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**2023/0910**

**Applicant:**

**Site Address:** 41B Towngate, Mapplewell, Barnsley, S75 6AS

**Description:** Proposed external extractor fan

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**Site & Location Description:**

The application site is located on the B6131 Towngate, at the western edge of Mapplewell's commercial centre, although as with the terrace block the site is situated in, the area is mixture of residential and commercial premises. Constructed of red brick with a yellow stone façade and a tiled cross gable roof, the application site is located between the entrance to the first-floor hair salon above, and a ground floor combined estate agent and solicitors, with the two residential dwellings completing the terrace block. There is an extension to the rear of the terrace block which is divided into a separate office space for the solicitors 41A, along with a kitchen extension for the application site at 41b, which is also the proposed location of the extractor fan. To the rear of this terrace block and its extension are two further residential blocks of terraced houses and private garages.



**Planning History:**

Between 2009 and 2017, the individual shop unit of 41b was used as a retail shop selling pet equipment. In 2021 a planning application was approved for a shop extension to 41b, but this annexe is currently associated with 41a. It is unclear as to whether the following applications (except 2021/1670) relate to the whole commercial premises or the individual application unit 41b

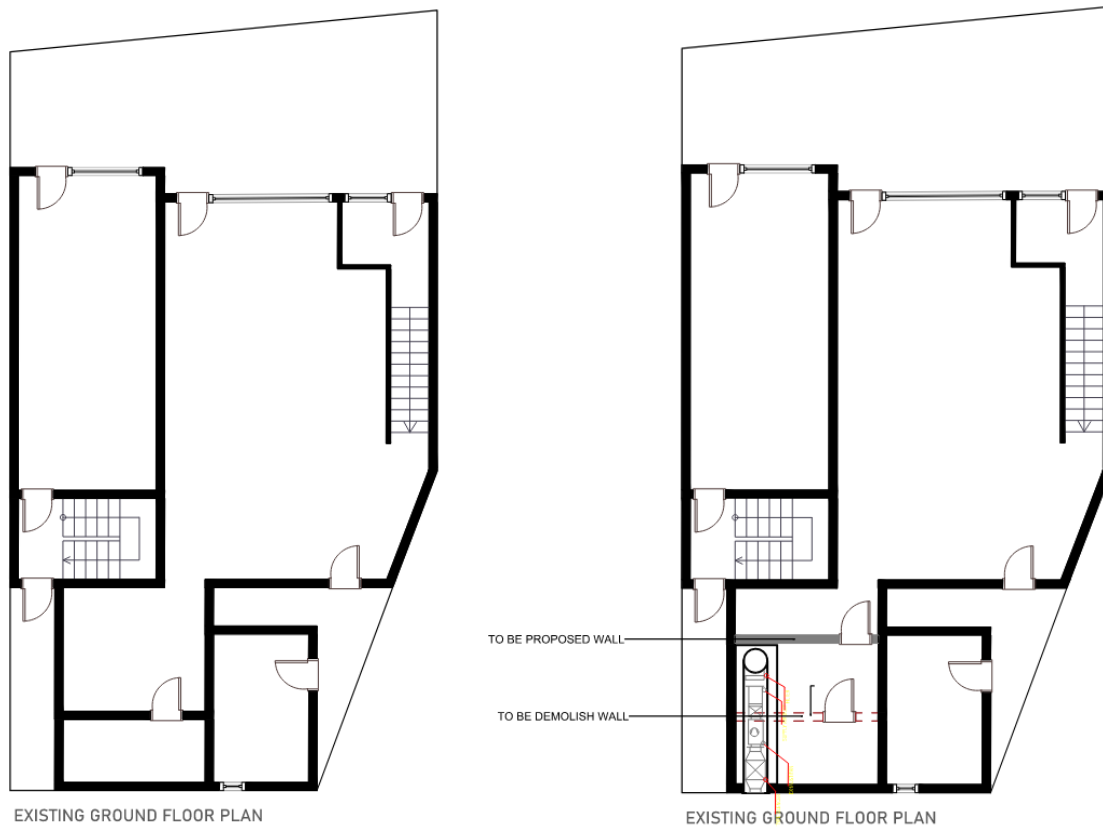
- **2021/1670** - Erection of rear extension to retail unit centre – Approved with conditions 3<sup>rd</sup> March 2022
- **B/00/1227/DT** - Change of use of shop to ladies fitness centre – Approved with conditions 21st November 2000

- **B/98/0239/DT** – Change of use of retail unit to bistro/hot food take-away – Refused 7th May 1998
- **B/97/1402/DT** - Change of use of Co-Op store to restaurant and hot food takeaway – Refused 9th January 1998
- **B/77/1789/DT** -Change of use from doctor's surgery to licensed betting office – Refused (no date)

