
2022/1133

Mr John Blackburn

Variation of conditions 12 (permitted hours of opening) of planning permission 2022/0555 – Change of use of first floor to Shisha Bar/restaurant and associated external alterations including first floor balcony to front, roof terrace above second floor, fire escape staircase to side, glass parapet means of enclosure, second floor extension to side for storage purposes and lift shaft to side

The Mill, 10 Lower Castlereagh Street, Barnsley, S70 1AR

Site Location and Description

The site is an existing mixed two and three storey flat roofed building of buff and red brick that fronts onto its own car park but has frontages onto Lower Castlereagh Street, Wortley Street and Westway. The building appears to have been used for a predominantly storage and distribution use with some retail. The car park adjacent to the building is currently in use as a public car park. On the other side of Lower Castlereagh Street is the Grade II Salem Wesleyan Reform Church

Site History

2022/0555 – permission granted conditionally for the change of use of first floor to Shisha Bar/restaurant and associated external alterations including first floor balcony to front, roof terrace above second floor, fire escape staircase to side, glass parapet means of enclosure, second floor extension to side for storage purposes and lift shaft to side

2021/0367 - Change of use to mixed use E(b) and Sui Generis – food and drink for consumption on the premises and drinking establishment), extension to roof height of the building, side extension to accommodate toilets and storage, external stairwell for all 3 floors, changes to the external facing materials and fenestration details (Granted 18 August 2021)

2020/0727 – Demolition of workshop building to create surface car park (Granted 8/10/2020)

B95/0106 – Change of use of former Royal Main workshop to storage use and erection of boundary fencing.

Proposed Development

The application 2022/0555 for change of use of the first floor to a Shisha Bar/restaurant and associated alternations subject to conditions including condition 12 which reads:

12. The use hereby permitted shall be carried on only between the hours of 10:00 to 24:00 Mondays to Fridays and 10:00 to 02:00 on Saturdays and Sundays.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.

The condition was imposed to ensure that there was certainty about the opening hours of the business, in the interests of the amenities of local residents and was agreed with the agent.

It is stated on the application form that hours of 10.00 to 02.00 Monday to Thursday and 10.00 to 04.00 Friday to Sunday are requested.

In all other respects the proposal is unchanged from the previous permission.

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.

Local Plan

The Local Plan was adopted on 3th January 2019. The site is within an area allocated as Town Centre (and specifically Southgate) within the Local Plan Proposals Maps. The site is outside the primary shopping area. The following policies are relevant:

Policy TC1 Town Centres - indicates that new retail 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 BTC1 The daytime and evening economies - we will work with developers and operators to diversify the daytime and evening economies (particularly early evening) with preference given to uses which meet a range of criteria. Planning permission will be given to a range of leisure uses provided they meet a range of criteria.

Policy BTC2 late night uses - late night uses will only be encouraged in a closed list of locations in the town centre and will be supported where they meet a range of criteria.

BTC17 Southgate District – we will allow offices, residential development, assembly and leisure uses, hotel, food and drink uses and car parking within the Southgate District. Retail development will be allowed on Market Street, Pitt Street and as part of the mixed use development on the former Co-op Pioneer site on Peel Street.

HE1 The Historic Environment – Encourages developments which help the management, conservation, understanding and enjoyment of Barnsley's historic environment.

HE3 Developments affecting Historic Buildings – Proposes involving additions or alterations to listed buildings or their setting should seek to conserve and where appropriate enhance that building's significance.

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

Policy T3 New development and Sustainable Travel – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians of cycles. Also sets criteria in relations to minimum levels of parking; provision of transport statements and of travel plan statements.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

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.

Supplementary Planning Documents (SPD):

SPD Parking - Gives guidance on parking standards, including giving an indicative figure of what will be considered acceptable but does not prescribe maximum or minimum figures.

Consultations

Pollution Control – The area is surrounded by bars that are open until the early hours, including as early as 6am and complaints in the area are minimal. No concerns regarding noise impact from the proposed development, noting that the nearest dwellings are separated from the proposal by intervening buildings and Westway and that the orientation of the development structure will also reduce the risk of nuisance being caused to an unacceptable level.

Ward Councillors – No comments received

Representations

The application has been advertised via site notice (9 November to 30 November) and direct neighbour notifications; no representations have been received.

Assessment

Principle of development including retail policy

The proposal is for a town centre use which national and local planning policy supports in this town centre location.

The proposal is therefore supported in land use planning policy terms and permission has previously been granted. Consideration needs to be given to the impact of the revision to condition 12 in terms of the hours of use of the business.

Residential amenity

There are no residents in close proximity to the application building, the nearest being above the properties fronting onto Wellington Street, some 50 metres away to the west (but screened by the Salem Church); 60 metres away above a pub fronting onto Wellington Street; and 100 metres away on the other side of Westway. The proposal includes a balcony on the first floor facing across the on-site car park and a roof terrace on the top floor. Wellington Street is designated in the Local Plan as an area where late night uses are encouraged. Although the application site is not on Wellington Street itself, it is considered that it is closely related enough that the proposed late night use is considered acceptable.

A condition which it is proposed to vary limited the proposed opening hours to the hours previously approved on a similar application (since the application is silent on the proposed hours) to: 10am -12 midnight Mon to Fri and 10am-2am Sat and Sun.

The proposed variation to the open hours has not raised any objections from Pollution Control and is considered to be a reasonable adjustment that will continue to give certainty about the opening hours.

Other considerations

There are no proposals which change the previous conclusions in relation design and setting of the nearby listed building; safe use of the building or highway safety/parking.

Recommendation

Grant