
2023/0238

Applicant: Mr Johnathan Wade

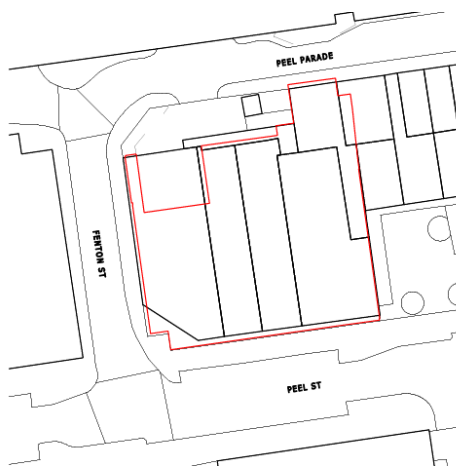
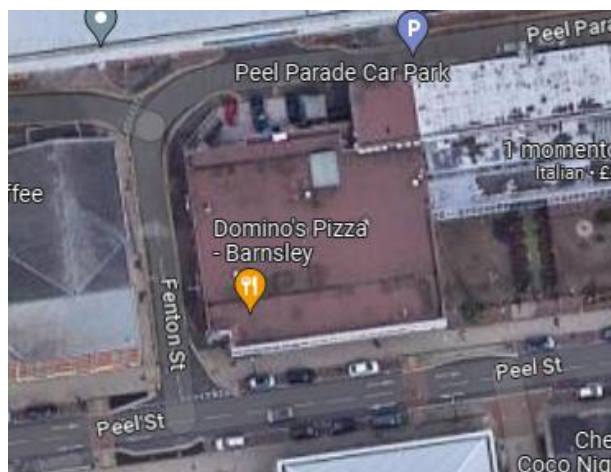
Change of use of commercial units to flexible Class E (Commercial, Business and Service)

45-55 Peel Street, Barnsley, S70 2RL

Site Description and Background

The application site refers to 45-55 Peel Street located within the primary shopping area of Barnsley Town Centre and the Westgate/Churchfields District. The building is currently vacant and was formerly in use as a snooker/pool bar (Sui Generis). It is a three-storey building with the ground floor units rented out to various uses. The entrance into the building is to the South-East corner, which faces onto Peel Street and Peel Parade. The surrounding area is characterised by typical town centre uses including drinking establishments, retail units, restaurants/cafes and hot food takeaways.

The application site (shown on the floor plans) refers to the first and second floors of the building, alongside the ground floor entrance.



Relevant Site History

B/83/1826/BA – Installation of new shop front

B/83/1828/AD/BA – Illuminated fascia and box signs

B/97/0121/BA – Installation of new shop front

B/97/0122/BA/AD – Display of advertisement

2005/1832 – Change of use of first floor retail premises to private members snooker and pool club

2006/0174 – Erection of extension to rear to enclose escape stair

2006/0673 – Installation of new shopfront to snooker club

2006/0676 – Display of illuminated projecting and fascia signs to snooker club

2006/1647 - Erection of low level retaining wall topped with 1100mm high galvanised steel fencing to front elevation of shop unit.

2006/2078 – Installation of new shopfront

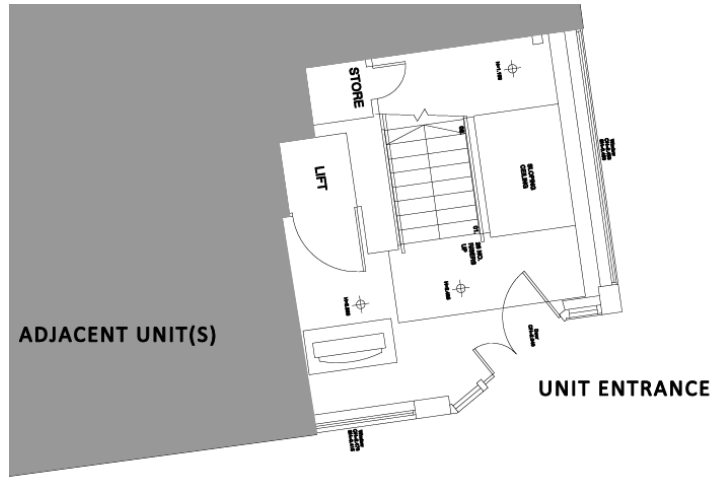
2021/0526 - Change of use from private members pool club with bar to sports bar

Proposed Development

The applicant is seeking approval to change the use of the building into Use Class E. This is a speculative application with no end user proposed at the time of assessing the application.

The application does not include any external alterations to the building at this current stage.

Proposed ground floor plan:



Proposed first floor plan:



Proposed Second 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. The development plan consists of the Core Strategy, saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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.

Local Plan

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

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Relevant Local Plan policies include:

SD1 – Presumption in favour of sustainable development – When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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.

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.

T4: New Development and Transport Safety – 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.

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. The Council will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

TC1: Town Centres – Support will be given to maintaining and enhancing the vitality and viability of the hierarchy of centres in the Borough of Barnsley.

TC2: Primary and secondary shopping frontages – Proposals for retail (A1-A5) uses will be allowed on primary and secondary shopping frontages in Barnsley Town Centre and District Centres provided that:

- Within each primary shopping frontage in Barnsley Town Centre and the District Centres, ground floor uses would remain predominantly retail (Class A1) in nature.
- Other uses may be acceptable, especially where they diversify and improve provision in a centre, provided that it can be demonstrated that the vitality and viability of the primary shopping area concerned would not be negatively affected and that ground floor uses on the Primary Shopping Frontages remain predominantly retail (Class A1) in nature.

