

2026/0005

Mr Mohammed Amman

Change of use from retail store to ground floor Hot Food Takeaway (sui Generis) and first floor residential (C3) including internal alterations

36 High Street, Grimethorpe, Barnsley S72 7LP

Site Location & Description

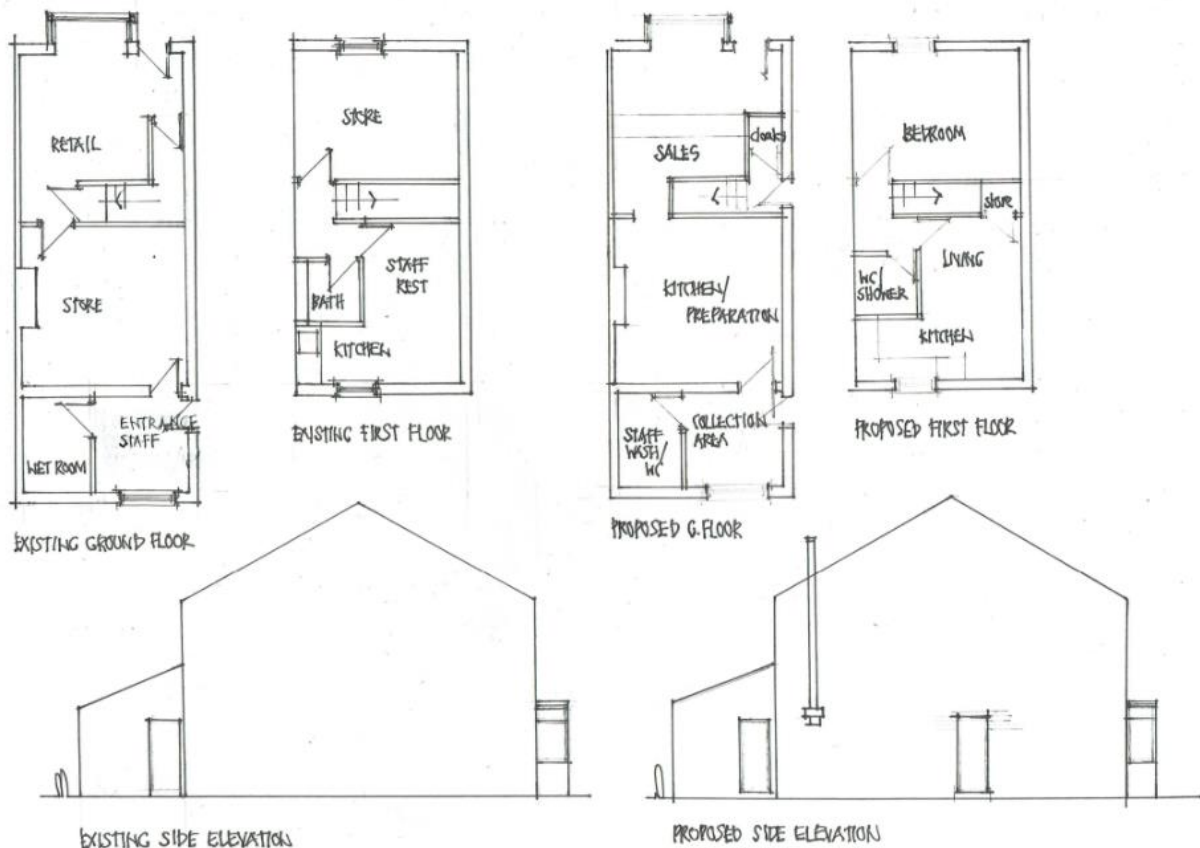
The application site is an end terrace property on the corner of High Street and New Street, Grimethorpe. The property appears to have previously had a commercial use at the ground floor as do the neighbouring properties along this row of terraces. The property itself is built in a red brick and has a tiled pitched roof. The front of the property has a small bay window and has been clad in stone. There is a small single storey extension to the rear which had approval in 2012. There is also a small informal parking area to the rear.

Planning History

2012/1187 - Erection of single storey rear extension to Dental Centre – Approved 18/12/2012

Proposed Development

The application seeks full planning permission for the change of use from retail store (Class E) to a hot food takeaway (sui generis) with the creation of a flat (Class C3) at first floor and associated alterations.



Policy Context

Allocation/Designations

The site is located within Grimethorpe Local Centre.

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 T4: New Development and Transport Safety
- Policy POLL1: Pollution Control and Protection
- Policy TC1: Town Centres
- Policy TC3: Thresholds for Impact Assessments

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

In August 2026, 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 (Section 4) and plans and decisions should apply this presumption in favour of sustainable development. 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 3: Decision-making Policies
Section 4: Achieving sustainable development
Section 7: Building a strong, effective economy
Section 8: Ensuring the vitality of town centres
Section 14: Achieving well-designed places
Section 15: Promoting sustainable transport
Section 16: Promoting healthy communities

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:

- Parking, November 2019
- Sustainable Travel, July 2022
- Shop Front Designs, May 2019
- Hot Food Takeaways, May 2019
- Hot Food Takeaways (Planning Advice Note) May 2019

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

Consultations

Local Ward Cllrs – No comments received

Highways DC – No objection

Planning Policy – No objection

Public Health – Objection due to potential health impacts of the development

Pollution Control – No objection subject to conditions.

