
2025/0190

Kobit-K Limited.

40 The Glass Works, Barnsley, S70 1GW

Change of use from Class E to a Bar (Sui Generis).

Site Description

The application relates to a vacant ground floor commercial unit previously occupied by TGI Friday's. The unit benefits from a glazed frontage and a space for outdoor seating facing onto the Glass Works Square. The units' eastern elevation is also glazed and faces onto Midland Street. The surrounding area is principally commercial characterised by restaurant, bar and other leisure and retail uses. The Barnsley Transport Interchange and Tommy Taylor Memorial Bridge are also nearby.



Planning History

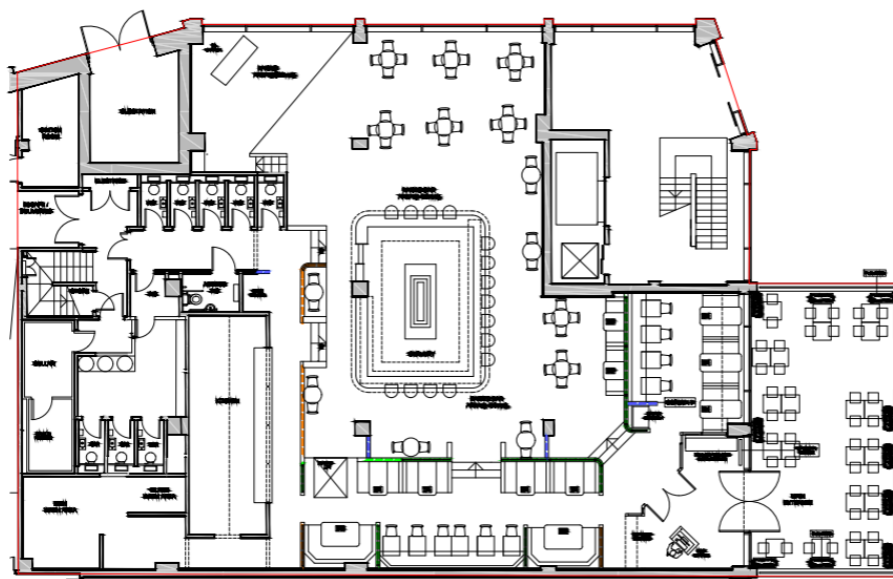
There is an extensive planning history associated with the development site, but the most relevant history is:

1. 2018/1569 – Variation of condition 2 (approved plans) of planning permission 2017/0586 to enable changes to the design of the multi storey car park and its access arrangements - Mixed use development of land adjoining Barnsley Markets following demolition of part of existing market hall and multi storey car park to provide new retail/food and drink (Use Classes A1, A3), cinema and leisure use (Use Class D2), new multi storey car park and service road, with access to/from Lambra Road. – Approved.

Proposed Development

The applicant is seeking permission for the change of use of the former TGI Friday's unit (Class E) to a bar (Sui Generis).

The proposal would not require any external alterations to the unit frontage and would be facilitated by internal layout alterations only. The proposed use is proposed to be operational 12pm – 02:30am Monday – Sunday.



Project Name	1233/P/2
Client	ASP Services Ltd
Project Manager	1233/P/2
Project Number	1233/P/2
Project Date	1233/P/2
Project Status	1233/P/2
Project Location	1233/P/2
Project Description	1233/P/2
Project Budget	1233/P/2
Project Risk	1233/P/2
Project Impact	1233/P/2
Project Benefits	1233/P/2
Project Challenges	1233/P/2
Project Opportunities	1233/P/2
Project Risks	1233/P/2
Project Mitigation	1233/P/2
Project Monitoring	1233/P/2
Project Reporting	1233/P/2
Project Communication	1233/P/2
Project Governance	1233/P/2
Project Compliance	1233/P/2
Project Sustainability	1233/P/2
Project Innovation	1233/P/2
Project Collaboration	1233/P/2
Project Leadership	1233/P/2
Project Team	1233/P/2
Project Stakeholders	1233/P/2
Project Partners	1233/P/2
Project Suppliers	1233/P/2
Project Customers	1233/P/2
Project Competitors	1233/P/2
Project Regulators	1233/P/2
Project Industry	1233/P/2
Project Market	1233/P/2
Project Economy	1233/P/2
Project Society	1233/P/2
Project Culture	1233/P/2
Project Environment	1233/P/2
Project Technology	1233/P/2
Project Innovation	1233/P/2
Project Research	1233/P/2
Project Development	1233/P/2
Project Testing	1233/P/2
Project Deployment	1233/P/2
Project Evaluation	1233/P/2
Project Review	1233/P/2
Project Closure	1233/P/2

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which are a material consideration in the decision-making process.

