
2019/0186 and 2019/0188

Applicant: Adroit Consultation Limited

Description: **2019/0186** - Conversion of first and second floor into 14no apartments.
2019/0188 - Conversion of ground floor into 11no apartments, an A3 unit and a commercial (A1, A2, A3 & B1a) unit, including mezzanines.

Site Address: The Permanent Building, Church Street/Regent Street, Barnsley, South Yorkshire, S70 2EH

The application is referred to the Board as the recommendation is the subject of a proposed S106 Agreement. 2 representations have been received from members of the public (one in support and one expressing concerns).

Site Location & Description

The applications relate to the former Barnsley Building Society/Raley's solicitors, a high profile building located in the heart of Barnsley Town Centre on the corner of Church Street and Regent Street, opposite the Town Hall.

The building is of considerable stature owing to its corner location, its 3 storey size, architectural detailing and Yorkstone facing materials. It is not listed but is located in the Market Hill Conservation Area. It has now been stood vacant for a number of years since being vacated by Raley's. Internally the ground floor provides a former banking hall with high ceilings, original 1930's stained glass roof lights and marble wall coverings. The first and second floors are arranged as offices and boardrooms. The building was substantially refurbished in 2008.

The adjoining building to the north which most recently was home to Barclays Bank is Grade II listed. This is also stood vacant at the present time. Adjoining to the East, fronting Regent Street, is an estate agents which is grade II listed. Directly opposite the site to the West is Barnsley Town Hall, which is also grade II listed. To the South on Regent Street is an estate agent. Further down is a mixture of office buildings including estate agents and solicitors, a restaurant and former offices which have been converted into flats. At the base of Regent Street is the Transport Interchange.

Proposed Development

The applicant seeks permission to create 25no. residential units and 2no. commercial units within the Permanent Building. However, the proposal is split into 2no. applications:-

Application 2019/0186 relates to 14no. apartments on the first and second floors made up of 5no. studios, 5no. 1 bed units and 4no. 2 bed units.

Application 2019/0188 relates to the conversion of the ground floor into 11no. residential units made up of 3no. studios, 7no. 1 bedroom apartments and 1no. 2 bedroom unit. The majority of the properties would have a mezzanine level. The application also includes the creation of an A3 unit, with mezzanine level, to the North of the Main entrance and a commercial unit (A1, A2, A3 & B1(a)) within the centre of the building.

The applications will be assessed together under the headings set out below.

Policy Context

The new Local Plan was adopted at the full Council meeting held 3th 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 site is located in the Courthouse Campus area of the Town Centre where the relevant site specific policy is BTC21. Acceptable forms of development in this area are listed to be as follows:-

- Education and community facilities.
- Offices.
- Developments designed to support the creative and digital industries.
- Residential development, including live-work units.
- Multi storey car parking.
- A new public park and improved public spaces.

In addition the following Local Plan policies are also relevant:-

TC1 Town Centres

TC2 Primary and Secondary Shopping Frontages

H1 The Number of New Homes to be Built

H6 Housing Mix and Efficient Use of Land

H7 Affordable Housing

HE3 Developments affecting Historic Buildings

T3 New Development and Sustainable Travel

T4 New development and Transport Safety

SD1 Presumption in favour of Sustainable Development

LG2 The Location of Growth

GD1 General Development

D1 High Quality Design and Place Making

Poll1 Pollution Control and Protection

GS1 Green Space

BIO1 Biodiversity and Geodiversity

CC2 Sustainable Design and Construction

CC4 Sustainable Drainage System (SuDS)

Policy RE1 Low Carbon and Renewable Energy

I1 Infrastructure and Planning Obligations

SPD's/PAN's

Following the adoption of the Local Plan on 3rd January 2019 a suite of 18 new and updated Supplementary Planning Documents have been prepared. These were adopted by the Council on 23rd May. The proposals have been considered in relation to the following SPD's:-

- Financial Contributions for Schools
- Shop Front Design
- Design of Housing Development
- Open Space Provision on New Housing Developments
- Affordable Housing
- Heritage Impact Statements

In addition the Parking SPD that was adopted back in 2012 remains the most up to date policy document for assessing that issue.