Representations

This application has been advertised in accordance with Article 15 of the Development Management Procedure Order (DMPO) 2015. A site notice was posted at the site

No representations have been 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

Local Plan Policy TC1 states that a sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of NPPF. Impact assessments will also be required as laid out in Policy TC3. These should comply with the requirements of the NPPF.

Section 8 of the NPPF states the objective of the policies in this chapter is to promote the long-term vitality and viability of town centres by prioritising them as locations for main town centre uses and allowing them to adapt to changing community and business needs, in a way which reflects their locally distinctive roles and opportunities.

Section 16 of the NPPF states that the objective of the policies in this chapter is to promote the creation of healthy and inclusive places and support the provision of appropriate public services, by enabling development which can support this aim and seeking to retain, improve and deliver new facilities which are important for community wellbeing and minimising inequalities.

Policy HC5 of the NPPF states that development proposals for hot food takeaways should be refused:

- a) within reasonable walking distance of schools and other places where children and young people congregate unless the location is within a designated town centre; or
- b) in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social-behaviour.

The adopted Hot Food Takeaway Public Advice Note (PAN) states: *Outside District or Local Centres, proposals for Hot Food Takeaways within 400m of a secondary school or Advanced Learning Centre (ALC), will have regard to guidance from Public Health England on the link between childhood obesity and proximity to Hot Food Takeaways.... consideration will be given to levels of excess weight of 10-11 year old pupils... Proposals for hot food takeaways within a ward where more than 32% of 10-11 year old pupils are classed as having excess weight are therefore more likely to be in conflict.'*

The application site lies within Grimethorpe Local Centre. The Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres. The development also falls below the threshold for an impact assessment as set out in Local Plan Policy TC3.

It appears that the last authorised use of the premises was as a dental surgery, being a use that falls within Class E and that more recently the property has been used as a diet clinic; a hair, beauty and aesthetics clinic; and as a food store, being uses that also fall within Class E.

The National Planning Policy Framework (NPPF) states at in Policy HC5 that local planning authorities should refuse application for hot food takeaways within walking distance of schools and other places where children and young people congregate, unless the location is within a designated town centre. Although the application site is within walking distance (a little over 400m) of Milefield Primary School, since the site is within the designated Grimethorpe Local Centre, there is no conflict with this national policy.

The NPPF also states at Policy HC5 that local planning authorities should refuse applications for hot food takeaways in locations where there is evidence that a concentration of such uses is having an adverse impact on local health, pollution or anti-social behaviour. The Council's Hot food takeaway planning advice note states that in assessing an application for a hot food takeaway, consideration will be given to levels of excess weight of 10-11 year old pupils. Proposals for hot food takeaways within an electoral ward where the proportion of children 10 to 11 years classified as overweight (including obesity) is more than 40% are therefore more likely to

be in conflict with this part of the NPPF. The application site is in North East Ward where the proportion of children aged 10-11 years classified as overweight or obese is 39.8%. There is therefore no conflict with the national policy or local guidance.

Although the concerns of public health are noted regarding siting and levels of obesity, the above assessment shows that the principle of the scheme is in accordance with local and national planning policy and this provides significant weight in favour of the scheme

The proposal also seeks to create a residential flat at first floor level. This is not an uncommon approach within town centres and typical of commercial premises which have additional space at first floor level. The creation of a first floor flat is therefore acceptable in principle provided other development plan policies are satisfied. This also provides significant weight in favour of the scheme

Impact Upon Residential 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.

A noise impact and odour assessment has been submitted in support of the application. This has been reviewed by the Council's Pollution Control Officer and they are satisfied that the mitigation measures set out within the report are suitable to prevent any nuisance to neighbouring properties or future occupiers of the flat. The mitigation measures set out within the report will be secured by condition and will be implemented prior to the premises being brought into use or occupied.

In terms of the proposed residential flat the proposal meets the requirements set out in the South Yorkshire Residential Design Guide (SYRDG) in terms of internal space standards. There is more than adequate space internally including storage to ensure that future occupiers will have adequate living space. There is no external amenity space proposed, however this is usually the case with town centre residential developments. The site is in easy reach of a number of local green spaces and therefore the lack of onsite amenity space is accepted in this instance.

As such, the proposal is not considered to have a harmful impact on future occupiers or local residents and would therefore accord with Local Plan Policies GD1 and POLL1. This carries moderate weight in favour of the proposal.

Visual Amenity

There are only two minor alterations proposed to the exterior of the building, including the installation of an extraction flue and addition of a side door. These alterations are relatively minor and would not be visually intrusive. As such, these alterations are acceptable and would be in keeping with the surrounding area in accordance with Local Plan Policies GD1 and D1. This carries moderate weight in favour of the proposal.

Highway 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 state 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.

NPPF Policy TR3 states that development is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure.

In this instance, the site is located within a town centre location which is well connected by public transport. In addition, there are a small number of on-site parking spaces available. The Highways DC Officer has raised no objection to the proposal and considers the location and provision of parking acceptable.

As such, the proposed development accords with Local Plan Policy T4 and NPPF policy TR3. This carries moderate weight in favour of the proposal.

Conclusion

In conclusion, the proposed development is considered to meet the provisions set out in the NPPF and Local Plan as above and is therefore recommended for approval. In line with the NPPF there are no significant adverse effects that substantially outweigh the benefits and as such approval is recommended.

RECOMMENDATION:

Approve with conditions.