
2024/0486

Mr Paul Appleyard

Variation of condition 4 (operating hours) of application 2019/0993 (Change of use of outbuilding from Class B8 (Storage or Distribution) to Class A3 (Restaurant and Cafe) including external alteration) to allow change in operating hours from 0800 to 1800 to 0800 to 2300

Appleyards Sandwich Shop, 16 Towngate, Mapplewell, Barnsley

Background

04/0434 - Alterations to ground floor shop and first floor flat – Approved with conditions

2019/0993 - Change of use from A1 (Retail) to A3 (Cafe/Restaurant) – Approved subject to conditions including the following:-

Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015, there shall be no further plant or machinery installed externally to the property, without the prior approval of the Local Planning Authority.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1.

The use hereby permitted shall be carried on only between the hours of 8am to 6pm Mondays to Sundays and Bank Holidays.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

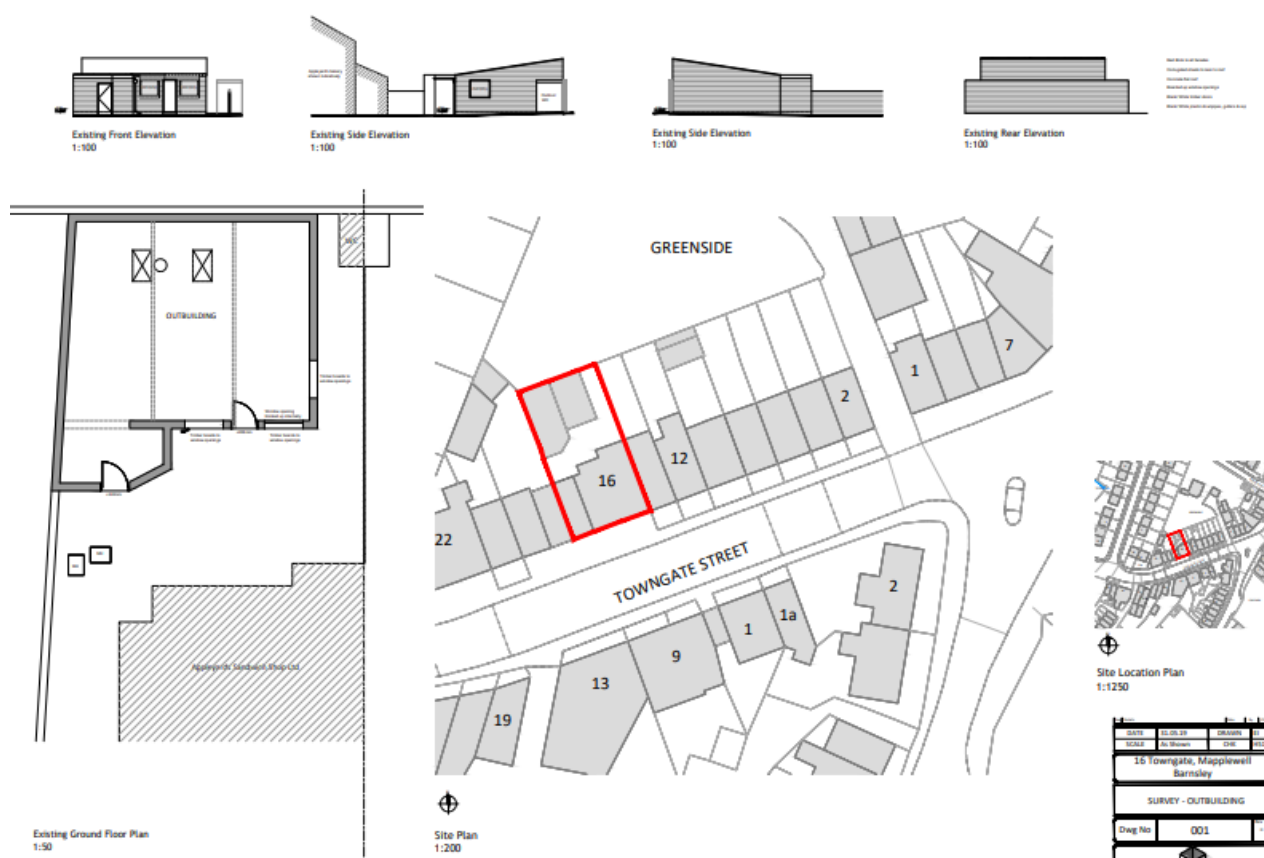
Description

Number 16 Towngate is a mid terrace set within the principle shopping/commercial centre of the village of Mapplewell. The property is currently used as a sandwich shop and has a drive through area at ground floor with a café (known as the Ginnel) at the rear approved under application ref 2019/0993. It is the Ginnel which is the subject of this application. The building was previously used for storage in connection with the existing sandwich shop.

There is an array of shops, takeaways, restaurants, public houses and cafes within the local area, some of which are open until 2300hrs. There are some residential uses above the retail units within Towngate and residential properties between the retail units. There are regular bus services through the village from Wakefield to Barnsley. Just off Spark Lane there is a free public car park.

