

2022/0296

Mr Abid Rashid

Change of use of ground floor to hot food takeaway and first floor remodelling to create flat

20 Towngate, Mapplewell, Barnsley, S75 6AT

Background

02/0965 - Conversion of house to form ground floor shop and first floor flat with rear access – Approved with conditions (conversion not implemented however the staircase has been constructed) - conditions included details of roller shutter to be provided

Description

Number 20 Towngate is a mid terraced property and is currently used as a dwelling. The property is situated between a convenience store and a beauty salon and is located within the principal shopping/commercial area, within the Local Centre of Mapplewell. There are a number of uses along this terrace row including a café, sandwich shop and a further beauty salon. There are some residential properties along the row with some of the commercial units having residential uses above. There are no other Hot Food Takeaways within this row, however there is a Hot Food Takeaway across the road, known as Golden City Chinese.

The property has an existing rear yard area and an external staircase which leads to the first floor on the rear elevation. To the front the property has a low brick boundary wall which is to be retained as part of the proposal.



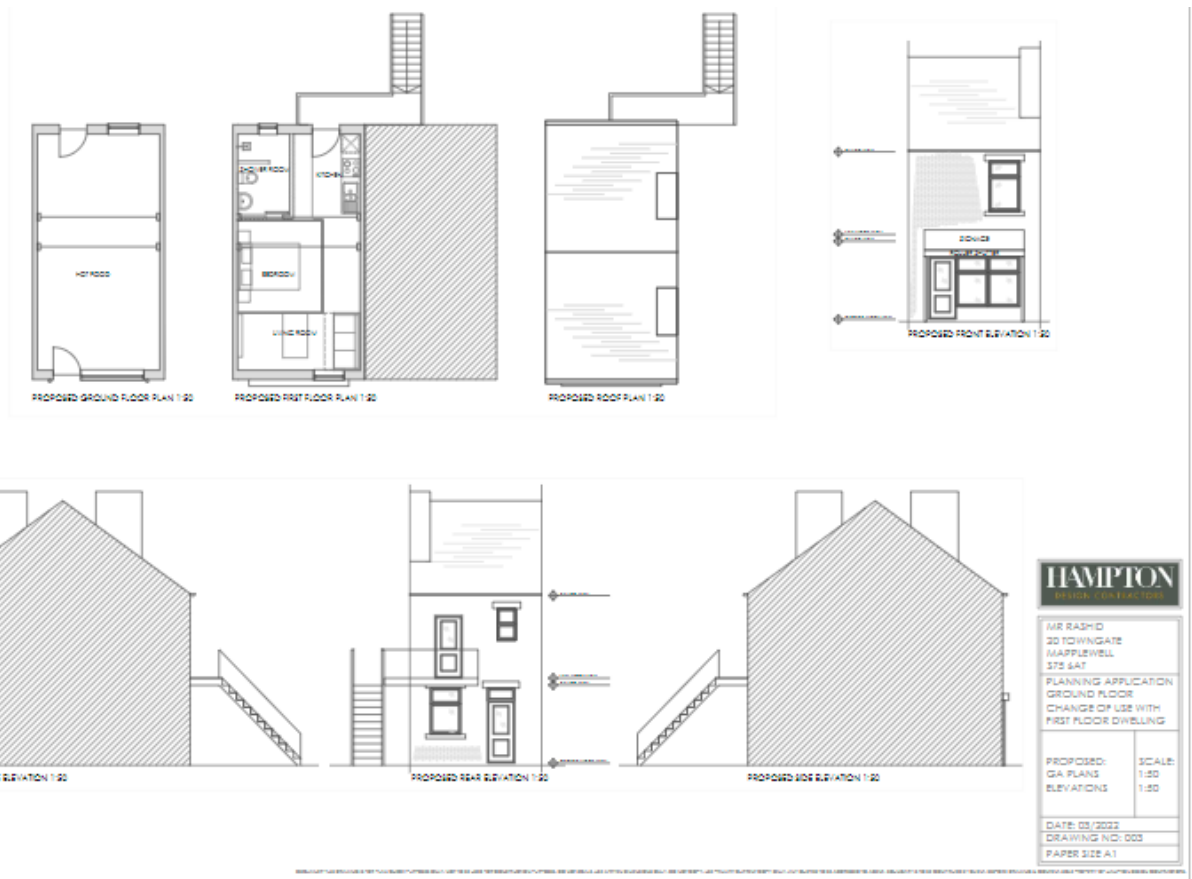


Proposed Development

The applicant seeks permission for the change of use of the existing dwelling to a hot food takeaway and first floor remodelling to create studio flat.

