Ref 2021/1652 – Planning Application

Applicant: Mr Robert McCubbin

Proposal: Change of use from display or retail sale of goods (use class E(a)) to provision of medical or health services (use class E(e)).

Address: Unit SU15 and First Floor of Units SU14 and SU19, The Glass Works, Barnsley, S70 1SE

Planning History

There is a complex planning history on the site relating to the Glass Works redevelopment and its previous incarnations, the most relevant recent planning permissions being:

2017/0135 - Proposed refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1 ,A3, A4), and leisure (D2) uses - Reserved matters of outline planning permission 2015/0549 (access, appearance, layout and scale, excluding landscaping)

2018/1569 - Variation of condition 2 (approved plans) of planning permission 2017/0586 to enable changes to the design of the multi storey car park and its access arrangements - Mixed use development of land adjoining Barnsley Markets following demolition of part of existing market hall and multi storey car park to provide new retail/food and drink (Use Classes A1, A3), cinema and leisure use (Use Class D2), new multi storey car park and service road, with access to/from Lambra Road

Site Description

The application relates at the ground floor to unit SU15 and at the first floor to units SU14 and SU19 of the Glassworks Development in the Markets District of Barnsley Town Centre. The units are within the Glassworks Development with frontages onto one of the arcades.

Site location plan showing first floor area outlined in red

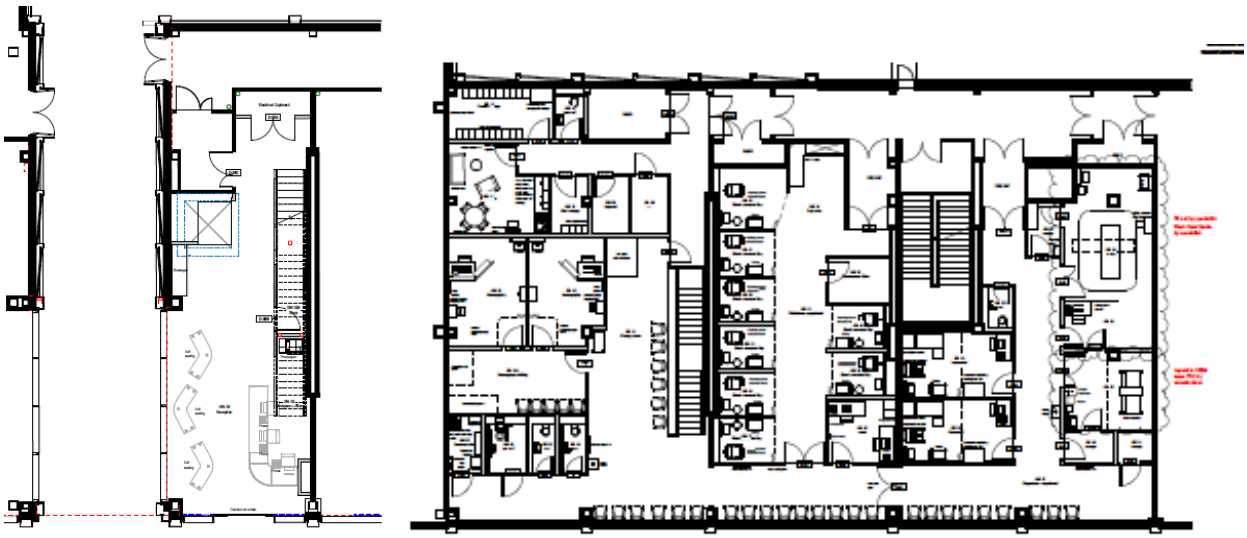


Proposed Development

The applicant seeks permission to change the use of one ground floor unit and two first floor units from retail sale of goods to the provision of medical or health services. The application clarifies that the proposed medical or health services are Phlebotomy and Diagnostics including Mammography, Ultrasound, X-ray and Dexa scanning facilities and will provide an alternative

facility to the Barnsley Hospital campus, with the intention of increasing uptake of diagnostic screening. The proposal relates to 393 sq m of floorspace; will result in the employment of a total full time equivalent of 25 people; and that hours are proposed to be 9am to 6pm Monday to Saturday and 11am to 6pm Sunday and Bank Holiday. There are no external alterations proposed. Internal alterations are proposed to provide for a reception and waiting area in the ground floor unit, to secure a set of stairs and a lift to provide access to the first floor and to provide for private treatment rooms at first floor.

Proposed ground floor and first floor layouts



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 new Local Plan was adopted at the full Council meeting held on the 3rd January 2019.

Local Plan

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The application site is in the primary shopping area of Barnsley Town Centre as designated in the Local Plan. The following policies are relevant:

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 BTC12 The Markets Area District – we will allow shops, offices, leisure developments, and food and drink uses within the Markets District. Other uses will only be supported where they contribute towards the vitality and viability of the town centre.

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 but indicates that they do not apply in Barnsley Town Centre, where the availability of public parking will be taken into account.

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 positive approach to their growth, management and adaptation.

Consultations

Public Health – no response
NHS Barnsley Clinical Commissioning Group – no response
Ward Councillors – No response.

Representations

The application was advertised by way of a site notice (21 December – 14 January) and consultation letters (17 December - 7 January) which were sent to units/properties adjacent and near to the proposal site. No comments have been received.

Assessment

Principle

The application site is 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 proposed medical/health centre use is not a main town centre use (as defined in the NPPF glossary) but it is a use that offers services to visiting members of the public in a highly sustainable and accessible location and will contribute towards the vitality and viability of the centre. Accordingly it is concluded that the proposed use is in conformity with policy BTC12 The Markets Area District and is acceptable in this town centre location.

Other matters

The proposed use falls within the new (2020) Use Classes Order as Class E which is characterised as 'Commercial, Business and Services'. Class E appears to represent those uses which the government consider are appropriate in a town centre location. The Glassworks development was permitted as a mixed use scheme with retail uses in this part of the development. Technically, the units subject to this proposal do not have an existing use, as their permitted use has not commenced. For this reason, planning permission is required for the proposed use, even though it falls within the same use class (E) as the permitted retail use of the units. The requirement for planning permission gives us the opportunity to consider removing the rights that would otherwise exist to change the use of the unit in the future to others uses within

Class E which the Council does not consider would be appropriate in this part of the Glassworks. It is proposed to impose such a condition that would only allow the units to be used for the proposed use or for the retail display or retail sale of goods, other than hot food, principally to visiting members of the public.

The proposed layout shows that the ground floor unit will be used as a reception and waiting area. New stairs and a lift will provide access to the first floor units which will be fitted out with new private treatment rooms, but retaining an open waiting area next to the glazed shopfront, thereby allowing the open character of the Glassworks to be retained.

Since the proposal is in a town centre location which is well provided with public car parking as well as public transport options for travel, even if the proposed use were to result in any intensification in the use of the units, there is no requirement to secure any additional parking or associated contribution.

Conclusion

The proposed use is considered to be acceptable in this town centre location as it would offer services to visiting members of the public in a highly sustainable and accessible location and will contribute towards the vitality and viability of the centre. The recommendation of approval includes a condition to secure control over the future uses of the units in the interests of the future vitality and viability of the Glassworks and the town centre.

Recommendation

Grant subject to conditions