

2021/1164

Mr William Elsworth

Change of use of building and rear garage from funeral directors to bar/restaurant

214 - 216 Barnsley Road, Cudworth, Barnsley, S72 8UH

Description

214 – 216 Barnsley Road, Cudworth is an end terraced property set on the corner of Barnsley Road and Bank Street Cudworth. The property has a single storey rear extension and a large garage building set within the rear yard and was previously used as a funeral directors.

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







Proposed Development

The proposal involves the change of use of the building and rear garage from funeral directors to restaurant/bar (use Class E). The applicant indicates that the garage and the main building will be used as two separate restaurant uses, therefore the site would be split into two separate planning units and planning permission would be required for the proposal.

The plans have been amended during the course of the application and the hot food takeaway element has been removed. The opening hours have also been amended. The opening hours proposed are:- Monday to Sunday open 12 midday until 11pm.

A noise management plan has been submitted in support of the application.

In support of the application the applicant has provided the following additional information:-

'214 – 216 Barnsley Road Cudworth was historically 2 terraced houses that have since been converted into 1 commercial unit. They are of a stone construction, with timber floors, and a large 2 story brick garage to the rear of the property.

Williams will occupy the ground floor only, with the 1st and 2nd floors remaining empty for the foreseeable future. Should this change at any point, for example, converted in to a residential space, this report will be updated and adequate structural and procedural measures will be put in place. The main customer area will be open plan with a small pizza kitchen off from the main trading area, and toilets to the rear of the property.

Life's A Burger will be the brand that will occupy the garage to the rear of the property. This will consist of an open plan customer area on the ground floor with the kitchen and toilets on the first floor.

Noise Impact

A digital sound limiter will be installed with the sound system which will limit the volume of all amplified equipment. This level is to be set and never increased. If any part of the sound system is altered, the noise level shall be rechecked to ensure that the limiter is still set at the appropriate level.

The volume of amplified sound used in connection with the entertainment provided, shall always be under the control of the Licensee/Management and the controlling mechanism shall be operated from a part of the Premises inaccessible to the public.

This device will be regularly maintained to ensure that the noise produced within the premises will not be audible within any residential premises in the vicinity.

Doors and windows are to be kept shut after 10pm, and all entrance / exit doors are to be fitted with automatic closing devices.

All speakers shall be professionally installed to ensure that their location and positioning minimises the likelihood of sound and vibration escaping the property.

Party walls are to be over boarded and a 100mm acoustic insulation layer in-between.

New more efficient windows and door are to be installed to the front of the property.

Live Music, Dj's and Other Acts / Entertainment

Live music shall not run after 11pm.

Any form of entertainment requiring amplified sound must always plug into the house sound system and as such will be subject to the same pre approved and restricted levels.

Under no circumstances are acts allowed to use additional PA systems.

Neighbours will be advised when we have any live entertainment on. Alternatively, if residents do not wish to share their contact details, they can keep up to date by checking our socials.

Customers

Signage will be placed around the property both internally and externally instructing guests to enter / leave quietly and be always mindful of our neighbors.

Guests who are deemed to be creating inappropriate levels of noise will be refused service and asked to leave. Repeat offenders will be barred.

No tables / chairs will be outside the property after 10pm, reducing the likelihood of guests being outside for prolonged periods of time.

Staff are to regularly monitor outside the building and advise guests to be quiet if they are making excessive levels of noise. Guests will also be asked to return to the inside of the premises once they have finished smoking. If guests have to be asked multiple times, then they will be refused service and asked to leave. Repeat offenders will be barred.

Towards the end of the evening, calmer music will be played to ensure guests do not leave the premises in a rowdy manner.

At closing time, staff will be positioned at the exit to ensure guests are leaving quietly.

Wherever possible, guests will be encouraged to wait for taxis etc inside the premises.

Extraction

All fans and motors for kitchen extraction are to be installed within the property.

Food service is to be restricted to 9pm, therefore all extractions systems should be turned off by 10pm.

Regular maintenance is to be carried out to ensure all aspects of the system are working correctly.

Other Plant

Heat exchanges necessary for chilling shall be installed in a location which will have the least impact on local residents (likely to the rear facing bank street). Where necessary a barrier will be installed to reduce the impact further.

Exchanges shall be installed on anti-vibration mounts.

All plant will be regularly maintained.

Deliveries

Deliveries of kegs, bottles, food or other materials necessary for the operation of the business will be carried out at such a time or in such a manner as to prevent nuisance and disturbance to nearby residents.

Waste Management

Wherever possible, bottle skips and bins containing cans or bottles will not be emptied outside after closing but will be dealt with the next day during normal office hours.

All internal bins will be lined with bags, so in the event they need emptying mid shift they can be lowered into an external bin quietly.

