be attached to this. The proposals wholly conform

to the advice in the NPPF and it is considered that the applicants are entitled to anticipate presumption inherent being weighed in their favour.

Planning Practice Guidance – Ensuring the Vitality of Town Centres

4.16 The Planning Practice Guidance is of particular relevant to this submission.

4.17 The introduction sets out:-

"Local planning authorities can take a leading role in promoting a positive vision for these areas, bringing together stakeholders and supporting sustainable economic and employment growth. They need to consider structural changes in the economy, in particular changes in shopping and leisure patterns and formats, the impact these are likely to have on individual town centres, and how the planning tools available to them can support necessary adaptation and change.

A wide range of complementary uses can, if suitably located, help to support the vitality of town centres, including residential, employment, office, commercial, leisure/entertainment, healthcare and educational development." (Paragraph: 001 Reference ID: 2b-001-20190722) (JM underlining).

4.18 It is quite clear from this advice that the Government is seeking the adoption of a flexible vision for town centres that reflects and takes account of changes in the market and allows for planning to adapt to these changes. Whilst the advice relates to how to plan for town centres, it is considered that it is equally relevant for the determination of applications.

4.19 It is considered that in the light of all evidence, the Council should recognise the benefit of an appropriate town centre use for this site. This use will assist the vitality and viability of the town centre, increase its footfall and generate economic activity.

Local Planning Policy

4.20 The Development Plan for Barnsley MDC consists of the Barnsley Local and Supplementary Planning Guidance.

4.21 The site on the Local Plan polices map is identified within a defined district or local centre, primary shopping area and prime shopping frontage.

4.22 The following policies are considered relevant to the consideration of this application:-

Barnsley Local Plan (January 2019)

Foreword

4.23 Para 1.5 of the Local Plan sets out:-

"Barnsley's new Local Plan sets out the council's strategic vision and priorities for housing, employment and commercial development, including transport infrastructure and protection of our local environment. To make improvements effectively in relation to our economic priorities ***we must also ensure progress on other issues such as****:*

- ***Health;***
- *Education and skills;*
- *Cohesion and community safety;*
- *Child poverty; and*
- ***Quality of life and the well-being of Barnsley's people.****" (JM bold and underlining)*

4.24 The proposals seek NHS dental healthcare to benefit people in Wombwell and the wider area.

Section 2 – Visions and Objectives

4.25 Section 2. of the Local Plan sets out the vision and objectives for the Council. Amongst other requirements its sets out that:-

"The Local Plan objectives seek to improve the economic prosperity and quality of life for all its residents and those who work here."

4.26 The Council define their objectives amongst other objectives are to:-

- *"Provide opportunities for the creation of new jobs and protection of existing jobs..".*

4.27 To achieve the Council's objectives it sets out that amongst other points:-

- *"Providing the opportunity to grow the economy by 28,840 jobs*

- *Encouraging significant inward investment to generate this additional employment*
- *Providing the space to allow existing businesses to grow*
- *Creating a vibrant and attractive Town Centre…"*

Economic Strategy- Jobs and Business Growth Plan

4.28 Para 4.6 sets out that:-

"The Jobs and Business Plan 2014-17 was agreed by Barnsley MBC in May 2014 and was refreshed in 2017. This is a three year business plan which sets the direction for a strong and stable economic future for Barnsley. ***Barnsley's economy is too small for the size of the borough. The town is unable to maintain enough jobs and businesses to support its working population. Therefore significant intervention in the local economy is needed.*** *The Jobs and Business Plan sets out the business goals for Barnsley to close the economic performance gap as:*

- ***More new businesses;***
- ***More job opportunities;***
- *Diversification of the business base towards higher productivity sectors; and*
- *Better skills and training for Barnsley people." (JM bold and underlining).*

4.29 Para 4.7 goes on to state:-

"The five key steps as part of our action plan are:-

- *Invest in infrastructure;*
- ***Attract inward investment;***
- ***Improve the town centre;***
- ***Grow existing businesses; and***
- ***Encourage higher productivity start-ups."***

Employment and Skills Strategy: More and Better Jobs

4.30 The Local Plan also makes reference the Employment and Skills Strategy "More and Better Jobs" (2016 - 2021) produced by the Council. Para 4.10 of the Local Plan sets out that the strategy aims to:-

"To embed a shared ambition, not just for any jobs, but for better jobs that grow Barnsley's businesses in the long term."

