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2024/0912 & 20240915

Mr Jayanand Kumaraguru

20 - 22 Peel Street, Barnsley, S70 2QX

**Change of use of vacant building to nail salon (Planning Permission) and display of internally illuminated signage to shop (Advertisement Consent).**

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### Site Description

This application relates to a three-storey commercial property located on Peel Street – a primary shopping area in Barnsley Town Centre. The building is situated within a row of properties of varying uses, including drinking establishments, retail and hot food takeaways. Other uses within the vicinity include hair and beauty and medical services. The property is currently vacant but was last occupied by a retail unit comprising different vendors over three floors, with retail at ground and first floors and storage at second floor. New fascia and projection signage has been installed to the unit frontage and similar signage can be seen throughout the locality. The boundary of the Regent Street, Church Street and Market Street Conservation Area is located approximately 30 metres to the east, but the building is not within the conservation area.



### Planning History

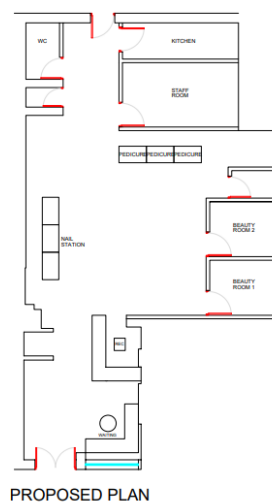
There are three planning applications associated with this application site.

1. B/82/0450/BA – Outline for erection of retail store and shop with associated services, access and car parking. – Approved.
2. 2010/0090 – Installation of shop frontage and fascia. – Approved.
3. 2022/1205 – Change of use from 1no retail unit into 3no retail units (Use Class E (a) to (e) and (g) (i) and associated external alterations to the shop fronts. – Approved.


## Proposed Development

The applicant is seeking permission for the change of use of a vacant unit to be used as a nail salon. The proposal shows that the ground floor unit would consist of waiting and reception areas, nail and pedicure stations, two beauty rooms, a staff room, a kitchen, a WC and storage. The proposed use would be operational between 09:00am to 18:00pm Monday – Sunday.

The applicant is seeking advertisement consent for the installation of one internally illuminated fascia sign and one internally illuminated projecting sign. The signage is in situ and adopts a cream, white and black colour scheme. The signage would have a maximum illuminance level of 500cd/m<sup>2</sup>.




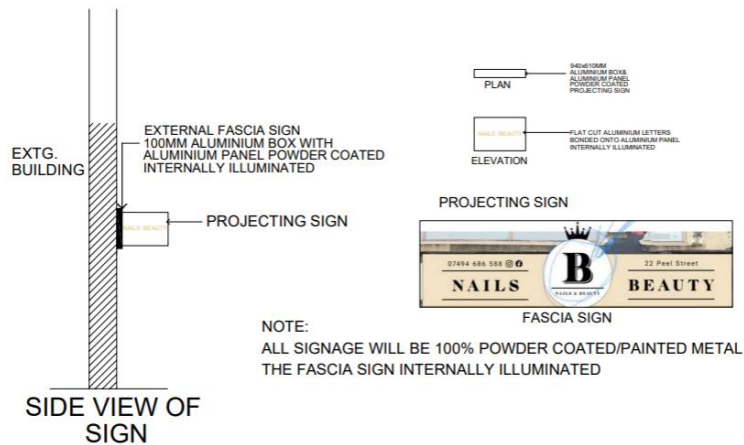
PROPOSED NAIL PARLOUR AT 22, PEEL STREET, BARNSELY

Scale: 1:100@A3	DWG NO: 002
Drawn: Jay	Date: 05/10/2024
 LG PLANNING LIMITED 21, GILBERT DRIVE SOUTHAMPTON SO14 1RA E: Mark.Gunn@lgplanning.co.uk	



## PROPOSED NAIL PARLOUR AT 22, PEEL STREET, BARNSELY

Scale: 1:50@A3	DWG NO: 003
Drawn: Jay	Date: 05/10/2024
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## PROPOSED NAIL PARLOUR AT 22, PEEL STREET, BARNSELY

Scale: 1:50@A3	DWG NO: 004
Drawn: Jay	Date: 05/10/2024
 LG PLANNING LIMITED 81, GOLDEN GROVE SOUTHAMPTON, SO14 1BA E-Mail: lgplanninglimited@gmail.com	

## Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which are a material consideration in the decision-making process.

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.

### Local Plan Allocation – Town Centre

The application site is in the Southgate District of Barnsley Town Centre. The application unit faces onto Peel Street which is a primary shopping area in the Town Centre, and forms part of a secondary shopping frontage. Therefore, the following policies are relevant:

- ***Policy SD1: Presumption in favour of Sustainable Development.***
- ***Policy TC1: Town Centres.***
- ***Policy TC2: Primary and Secondary Shopping Frontages.***
- ***Policy BTC17: Southgate District.***
- ***Policy D1: High quality design and place making.***
- ***Policy GD1: General Development.***
- ***Policy POLL1: Pollution Control and Protection.***
- ***Policy T3: New Development and Sustainable Travel.***
- ***Policy T4: New Development and Transport Safety.***

### Supplementary Planning Document(s)

- ***Shop front designs.***
- ***Advertisements.***
- ***Parking.***

### National Planning Policy Framework (December 2024)

The National Planning Policy Framework 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 7: Ensuring the vitality of town centres.***

*Paragraph 90. 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.*

- ***Section 12: Achieving well-designed places.***

*Paragraph 141. The quality and character of places can suffer when advertisements are poorly sited and designed. A separate consent process within the planning system controls the display of advertisements, which should be operated in a way which is simple, efficient and effective. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.*

### **Consultations**

Conservation Officer	No objections.
Highways Development Control	No objections, although an Oversailing License is required.
Pollution Control	No objections.
Local Ward Councillors	No responses.