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.

Local Plan Allocation – Town Centre

The development site is in the Southgate District within Barnsley Town Centre. Therefore, in respect of this application, the following policies are relevant:

- ***Policy SD1: Presumption in favour of Sustainable Development.***
- ***Policy LG2: The Location of Growth.***
- ***Policy TC1: Town Centres.***
- ***Policy TC2: Primary and Secondary Shopping Frontages.***
- ***Policy BTC1: The daytime and evening economies.***
- ***Policy BTC2: Late night uses.***
- ***Policy BTC12: The Markets Area District.***
- ***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.***

Supplementary Planning Document(s)

- ***Shop front designs (Adopted May 2019).***
- ***Residential amenity and the siting of buildings (Adopted May 2019).***
- ***Parking (Adopted November 2019).***

National Planning Policy Framework (NPPF) (December 2024)

The National Planning Policy Framework 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 7: Ensuring the vitality of town centres.***

Paragraph 90(a): Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation. Planning policies should: define a network and hierarchy of town centres and promote their long-term vitality and viability – by allowing them to grow and diversify in a way that can respond to rapid changes in the retail and leisure industries, allows a suitable mix of uses (including housing) and reflects their distinctive characters.

– **Section 9: Promoting sustainable transport.**

Paragraph 116. 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, following mitigation, would be severe, taking into account all reasonable future scenarios.

– **Section 12: Achieving well-designed places.**

Paragraph 135. Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development;

b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;

c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);

d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;

e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and

f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users; and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience.

Other Material Considerations

– *Planning Practice Guidance.*

Consultations

Enterprising Barnsley	<i>Support.</i>
Regeneration (Town Centre)	<i>No comments received.</i>
Pollution Control	<i>No objection.</i>
Urban Design Officer	<i>No objection.</i>
Local Ward Councillors	<i>No comments received.</i>

Representations

Neighbour notification letters were sent to surrounding properties. A site notice was placed nearby, expiring 28th April 2025. No representations were received.

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:

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

Principle of Development

Paragraph 90(a) of the framework (NPPF) states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by allowing them to grow and diversify so they can respond to rapid changes in the retail and leisure industries, also allowing a suitable mix of uses which reflects their distinctive characters.

Local Plan Policy TC1 states that Barnsley Town Centre is the dominant town centre in the borough. To ensure that it continues to fulfil its sub-regional role, most new retail and town centre development will be directed to Barnsley Town Centre. Moreover, all town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

Local Plan Policy TC2 states that proposals for retail (A1-A5) uses will be allowed on Primary and Secondary Shopping frontages in Barnsley Town Centre provided that, within each primary shopping frontage in Barnsley Town Centre, 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, if 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. In this instance, the application building is located on a secondary shopping frontage. Pubs and drinking establishments fall within one of the permitted use classes on a secondary shopping frontage. Policy TC2 also requires ground floor uses to remain predominantly retail in nature. However, this element relates to primary shopping frontages and not secondary shopping frontages which the application is located on. Moreover, the secondary frontage comprises similar existing uses such as The Salt House bar and restaurant and Nando's with others nearby, including The Botanist bar and restaurant. As such, the proposal is considered acceptable regarding Policy TC2.

Local Plan Policy BTC1 states that the Council will work with developers and operators to diversify the daytime and evening economies (particularly early evening). Preference will be given to pubs, clubs, restaurants, cafes and nighttime entertainment uses which: can cater for a range of customers and are family friendly; are open throughout the day and evening; maintain an active street frontage throughout the day and evening; serve food; and complement other leisure activities. The policy also states that planning permission will be granted for pubs, clubs, restaurants, cafés and nighttime entertainment uses in the town centre provided that they: add to the range and diversity of uses on offer and increase customer choice; do not significantly harm amenity or give rise to increased noise, disturbance, or antisocial behaviour; can be adequately accessed, serviced and ventilated; and are designed with public safety, crime prevention and the reduction of anti-social behaviour in mind. It is anticipated that the proposal would maintain an active frontage throughout the day and evening and into the night, there would be some food offering although the use would be predominantly wet led, it would provide customer choice and would compliment existing nearby leisure uses. As such, the proposal is considered acceptable regarding Policy BTC1.

