

**2021/0396**

Mr John Pell

Change of use from solicitors office (Use Class E) to Micro-pub (sui-generis use class)  
254B Barnsley Road, Cudworth, Barnsley, S72 8SS

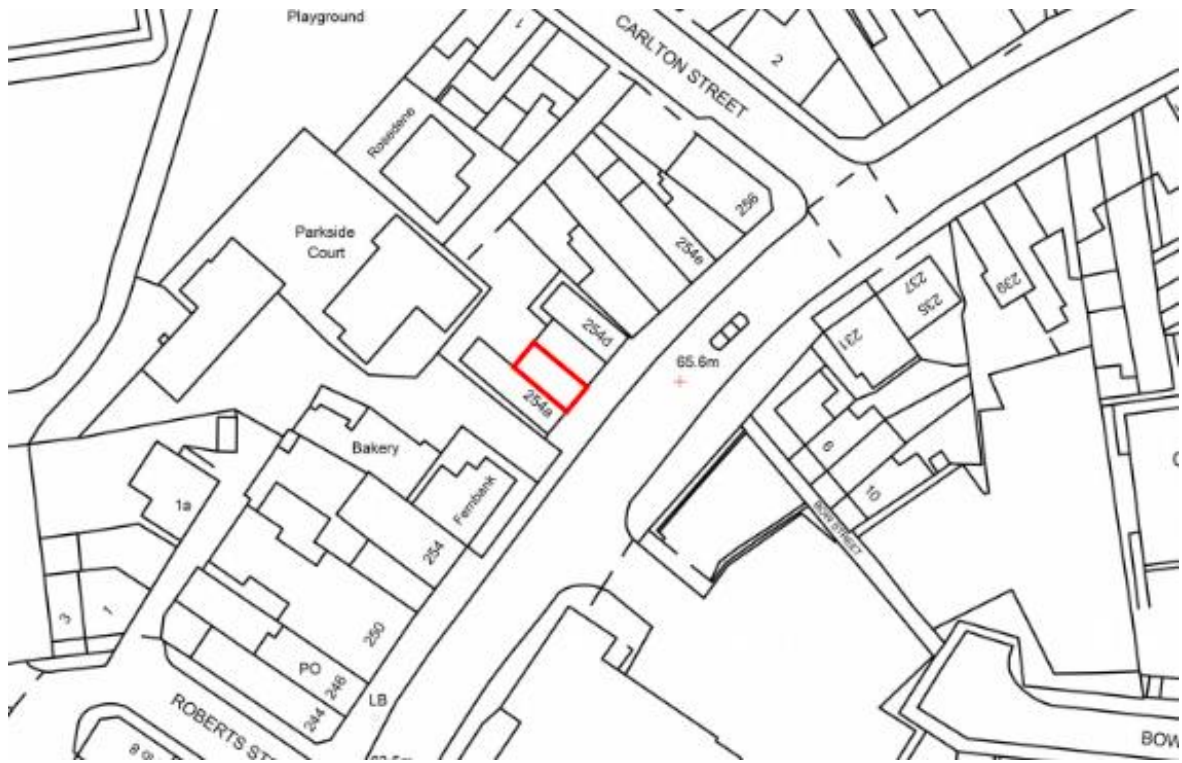
**Description**

The application relates to a single storey property located within the main shopping centre on Barnsley Road in Cudworth. There are a number of uses along Barnsley Road including retail uses, financial/professional services, cafes, beauty salons/hairdressers and takeaways etc. The property was previously used as a solicitor's office (use class E). To the rear of the building is a small shared service yard which is used for loading/unloading only, which is not part of this planning application.

The building is situated in a sustainable location with a bus stop within 100m. There is also off-street parking within the Co-op store adjacent and the public car parks located off Roberts Street and Bloemfontaine Street.

To the rear of the property beyond the service yard is a bungalow known as Parkside Court.





## Proposed Development

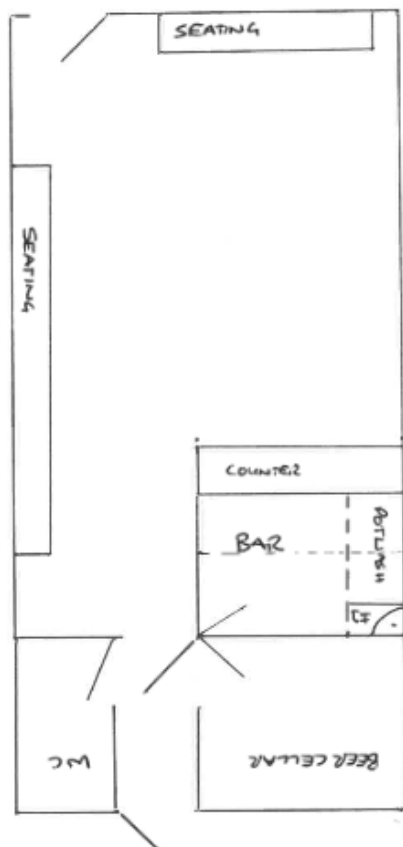
The applicant seeks permission to change the use of the building from a solicitor's office (Use Class E) to Micro-pub (sui-generis use class)

The application form states that the micropub would be open from 11am to 11pm Monday to Saturday and 12 – 3pm Sundays and Bank Holidays.