Proposed Development

The proposal involves the variation of condition 4 (operating hours) of application 2019/0993 (Change of use of outbuilding from Class B8 (Storage or Distribution) to Class A3 (Restaurant and Cafe) including external alteration) to allow change in operating hours from 0800 to 1800 to 0800 to 2300. No other changes are proposed. The café is currently also used for small private celebrations including baby showers, afternoon teas and birthdays etc and the proposal is to allow for flexibility for the business in order to provide events in the evening. The applicants have also applied separately to extend their licence with Regulatory Services to the same hours.



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 set within a Local Centre as allocated within the Adopted Local Plan.

The following policies are also of relevance:-

- Policy GD1 General Development
- Policy T4 New development and Transport Safety
- Policy D1 High Quality Design and Place Making
- Policy Poll1 Pollution Control and Protection
- Policy TC1 Town Centres
- Policy T4 New Development and Highway Improvement

SPD

Parking

NPPF

The NPPF 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. For decision-taking this means:-

- approving development proposals that accord with an up-to-date development plan without delay; or
- where there are no relevant development plan policies, or the policies which are most important for determining the application are out-of-date, granting permission unless:
 - i. the application of policies in the Framework that protect areas or assets of particular importance provides a clear reason for refusing the development proposed; or
 - ii. any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Consultations

Highways DC – No objections

Regulatory Services – No objections subject to condition

Ward Councillors – No comments received

Representations

1 objection has been received which in summary raises the following:-

- There is too much footfall through Towngate due to the number of pubs and restaurants and the noise on a Friday and Saturday night is getting worse and noise during Bank Holidays.
- Concerns regarding the noise that extended hours will create
- Concerns regarding the negative impact this will have on the value of house

Assessment

Principle of Development

The site lies within the Local Centre of Mapplewell. Policy TC1 Town Centres states that Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

The proposal is to extend the opening hours of an existing café/restaurant use until 2300hrs and would provide a service to visiting members of the public. The café is currently also used for small private celebrations including baby showers, afternoon teas and birthdays etc and the proposal is to allow for flexibility for the business in order to provide events in the evening. As such given the allocation of the site, the proposal is considered acceptable, provided that there is no conflict in line with policy GD1 in terms of residential amenity or highway safety as assessed below.

Residential Amenity

The building is situated to the rear of the terrace row; therefore it is set adjacent to the garden/yard areas of adjacent properties. An objection has been raised with regard to potential noise impact later in the evening and increased footfall to a busy centre. Concerns have also been raised with regard to the impact upon the values of adjacent residential property.

It is acknowledged that the extended opening hours would result in a greater level of activity later at night at the premises than is currently the case. However the building is set within a principle shopping/commercial area where such late night uses are to be expected and are currently in operation. In addition, given that the operation is used as a café/restaurant hosting events such as afternoon teas, brunches, birthday celebrations and baby showers etc, it is likely that this would be a quiet use, with the majority of the noise contained within the building. The café is also limited in size so this restricts the number of customers using the café at any one time. The access to the café is also through an existing drive through adjacent to the sandwich shop and adjacent to another business, therefore would not be set close to a separate residential dwelling and should not significantly increase levels of activity. The Pollution Control Officer and has not raised any concerns. The Pollution Control Officer states that:-

'I have had discussions with the applicants as they are in the process of applying for a licence variation. I have no objections to the change of hours; however, the applicant has agreed to the following conditions for their licence variation.

- No speakers/music to be played at the front of the premises
- Live music permitted indoors only
- A Noise Management Plan to be submitted to the Council and agreed prior to any music (live or recorded) being played after 6pm'

On balance, given that Pollution Control have not raised any objections to the proposal, it is felt that the proposal would not have a significant detrimental impact on amenity of the adjacent residential properties by way of noise/disturbance in accordance with Local Plan Policy POLL1. It is recommended that conditions are applied to ensure that live music is permitted indoors only and that there should be no speakers/music to be played at the front of the premises, in line with the licence conditions.

Concerns have also been raised with regard to the impact upon the values of adjacent residential property, however this is not a material planning consideration that can be taken into account when assessing the application.

Highway Safety

The site is confined to the rear of no. 16 Towngate. The proposal would extend the hours of the restaurant/café associated with the sandwich shop to 11pm on all days. Highways DC officers have been consulted and would raise some concern regarding on-street parking associated with the facility once the waiting restrictions ends at 6pm, however it is acknowledged that the site is within the recognised centre of Mapplewell with car parks in close proximity and good public transport links. It is also noted that there is a convenience store nearby that opens until 10pm. Highways have therefore raised no objections given the above. No specific highways conditions are deemed necessary and as such the development is considered to be acceptable in accordance with Local Plan policy T4.

Visual Amenity

There are no external alterations/extensions proposed to the building.

Conclusion

It is acknowledged that as with all Local Centres that there some residential properties within close proximity to the café/restaurant, however given the principle shopping/commercial area location where there are some uses currently in operation until a similar time and given the limited size of the building, it is felt that the proposed extension of the opening hours until 2300hrs would not have a significant detrimental impact on amenity of the adjacent residential properties by way of noise/disturbance in order to warrant a refusal of the extension of the opening hours and the proposal is therefore acceptable when measured against Local Plan Policy POLL1.

Recommendation

Approve subject to conditions