

Application reference number	2025/0343
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Application Type	Full Planning Permission
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Proposal Description:	Change of use of the ground floor from Sui Generis nightclub / bar to Class E restaurant with installation of extract canopy to the rear and enlargement of windows to the front elevation
Location:	32 Peel Street, Barnsley, S70 2RE

Applicant	Mr Usman Saddiqui
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Number of Third Party Reps	Five comments	Parish:	N/A
		Ward:	Central

SUMMARY

The proposal seeks full planning permission for the change of use of the ground floor from a nightclub/bar to a class E restaurant, and also for the installation of an extract canopy to the rear and the enlargement of windows to the front elevation. The application site is within both Barnsley Town Centre and the Southgate district, and the street frontage is designated as a secondary frontage in the Barnsley Local Plan policies map.

The district specific policy BTC17 Southgate District indicates that we will allow uses including food and drink uses within the district and Policy BTC2 late night uses indicates that such uses will be encouraged on Peel Street, subject to a number of criteria.

The proposed use is considered to be acceptable in policy terms in this location and is therefore considered to be an acceptable and sustainable form of development in line with national and local planning policy.

The proposed alterations to provide for an extract canopy and enlargement of front windows are considered on balance to be acceptable in this location and in line with national and local design policy.

The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network or the wider character of the area subject to suitably worded conditions.

Recommendation: **GRANT Planning Permission**

Introduction

- The proposal seeks full planning permission for the change of use of the premises from a nightclub/bar to a class E restaurant, and also for the installation of an extract canopy to the rear and the enlargement of windows to the front elevation.

Site Description

The application site is the ground floor of a three storey, stone fronted and slate roofed building, together with a rear storage area and beer garden. Peel Street is a generally well occupied shopping street in the town centre. The application site and the adjoining building 30 Peel Street which was also formerly a pub both appear to have been unused for some time. To the rear of the application site is a shared parking area, and beyond that the grade 2 listed Temperance Hall which fronts onto Pitt Street

Proposal

The proposal seeks full planning permission for the change of use of the premises from a nightclub/bar to a class E restaurant, and also for the installation of an extract canopy to the rear and the enlargement of windows to the front elevation. The proposed windows would have aluminium frames powder coated to a ruby red colour. The internal layout shows space for 70 seated customers and a service area where takeaways can be ordered. It is anticipated that the proposal would result in 10 full-time equivalent jobs. Opening hours are specified as 11am to 2am Monday to Sunday. The application has been subject of pre-application advice which resulted in improvements to the appearance of the proposed enlarged windows.

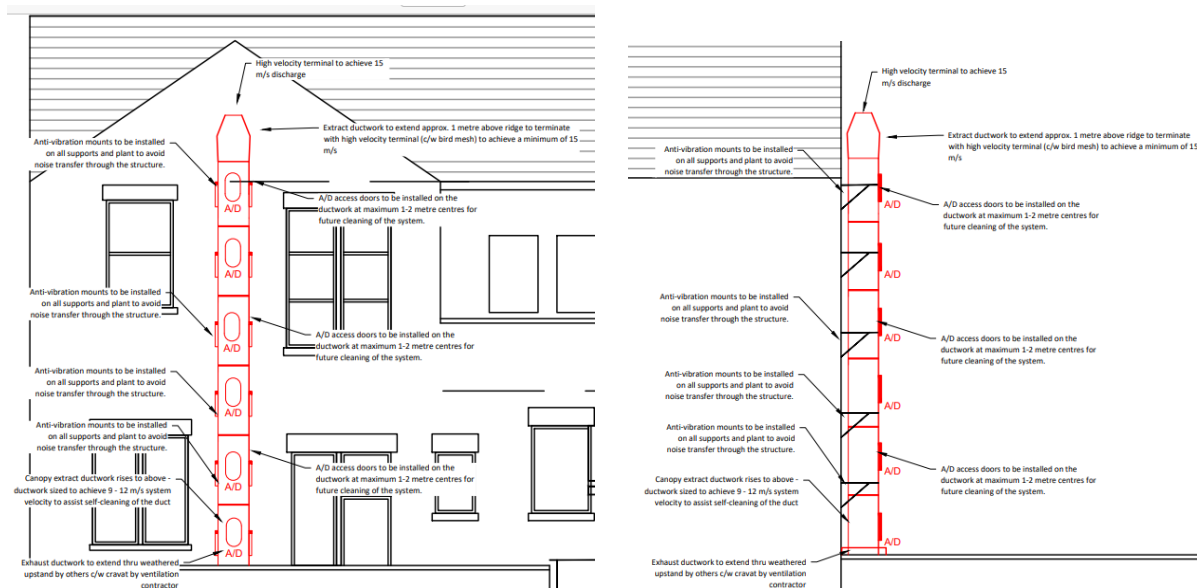
The canopy to the rear extraction will be installed to discharge 1 metre above eaves to follow council regulations. The whole front elevation stone will be cleaned and repaired as necessary. It is anticipated that the vacant first and second floors which are presently vacant would be converted into flats which would form a separate application (although there are no planning records for the use of these floors, it is understood that their last use was residential).

