

Application Reference Number:	2026/0460
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Application Type:	Full application
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Proposal Description:	Change of use from retail shop (Use Class E(a)) to a bar (Use Class Sui Generis)
Location:	7 Peel Parade Barnsley S70 2RN

Applicant:	Mr Ross Jones
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Third-party representations:	One.	Parish:	None.
		Ward:	Central Ward

Summary:
This application relates to the change of use of a former retail unit to a proposed bar/nightclub use at a town centre property. There are no outstanding consultee objections to the proposal. No alterations to the building are proposed as part of this application, meanwhile the proposed signage would be subject to a separate advertisement consent. Recommendation: Planning Permission GRANTED subject to conditions.

Site Location & Description

The application site consists of a two-storey unit on Peel Parade. The unit forms part of a larger typical 1970s shopping- precinct style building which extends along Peel Parade and Peel Street, which is made up of retail units at the ground floor and offices/storage uses above. A pedestrian tunnel with retail units runs through the centre of the building which connects the two streets. Unit 7 is located towards the north-eastern corner of the building when viewed from above. The unit was formally used as a furniture shop.

The Peel Parade street scene consists of various units used as a mixture of shops and bars/restaurants. At the ground floor level, the units have roller shutters to the front and non-illuminated signage, whilst the upper floors are finished in brickwork with high-level windows. A private car park is located immediately opposite the site which is enclosed by a palisade fence and brick wall.

The application site lies within the Flood Zone 1 as per the Environment Agency's flood risk maps. The site is a high-risk development area on the Mining Remediation Authority maps.



Relevant Planning History

B/78/0718/BA - Erection of superstore 3008 m2 with ancillary offices 576 m2, storage accommodation including use of existing shop and erection of car park with 350 spaces, HISTORIC, 26/10/1978

Proposed Development

This application seeks full planning permission to change the use of an existing retail unit (Use Class E(a)) to a bar/drinking establishment use (Use Class Sui Generis). The bar use would operate between the hours of 11:00am to 5:30am with a total of 6 full time jobs to be created. The existing roller-shutter doors on the front elevation would be retained.

New fascia signage which read 'KONG' has already been erected at the application site though this is not included within this application and would be subject to a separate (retrospective) advertisement consent. No other external alterations are proposed as part of this application.

Policy Context

Allocation/Designations

The site lies within Barnsley Town Centre's Primary Shopping Area, and District 5 (Westgate/Churchfields) as defined in the adopted Local Plan.

The site also lies within the Church Street Conservation Buffer as well as a sensitive area of opportunity for tall buildings.

The application site lies within the Flood Zone 1 as per the Environment Agency's flood risk maps. The site is in a high-risk development area on the Mining Remediation Authority maps.

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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 following Local Plan policies are relevant in this case:

- Policy GD1: General Development
- Policy D1: High Quality Design and Place Making
- Policy SD1: Presumption in favour of Sustainable Development
- Policy TC1: Town Centres
- Policy BTC1: The daytime and evening economies
- Policy BTC2: Late Night Uses
- Policy BTC18: Westgate/Churchfields
- Policy POLL1: Pollution Control and Protection
- Policy CL1: Contaminated and Unstable Land

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans, and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to

sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 7 – Ensuring the Vitality of Town Centres

Section 11- Making Effective Use of Land

Section 12- Achieving Well-designed Places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty-eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Shop Front Designs, May 2019

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Consultations

Licensing – No response.

Pollution Control – No objection to the development due to there being no residential properties/sensitive receptors within close proximity to the application site.

Local Ward Cllrs – No response.

Representations

This application has been advertised in accordance with the Development Management Procedure Order 2015, as follows:

- Neighbour notification letters sent to adjoining properties/sites, consultation period expired: 10/7/2026
- Site notice displayed close to the application site, consultation period expired: 14/7/2026

One public representation has been received in response to the above publicity, which is summarised as follows:

- No objection to the proposed change of use but raises concerns regarding the quality of the submitted plans/documents.

Whilst the submitted plans are hand drawn and limited in detail, in this instance the application submission is considered to be acceptable and provides the relevant information to allow the Local Planning Authority to undertake the planning assessment as set out below. The plans are drawn to scale and include accurate measurements to demonstrate the size of the existing unit, and as mentioned above, no internal or external are proposed as part of this application. The application relates solely to the change of use of the unit. On this basis, the representation in objection is afforded limited weight.

Assessment

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of Development

The site falls within Barnsley Town Centre's Primary Shopping Area (but not on a primary or secondary shopping frontage). Local Plan Policy TC1: Town Centres states that '*Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfil its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.*'

The site also lies within the Town Centre District 5 meaning Local Plan Policy BTC18: Westgate/Churchfields is relevant, which states that the development of residential, shops, leisure and entertainment uses will be accepted.