Other

South Yorkshire Residential Design Guide

NPPF

The 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.

Paragraphs of particular relevance to this application include:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 91 - Planning policies and decisions should aim to achieve healthy, inclusive and safe places

Para 109 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 124 - The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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.

Consultations

Affordable Housing Officer – No objections as the Officer accepts that the Vacant Building Credit can be applied to the proposals and that no affordable housing provision can be sought as a result.

Conservation – No objections.

Contaminated Land Officer – No objections

Drainage – No objections.

Highways – No objection. The low amount of parking provision proposed is considered acceptable by them because of the town centre location of the building.

Policy – No objections as the mix of uses proposes accords with those specified within this part of the town centre - BTC21 Courthouse Campus.

Pollution Control – Require conditions to ensure that the recommendations of the noise survey are implemented to prevent unacceptable levels of amenity caused by the night-time economy.

Civic Trust – Support the application as it would bring back into use an important building located within the town centre. They also comment that the apartments appear to be of a suitable size and incorporate provision of an internal lift and ramped pedestrian facilities to facilitate access by all potential user groups.

SY Police Architectural Liaison Officer – Raise no objections to the proposals in principle. However they have recommended that the applicant applies for Secured by Design and that the development includes access control and additional security requirements for buildings containing multiple dwellings or bedrooms.

Yorkshire Water – No objections.

Representations

Consultation letters were sent to neighbouring properties and a site notice was erected on Church Street, as well as press notices in the local newspaper for both applications. Two letters have been received as a result of the consultation, one raised concerns with the parking arrangements and area allocated for waste storage and the other offered support to bringing the building back in use, but wished to see additions such as external downlighting, a roof garden, provision of lighting to the rear and public toilets.

Assessment

Principle of Development

The site sits within the Courthouse Campus District of Barnsley Town Centre. The District is in a prime town centre location, situated close to the Transport Interchange and shopping area, and is currently inefficiently used. It also incorporates part of the Market Hill Conservation Area. Policy BTC21 'Courthouse Campus' sets out the types of development

that can be accommodated within the district, which includes residential and commercial development. This makes the proposed uses acceptable in principle.

The site is also within the Market Hill Conservation Area and immediately adjacent multiple Listed Buildings. As such, the development will be expected to protect or improve the character and/or appearance of the Conservation Area and Listed Buildings.

It should be noted that the building has been empty since circa May 2016. The property has been marketed since then and no offers for commercial use were received compared to 3no. conditional offers, subject to planning permission, for residential development. In such circumstances the national planning policy position is that decisions should support efforts to identify and bring back into residential use empty homes and other buildings in order to deliver new homes, in order to limit/reduce pressures on the release of greenfield and Green Belt land. The development would contribute towards those sustainable development objectives therefore.

Design & Visual Amenity

Local Plan policy H6 'Housing Mix and Efficient Use of Land' states 'Housing proposals will be expected to include a broad mix of house size, type and tenure'. The proposed scheme includes 8no. studios, 12no. 1 bedroom units and 5no. 2 bedroom units, as such, there is an acceptable mix in accordance with the policy.

No external alterations are proposed as part of the application and the proposed units would utilise the existing space and openings. There are numerous alterations provided internally but these would work with the existing building structure and openings. The mezzanines on the ground floor would be set back from the external elevations of the building so as not to cut across the openings or be highly visible from outside, as such, the character of the Conservation Area and neighbouring listed buildings would be conserved, in accordance with Local Plan policy HE3.

The building does not currently have large display windows at ground floor or a big interaction with the street scene, as some neighbouring commercial buildings do. As such, curtains/blinds and other residential paraphernalia within the windows would not have a negative impact on the visual amenity of the street scene. However, some public interaction with the building at street level with the building is desirable as that is an element associated with the building through its previous uses and is also reflective of neighbouring buildings at ground floor level. As such, the applicants have included an A3 use and commercial unit within the building to retain this interaction with the street.