The application is supported by a Planning Statement and a Noise Report

Existing and proposed front elevation drawings to show the alterations to the windows.



Proposed ventilation



Relevant Site History

Application Reference	Application description	Status
2020/1468	Formation of roof terrace to front at first floor level above existing flat roof and associated balustrades (application site defines both 30 and 32 and terraced area defined at 30)	Approved with conditions
B/88/1318	Erection of extension to public house	Approved with conditions
Other applications related to signage on the building		

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (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 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 which 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 identified as being within Barnsley Town Centre and the district of Southgate within the Local Plan and as such the following policies are considered to be relevant to this application:

Policy SD1: Presumption in favour of Sustainable Development
Policy GD1: General Development
Policy T3: New Development and Sustainable Travel
Policy T4: New Development and Transport Safety
Policy D1: High Quality Design and Place Making
Policy HE1: The Historic Environment
Policy HE3: Developments affecting Historic Buildings
Policy TC1: Town Centres
Policy TC2: Primary and Secondary Shopping Frontages
Policy BTC1: The Daytime and Evening Economies
Policy BTC2: Late Night Uses
Policy BTC17: Southgate District
Policy Poll 1: Pollution Control and Protection

Adopted Supplementary Planning Documents relevant to this application:

Shop front design
Advertisements
Parking

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. NPPF policy of relevance to this application includes:

Paragraph 85 - Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 90 - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Paragraph 131 - Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities

Paragraph 213 – any harm to, or loss of, the significance of a designated heritage asset (including from development within its setting) should require clear and convincing justification.

Relevant Consultations:

Highways DC – No objections from a highways viewpoint, the application building is within the centre of Barnsley where there are already established retail units, bars and restaurants and excellent links to public transport

Pollution control – The development has a potential to have an adverse impact on health and the quality of life of those living and/or working in the locality so approval with a

condition to require noise mitigation measures set out in the submitted noise report to be implemented before the use commences.

Enterprising Barnsley – support the proposal and its employment creation opportunities as well as the addition to the vibrancy of the growing leisure offer for the town centre.

Conservation Officer – the design of the window and alterations and rear extract are considered to be acceptable and any harm to the setting of the rear of the listed building would be minimal. Together with the contribution to the area by the cleaning and re-use of the building it is considered that any harm is, on-balance, acceptable

Ward Councillors – no comments received.

Representations

Neighbour notification letters were sent to eight. surrounding properties, a site notice was placed nearby.

Five representations were received. Four of the representations were from the same person both supporting and objecting to the proposal and raising the following issues:

- The premises are becoming a problem and safety concern.
- Express concern about parking/access – where will staff park?
- The access road to the car park behind the application site is regularly blocked preventing access including by emergency vehicles. Object to the application and urge BMBC to formally adopt the road/drive, add cross hatchings/double yellows and allow their traffic team to enforce them.

A further representation was received raising the following issue:

- I object to the proposal to make the front windows bigger as it would change the character of this fine old (if a little neglected) building. I'm not against the change of use as it needs renovating but I think we need to preserve the buildings of character.

Assessment

The main issues for consideration are as follows: *(add/delete where necessary)*

- The principle of the proposed use in this town centre location.
- The impact on the character of the area and the setting of the nearby listed building
- The impact on neighbouring residential properties
- The impact on highway safety

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of development

The application proposal is for a main town centre use in a town centre location. In addition, the proposal is in a district of the town centre where Local Plan policy BTC17 indicates that food and drink uses will be allowed; and on a street where Local Plan policy BTC2 indicates that late night uses will be encouraged subject to consideration of criteria. The principle of the proposed use is therefore considered to be acceptable subject to consideration of details.

