

Application Reference Number:	2026/0277
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Application Type:	Full.
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Proposal Description:	Erection of first floor extension and change of use from bookmakers (Use Class Sui Generis) to storage for electrical equipment (Use Class B8).
Location:	Tote Bookmakers, Birk Avenue, Kendray, Barnsley, S70 3AL.

Applicant:	S.E.M.S Ltd.
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Third-party representations:	Two	Parish:	
		Ward:	Stairfoot.

<p>Summary:</p> <p>The applicant is seeking planning permission for the erection of a first-floor extension and the change of use from bookmakers (Use Class Sui Generis) to storage for electrical equipment (Use Class B8).</p> <p>This proposal supports the development and continued use and viability of an under-utilised building to accommodate a storage or distribution (Class B8) use associated with an existing business within the Borough that would support economic growth and productivity. The principle of development is considered acceptable and in accordance with paragraphs 85, 87(b), 124, and 125(d) of the NPPF. Significant weight is attributed to the anticipated economic benefits of the proposal and the principle of development.</p> <p>The proposal is also considered acceptable regarding its potential impact on visual amenity, highway safety, residential amenity, health and pollution control, and biodiversity and geodiversity all of which are attributed significant, moderate or modest weight in favour. The proposal is therefore considered to accord with Local Plan policies GD1, POLL1, D1, T3, T4 and BIO1.</p> <p>For the reasons given above, and taking all other matters into consideration, this proposal complies with the relevant local and national planning policies and guidance.</p> <p>The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).</p> <p>Therefore, on balance, planning permission should be granted subject to the necessary conditions.</p> <p>Recommendation: APPROVE subject to conditions.</p>

Site Description

This application relates to a former betting office (Sui generis) building located on the south side of Brocklehurst Avenue. The development site forms a small corner plot with Brocklehurst Avenue and an access road to the Barnsley Central WMC to the west and Brocklehurst Avenue and Birk Avenue to the east. The surrounding area is principally residential with some intermittent commercial uses, comprising an MOT testing and repairs centre attached to the south of the application premises, and the Barnsley Central WMC beyond. There is an adjacent café premises to the east with a Post Office and other small-scale retail premises and a betting office beyond.

The surrounding street scene is varied with a mixed material palette, comprising sheet metal roofing, painted brickwork, render, stonework, brickwork and metal cladding. The topography falls north-west to south-east.

The development site does not benefit from any off-street parking provision and on-street parking is restricted to the north and east of the development site along Birk Avenue and Brocklehurst Avenue by way of double yellow lines.

The application premises is a part single and part two-storey building and is constructed of red brick with a pitched concrete tiled roof.



Planning History

There are several applications associated with the development site and adjacent MOT testing and repairs centre premises. However, the most recent and relevant application is:

2024/0688	Change of use from betting shop to 3 no flats (Prior Approval - Change of Use).	Prior Approval – Not Required.
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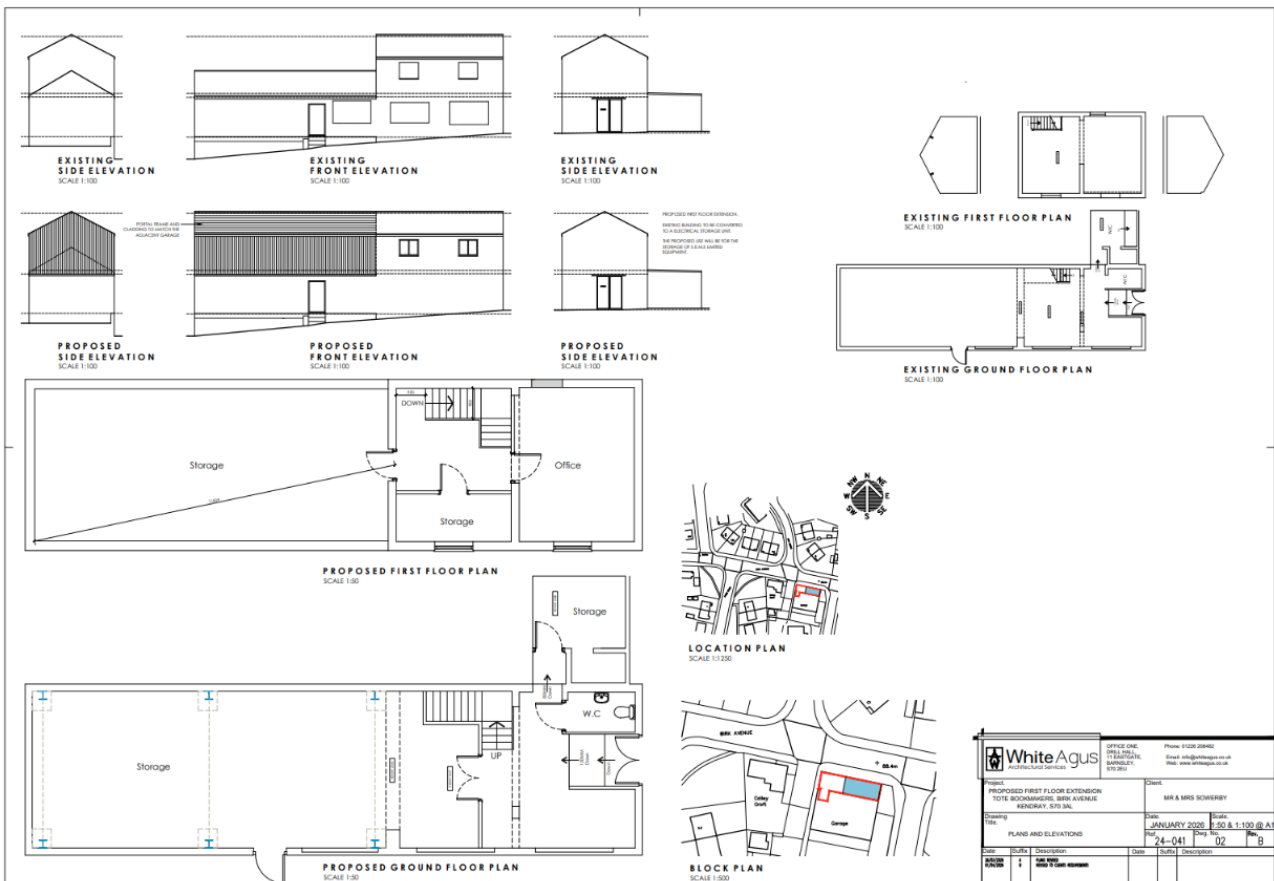
Proposed Development

This application follows pre-application advice provided under 2026\ENQ\00051.

The applicant is seeking planning permission for the erection of a first-floor extension and the change of use from bookmakers (Use Class Sui Generis) to storage for electrical equipment (Use Class B8).

The proposed first-floor extension would measure approximately 11.5 metres (W) x 5.4 metres (L) x 4.0 metres (H) and would be constructed of a portal frame and cladding to closely match the adjacent MOT testing and repairs centre premises.

The proposed change of use from a bookmakers to storage for electrical equipment (Use Class B8) concerns a single business (S.E.M.S Ltd) for the purposes of storing equipment associated with that business with an ancillary office space. There would be no visiting members of the public, and while core hours are stated to be 08:00am – 17:00pm, it is understood that there may be occasions when employees visit the site for collection of equipment for specific jobs outside of these hours. It is stated that there could be 1 – 3 employees on-site at any time with 2 – 4 vehicular movements anticipated with occasional light goods vehicle access.



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development 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 a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. The following Local Plan policies are therefore relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy LG2: The Location of Growth.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy D1: High quality design and place making.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy BIO1: Biodiversity and Geodiversity.*

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

In December 2024, the Government published a revised NPPF which is the most recent revision of the original Framework, first published in 2012 and updated several times, providing the overarching planning framework for England. The NPPF 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. The 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 (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). There are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The following NPPF sections are relevant in this case:

- *Section 2: Achieving sustainable development.*
- *Section 4: Decision-making.*
- *Section 6: Building a strong, competitive economy.*
- *Section 8: Promoting healthy and safe communities.*
- *Section 9: Promoting sustainable transport.*
- *Section 11: Making effective use of land.*
- *Section 12: Achieving well designed places.*
- *Section 15: Conserving and enhancing the natural environment.*

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 this guidance 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 following SPDs are relevant in this case:

- *Biodiversity and Geodiversity (Adopted March 2024).*
- *Parking (Adopted November 2019).*
- *Residential Amenity and the Siting of Buildings (Adopted May 2019).*

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

Representations

This planning application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015 (as amended).