The application site consists of a now vacant retail unit, falling within Use Class E. Although bars and nightclubs are commonly found in town centre locations, these uses instead fall within Use Class Sui Generis, therefore requiring full planning permission to change the use. As mentioned above, other bars and restaurant uses are located within close proximity to the application site, meaning the proposed use would in-keeping with the surrounding character. The principle of a bar use in this location is therefore acceptable subject to the considerations set out below.

Impact Upon Amenity

Local Plan Policy GD1 states that proposals for development will be approved if there are no significant adverse effect on the living conditions and residential amenity of existing and future residents. Proposals should be compatible with neighbouring land and should not significantly prejudice the current or future use of neighbouring land.

Local Plan Policy POLL1 states that development will be expected to demonstrate that there would be no unacceptable effect or cause a nuisance to the natural and built environment or to people.

Local Plan Policy BTC1: The daytime and evening economies - states that planning permission will be granted for night time uses that do not harm amenity or give rise to increased noise, disturbance, or antisocial behaviour. Local Plan Policy BTC2: Late Night Uses repeats these requirements.

The opening hours stated in the application form suggest that the proposed bar would be open from 11am until 5:30am Monday – Sunday. These opening hours are lengthy and have the potential to cause significant disturbance to neighbouring uses. However, given the town centre location and the fact that there are no nearby residential properties, the extensive opening hours are considered to be acceptable in this instance. The Pollution Control Officer has reviewed the application and raised no objection based on the fact that there are no sensitive receptors within close proximity to the site. Similarly, there has been no letters of objection received from nearby occupiers or businesses. It is understood that the Applicant has already obtained the relevant

licenses from the Council's licensing team, and conditions are proposed to restrict operations (including deliveries) to the stated hours. The development is therefore not expected to cause significant harm upon amenity and accords with the above policies, and is therefore afforded substantial weight in this regard.

Impact Upon the Character of the Area

NPPF Paragraph 135 relates to high quality design and states that developments should function well and add to the overall quality of the area; are visually attractive; sympathetic to local character; maintain a strong sense of place whilst optimising the potential of the site and create places which are safe and inclusive and promote well-being.

Local Plan Policy D1 states that development is expected to be of high-quality design and should respect and reinforce the distinctive, local character and features. Development should contribute to place making and make the best use of materials.

As mentioned above, the area surrounding the application site is characterised by a mixture of commercial uses including restaurants, shops and hairdressers etc. The introduction of a bar use at the application site would not substantially alter the character of the area nor the appearance of the street scene. This application does not propose external alterations to the existing building, thus would not directly impact the appearance of the wider street scene. The recently erected signage associated with the bar operation will require separate advertisement consent.

The development is acceptable in terms of the impact upon the character of the area, is in accordance with the above policies, and is therefore afforded substantial weight in this regard.

Highways Considerations

Local Plan Policy T4 states that 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. It follows on to state that if a development is not suitably served by the existing highway or would add to problems of safety or the efficiency of the highway, developers will be expected to take mitigating action to make sure the necessary improvements go ahead.

The proposed bar is located in a town centre location close to existing public car parks which customers and staff will be able to utilise. The town centre location also means that the site can be easily accessed via public transport routes such as bus and trains services. The lack of on-site parking provision is therefore not considered to constitute as a reason for refusal. In summary, the proposal is acceptable in terms of highways, which weighs substantially in favour of the application.

Conclusion

The proposed development relates to the change of use of a retail unit to a bar use (Use Class Sui Generis). The principle of the proposed bar use is considered to be acceptable in this location as it would not substantially alter the character of the area or harmfully impact the vitality of adjoining businesses or the function of the wider town centre.

The Pollution Control Officer has reviewed the proposal, with particular regard to the proposed opening hours and likely noise disturbance. Given the absence of residential occupiers close to the site, the proposed opening hours and principle of the night-time economy use is acceptable in this location.

The development is therefore recommended for approval subject to strict accordance with the attached conditions.

RECOMMENDATION: Approve with conditions

Justification

**STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY
DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015**

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

1. The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
2. The development hereby approved shall be carried out strictly in accordance with the plans:
Location Plan
Existing and Proposed Floor Plans
and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
3. The bar use hereby approved shall only be operational during the following hours:
1100 to 0530 Monday – Sunday.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.
4. Deliveries, including the loading and unloading of goods can only take place during the following hours:
1100 to 0530 Monday to Sunday.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.
5. The use hereby approved is for bar/drinking establishment use only and not for any other Sui Generis use.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1: Pollution Control and Protection.

Informative

1. This permission does not relate to the recently erected fascia signage. Any external signage/advertisements which are to be displayed on the external elevations of the building requires advertisement consent.