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**2018/0865**

**Applicant:** Ms Lynn Dunning (BMBC)

**Description:** Change of use of from residential use to mixed use café and artist studio

**Site Address:** Cottage associated with Cooper Art Gallery, 10 Eastgate, Barnsley. S70 2EX

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### **Site Description**

The application relates to two storey stone building that sits adjacent to the Cooper Gallery and fronts onto Eastgate. The building itself is not listed however; it does sit within the Regent Street/Church Street/Market Hill Conservation Area. The property abuts a three storey terrace block to the south and is constructed of coursed punch face local sandstone and a gable pitched slate roof. The rear of the building faces into the rear courtyard of the Cooper Gallery.

### **Proposed Development**

The applicant is seeking permission for the change of use of the existing building from residential to a mixed use art studio space with associated café. The majority of works will be internal to provide additional space for Art Studios at first floor level and break out, Café / Refreshment space at ground floor level. A minor external alteration is also proposed, with a new entrance and porch being provided to the western elevation, facing into the courtyard. The extension will have a projection of 0.9m and will project along the rear elevation by 2.5m, with a maximum height of 2.3m.

The proposed opening hours of the new café are 09.00 to 16.00 Monday to Saturday.

### **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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean increasing weight can be given to the policies contained within the document although, in accordance with paragraph 48 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

### Core Strategy

CSP 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

CSP 30 ‘The Historic Environment’ – Development which affects the historic environment and Barnsley’s heritage assets and their settings will be expected to protect or improve the character and appearance of Conservation areas and Listed Buildings.

CSP 31 – Town Centres – states that support will be given to maintaining and enhancing the vitality and viability of Barnsley Town Centre and that the majority of new retail and town centre development will be directed here.

CSP40 ‘Pollution Control and Protection’ states that the Council shall not allow development of new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that they can be mitigated against.

### Saved UPD Policies

UPD Policy ED9 states that the conversion of existing buildings to employment use will be encouraged subject to consideration of the impact on residential amenity, visual amenity and highway safety.

TC51 – states that development proposals will be considered in the context of policy areas and specific policies relating to Town End are set out. Development opportunities in the Town End area should provide uses which are appropriate to the Town Centre.

### SPDs/SPGs

SPD ‘Parking’ provides parking requirements for all types of development.

### NPPF

The National Planning Policy Framework (NPPF) Section 16 – Conserving and Enhancing the Historic Environment, states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.

## **Consultations**

Highways DC – No objections

Conservation Officer – No objections to proposal

Ward Councillors – No comments received

## **Representations**

Notification letters were sent to surrounding properties and a site notice and press notice were posted. No comments or representations were received.

## **Assessment**

### Principle of Development

The proposed site is located within a Conservation Area. As such, the development will be expected to protect or improve the character and appearance of the Conservation area. The change of use of the premises is considered acceptable where there is no detrimental impact on residential amenity by means of noise and disturbance, visual amenity or highways safety.

The unit is located within the town centre, where there are a mix of uses including A1, A3 and A5. The proposed use would fit in with the character of the area and further support the existing use of Cooper Gallery, providing additional facilities to complement the Gallery. Furthermore, the proposed new development would allow for the creation of new employment opportunities within Barnsley Town Centre

### Residential Amenity

The site lies within a predominantly commercial and leisure orientated part of the town centre, with Barnsley College located on the opposite side of Eastgate. There are some residential properties located within the nearby buildings. However, given the type of uses proposed, café and artist's studio, and the opening hours being 09.00 to 16.00 Monday to Saturday, they are unlikely to be significantly affected by the development.

### Visual Amenity

The majority of changes will be internal, with only a small single storey extension proposed in order to facilitate a new entrance to the café. The extension will be located on the elevation that faces into the courtyard that the building shares with the Cooper Gallery and so will not be highly visible from the highway.

The proposed new entrance porch is designed to harmonise with the existing building and the proposed materials are respectful of both the original building and wider conservation area. The Conservation Officer has not raised any objections to the proposal and so it is considered acceptable.

## Highway Safety

No off road parking spaces are proposed. However, the unit is located within Barnsley town centre with numerous car parks and access to regular public transport. Furthermore, there are parking restrictions immediately to the front of the unit to control parking/waiting on the highway.

Highways DC have raised no objection to the proposal and so it is considered to be acceptable.

## **Recommendation**

**Approve** – subject to conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing No. 3172 (0-) & 3172 (0-) 01 Rev. A) 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 LDF Core Strategy Policy CSP 29, Design.**
- 3 The cafe use hereby permitted shall be carried on only between the hours of 0900 to 1600 Mondays to Saturdays and at no time on Sundays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

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