

2023/0902

Mr Luke Thompson

Change of use of part of the ground floor to 6no commercial units (Use Class E)(Hoyland Tap micro pub to be retained)

Hoyland Tap, Clough Fields Road, Hoyland, Barnsley, S74 0HR

Site Location and Description

The application site is a two storey building, previously used as a public house. Attached to the west is a small parade of shops with flats over. To the east there is a shared parking area and a community centre. The location is generally residential in character with a primary school nearby to the east.

Site History

B/94/0256 erection of screen to existing entrance porch to public house

Proposed Development

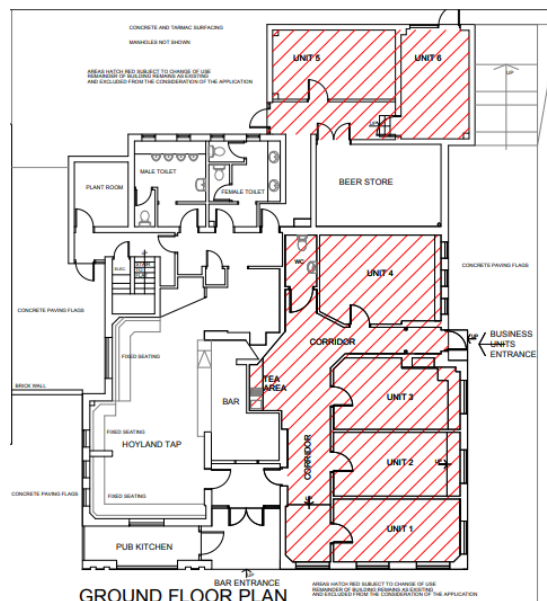
The applicant seeks permission to change the use of part of the ground floor of this former public house to 6 no. commercial units. The layout shows the retention of a micro pub. No external alterations are proposed. The application has been amended to clarify that the 'café seating area/serving hatch' will operate as a kitchen for the pub and not as a hot food takeaway. The use of at least some of the 6 units has already commenced and include retail sales and the provision of service to visiting members of the public (including hairdressers and beauty) which all fall within Class E. It is intended that the residential use of the first floor will not change. The proposed opening hours for the units are 8:30am to 8pm every day.

The application is supported by a design and access statement and a retail statement

Location plan



Proposed floor plan:



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 by the Council in January 2019. Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The Local Plan review was approved at the full Council meeting held 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.

The site is in an area designated as Urban Fabric on the Local Plan Proposals Maps reflecting the existing built-up character. The following policies are relevant:

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 TC1 Town Centres – indicates that new retail and town centre 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 I2- Education and Community Facilities – indicates that we will support the provision of such facilities, which should be located centrally to the communities they serve, and that such uses will be protected from development unless it can be demonstrated that the sites/premises are no longer required by the existing or an alternative community facility.

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 and indicates that the Council encourages the provision of electric vehicle charging infrastructure.

Consultations

Highways DC –no objections.

Pollution control – the development is unlikely to have an adverse impact on health and the quality of life of those working in the location and there are no objections or conditions recommended.

Ward Councillors – No response

Representations

The application has been advertised by means of letters to nearby properties and a site notice from 19 October to 9 November; two representations have been received stating:

- No objection to the change of use but concerned at the impact on limited parking available for residents. The application assures that this won't be a problem
- Objects to the noise and antisocial behaviour since the pub reopened.

Assessment

Principle of development

The application site has a designation of urban fabric in the Local Plan where Policy GD1 sets a range of criteria against which planning applications must be judged.

As the proposal is for a main town centre use in an out of centre location and in a building that has previously been used as a public house, consideration against the provisions of Local Plan policies TC1 and I2 is necessary.

Retail Policy

The application is supported by a retail sequential assessment which considers the availability of units in or on the edge of Hoyland District Centre and Hoyland Common Local Centre. The area of search does not extend outside Hoyland and this is considered appropriate.

No units were found to be available in Hoyland Common. Three properties were identified as available in Hoyland District Centre as they were being marketed but one was under offer and therefore not actually available; another was for sale with sitting tenants; and the third was discounted due to size, viability and unsuitable layout.

The assessment's conclusion that there is no suitable and available unit in a sequentially preferable location is considered a reasonable conclusion. Accordingly it is concluded that the proposal has passed the sequential test and the application site is the most sequentially preferable location for the proposed development and is in conformity with Local Plan policy TC1.

Community facilities policy

Local Plan policy I2 indicates that community facilities will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing or an alternative community use. The application retains the use of part of this former public house as a micro bar. The building is located in a predominantly residential area and the proposed change of use allows for a range of small scale Class E uses which will continue to provide a community facility at least in part. It is concluded that the small degree of conflict with Local Plan policy I2 should be given limited weight.

Highways safety

Noting the advice of highways development control that the proposal is for six relatively small commercial units, on a site with a large car park associated; and that the intention is to provide local business that will benefit the community, in the heart of a residential location and likely to attract customers/employees locally by sustainable modes of transport such as walking or cycling, it is concluded that the proposal is acceptable from a highways safety perspective and in compliance with Local Plan Policy T3.

Residential amenity

The application has been amended to clarify that the pub kitchen will be predominantly used for cooking food to be consumed in the public house. Evidence submitted indicates that over a seven day period around 6% of food sales were for consumption off the premises; and that food is served from 8am to 3pm. The food sales are ancillary to the use as a public house and the sale of hot food for consumption off the premises is of such a small scale that it can be considered to be de minimis and does not change the overall character of the micro bar as a public house.

The proposed 6 no commercial units are small scale and likely to attract a limited number of visitors and overall are considered likely to cause less noise and disturbance than the previous use of the whole of the ground floor of the building as a public house.

The continued operation of the micro bar in part a building which has historically been used as (and appears was originally designed as) a public house is likely to result in less disturbance than the original use of the whole of the ground floor of the building as a public house. In any event, use of part of the public house as a micro bar is not development and does not require planning permission.

The proposed opening hours for the units are 8.30am to 8pm. Given the small scale of the units and the other commercial uses in the vicinity, it is considered that these opening hours are reasonable and a condition is recommended to restrict opening to these hours.

Reflecting the advice of pollution control, it is concluded that the proposal is acceptable from a residential amenity perspective and is in compliance with Local Plan policy GD1

Conclusion

The proposal allows the creation of space for six small businesses to generate economic growth in the borough. Although there is a limited degree of conflict with Local Plan community facility policy it is concluded that the proposal complies with the development plan as a whole.

Recommendation

Grant subject to conditions