## **Representations**

Neighbour notification letters were sent to surrounding properties. A site notice was placed nearby, expiring 26<sup>th</sup> November 2024. No representations were received.

## **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 application property is in Barnsley Town Centre, which is the dominant urban centre within the borough, and to ensure that the centre continues to fulfil its sub-regional role, support will be given to development that would maintain and enhance its vitality and viability.

The application property has an extant Class E use approved under application 2022/1205, although condition 3 of that permission prevents the change of use to Classes E(f), E(g)(ii) and E(g)(iii) without planning permission.

Policy TC1 states 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.’

Policy TC2 states that ‘Proposals for retail (A1-A5) uses will be allowed on Primary and Secondary Shopping frontages in Barnsley Town Centre provided that, within each primary shopping frontage in Barnsley Town Centre, 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, if 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.’

Policy BTC17 states that ‘offices, residential development, assembly and leisure uses, hotel, food and drink use, and car parking will be allowed within the Southgate District, and retail development will be allowed on Market Street, Pitt Street and as part of a mixed-use development at the former Co-op Pioneer site on Peel Street.’

The proposed development would maintain an active frontage at ground floor level, and although a Sui Generis use is proposed, a nail bar is considered to be a concordant professional service in the town centre in line with policies TC1 and TC2. Nail bars have become a common occurrence in shopping areas in recent years owing to their popularity. The re-use of a vacant unit should therefore be encouraged in this instance.

Consequently, whilst there is some conflict with policies, the principle of development is considered acceptable and will allow the application property to continue to contribute to the vitality and viability of Barnsley Town Centre.

Development will also 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 could otherwise unacceptably affect or cause nuisance to the natural and built environment or to people.

### Visual Amenity

This application relates to a three-storey commercial property located on Peel Street – a primary shopping area in Barnsley Town Centre. The building is situated within a row of properties of varying uses, including drinking establishments, retail and hot food takeaways. Other uses within the vicinity include hair and beauty and medical service. Planning permission was approved under application 2022/1205 to split the property into three retail units with associated external shop front alterations. This application relates to the westernmost unit.

The proposed use of the application unit as a nail bar would be appropriate to the scale, role, function and character of Barnsley Town Centre. The proposed nail bar would sit amongst a variety of existing uses, including one other existing hair and beauty use to the north-west of the application site on the north side of Peel Street. The proposal would affect a secondary shopping frontage with the primary shopping frontage on the north side of Peel Street remaining unchanged. The proposal would be accommodated by internal alterations with no further shop front alterations proposed beyond those previously approved. This weighs moderately in favour of the proposed development.

The proposed change of use application is accompanied by an application for advertisement consent for the retrospective installation of internally illuminated fascia and projecting signage. The signage adopts a cream, white and black colour scheme that closely reflects the existing first and second floor render colour. The signage would also have a maximum illuminance level of 500cd/m<sup>2</sup>. The surrounding area is characterised by existing commercial uses with similar signage and frontages. The proposed scheme would therefore be appropriate for its setting. As such, this weighs moderately in favour of the proposed development.

*The development is therefore considered to comply with Local Plan Policy D1: High Quality Design and Placemaking and would be acceptable regarding visual amenity.*

### Residential Amenity

The proposed development would not contribute to significantly increased levels of overshadowing, overlooking and loss of privacy or reduced levels of outlook. The application building is located in an area that is predominantly a mix of commercial uses with the Council's mapping system showing the nearest residential flat to be approximately forty metres to the south-west of the rear of the building. Therefore, within the context of the surrounding area, the proposal is unlikely to have a significantly detrimental impact on the amenity of the occupant(s) of this property. Nevertheless, there could be potential disturbance and disruption because of construction works, and whilst any potential impact is anticipated to be temporary, a condition will be used to control construction hours. Therefore, subject to conditions, this weighs modestly in favour of the development.

*The proposal is therefore considered to comply with Local Plan Policy GD1: General Development and Local Plan Policy POLL1: Pollution Control and Protection and would be acceptable regarding residential amenity.*

### Highway Safety

Highways Development Control were consulted on this application and no material objections were received. It was stated that support could not be given to the advertisement consent as an oversailing licence is required. However, licensing is not a material planning consideration. Nevertheless, this

information was relayed to the applicant on 28<sup>th</sup> November 2024. Subsequently, the applicant made contact with the Council's Street Works department on 29<sup>th</sup> November 2024 to obtain the relevant oversailing licence. Notwithstanding this, an informative will be attached to any forthcoming decision.

The application property is in a sustainable location within the Town Centre that is easily accessible by foot and public transport and is within walking distance of nearby public car parks. The proposed signage would adopt illuminance levels well within recommended maximum levels. The illumination would adopt static illumination, and the signage adopts a similar scale and placement on the building frontage as existing signage in the locality. As such, this weighs moderately in favour of the proposed development.

*The development is therefore considered to comply with Local Plan Policy T3: New Development and Sustainable Travel and Local Plan Policy T4: New Development and Transport Safety and is acceptable regarding highway safety.*

#### Planning Balance and Conclusion

In considering the above assessment, the proposed development is acceptable regarding visual and residential amenity and highway safety. However, there is some conflict with some policies in relation to proposed use. Nevertheless, the proposed use would enable the continued use of a vacant town centre unit, ensuring the vitality and viability of Barnsley Town Centre, in accordance with Local Plan Policies TC1 and TC2, and would create four full-time jobs. The anticipated benefits of allowing the development are therefore considered to significantly outweigh other material considerations, and as such, these applications are recommended for approval.

**Recommendation -  
Approve with Conditions**