The proposed commercial unit would be directly opposite the main entrance to the building which would be utilised by residents and the customers of the A3 unit and commercial unit. This would be glass fronted and flood the shared spaces with light given that it would be directly below the largest of the 3 existing glazed roof domes. The domes are an important feature of the building and the glazed walls would not only allow light through but also views to the dome.

Residential Amenity

The building is located within Barnsley Town Centre where there is noise and disturbance generated, including during the evenings and at weekends. The neighbouring uses are generally relatively low noise generating during unsociable hours such as the town hall, offices and estate agents. However, there are some pubs and restaurants within relative close proximity to the South of the site fronting Church Street and Market Hill. There is also a taxi rank immediately to the West of the building on Church Street which could generate noise and

disturbance during unsociable hours. Notwithstanding there are have been a number of applications approved for residential development within the immediate area including Regents Court, Regent House, 9 Regent Street and Yorkshire House. In addition the application is accompanied by a noise survey which proposes that the rooms are fitted with sound reduction vents that would provide an alternative to opening windows to allow fresh air into them. This would enable noise levels to remain within acceptable limits. Also a condition is needed to agree details of suitable air handling plants for the commercial units to ensure that they would not harm residential amenity levels via causing unacceptable levels of noise or odour.

Given the separation distances to the existing residential units within the area, the creation of the habitable room windows would not increase overlooking to an unreasonable degree and the noise and disturbance generated by future residents would not reduce residential amenity for the existing residents within the area, or the users occupying neighbouring buildings.

In terms of the internal spacing for future residents, all units meet or exceed the requirements set out in the South Yorkshire Residential Design Guide. It is acknowledged that plot 8 is a studio with 35m² of living space, greater than the 33m² required. However, part of the living space is on a mezzanine, as such the floor space is split, not entirely in-line with the definition of a studio. Given the double height living area, and the mezzanine level being open to the living space, it would still be a sufficiently light and airy unit.

All units and all habitable rooms would be served by adequate openings providing reasonable levels of light and outlook. It is acknowledged that there is no external amenity space proposed as part of the development. Given the building is existing there is no opportunity to provide shared space and it would be difficult to retrofit balconies, not to mention the impact they would have on the Conservation Area and neighbouring listed buildings. However the building is located within Barnsley town centre where numerous facilities are within the immediate area, including leisure facilities and local parks/recreation grounds. The proposal is judged acceptable in context and as the development would make a financial contribution towards the enhancement of open space facilities off site (see Green Space heading).

The commercial unit in the centre of the ground floor is to have glass walling which would provide natural light to the shared corridors given there is an existing glazed dome above that unit.

In terms of the commercial units they would not conflict with the proposed residential use. There is an A3 use proposed adjacent to the main entrance to the building and the aforementioned unit in the centre of the building would be for A1, A2, A3 or B1a purposes.

Highway Safety

8 parking spaces are proposed to the rear of the building which utilises an existing parking area. Evidently this is less than the number of flats proposed. However there is no requirement to provide a parking space for each unit because of the Barnsley Town Centre location where the building is within walking distance of public transport and a number of services. It is highly feasible for residents to reside within the building and not require a car therefore. Highways have been consulted on the application and have raised no objections.

Open Space, education and affordable housing

Whilst the proposal has been submitted as two separate applications, that is not considered an acceptable way to bypass policies that require provisions relating to these matters that are based upon the overall number of dwellings proposed. Provision requirements have therefore been assessed as though this was a single application.

Green Space

Provision is required for all developments of 20 or more dwellings. As there is no opportunity to provide open space within the site, Supplementary Planning Document: Open Space Provision on New Housing Developments sets out contributions per dwelling for off-site provision of Green Space. In accordance with these calculations, the total contribution required for this development is £21,481.80. The developer has agreed to pay this amount and it will be subject to a S106 legal agreement.

Education

SPD 'Financial Contributions to Schools' states that financial contributions will be needed where a scheme provides 10 or more homes. However, the document goes on to state that single bedroom homes will not be required to provide a financial contribution as these types of homes are usually occupied by people who are unlikely to have dependent children of school age living with them.

The proposed scheme has 20no. single bedroom homes and only 5no. 2 bedroom units. The Education Officer considered the likely generation of pupils from the development to be too low to require a financial contribution.