The impact on the character of the area and the setting of the nearby listed building.

The proposal will bring back into use a building which is vacant and looks to be in poor condition, to the benefit of the street scene and the vitality of the town centre. The proposal includes alterations to the front windows to deepen the openings, which have been negotiated with the applicant at pre-application enquiry stage to incorporate the retention of the window cills re-installed at a lower level and new jambs to complement the design to match the existing. All these details are noted on the proposed plans, together with details of the proposed aluminium red powder coated doors and window frames. Details of the proposed signage are also shown and are subject of a recent and yet to be decided advertisement consent application, but the details also reflect pre-application discussion. Consideration has been given to the objection to the proposed alterations to the front windows because they would change the character of the building. It is acknowledged that the building is of some quality and may well be broadly contemporary with the listed Temperance Hall. However, it is not listed, is not in the Conservation Area and is not locally listed. The building does have some merit in terms of its age, architectural quality and historic association with the adjacent number 30 Peel Street as together they formed the Market Corn Mill. This does not justify and approach that any alteration to the building must be resisted, and it is considered that with the negotiated design improvements the proposal is acceptable.

The proposal also includes a new metal finish extract canopy to be erected to the rear of the building. This would have a minor impact on the setting of the grade 2 listed Temperance Hall. However, as this impact is on the rear of the listed building, it is considered that the harm would be minimal. The rear of the premises, like the front, are in poor condition and the reuse of the building is expected to secure improvements to the appearance of the building (including an indication that the upper floors will be converted to residential flats, subject to a future planning application). It is concluded that reflecting the poor condition of the existing building, the proposal is acceptable, and the improvements outweigh the minimal harm to the setting of the nearby listed building.

Moderate weight in favour of the application is given to this material consideration.

Impact on neighbouring residential properties

The change of use of the premises from a nightclub/bar to a restaurant is not anticipated to result in unreasonable impact on the amenity of any neighbouring or nearby residents. The application site is in a part of the town centre where late night uses are encouraged, and the text associated with the local plan late night uses policy notes that late night uses are defined as those which open beyond midnight.

The application is supported by a noise report which considers a ventilation extraction system which has been designed to be at least 10dB below the background noise levels at the nearest windows – which have been assumed to be the windows at first and second floor above the application site. Reflecting the advice of the pollution control officer it is concluded that the proposal will not have an adverse effect on nearby residential property and a

condition is recommended to ensure that the parameters of the noise report are met in perpetuity.

Little or no weight in favour of the proposal is given to this material consideration.

Highway Safety

The application site is in a town centre location where the Parking SPD indicates that we will take into account the availability of public parking when considering proposals for non-residential parking. Noting also the excellent public transport links in Barnsley Town Centre, that this is an existing building which could be used as a pub/nightclub and that the Highway Engineer has not raised any objections to the proposed use, it is considered that the proposal is acceptable in the location and the proposal will not give rise to any highway safety concerns.

The application indicates that the rear storage area will continue to be used for bin storage, consistent with the operation of the previous business in the premises, and that bin lorries will access this yard via the car park to the rear of the premises.

The objections raised by the local business operator to the use of the access road and car park behind the application site relate to land that is outside of the red outline boundary, not under the control of the applicant (although it appears there are rights of access for servicing requirements) and are not reasonably related to the application proposal as they appear to relate to a longstanding problem with misuse of the access and car park.

Little or no weight in favour of the proposal is given to this material consideration

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a town centre site suitable for this main town centre use in the Local Plan and this weighs considerably in favour of the application.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions and holistically this weighs moderately in favour of the application.

Moderate weight in favour of the application has been afforded to bringing this vacant building back into use and to the proposed alterations which will secure details to complement the design of the building and will have caused minimal harm to the setting of the nearby listed building.

Little or no weight in favour of the application has also been afforded to the measures to ensure that the noise associated with the ventilation extraction equipment will be mitigated; and to the neutral impact on highway safety from the re-use of the building.

Having balanced all material planning considerations, whilst a number of objections have been received in respect to the proposal they have been suitably addressed. As a consequence, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is therefore, on balance, recommended for approval subject to conditions.

**RECOMMENDATION - GRANT PLANNING PERMISSION FOR THE PROPOSED
DEVELOPMENT**