
2023/1067

Mr D Selway

Change of use to public house (Retrospective)

6 Market Street, Hoyland, Barnsley, S74 9QR

Site Location and Description

6 Market Street, Barnsley is an attached, two storey, stone fronted property set close to the junction of Market Street and High Street Hoyland. The property has been used as a public house since 2016, and as other non-retail uses prior to then.

The building is set within the principal shopping/commercial area within the District Centre of Hoyland, an area which consists of a number of retail and commercial units, food outlets and drinking establishments, some of which have residential uses above.

Proposed Development

The application seeks to formalise the change of use from a non-retail commercial use to a public house. The pub has been in operation since 2016, but planning permission was never sought at this time.

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 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 site is allocated as District/Local Centre, Primary Shopping Area, and Secondary Shopping Frontage within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy TC1 Town Centres
Policy GD1 General Development
Policy POLL1 Pollution Control and Protection
Policy D1 High Quality Design and Place Making
Policy T4 New Development and Transport Safety
Policy SD1 Presumption in favour of Sustainable Development

National Planning Policy Framework (NPPF)

The National Planning Policy Framework sets out the Governments 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.

Consultations

Drainage – No objections.

Highways DC – No objections.

Pollution Control – No objections subject to conditions.

Ward Councillors – Cllr T Shepherd - I have no objection to the retrospective application.

Representations

Neighbour notification letters have been sent to surrounding properties and the application has been advertised by the way of a site notice; no representations have been received.

Assessment

Principle of development

The site is set within the District Centre of Hoyland. The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres.

The public house use is a Town Centre use and is therefore acceptable in principle. All retail and town centre developments will be expected to be appropriate to the scale, role, function, and character of the centres in which they are proposed. Other issues such as the impact upon residential amenity and highway safety and compliance with policy GD1 are assessed below: -

Residential Amenity

The NPPF states the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at an unacceptable risk from or being adversely affected by unacceptable levels of noise pollution.

The application property is set close to the junction of Market Street and High Street. There are some residential properties above the ground floor units along these, however the site is within the allocated District Centre, which is predominantly commercial in nature. The Council's Regulatory Services team have been consulted and given that the premises have been used as such for a number of years without complaint it is not considered that the change of use would lead to an increase in disturbance; however, conditions relating to limitations within the premises licence will be included.

The premises have been granted a premise license by the Councils licensing team; the restrictions within the license differ to those provided within the application form. The opening hours outlined within the license permit operation between 10:00 to 01:00 Sunday

to Thursday (inc Bank Holidays) and 10:00 to 02:00 Friday and Saturday. The application form states opening hours from 12:00 to 02:00 Monday to Saturday and 12:00 to 01:00 on Sundays and Bank Holidays. It is considered that operation before 12:00 could have an impact on the few residential units within the vicinity, therefore operating hours will be limited to 12:00 to 01:00 Sunday to Thursday (inc Bank Holidays) and 12:00 to 02:00 Friday and Saturday, partly in line with the premises license. The retention of the use would not be out of character with the area or result in excessive noise and disturbance to neighbouring residents or business owners, in accordance with Local Plan Policy GD1 of the Local Plan.

Visual Amenity

There are no proposed external alterations to the premises, any external alterations such as new signage would be subject to a separate application. As mentioned previously the premises have been used as a public house for a number of years prior to this application and is located within an area heavily dominated by commercial premises therefore the proposal would not be out of character with its surroundings, as such the proposal is acceptable in terms of its impact on the street scene and in compliance with Local Plan Policy D1.

Highway Considerations

The site is in the recognised centre of Hoyland and is set amongst other commercial and retail properties, including other public houses, with no or limited parking provision. Public car parks are within easy walking distance of Market Street and the town is served by regular public transport links.

Given the sustainable location of the site and the fact the business has been in operation without issue for many years. The scheme is acceptable from the perspective of highway development control, and it is considered that the proposals would not adversely impact upon the highway and as such is in accordance with Local Plan Policy T4.

Conclusion

In conclusion, the retention of the public house is considered to be acceptable when measured against policies GD1, TC1 and T4 of the Local Plan and would not have a significant detrimental impact on the existing Local Centre, wider street scene, highway safety or residential amenity and as such is acceptable subject to conditions.

Recommendation

Approve subject to conditions