
2021/1059

Mr Dumitrescu

Change of use from former beauty salon to hot food takeaway sandwich bar

65 High Street, Wombwell, Barnsley, S73 8HS

Site Location and Description

The application relates to a detached building fronting onto High Street, located at the junction with Melville Street within the district centre of Wombwell.

The ground floor has been previously split into two units with the application unit previously occupied by a beauty salon.

The High Street is characterised by a mix of uses synonymous with a town centre location.

Proposed Development

The applicant seeks permission for the change of use of the existing beauty salon to sui generis hot food takeaway sandwich bar.

The unit is proposed to be open 6am -11pm Monday to Sunday including Bank Holidays.



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. 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 TC 2 Primary Shopping Frontages

Proposals for 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 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

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.

Section 7 - Ensuring the vitality of town centres and is subsequent paragraphs relate to this development

Supplementary Planning Documents (SPD):

Hot Food Takeaways – provides guidance in the location and concentration of Hot Food Takeaways

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.

Consultations

Highways DC – No objections

Pollution Control – No objections subject to conditions.

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

Ward Councillors – No comments received.

Representations

The application was advertised by way of neighbour notification letters and a site notice; no representations have been received.

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 affect.

The site is within Wombwell District Centre; Policy TC2 Primary and Secondary Shopping Frontages states that A1 – A5 uses will be allowed on these frontages within the District Centres provided that the ground floor uses remain predominantly.

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.

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.

As a result of the above, SPD 'Hot Food Takeaways' states that planning permission will only be granted for hot food takeaways providing that no more than two A5 units are located adjacent to each other and there are no less than two non A5 units between groups of hot food takeaways.

Concentration

It is noted that there are other Hot Food Takeaways (Sui Generis) along High Street, however, there are none immediately adjacent to, or adjoining, the application site, as such, the proposal would not result in an overprovision, in accordance with the SPD.

Visual Amenity

The applicant has not proposed any external alterations to the building, however, if there are any future amendments required to the shopfront, they would be subject to further approvals.

In addition, the signage for the new use would be subject to a separate advertisement consent application.

Residential amenity

The site is located on High Street within Wombwell District Centre, which is predominantly commercial in nature. There are limited numbers of residential properties within the immediate area of the site. In any case, Peel Street host a number of late-night opening businesses including restaurants, pubs, clubs, takeaways and leisure activities. As such, 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. Given the lack of information submitted with the application, this information will be requested as a condition.

Highway Safety

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 site is located within a sustainable location within Wombwell District Centre and is served by good public transport links and public car parks. The area immediately outside the premises and along a significant stretch of High Street, there are parking restrictions including double yellow lines, preventing on street parking.

The business is in an area that would attract passing foot trade in the evening given the location of pubs and clubs and with regards to collections and deliveries, as outlined above there are parking laybys close by and the majority of the trade would be within the evening when the town centre is quieter and there is less demand on parking spaces.

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.

Summary

Taking into account the relevant development plan policies and other material considerations, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission for the scheme. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

Recommendation

Approve with conditions