Affordable Housing

Local Plan policy H7 'Affordable Housing' states that provision should be sought on all developments of 15 or more dwellings. 10% is the usual requirement in this area which would equate to 2no. units. However no provision can be insisted in this case as the floorspace of vacant buildings can be offset against the affordable housing requirements by an equivalent amount. This national policy known as the Vacant Building Credit means that no affordable housing provision can be sought for the development.

Conclusion

This report presents Officers findings in relation to two separate planning applications affecting the same building. There is considerable overlap between the two in that overall they are about converting the building into flats, with the exception of two new A use commercial units that would be provided on the ground floor. This range of uses accords with the list of acceptable uses specified within Local Plan policy 'BTC21 Courthouse Campus' making the two applications acceptable in principle. In addition the development would bring back into productive uses an empty building, delivering a significant number of new homes on a previously developed site making it a highly sustainable form of development when also taking into account of its Town Centre location.

Overall it has been assessed that the design of the development has been approached in a sympathetic and sensitive manner, making an efficient use of the site and providing good quality residential accommodation. This would mean that the plans would conserve the heritage value of the Market Hill Conservation Area and setting of nearby listed buildings whilst safeguarding the amenity of existing residents and providing adequate levels of amenity for occupants of the proposed dwellings, subject to the provision of noise attenuation measures that would need to be guaranteed via the imposition of suitably worded conditions. The proposals are also considered acceptable in all other respects, including the amount of parking provision taking into account the ultra-sustainable location of the site in the heart of the town centre near to the Transport Interchange. It is therefore recommended that both applications are granted planning permission subject to the applicant entering into a 106 Agreement to secure the Open Space contribution detailed within the report.

Recommendation

Approve both applications subject to conditions & S106 Agreement (Provision of Greenspace contribution)

2019/0186

- 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 (Proposed First Floor Plan & Proposed Second Floor Plan dated 02.05.2019) 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.
- 3 Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure compliance with Local Plan Policy I1.
- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 5 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

The scheme of works shall;

a) Be based on the findings of the noise impact report, reference NIA/8349/19/8285/v2/Church St, Barnsley, submitted with the application.

b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).

c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable rooms.

Reason: In the interests of the amenity of the future residents of the scheme in accordance with Local Plan Policy Poll1 'Pollution Control and protection'.

2019/0188

- 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 (Proposed Ground Floor Plan & Proposed Mezzanine Plan dated 07.05.2019) 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.

- 3 Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure compliance with Local Plan Policy I1.

- 4 The A3 use and commercial (A1, A2, A3 & B1(a)) unit hereby permitted shall be carried on only between the hours of 07.00 to 22.00 Mondays to Fridays, 08.00 to 22.00 on Saturdays and 09.00 to 20.00 on Sundays and Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with **Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.**

- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.

- 6 The residential accommodation hereby permitted shall not be occupied unless a scheme of sound insulation works has been installed and thereafter retained. Before the scheme of sound insulation works is installed full details thereof shall first have been submitted to and approved in writing by the Local Planning Authority.

The scheme of works shall;

- a) Be based on the findings of the noise impact report, reference NIA/8349/19/8285/v2/Church St, Barnsley, submitted with the application.
- b) Be capable of achieving the following noise levels:
Bedrooms: LAeq (8 hour) - 30dB (2300 to 0700 hours);
Living Rooms & Bedrooms: LAeq (16 hour) - 35dB (0700 to 2300 hours);
Bedrooms: LAFmax - 45dB (2300 to 0700 hours).
- c) Where the above noise criteria cannot be achieved with windows partially open, include a system of alternative acoustically treated ventilation to all habitable

rooms.

Reason: In the interests of the amenity of the future residents of the scheme in accordance with Local Plan Policy Poll1 'Pollution Control and protection'.

- 7 Prior to the commencement of the use of the A3 and the other commercial unit, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details

Reason: In the interests of the amenity of neighbouring residents in accordance with Local Plan Policy Poll1 'Pollution Control and protection'.

PA Reference:-

2019/0186 and
2019/0188



BARNSELY MBC - Regeneration & Property



Scale: 1:1250