The handling of beer kegs, bottles and other similar items will not take place in the late evening, at night and during the early morning, when the noise generated could cause a nuisance.

As part of our clean down procedure, staff will be instructed to ensure the exterior of the premises is left clean and they will be trained to do so in as quiet a manner as possible.

Staff training

All management and staff are to be made aware of this noise management plan.

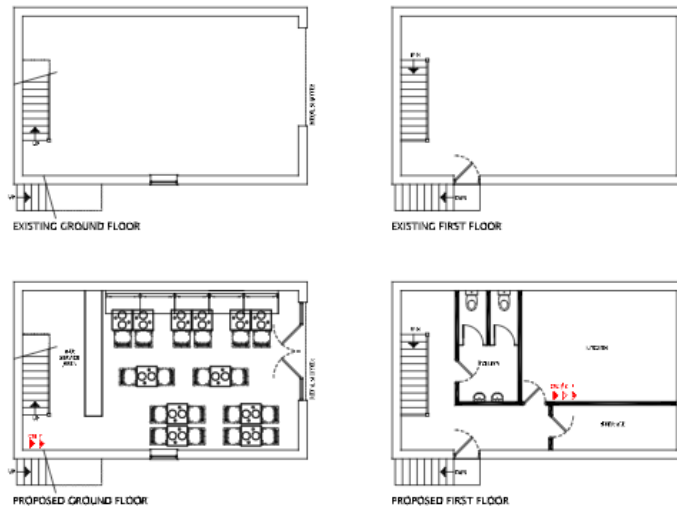
The noise management plan shall be reviewed regularly and at the request of the local authority to ensure all control measures remain effective and appropriate.

Regular refreshers are to take place and up to date records kept.

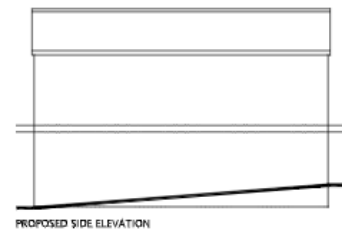
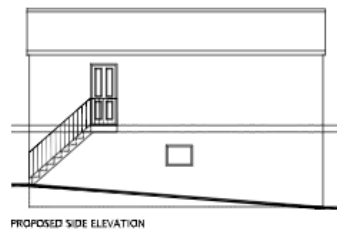
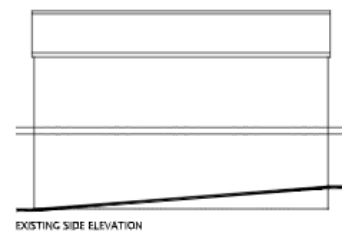
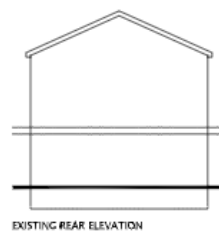
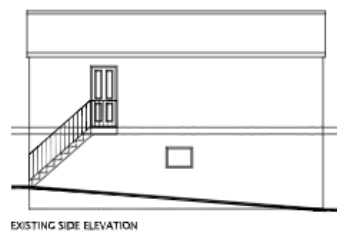
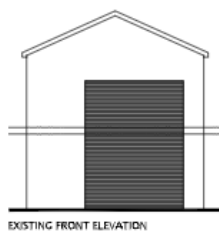
Complaint management

Local residents can be provided with DPS and manager contact details, so that any issues can be dealt with immediately.

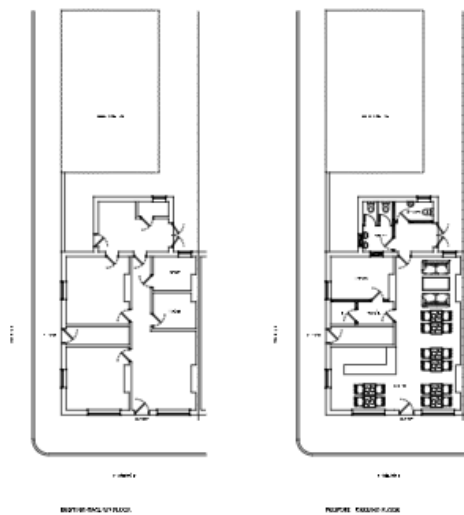
Any complaints should be recorded and reviewed. In the occurrence of repeat issues in a certain area, the noise management plan must be reviewed and amended to prevent further disturbance.'



