



The applicant seeks permission to change the use of the unit currently vacant from retail sale of goods to the provision of medical or health services in the form of a private dental practice. There are no external alterations proposed.

## **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 Local Plan was adopted in January 2019 and is also 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 and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting on 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 – Primary Shopping Area Barnsley Town Centre**

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

In reference to this application, the following policies are relevant:

**Policy SD1: Presumption in favour of Sustainable Development** – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

**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. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

**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** – New retail and town centre development will be directed to centres 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 Poll1: Pollution Control and Protection** – Development will 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 would unacceptably affect or cause a nuisance to the natural and built environment or to people.

**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.

#### National Planning Policy Framework

The NPPF 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 12: Achieving well designed places** – The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. It is important to plan positively for the inclusion of high-quality design for all developments, including individual buildings, public and private spaces and wider area development schemes.

Within section 12, paragraph 139 states that *“development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes”*.

#### **Consultations**

Central Ward Councillors were consulted and raised no objections.

Enterprising Barnsley were consulted and raised no objections.

Pollution Control were consulted and raised no objections.

Regeneration was consulted and raised no objections.

Waste Management were consulted and raised no objections.

#### **Representations**

A site notice was erected in the vicinity of the site, no comments were received.

#### **Assessment**

##### Principle of Development

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 dental/medical use is not a main town centre use (as defined in the NPPF) 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. Therefore, 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, until the permitted retail use has lawfully commenced, the provisions of Class E do not apply. 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. 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**

**Approve with conditions**