Spatial strategy and the location of growth

4.31 Para 5.4 of the Local Plan sets out the spatial strategy and settlement hierarchy in line with the previously adopted Core Strategy and seeks to focus development on the following areas:-

- *"Urban Barnsley;*
- ***The Principal Towns (Wombwell**; Hoyland; Penistone; Goldthorpe (Dearne Towns); Cudworth and Royston; and*
- *Development in villages will be encouraged where it meets local needs and supports vitality, the local village economy and viability of the local community."*

4.32 In relation to the Principal Towns para 5.5 goes on to state that:-

"Given the number of Principal Towns within the borough it is considered that this spatial strategy, based on spreading growth between these important settlements, is necessary to ensure the continued viability of our places and communities. Locating growth in all the Principal Towns is considered necessary not only to maintain the viability of those settlements but also to accommodate the growth anticipated for the borough."

4.33 Para 5.9 seeks to reaffirm the settlement of Wombwell's classification as a Principal Town.

Principal Towns

4.34 Para 5.16 sets out that:-

*"Barnsley has six Principal Towns, **Wombwell**, Hoyland, Penistone, Goldthorpe (Dearne Towns), Cudworth and Royston, which along with Urban Barnsley should be the **main local focus for** housing, employment, shopping, leisure, education, **health** and cultural activities and facilities, and their roles as accessible and vibrant places to live should be enhanced."*

4.35 Para 5.34 defines:-

"Wombwell is recognised as a small but busy market town which continues to be a well defined centre."

4.36 Para 5.37 goes on to state that:-

"We want Wombwell to continue to flourish as one of the borough's largest district centres offering a range of services and facilities.

Policy SD1 – Presumption in favour of Sustainable Development

4.37 The policy sets out the presumption in favour of sustainable development. It should be noted that the Local Plan was tested against the 2012 Framework.

Policy GD1 – General Development

4.38 Sets out the general approach to development within the authority. The policy details a series of criteria of which development meeting each of the requirements will be approved without delay. Such considerations include impacts on amenities of existing and future occupiers, compatibility with neighbouring uses and environmental impacts. The proposal does not conflict with the requirements of this policy.

Policy LG2 – the Location of Development

4.39 The policy sets out that the priority for development and that Principal Towns are the next priority for development after Urban Barnsley.

Policy T3 – New Development and Sustainable

4.40 Sets out that new development would be amongst other requirements, be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists. The site is within Wombwell town centre with easy access via public transport and access from pedestrians and cyclists.

Policy D1 – High Quality Design and Place Making

4.41 The policy sets out the design principles and a checklist of design considerations for development proposal to consider. The proposal does not conflict with the requirements of this policy.

Policy TC1 – Town Centres

4.42 The policy sets out that support will be given to maintaining and enhancing the hierarchy of centres, which includes the District centre of Wombwell.

4.43 In relation to the District Centres it goes on to state that:-

"The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres."

4.44 It goes on to state that:-

"All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed."

4.45 Supporting paragraph 15.7 goes on to state that:-

"Barnsley's District Centres have a vital role to play in providing shops and services to the people who live near them. The aim is to support and improve the role of all these centres and in particular to support and enhance them to enable them to have the capacity to fulfill their important roles as Principal Towns. ***Principal Towns should be the main local focus*** *for housing, employment, shopping, leisure, education,* ***health*** *and cultural activities and facilities."*

4.46 The Local Plan therefore clearly supports the provision of health facilities in district centres in principal towns.

4.47 Para 15.9 defines the town, district and local centres in the authority.

4.48 Para 15.16 sets out relates to Wombwell District Centres. It sets out that:-

"Wombwell is one of the larger district centres. The main retail and service offer is located along High Street. Wombwell is better than average in terms of vitality and viability. Its main strengths are the number and type of shops, the large amount of shopping floorspace within the centre, the number of multiple retailers, the variety of specialist and independent retailers, the market, the low vacancy rates, good pedestrian flows and car parking provision, good bus services, and high quality environment. Aims for the future of Wombwell are to reduce the amount of retail, leisure and office floorspace which exists outside the town centre. The strategic direction for Wombwell is to intensify."

