
2019/1132

Applicant: BMBC – Regeneration and Culture

Proposal: Change of use from ancillary café associated with new library to separated restaurant/café unit (Use Class A3) (Retrospective)

Address: Falco Lounge, Unit R1, Unit 3, The Glass Works, Barnsley, S70 1GW

The application is referred to the Board as the Council is the applicant. No representations have been received.

Site Location & Description

The application relates to the restaurant/café unit within the Library@ the Lightbox building, a part of the Barnsley Town Centre Glass Works redevelopment, which is operating as the Falco Lounge. The unit is positioned on the southernmost aspect of the Lightbox where it faces May Day Green which is to become the new public square for the Markets District Area of the Town Centre. The building itself is formed predominantly of vertically orientated glazing framed by champagne coloured aluminium heads and jambs. The building has two entranceways on its eastern elevation with the one located in the northernmost position endowed with a canopy. A further entrance is provided internally which offers access to and from the new library as a component of its ancillary use.

Proposed Development

The application has been submitted to formally alter restaurant/café part of the building from it being ancillary to the library (which was the original intention) to it being a standalone planning unit. The main use of the unit as an A3 café/restuarant will be unchanged should the application be approved. The application has been submitted to ensure compliance with leasing conditions so that the unit has a dedicated A3 use class consent.

Background

Owing to the nature of the site there have been a larger number of applications in this location in the last few years, the most relevant of these to this application are:

2015/0549 - Outline application with all matters reserved comprising of a mixed use development of Barnsley Markets and adjoining land following demolition of existing offices, bridge, part of existing market hall and multi-storey car park to provide a replacement refurbished retail / market floorspace, new retail / food and drink (Use classes A1, A3, A4), a cinema (Use Class D2), a library (Use Class D1), and new public open space, access road and associated servicing arrangements, car parking and a pedestrian footbridge across the adjacent railway to the site of the former CEAG building. Granted permission with conditions 08/07/2015.

2016/0924 -Reserved matters application including details of access, appearance, landscaping, layout and scale in relation to the construction of a new public library (Phase 1) of outline application 2015/0549. Granted planning permission with conditions 27/10/2016.

2016/1504 - Variation of condition 2 of previously approved 2016/0924 to allow refinements to design of the public library and change the mezzanine into a full floor. Granted planning permission with conditions 22/02/2017.

2017/0135 – Proposed refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1 ,A3, A4), and leisure (D2) uses - Reserved matters of outline planning permission 2015/0549 (access, appearance, layout and scale, excluding landscaping) – Planning Permission granted with conditions 20/04/2017.

2018/0279 - Erection of permanent structures and associated public realm works. Granted planning permission with conditions 25/07/2018.

2019/0469 – Installation of 1 no. internally illuminated fascia sign, 1 no. internally illuminated & positioned light box sign and 1 no. internally illuminated menu board. The application was submitted by Lounges Ltd/Falco Lounge who occupy the A3 unit neighbouring the library within the Lightbox building and therefore was decided under delegated authority. Advertisement consent granted with conditions 28/06/2019.

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 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). The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan

Relevant Local Plan policies include:

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.

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.

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.

TC1 – Town 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.

TC2 – Primary and Secondary Shopping Frontages - Proposals for retail (A1-A5) uses will be allowed on Primary and Secondary Shopping frontages in Barnsley Town Centre and the District Centres.

BTC1 – The Daytime and Evening Economies - We will work with developers and operators to diversify the daytime and evening economies (particularly early evening)

Preference will be given to pubs, clubs, restaurants, cafés and night time entertainment uses.

BTC12 – The Markets Area District - We will allow shops, offices, leisure developments, and food and drink uses within the Markets District.

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.

Consultations

Ward Councillors – No comments have been received.

Highways Development Control – No objections.

Pollution Control – No objections received.

Representations

The application was publicised by neighbour notification letters and a site notice. No comments have been received.

Assessment

Principle of Development

The site is located within the Markets Area of the Town Centre. The current and proposed use as an A3 Class café/restaurant upon a secondary shopping frontage is in line with the requirements of Local Plan Policies TC1, TC2, BTC1 and BTC12 as the unit appropriately caters for the daytime and early evening uses that will ensure the vibrancy, vitality and viability of the town centre.

The change of Unit R1 from an ancillary use complimentary of the library to that of a standalone A3 unit is largely a legal interpretation established in case law. Materially the change will not alter the use of the library or the Falco Lounge as they are currently experienced and the standalone A3 consent will continue to benefit the library into the future. Indeed the applicant has confirmed that the internal door shared between Unit R1 and the library will remain intact and in use to this effect. Consequently, the principle of the change from ancillary to a standalone planning unit is recommended as acceptable to board as it will allow the use to continue to contribute to the viability and vitality of Barnsley Town Centre.

Residential Amenity

The site is located within an established commercial town centre area, with no residential properties in close proximity of the building. Indeed the ancillary use has been established for approximately four months without incident from a planning perspective and will continue in the same format as an independent planning unit. As such, it is anticipated that there will be no detrimental effect from the proposed change for local residents than what is currently experienced and it will not be prejudicial to the amenity of surrounding units in line with the requirements of Local Plan policies GD1 and D1.