ADDRESS 214-216 Barnsley Rd, Cudworth, Barnsley S72 8UH		PROJECT Change of Use	TITLE Existing & Proposed Plans
DRAWING NUMBER A400		CLIENT 	
REV A			



ADDRESS 214-216 Barnsley Rd, Cudworth, Barnsley S72 8UH		PROJECT Change of Use	TITLE Existing & Proposed Elevations
DRAWING NUMBER A402		CLIENT 	REV -

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214-216 Barnsley Rd, Cudworth, Barnsley S72 8UH		
Change of Use		
Existing & Proposed Plans		
		
Applicant: A&B	Planning Officer: C. J.	Date: 10/10/2011
Scale: 1:100	Project Number:	
Project Name: A&B	10	

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 new Local Plan was adopted at the full Council meeting held on the 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

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

Policy TC1 Town Centres

Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres:

Town: Barnsley Town Centre

District: Cudworth, Hoyland, Wombwell, Goldthorpe, Penistone, Royston

Local: Athersley, Bolton on Dearne (St Andrew's Square), Darfield, Darton, Dodworth, Grimethorpe, Hoyland Common, Lundwood, Mapplewell, Stairfoot, Thurnscoe (Houghton Road), Thurnscoe (Shepherd Lane)

Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfil its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.

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.

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.

Policy GD1 General Development

Proposals for development will be approved if, amongst others

There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;

They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;

Policy 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.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Policy D1 High Quality Design and Place Making

Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley.

Policy T4 New development and Transport 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. If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

NPPF

The National Planning Policy Framework (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. 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.

Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

Supplementary Planning Documents (SPD):

Parking – sets out parking standards that will be applied to all new development.

Consultations

Highways DC – No objections

Regulatory Services – No objections subject to a condition

Drainage – Details to be checked by Building Control

Ward Councillors – Concerns raised with regard to opening hours and Hot Food Takeaway due to antisocial behaviour and disturbance. The opening hours should be limited to 11pm

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site; the following comments have been received as part of the initial consultation:-

3 objections have been received:-

- Concerns regarding late opening hours and disturbance/loss of sleep for residents
- Impact from loud music/noise disturbance on adjoining flats
- Disturbance from deliveries/parking
- Impact upon adjacent pubs/bars in the village
- External lighting would cause light pollution
- Potential damage to public and private property
- Too many takeaways in the area
- Litter and rubbish
- Increased demand for taxis and parking
- Antisocial behaviour
- Impact on amenity of back yard area of adjacent properties
- Impact on neighbouring residents and their mental health
- Opening hours should be limited to 11pm

Following the initial consultation, the Hot Food Takeaway element was removed from the proposal and a further consultation took place. 2 further objections were received from the objectors which raised the same concerns as above.

Assessment

Principle of Development

The site is set within the District Centre of Cudworth. 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 proposed restaurant/bar 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 on the corner of Barnsley Road and Bank Street. There are some residential properties above the ground floor units along Barnsley Road, 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 have no objection to the proposal subject to the use being carried out in accordance with the submitted Noise Management Plan. The opening hours have also been further restricted to Monday to Sunday until 11pm which is in line with the other similar uses within the District Centre.

Objections have been raised with regard to the proposal and potential disturbance to neighbouring properties, antisocial behaviour and litter/waste issues. The applicant has removed the Hot Food Takeaway element from the proposal and has put forward a Noise Management Plan which explains how these issues will be addressed within the management of the business, and Pollution Control are satisfied with the plan submitted. This plan should be conditioned as part of any approval. It is acknowledged that there are some residential properties within the vicinity, however it is considered that the proposal would not have a significant detrimental impact on amenity of the adjacent residential property by way of noise/disturbance, in order to warrant a refusal of planning permission on this basis. Given the opening hours are limited until 11pm and that there are other uses along Barnsley Road which also open into the evening, the proposal 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

The external alterations are limited to the insertion of new windows and doors to the garage building. The changes are considered to be acceptable in terms of visual amenity. Any signage, subject to the size and illumination, may require separate consent.

Highway Safety

The Highways Officer has been consulted as part of the application and has provided the following comments: 'Within the vicinity of the site there are many businesses covering a variety of uses including a pub, coffee shop and hot food takeaways. Most of these businesses, with the exception of the larger Co-Op, operate with little to no off-street parking provision. Within the immediate vicinity of the site along Barnsley Road and Bank Street, on-street parking is prevented by a Traffic Regulation Order in the form of double yellow lines which are present along both sides of these roads. There are free parking areas available within very close proximity of the site to either end of Roberts Street.

Taking into account the accessible location of this site and the presence of other business uses nearby, it is considered that the proposals would not adversely impact upon the highway and are therefore acceptable from a highways development control perspective.'

Given that the site is located within a sustainable location, within the District Centre where there is good access to public transport, there should not be any significant impact upon highway safety in accordance with policy T4 of the local Plan.

Conclusion

In conclusion, the proposed bar/restaurant use is considered to be acceptable when measured against policies GD1 and TC1 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 with conditions