Policy TC2 Primary and Secondary Shopping Frontages

4.49 The policy sets out that:-

"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 in Barnsley Town Centre and the District Centres, 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, provided that 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."*

4.50 The proposals seek the consent for an orthodontic practice. Whilst D1 in use the characteristics in terms of working hours, noise and use are similar to that of A1 and A5 uses. The unit which consent has been sought on has been vacant since ____ and no permeant user has come forward. Clearly weight has to be given back to the reuse of a long vacant unit for health care purposes.

4.51 Indeed supporting para 15.20 sets out the following:-

"For the purposes of policy TC2 we take the view that predominantly means 'most' and will apply a 51% threshold. The other uses referred to in policy TC2 are primarily envisaged to be the other main town centre uses defined by the NPPF. The onus will be on the applicant to demonstrate that other uses, amongst the town centre uses, will be acceptable."

4.52 As stated above the whilst not a defined town centre use. The use is suitable for that found in town centres. An indicative analysis of the primary and secondary frontage along High Street was taken. Of the 24 units along the frontage, 13 units are in A1 use (14 including the application unit). The development of the unit to an orthodontist practice would result in 54.16% of the frontage remaining in A1 use.

4.53 It should be noted that if the Council do not accept this agreement there are significant material considerations which outweigh the policy requirement.

Other Publications – The Grimsey Review

4.54 Within the United Kingdom, the traditional high street has been in decline in most locations for a number of years, coinciding with the economic crisis of 2008 and the increase in online retail shopping. A number of studies have taken place, including the Portas Review,

and it is considered that it is reasonable to conclude that the problems associated with Town Centres need to be continuously addressed. “The Grimsey Review” –“An Alternative Future for the High Street” and the recently produced “The Grimsey Review 2” – It’s time to reshape our town centres” are considered relevant.

4.55 The Grimsey Review was an independent review of the ‘high street; which was undertaken in September 2013 by a number of professionals involved in the retail and related sectors, including Bill Grimsey former boss of Iceland, Wickes and Focus. The review focused on the issues and trends to which the ‘high street’ is currently subject leading to a number of recommendations and highlighting areas upon which efforts should be focused.

4.56 The Grimsey Review 2 has been recently published in July 2018, 5 years on from the initial Grimsey review. Indeed the report sets out that:-

“The number of and type of shops being occupied in our towns has continued to change and at a greater velocity from the first Grimsey Review in 2013. The traditional anchors of many town centres such as banks, clothing shops and pubs have been closing hundreds of outlets and in the case of banks nearly 2,500. Where these shops have been taken over, they are being filled by health and beauty businesses – nail salons, tattoo parlours and barbers – all offering experiences rather than just products.”

4.57 In setting out its key findings the report sets out that:-

“There is a need for all towns to develop plans that are business-like and focused on transforming the place into a complete community hub incorporating health, housing, arts, education, entertainment, leisure, business/office space, as well as some shops, while developing a unique selling proposition (USP).”

4.58 The report makes specific recommendations in relation to creating a more supportive environment, government and planning and smarter use of technology. It recommends (point 3) that:-

“Accept that there is already too much retail space in the UK and that bricks and mortar retailing can no longer be the anchor for thriving high streets and town centres. They need to be repopulated and re-fashioned as community hubs,

including housing, health and leisure, entertainment, education, arts, business/office space and some shops."

4.59 In addition at point 11 sets out:-

"Enable the change of use process through new legislation to be used to convert entire sub-high streets to residential or other uses within the agreed town plan and relocate successful independent businesses to the main commercial centre."

4.60 It is therefore clear from the review that other non retail uses must be supported to ensure the future of the high street.

5.0 THE PLANNING CASE

The Development Plan

5.1 The development plan is the starting point to the consideration of this application. The proposal conforming with the development plan however the Council may consider there is conflict with Policy TC2 however in this case the proposal is for a complementary use to the proposals and the overall frontage in A1 use would not drop below 51%.

5.2 In accordance with Section 38(6) applications must be determined in accordance with the development plan unless material considerations indicate otherwise. Material considerations must also be examined which may outweigh the policy and favour the applicant. In this case there are considered to be strong material considerations in favour of the proposals.

Other Material Considerations

5.3 It now falls for the proposal to be considered in the light of other material considerations. It will be outlined below that by reference to such considerations, this clearly points to the grant of planning permission notwithstanding the potential policy conflict.