Local Plan Policy BTC2 states that late night uses will only be encouraged within the town centre on Wellington Street, Peel Street, Market Street, Market Hill and Graham's Orchard. Operational hours have been specified as 12pm – 02:30am Monday – Sunday which would constitute a late-night use. Whilst the proposal would not be located in one of the identified areas of the town centre where late-night uses are encouraged and conflicts with Policy BTC2, the proposal would not be implemented in an area of the town centre where it would be out of character, and the proposed operational hours would broadly be in line with those of surrounding premises and respective licensing restrictions.

Local Plan Policy BTC12 states that shops, offices, leisure developments, and food and drink uses will be allowed within the Markets Area District. Other uses may be supported where they contribute to the vitality and viability of the town centre. The proposal would introduce a food and drink use and is therefore considered acceptable regarding Policy BTC12.

Consequently, whilst it is acknowledged that there is some conflict with Local Plan Policy BTC2, the proposal would be appropriate for its setting and is considered acceptable in principle. The proposal would enable the continued use of an existing commercial premises within Barnsley Town Centre, allowing the site to continue to contribute to its vitality and viability.

Impact on Residential Amenity and Pollution Control

The development site is located within an area that is principally commercial comprising restaurants, bars, and other leisure and retail uses which have an active frontage throughout the day and evening with some uses operating beyond midnight.

Considering the commercial nature of the surrounding area and limited nearby residential uses, it is considered that the proposal would have a minimal impact on amenity through potentially increased noise and activity levels. Pollution Control were consulted, and no objections were received.

The proposed bar use would be operational between 12:00pm – 02:30am Monday- Sunday, which would broadly be in line with the operational hours of surrounding premises and respective licensing requirements. Nevertheless, operational hours could be conditioned for the avoidance of doubt.

There could be some potential disturbance and disruption because of construction works, and whilst any potential impact is anticipated to be temporary, should the application be approved, a condition could be used to control construction hours.

Considering the above, and subject to conditions, this is considered to weigh moderately 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 Design and Visual Amenity

The development site is located within an area that is principally commercial comprising restaurants, bars, and other leisure and retail uses which have an active frontage throughout the day and evening with some uses operating beyond midnight. The proposal would not be out of character for the area.

There are no external alterations proposed to the application unit with all works required to facilitate the proposed use being carried out internally.

Signage is not under consideration at this stage and would require the submission of an application for advertisement consent to the local planning authority.

Considering the above, this is considered to weigh modestly 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 Highway Safety

The development site faces onto the Glass Works Square which is a landscaped and pedestrianised area at the centre of the Glass Works development where there is limited access for vehicles which is readily controlled.

The development site does not benefit from off-street parking arrangements and none are proposed. However, the development site is considered to be in a sustainable location adjacent to the Barnsley Transport Interchange and the Tommy Taylor Memorial Bridge and is readily and easily accessible by various modes of transport. There are also public car park options within the locality. The proposal is therefore not considered to be prejudicial to highway safety.

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 T3: New Development and Sustainable Travel and Local Plan Policy T4: New Development and Transport Safety and is considered acceptable regarding highway safety.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal constitutes acceptable development in respect of highway safety and residential and visual amenity. Whilst it is acknowledged that there will be some conflict with Local Plan Policy BTC2 in that the proposal would not be in an area of the town centre where late-night uses are encouraged, the proposal is supported by other policies in the plan, including Local Plan Policies TC1, TC2, BTC1, and BTC12, and there are other existing late-night uses within the vicinity which is generally expected within town centres. Paragraph 90(a) of the framework (NPPF) also supports the proposal as it states planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation by allowing them to grow and diversify so they can respond to rapid changes in the retail and leisure industries. The proposal would enable the continued use of an existing commercial premises, allowing the site to continue to contribute to the vitality and viability of Barnsley Town Centre. Other anticipated benefits of allowing the proposal include new job opportunities (35) which could appeal to local residents. The proposal is therefore, on balance, recommended for approval.

**Recommendation –
Approve with Conditions.**