Visual Amenity

The building is of a high quality appearance which has been enhanced by the fit-out and signage installed by the occupier of the unit (Loungers Ltd). It is not expected that the change from ancillary to independent will alter the aesthetic quality or appearance of the building. As such the use is considered to be in line with Local Plan Policies GD1 and D1 as it is appropriate to the scale, role, function and character of the Lightbox and the surrounding area.

Conclusion

The proposal raises very few issues in that it solely consists of a technical exercise to mean that the existing A3 café/restaurant (use class A3) becomes classified as a separate planning unit, instead of the original intention of it being ancillary within the library. There are no concerns with this proposal from a planning policy perspective as the café/restaurant use is in line with the requirements of Local Plan Policies TC1, TC2, BTC1 and BTC12 in terms of being an acceptable use in this part of the town centre. In addition the proposal does not generate any issues from a residential amenity or highways perspective. No other material considerations have been identified against the proposal which means that the Officer recommendation is to grant planning permission.

Recommendation

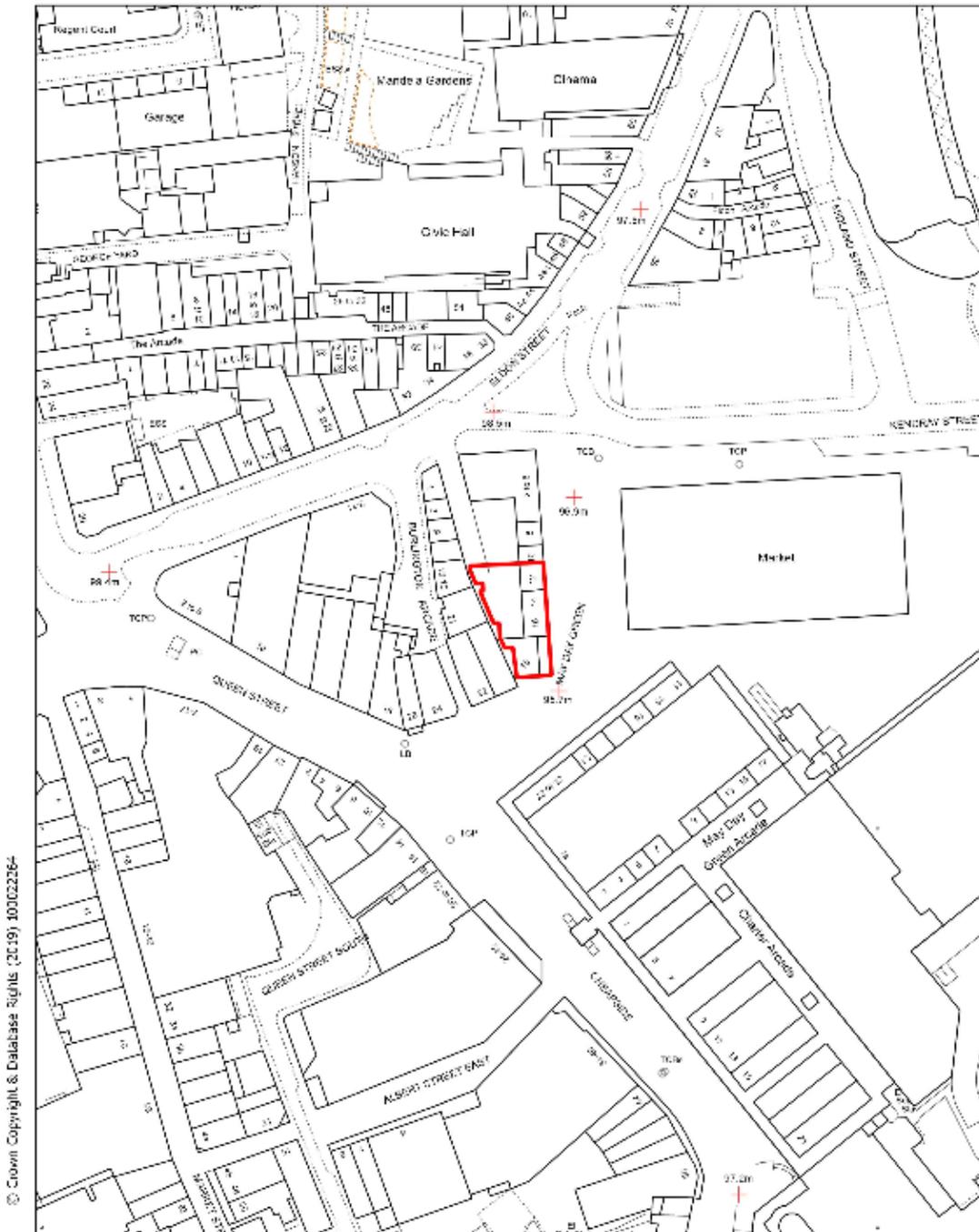
Grant subject to conditions:

- 1 The development hereby approved shall be carried out strictly in accordance with the plans (20191132 Site Plan and Location Plan) and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

PA Reference:-

2019/1132



BARNSELY MBC - Regeneration & Property



Scale: 1:1250