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

A site notice was posted nearby which expired 08th June 2026.

This period included a replacement site notice following complaints that the previous site notice had been defaced.

Two representations were received with the concerns raised summarised as follows:

- Impacts on adjacent Barnsley WMC access affecting deliveries and customer access.
- Two forms of emergency access are needed but there is no means of escape from the first floor as there is not sufficient room on the causeway.

Emergency access would be considered during future regulatory stages and is covered by Approved Document B (Fire Safety) of the Building Regulations 2010 (as amended).

If it is determined that a second fire escape route is required and this could be accommodated within the building this could be implemented without planning permission. If an external fire escape stairs is required further planning permission may need to be sought.

It is acknowledged that further informal comments were made via telephone conversation. However, formal written comments need to have been submitted to have been considered. Additional time to provide comments was allowed as it was apparent that some neighbour notification letters had been delivered quite late within the process. No further formal written comments were received during this time which expired 22nd June 2026.

Consultations

Biodiversity Officer	<i>No objection(s) subject to condition(s).</i>
Local Ward Councillors	<i>No comment(s) received.</i>
Highways Development Control	<i>No objection(s).</i>
Pollution Control	<i>No objection(s).</i>

Planning 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 unless the NPPF establishes a specific weight:

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

Principle of Development

Paragraph 85 of the NPPF states planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account any local business needs and wider opportunities for development. The approach taken should allow each area to build on its strengths, counter any weaknesses and address the challenges of the future, and this is particularly important in instances where Britain can be a global leader in driving innovation, and in areas with high levels of productivity, which should be able to capitalise on their performance and potential.

Paragraph 87(b) of the NPPF states planning policies and decisions should recognise and address the specific locational requirements of different sectors. This includes making provision for: storage and distribution operations at a variety of scales and in suitably accessible locations that allow for the efficient and reliable handling of goods, and especially where this is needed to support the supply chain, transport innovation and decarbonisation.

Paragraph 124 of the NPPF states that planning policies and decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions. Strategic policies should set out a clear strategy for accommodating objectively assessed needs that makes use of previously developed or brownfield land.

Paragraph 125(d) of the NPPF sets out planning policies and decisions should: promote and support the development of under-utilised land and buildings, especially if this would help to meet identified needs for housing where land supply is constrained and available sites can be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure).

The development site is allocated as urban fabric within the adopted Local Plan which has no specific allocation. Development comprising extensions and alterations to existing buildings are capable of proving acceptable in principle if proposals would not adversely affect residential amenity, highway safety, and where satisfactory standards of design are achieved.

This development proposal would support the development of an under-utilised building to provide a storage or distribution (Use Class B8) use associated with an existing business within the Borough that would support economic growth and productivity.

Considering the above, the principle of development is considered acceptable subject to assessment of the following matters.

Impact on Residential Amenity, Health and Pollution Control

It is not considered the proposal would contribute to significant increased levels of overshadowing, overlooking and loss of privacy, or reduced outlook. The proposal would essentially act as a modest infill extension at first-floor level and would not extend the building's footprint or total height and while it is acknowledged that there could be some disruption and nuisance caused to people in the locality during construction works, any potential impact is anticipated to be temporary and construction hours could be controlled by condition.

The proposed change of use from a bookmakers to storage for electrical equipment (Use Class B8) concerns a single business (S.E.M.S Ltd) for the purposes of storing equipment associated with that business with an ancillary office space. There would be no visiting members of the public, and while core hours are stated to be 08:00am – 17:00pm, it is understood that there may be occasions when employees visit the site for collection of equipment for specific jobs outside of these hours. It is stated that there could be 1 – 3 employees on-site at any time with 2 – 4 vehicular movements anticipated with occasional light goods vehicle access.

The proposed operations would be relatively small-scale and commensurate to the bookmakers use and other surrounding commercial uses. Within this context it is not anticipated that the proposal will contribute to significant noise and disturbance impacts from its day-to-day operation and is therefore considered acceptable.

Considering the above, this is considered to weigh significantly in favour of the proposal.

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

Impact on Visual Amenity

The surrounding street scene is varied with a mixed material palette, comprising sheet metal roofing, painted brickwork, render, stonework, brickwork and metal cladding.