The unit is proposed to be open 9am to 11pm Monday to Sunday, including Bank Holidays. An extraction system is proposed, details of which would be provided prior to the commencement of the use. The proposal includes a new shop front with a roller shutter with a projecting box of approx. 0.2m.

The first floor studio flat has been designed with a small kitchen area, lounge/bed area and a separate shower room. The flat would be accessed via an existing rear external staircase.



EXISTING BLOCK PLAN



PROPOSED BLOCK PLAN

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework 2021 (NPPF) does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted by the Council in January 2019 along with a series of Supplementary Planning Documents.

Local Plan

The site is allocated as a Local Centre 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 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.

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 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. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

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.

Supplementary Planning Documents (SPD):

- Hot Food Takeaways

Design of Housing Development

Shopfront Design

Planning Advice Note

Hot Food Takeaways - sets out the Council's approach to dealing with hot food takeaways in respect of meeting the Council's health and wellbeing agenda.

South Yorkshire Residential Design Guide

Consultations

Highways DC – No objections

Pollution Control – No objections subject to condition

Drainage – No objections happy for details to be checked by Building Control

Ward Councillors – Cllr Hunt has provided the following comments:-

I have concerns over parking. The stretch of Towngate where this is situated already suffers from problems whereby residents park on the single yellow lines during the daytime and little parking enforcement takes place. I would therefore suggest that if approved the operating hours of the establishment are limited to after the parking restrictions end each evening.

Representations

The application was advertised by way of neighbour notification letters and a site notice.

1 comment has been received which raises the following concerns:-

I am objecting to this proposal, as a takeaway owner, as there are already too many takeaways in such a small village. Parking will also be bad as it's on a bend and drivers often double park.

Assessment

Principle of development

Planning permission for Hot Food Takeaways is unlikely to be granted where premises are located outside of defined shopping centres or concentrations of shops, or where the living conditions of the occupants of nearby residential accommodation would be significantly affected.

The site is within Mapplewell Local Centre where it is expected that such uses should be located and the proposal is therefore acceptable in principle, subject to complying with the SPD and the PAN Hot Food Takeaways.

Concentration/Visual Amenity

Although Hot Food Takeaways contribute to the mix of retail areas, in some areas they are starting to dominate certain areas and restrict the different types of food on offer. This is starting to impact on the vitality and viability of shopping areas. Also the prevalence of hot food takeaways means that local communities have limited choice and access to fresh food. The clustering of hot food takeaways also breaks up the continuity of the retail frontage. This detracts from the retail function and results in shops which are detrimental to local residents.

In terms of visual amenity, the SPD Hot Food Takeaways states that 'to protect the street scene, achieve a diverse mix of shops and maintain good standards of design, planning permission will not be granted for A5 uses where it would result in a clustering of A5 uses to the detriment of the character, function or vitality of a centre/parade of shops, or if it would have an adverse impact on the standard of amenity for existing and future occupants of land and buildings. Therefore in order to avoid clustering, there should be no more than one A5 use in any one length of frontage.'

The site is within Mapplewell Local Centre where it is expected that such uses should be located. This area of Towngate is characterised by a mix of uses synonymous with a Local Centre location. The existing dwelling is set within a terrace row and within this row of units there are a number of Class E uses, however there are no other Hot Food Takeaways. Whilst there is a Hot Food Takeaway across Towngate, there are no others on the same frontage, as such, the proposal would not result in an overprovision, therefore there should not be any significant impact upon the street scene in accordance with policy D1 of the Local Plan and the SPD Hot Food Takeaways.

The proposal includes a new shopfront which includes a box roller shutter which projects a minimal 0.2m from the front elevation. The proposed shop front/roller shutter is similar to others seen within the street scene. No details have been provided in terms of the colour or design of the roller shutter; however, the agent has confirmed that the shutter itself would be perforated and powder or plastic coated in a colour to match the other elements of the shopfront in line with the shopfront SPD. These details should be conditioned as part of any approval. The proposed shop front is considered to be acceptable and subject to separate advertisement consent where required there is no objection to the changes to the front elevation of the building.