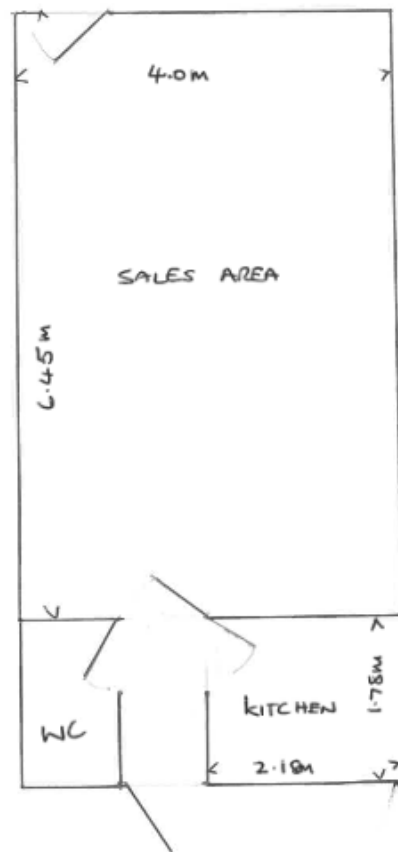
The agent has confirmed that there is no external seating proposed in the yard to the rear as this is a shared area for loading only. The yard is outside of the red-line boundary and does not form part of this planning application.

Only internal works are proposed and the proposed micropub would have a small seating area, a bar, beer cellar and wc.

PROPOSED LAYOUT - SCALE 1:50



EXISTING LAYOUT - SCALE 1:50



Proposed and existing floor plans

## Policy Context

Planning decision 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 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.

### Local Plan

Cudworth is a District Centre and within the Local Plan Proposals Maps the site is in the primary shopping area and is a primary shopping frontage therefore the following policies are relevant.

Cudworth is one of the smaller district centres with the main retail and service provision located along the main Barnsley Road. It is average in terms of vitality and viability. Its strengths include the amount of shopping floorspace, the absence of floorspace outside the centre, the lack of charity shops and good pedestrian flows and availability of public transport. Aims for the future of Cudworth are to improve the provision of leisure, cultural and entertainment activities, attract non food multiple retailers, and to improve movement for pedestrians and cyclists. The strategic direction for Cudworth is to intensify, (that is to realise its potential within its existing boundaries by redeveloping and reconfiguring to intensify the level of current town centre uses).

**Policy TC1 Town Centres** - indicates that new retail 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 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 the District Centres provided that within each primary shopping frontage ground floor uses remain predominantly retail (Class A1) in nature. Provided that criteria is met, other uses may be acceptable especially where they diversify and improve provision provided that vitality and viability of the primary shopping area wouldn't be negatively affected.

**Policy Poll1 Pollution Control and Protection** – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

**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.

### 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.

Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a position approach to their growth, management and adaptation.

## **Consultations**

Ward Members – No comments received

Highways – No comments received

Drainage – Details to be checked by Building Control

Yorkshire Water – No comments received

Pollution Control – This development is unlikely to have an adverse impact on health and the quality of life of those living and/or working in the locality, so approval is recommended.

## **Representations**

1 letter of objection has been received which states:-

- Concerns raised about the possible use of land at the back of the proposed Micro-Pub being used as a beer garden if not immediately then possibly in the future, due to potential overlooking.
- Concerns regarding noise and impact upon residential amenity
- Concerns regarding a lack of parking at the premises

## **Assessment**

### Principle of development

The site is within the District Centre of Cudworth. The property is located within a primary shopping frontage where local plan policy TC2 indicates proposals for retail (A1-A5) will be allowed - the proposed pub use fell into use class A4 before changes to the use class order in 2020 and is now a sui-generis use. The use proposed is a use that would be expected to be seen within district centres.

As the property is located on a primary shopping frontage then the following policy is of relevance. Policy TC2 Primary and Secondary Shopping Frontages states that:-

*'Proposals for retail (A1-A5) uses will be allowed on Primary and Secondary Shopping frontages in Barnsley Town Centre and the 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.'*

In line with policy TC2 over 51% of the remaining buildings within the primary and secondary shopping frontages are predominately class A1 (now class E) in nature. The Local Plan states

that the aims for the future of Cudworth are to 'improve the provision of leisure, cultural and entertainment activities, attract non food multiple retailers, and to improve movement for pedestrians and cyclists.' The proposed use would improve the vitality and viability of the primary shopping area, providing a service to visiting members of the public and would improve the night time economy. The principle of the use in this location is therefore considered acceptable in principle in line with policy TC2.

### Residential Amenity

The closest residential property Parkside Court is located to the rear of the building. The Pollution Control Officer has been consulted and has no objection to the proposal. Concerns have been raised about the possible use of land at the back of the proposed Micro-Pub being used as a beer garden. The proposal does not include any external areas and the rear yard is not part of this application and is for loading, fire escape and service only. Any future use of this area would need to be subject to a separate planning application.

The Council's Regulatory Services Section have not raised any objections in terms of any potential noise disturbance and the building does not propose any external seating areas to the rear so there should not be a loss of privacy to Parkside Court at the rear. In addition, Pollution Control are satisfied with the opening hours, 11am to 11pm Monday to Saturday and 12 – 3pm Sundays and Bank Holidays. On this basis it is considered that the proposal would not have a significant detrimental impact on neighbouring amenities. The proposal is therefore in compliance with Policy Poll1 of the Local Plan.

### Highway Safety

The Council's highways section have not raised objections to the proposal. The premises has operated as a Class E use so it has previously generated its own deliveries and servicing arrangements for previous uses.

In terms of any parking issues, the building is located within the shopping/commercial area of Cudworth and therefore does not need to provide any off road parking for the use. There are public car parks within a short walk from the site and there are regular bus services also within walking distance. Given the site is situated within a sustainable location, the proposal is therefore considered acceptable in terms of highway safety in compliance with Policy T4 of the Local Plan.

### **Recommendation**

**Grant** subject to conditions