Within this context, the proposed portal frame and cladding construction, which is intended to closely match the adjoining MOT testing and repairs centre premises, is considered to be acceptable and is unlikely to significantly alter or detract from the character of surrounding street scenes. There would be no other external alterations to the external appearance of the application building.

Considering the above, this is considered to weigh moderately in favour of the proposal.

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

Impact on Highways

During the application process, concerns were raised in respect of the potential impacts on adjacent Barnsley WMC access that could affect deliveries and customer access.

Paragraph 116 of the NPPF states development should only be prevented or refused on highways grounds if there would be unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe following mitigation and considering all other reasonable future scenarios.

The development site does not benefit from any off-street parking provision and on-street parking is restricted to the north and east of the development site along Birk Avenue and Brocklehurst Avenue by way of double yellow lines.

Highways Development Control colleagues were consulted; and it was established that the increase in useable floorspace would usually require the provision of at least one off-street parking space per three staff or one space per 60m² of gross floor area in accordance with the adopted Parking SPD. It is noted that the development site does not benefit from any off-street parking provision, and none is proposed.

While the lack of off-street parking provision is not desirable, it should be acknowledged that the use of the application building as a bookmakers likely produced an equal or greater number of vehicular movements. As such, Highways Development Control colleagues raised no objections.

The Local Planning Authority has no reason to disagree with the professional opinions of Highways Development Control colleagues in this instance, and the proposal is not considered to be prejudicial to highway safety, nor is there sufficient ground to warrant refusal under Paragraph 116 of the NPPF.

While inconsiderate parking can present obstructions and annoyance to neighbouring occupants, it is the personal responsibility of individual drivers to park safely, considerately, and responsibly and in accordance with the Highway Code. Obstructive parking can continue to be reported to the Council online.

Considering the above, on balance, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

Impact on Biodiversity and Geodiversity

In England, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and means developers must deliver a BNG of 10%. This proposal falls within the de minimis exemption and is therefore not subject to BNG in this instance.

During the application process, a Preliminary Roost Assessment undertaken by a qualified Ecologist was sought. The submitted assessment was undertaken by a qualified Ecologist to the Conservation Trust methodology, including an internal and external inspection of the building to identify any signs of bat use and potential for roosting bats. The submitted assessment found no signs of roosting bats or nesting birds and assessed the building as having negligible potential in supporting such species. No further assessment was considered necessary, and protected species are not anticipated to be a constraint to the proposals.

Notwithstanding the above, the submitted assessment establishes some recommendations such as precautionary works and the installation of bat roost and bird nesting features as part of the works, which is welcome, and could be secured by condition.

At pre-application stage it was advised that the applicant should consider incorporating bird and bat boxes with an aim to enhance opportunities for biodiversity on-site in accordance with the Council's adopted guidance, Local Plan Policy BIO1, and the NPPF. Such measures are recommended by a submitted Preliminary Roost Assessment and could be secured by condition.

Considering the above, this is considered to weigh moderately in favour of the proposal.

The proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable.

Planning Balance and Conclusion

In accordance with the provision of paragraph 11 of the NPPF (2024), this proposal is considered in the context of the presumption in favour of sustainable development.

Having balanced all material planning considerations, whilst some objections have been received in respect of this proposal, it is considered that concerns have been appropriately addressed through the details submitted and the assessment of this application.

This proposal supports the development and continued use and viability of an under-utilised building to accommodate a storage or distribution (Class B8) use associated with an existing business within the Borough that would support economic growth and productivity. The principle of development is considered acceptable and in accordance with paragraphs 85, 87(b), 124, and 125(d) of the NPPF. Significant weight is attributed to the anticipated economic benefits of the proposal and the principle of development.

The proposal is also considered acceptable regarding its potential impact on visual amenity, highway safety, residential amenity, health and pollution control, and biodiversity and geodiversity all of which are attributed significant, moderate or modest weight in favour. The proposal is therefore considered to accord with Local Plan policies GD1, POLL1, D1, T3, T4 and BIO1.

For the reasons given above, and taking all other matters into consideration, this proposal complies with the relevant local and national planning policies and guidance.

Therefore, on balance, planning permission should be granted subject to the necessary conditions.

RECOMMENDATION: Approve subject to conditions.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

In dealing with the application, the Local Planning Authority (LPA) has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- Preliminary Roost Assessment completed by a qualified Ecologist sought.

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 representations, 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.