Residential amenity

The protection of the living conditions of nearby residents is a significant issue when considering applications for Hot Food Takeaways. 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 soil, air water or noise pollution or land stability.

It is recognised that Hot Food Takeaways pose particular difficulties because activities are often at their peak in the evening and late at night when background noise levels tend to be low. The disturbance that can be caused by traffic and associated car parking should not be underestimated.

The SPD Hot Food Takeaways states that 'Planning permission for hot food takeaways is, therefore unlikely to be granted where premises are located outside of defined shopping centres or concentrations of shops, or where the living conditions of the occupants of nearby residential accommodation would be significantly affected. In particular, planning permission is likely to be refused where premises share a party wall with an adjoining house. When determining planning applications, the Council will have regard to the general character of the area, including levels of commercial and vehicular activity. The presence of residential accommodation over the property or neighbouring shops, however, would not necessarily preclude a hot food takeaway use, where this is primarily a commercial area.'

There are some residential properties along Towngate, including residential uses above the commercial units and a new studio flat being created above the proposed Hot Food Takeaway, however the site is within the allocated Mapplewell Local Centre, which is predominantly commercial in nature. The Pollution Control Officer has no objections to the proposal. The unit is small in scale and given that the opening hours are limited until 11pm and that there are other uses along Towngate which would 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 and the SPD.

The proposed use would potentially generate smells/fumes via the extraction systems which could be potentially detrimental to residential amenity; however, this could be mitigated against dependant on the type of extraction system used. Pollution Control have requested that this detail is provided and agreed prior to the commencement of the use.

In terms of the amenity of the first floor studio flat, the proposed flat is approx. 30sqm in area. Whilst this is 3sqm under what is usually expected for studio accommodation set out within the SYRDG, the flat is of a similar size to other flats above the shop units along the terrace row. In addition, a first floor flat has been approved previously at the property (02/0965) and the external staircase is already in place. The property also has the benefit of a rear yard area which provides ample amenity area for the studio which could provide further areas for external storage space where required. On balance it is felt that the proposal is acceptable in terms of residential amenity of any future occupiers.

Highway Safety

The SPD states that Hot food takeaways tend to generate significant volumes of traffic, short term on street parking and associated vehicle turning movements. Where on-street parking would lead to highway safety problems, planning permission may be refused.

The Highways Officer previously raised concerns with the proposals to remove the brick boundary wall to the front of the property and tarmac surface the area. This gives the impression of creating an unofficial parking space and would likely encourage vehicles to park on the footway. From a highways point of view, the proposals would be acceptable with the frontage wall remaining in place and the applicant has agreed to retain the wall along the

frontage to prevent parking. An amended plan has been received showing the retention of the wall and this should be conditioned.

The Highways Officer has been consulted and has no objection to the proposal. The site is located within a sustainable location within Mapplewell Local Centre and is served by good public transport links. The property is located on the B6131 Towngate within the urban centre of Mapplewell close to numerous shops and services including a hot food takeaway almost opposite the site. The majority of properties within the vicinity of the site have no off-street parking provision. Towngate is subject to waiting restrictions with no waiting permitted between the hours of 8am to 6pm – signs and road markings are in place. The closest designated parking area, Fountain Parade, is located approximately 100m from the site. Bearing in mind all the above, it is considered that the proposed flat would likely only be of interest to a non-car user (and there is ample space within the rear yard to provide secure storage for a bicycle where required) and the proposed hot food takeaway would operate no differently to the other same/similar uses nearby, therefore the proposal is acceptable in principle. Concerns have been raised with regard to existing unauthorised parking along Towngate and the possibility of restricting the opening hours of this proposed use until after the other commercial uses have closed, however it would be unreasonable to apply this restriction, given that the issues raised are out of control of the applicant and that the Highways Officer has no objection to the proposal and does not consider that the proposal would be detrimental to highway safety.

As a result of the comments above, the proposed use would not have an unacceptable impact on the highway, in accordance with the NPPF and Local Plan Policy T4.

Other issues raised

Objections have been received with regard to competition and the impact upon other Hot Food Take Away Businesses, unfortunately this is not a material consideration as it not the role of the planning system to restrict competition.

Recommendation

Approve with conditions