**Proposed:**

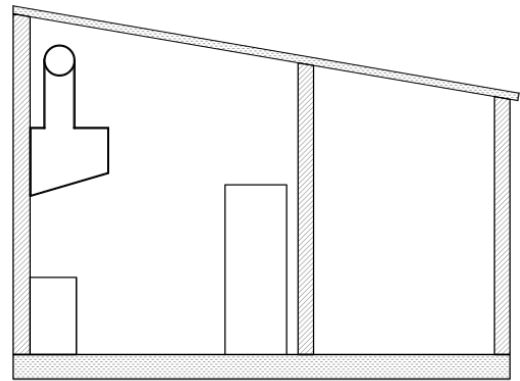
The proposal is for the installation of an extractor fan, with a duct which would be located within an existing rear elevation of an extension which received planning consent in 2021. Whilst there are broader plans for a change of use from the application site’s former use as a ladies clothing shop (use class E) to a restaurant (use class E), apart from the extractor fan, the proposed works shown on the plans are internal works, which may only require building control approval. With some limitations, change of use within use classes does not require planning consent.

Existing and Proposed Floor Plans and Elevations





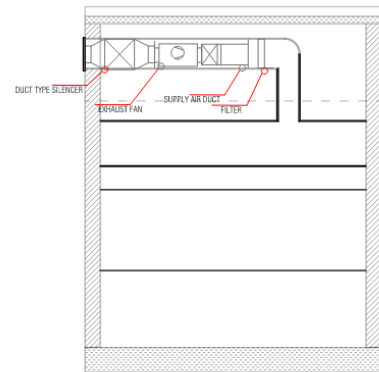
PROPOSED REAR ELEVATION  
/scale 1:100/



B-B SECTION  
/scale 1:50/



PROPOSED FRONT ELEVATION  
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A-A SECTION  
/scale 1:50/

**Local Plan Designation:** Urban Fabric

**Conservation Area:** No

**Neighbour Representations:**

Letters were sent to nearby addresses; No comments were received.

**Consultees:**

- **Local Ward Councillors:** No comments were received.
- **Pollution Control:** Once a noise impact assessment was received and reviewed, Pollution Control were satisfied with the results and to ensure that appropriate noise levels are not exceeded, a specific condition has been requested to be added to any planning consent.

## **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 on 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.

## 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.

In respect of this application, relevant policies include:

## Local Plan

In reference to this application, the following Local Plan policies are relevant:

**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.

**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.

**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.

**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.

**T4: New Development & Highway 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.

#### Principle of development

The site is within the Local Centre of Mapplewell. Local Plan 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.

Principally the proposal is for an extractor fan, but this is within the permitted use change from a vacant former retail clothing outlet, and previously to that a pet supply store. Such a change of use and subsequently the required extractor fan, would be acceptable in such a location subject to impacts on neighbouring amenities and visual amenity.

#### Residential Amenity

As the premises are already an established use class E premises, consideration of residential amenity is limited to that aspect which does require planning permission, namely the proposed extractor fan. With a long-standing relationship between nearby residential dwellings and the existing commercial site, the issue would be if the proposed extractor fan would cause a significant increase in harm to the residential amenity of the residential dwellings. To ensure as far as possible that the proposal would not cause significant harm, in addition to a plethora of supporting information about the extractor fan, which accompanied the planning application; Environmental Health required a formal Noise Impact Assessments to be carried out.

Following the full review of the noise impact assessment report by Environmental Health, they confirmed what the report indicated, that the proposal would not have detrimental impact on noise levels for nearby residents. However, a condition has been recommended to be added to any planning consent, to ensure the proposal does not create a negative noise level above that which has been approved. In addition to the noise impact assessment, an odour impact assessment was submitted. The assessment includes an odour management plan (OMP) and suggests that if the OMP plan was implemented, there would not be a negative impact on residential amenity, and that if regular maintenance occurred, then this lack of significant impact on residential amenity would continue.

#### Visual Amenity

The current visual amenity at the rear of the commercial premises, along with the alleyway are reasonably well presented and appear secure. There is evidence of a current extractor fan which has

been covered with a black bin liner which does slightly distracts from the otherwise plain rendered wall. It would be very unlikely that the proposal would have the ability to cause any significant visual harm to either the character of the premises or the visual amenity of the area.

#### Highway Safety

There are no proposed changes to access or parking arrangements, which consequently means there is no impact upon Highway Safety.

#### Summary

The proposed extractor fan may have an insignificant impact upon the visual amenity of the area but is something which may be expected upon a commercial premises and would not cause significant harm to any nearby residential dwellings. Potentially the most significant impact may have been the noise level of the proposed extractor fan, but both the Noise Impact Assessment report and the Environmental Health Officers' review of the assessment confirm that noise levels would be acceptable, with an appropriate condition to ensure this remains true.

**Recommendation:** Approve with conditions