Government Guidance

5.4 It is clear from an examination of the National Planning Policy Framework and Planning Practice Guidance that the subject proposal wholly complies with the advice contained therein and that significant weight should be given to this fact. The subject proposal will result in economic benefit but will also be of benefit of social and environmental issues. As a consequence, the proposal must be deemed to constitute sustainable development. It is considered that significant weight should be attached to this fact.

5.5 It should also be noted that Government Policy has move towards a more a flexible approach in recent years with the expansion of permitted development rights in relation to many town centre uses alongside promoting town centre living.

The Changing Role of Town Centres

5.6 It is recognised that the site is located on a primary shopping frontage, however, that the broader role of town centres is changing. It appears likely due to the changing patterns of shopping, new roles for town centres are evolving and will continue to evolve with more evidence being given to diverse uses than straightforward retail uses (a view which is supported by the Grimsey Reviews). It should also be noted that there are a number of vacant units within the town centre.

5.7 It considered that in this case the use would be appropriate to a shopping and town centre as an orthodontist practice would complement the retail offer. Indeed uses such as orthodontists which provide NHS care should be located within highly sustainable locations to ensure it benefits the largest potential number of people in terms of accessibility including public transport location.

5.8 It is also clear given that since the subject property has been available to rent, that there is no A1 user for the site and this adds to the requirement for the Council to take a flexible approach. It is therefore considered that in such circumstances the Council must take a flexible approach to ensure viability and vitality of the town centre.

5.9 Indeed, it should be noted that Trinity House Orthodontics examined a number of premises within the town centre as part of their search for suitable premises (against their criteria for premises) however the only suitable premise was the application site. The matter is confirmed by the property search agent for Trinity House Orthodontics.

5.10 It should also be noted that in relation to the proposal no dental works other than those in relation to orthodontics will be performed on site and that the applicants are more than willing to accept a condition restricting permitted development rights to orthodontic practices within the D1 use class.

Jobs

5.11 The business, Trinity House Orthodontics is a Yorkshire based business and already have a presence in Barnsley town centre. The company does not currently have a presence in the Wombwell area of Barnsley. The proposed change of use will create the opportunity

for 6no jobs from the district within the first year of operation and will provide the opportunity to provide more local employment as the practise establishes itself in the area.

Heath/Community Facility

5.12 The proposed Orthodontic use is an important health and community facility within a highly strategic location in terms of accessibility for their future patients. The practice is an important health facility for the Local Community as it provides NHS dental care helping families on the lowest incomes gain vital dental care, whilst also receiving the high standard of care Trinity House Orthodontics pride themselves on providing to their patients. The Practice were also looking to provide weekend and evening opening hours to the benefit of patients who may be working or in school.

6.0 CONCLUSION

6.1 The application, seeks for the change of use of a vacant former post office (A1) to orthodontist practice (D1). The property was vacated 18 months ago and following marketing, no retail users have come forward and taken the premises. It is considered that this clearly demonstrates that there is no demand for the site for retail use.

6.2 The proposed use is an appropriate town centre use and is considered that the use of the unit will add to the vitality and viability of the town centre by:-

(i) Ensuring the beneficial use to this unit;

(ii) Increased footfall;

(iii) Increased jobs;

(iv) Providing NHS orthodontic care in the town centre, which is not currently available;

(v) Providing care within a highly sustainable location with access public transport;

(vi) In overall terms, improving the vitality and viability of the centre; and

(vii) Providing a vital community health facility in a highly sustainable location for patients.

6.3 It is considered that the Council should recognise the positive benefits that this proposed development can bring in assisting the vitality and viability of the town centre.

6.4 In summary it is considered that the proposals conforms with the development plan. It is considered that by reference to Section 38 (6) of the Town and Country Planning Act 2004, the application must be determined in accordance with the development plan unless materials considerations indicate otherwise. It is considered that therefore, that there is a presumption in favour of the proposal.

6.5 It is considered that however if the Council do consider there is a conflict with the development plan that there are significant material considerations in favour of the proposals (including the vitality and viability of the town centre; bringing the site back into beneficial use; provision of NHS dental care and the creation of new jobs) which outweigh the relevant development plan and that permission should be granted.

6.6 The applicants remain willing to discuss all aspects of the proposal with the Council.