BTC1: The daytime and evening economies – The Council will work with developers and operators to diversify the daytime and evening economies (particularly early evening)

BTC2: Late Night Uses – Late night uses will only be encouraged in the following locations within the town centre:

- Wellington Street;
- Peel Street;
- Market Street;
- Market Hill; and
- Graham's Orchard.

BTC18: Within the Westgate/Churchfields District we will give priority to office development. The Council will also allow residential, shops, leisure and entertainment uses.

Supplementary Planning Documents

- Parking

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.

Paragraph 7 – the purpose of the planning system is to contribute to the achievement of sustainable development. At a very high level, the objective of sustainable development can be summarised as meeting the needs of the present without compromising the ability of future generations to meet their own needs.

Paragraph 8 – achieving sustainable development has three overarching objectives:

- a) An economic objective - to help build a strong, responsive and competitive economy, by ensuring that sufficient land of the right types is available in the right places and at the right time to support growth, innovation and improved productivity; and by identifying and coordinating the provision of infrastructure
- b) A social objective - to support strong, vibrant and healthy communities, by ensuring that a sufficient number and range of homes can be provided to meet the needs of present and future generations; and by fostering well-designed, beautiful and safe places, with accessible services and open spaces that reflect current and future needs and support communities' health, social and cultural well-being; and
- c) An environmental objective - to protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy.

Paragraph 38 – Local planning authorities should approach decisions on proposed development in a positive and creative way.

Paragraph 111 – Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network should be severe.

Paragraph 119 – 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.

Paragraph 120 – Planning policies and decisions should

- a) encourage multiple benefits from both urban and rural land, including through mixed use schemes and taking opportunities to achieve net environmental gains – such as developments that would enable new habitat creation or improve public access to the countryside;
- b) recognise that some undeveloped land can perform many functions, such as for wildlife, recreation, flood risk mitigation, cooling/shading, carbon storage or food production;
- c) give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs, and support appropriate opportunities to remediate despoiled, degraded, derelict, contaminated or unstable land;
- d) 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 could be used more effectively (for example converting space above shops, and building on or above service yards, car parks, lock-ups and railway infrastructure)⁴⁸; and
- e) support opportunities to use the airspace above existing residential and commercial premises for new homes. In particular, they should allow upward extensions where the development would be consistent with the prevailing height and form of neighbouring properties and the overall street scene, is well designed (including complying with any local design policies and standards), and can maintain safe access and egress for occupiers.

Paragraph 126 - The creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. 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.

Paragraph 134 – 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

Highways DC – No objection to the scheme and no specific conditions are deemed necessary.

Pollution control – requested further information in regard to the submitted noise survey. On receipt of this, no objection was raised subject to the amended information being complied with.

Ward Councillors – No comments

Representations

Neighbour consultation letters were sent to neighbouring residents with a site notice placed nearby; 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 application was initially intended to include the entirety of Use Class E which primarily includes the previous A1-A5 uses which are typical town centre uses. But also includes light industrial (Use Class E (g)(iii)) which can be carried out in any residential area without causing detriment to the amenity of the area. To protect the vitality Policy TC2 states that other uses may be acceptable, especially where they diversify and improve provision in a centre, provided that it can be demonstrated that the vitality and viability of the primary shopping area would not be negatively affected.

To protect the vitality and viability of the Town Centre, a condition will be attached to any forthcoming decision notice which restricts the building being used for light industrial, or any future change of use into light industrial. The agent has notified of the condition prior to the decision being issued and has agreed to its wording.

In addition to Policies TC1 and TC2, Policy BTC18 states that priority will be given to office development but residential, shops, leisure and entertainment uses will also be allowed.

The applicant has indicated that the premises have been vacant for a period of time and the change of use largely refers to the first and second floor with the majority of the building already being let to retail and other typical town centre uses. The change of use of premises are considered acceptable where there is no significant adverse effect on living conditions and residential amenity of existing and future residents, and they are compatible with neighbouring uses

The proposed development is therefore acceptable in principle.

Visual Amenity

The development does not include any specific external changes to the building with the key change being to use class of the building alongside possibly the internal layout. The application is speculative and it is likely that the future tenants/users will require external alterations to the building, including signage which will require separate planning consents. The proposed development is considered to be in compliance with Local Plan Policy D1 and is acceptable in terms of visual amenity.

Residential Amenity

The proposal is in an active part of the town centre, with limited residential uses in the vicinity of the site. The surrounding area has existing evening and night-time uses such as pubs, restaurants and nightclubs and it is concluded that the proposed is unlikely to adversely affect the amenity of those living and working the area.

Additionally, Pollution Control It is therefore considered that the proposal is considered acceptable in terms of its impact on residential amenity and complies with Local Plan Policies GD1 and Poll1.

Highways Safety

The site does not benefit from allocated off-street parking; however, the site is located within the primary shopping area with excellent transport links and parking provision and as such the proposed change to Use Class E is not considered detrimental to highway safety, Highways DC have raised no objection to the proposed scheme and as such the proposal acceptable and in compliance with Local Plan Policy T4.

Recommendation

Approve with conditions