
2019/0774

Applicant: Dr Lee Jones

Description: Conversion of the first and second floor offices to 21no apartments and associated external alterations.

Site Address: Hoyland Town Hall, High Street, Hoyland, Barnsley, S74 9AD

2 letters of objection received. The application is subject to a S106 agreement for Open Space contribution.

Site Location & Description

The application relates to the first floor and second floor of Hoyland Town Hall. The building has recently undergone an external facelift through render and wood effect cladding. There has also been a number of fenestration changes and the replacement of window/door units. In addition, there have been extensions to the rear (South) of the building to accommodate new retail uses. The alterations to the building form part of an overall regeneration of Hoyland Town Centre.

The town hall itself currently contains a super market on the ground floor which has its main entrance to the North onto High Street. The first and second floors of the building are accessed from the South and are currently vacant. The first and part of the second floor previously accommodated Local Government Offices, including a Council chamber. Part of the second floor accommodated a job centre for a number of years.

The site sits within Hoyland Town Centre and, as such, is surrounded by a number of retail and commercial units including an open market to the East and Health centres to the South and West.

Proposed Development

The applicant seeks permission to convert the first and second floors of the building into residential units. There would be a total of 21 units with a split of 6no. studio apartments, 11no. 1 bed apartments and 4no. 2 bed apartments.

Pedestrian access to the apartments is from the ground floor level, to the West of the building. Adjacent to the access point there are a bin store and secure cycle store proposed for the use of residents.

Limited external alterations are proposed to the building, given that it has recently been externally renovated. The main external changes would be the replacement of a number of existing windows with uPVC units and the installation of vents.

Planning History

2017/0626 – Change of use of part of the former Hoyland Town Hall from part office B1 use to 28 residential apartments (application for prior approval) – Prior Approval refused

2017/0995 – Change of use from Sui Generis office use to B1 offices (Certificate of Lawfulness) – Refused

2017/0994 – Conversion of first and second floors into 27 residential apartments – refused and appeal dismissed

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 allocated as a District or Local Centre within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy H1 The Number of New Homes to be Built

Policy H6 Housing Mix and Efficient Use of Land

Policy T3 New Development and Sustainable Travel

Policy T4 New development and Transport Safety

Policy SD1 Presumption in favour of Sustainable Development

Policy LG2 The Location of Growth

Policy GD1 General Development

Policy D1 High Quality Design and Place Making.

Policy Poll1 Pollution Control and Protection

Policy CC2 Sustainable Design and Construction

Policy CC4 Sustainable Drainage System (SuDS)

Policy RE1 Low Carbon and Renewable Energy

Policy I1 Infrastructure and Planning Obligations

SPD's/PAN's

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking

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

Yorkshire Water – No objections

Pollution Control – No objection subject to conditions

Highways – No objections subject to condition

Affordable Housing Officer – Planning Inspector stated VBC (Vacant Building Credit) relevant on this building

Drainage – No objections.

South Yorkshire Police Architectural Liaison Officer – No objections

Superfast Broadband – No Comments

Ward Councillors – No written comments

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter. 2 letters of objection have been received as a result. The main points of concern are:

- Inappropriate use of building
- Lack of parking

Assessment

Principle of Development

Policy LG2 of the Local Plan identifies Hoyland as one of the Principal Towns which are expected to accommodate significantly more growth than the villages. Policy H5 refers to residential development on large non-allocated sites and states that residential development on these sites will be supported where they are located on previously or part previously developed land, are located within Urban Barnsley, Principal Towns and Villages, are accessible by public transport

and have good access to a range of shops and services. The principle of the development would therefore comply with Policies LG2 and H5.

All new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety.

Planning application 2017/0994 was refused for the conversion of the first and second floors of the town hall into 27 apartments for the following reason;

The development would provide substandard levels of amenity for occupants, provide an insufficient mix of unit types, including no "affordable housing" in accordance with policy requirements and would provide no other contributions to local infrastructure. As such, substantial weight is given to the harm identified which would significantly and demonstrably outweigh the benefits, due to the development being contrary to CSP 14 'Housing Mix and Efficient Use of Land', CSP 15 'Affordable Housing', CSP 40 'Pollution Control and Protection', SPD 'Designing New Housing Development, SPD 'Parking', SPD 'Open Space on New Housing Developments' and the South Yorkshire Residential Design Guide.

The applicant appealed the decision but the appeal was subsequently dismissed. It should be noted that application 2017/0994 was determined under the Core Strategy and saved UDP policies, however, the planning Inspector had regard to Local Plan policies as the appeal was determined post Local Plan adoption. As such, the current application for 21 units should have addressed the previous reason for refusal; this will be discussed under the following headings;

Housing Mix

Policy H6 'Housing Mix and Efficient Use of Land' of the Local Plan states that housing proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and balanced communities.

The reason for refusal of application 2017/0994 refers to an 'insufficient mix of unit types'. That application was made up of 18no. studio apartments, 8no. 1 bed apartments and 1no. 2 bed units. In the inspectors report she stated that :

'I have had regard to the fact that the proposed development seeks to convert an existing building and is therefore somewhat constrained by the size of the building itself which could restrict a more varied size and type of property... consider that although the development does not fully comply with the policy intention in this regard, the town centre nature and constraints of the building would outweigh this conflict.'

However, despite the Planning Inspectors comments the applicants have decided to take the Councils advice on board and improve the mix in this application. They are now proposing 6no. studios, 11no. 1 bed apartments and 4no. 2 bed apartments, as such, the current scheme meets the requirements of Policy H6.

Residential Amenity

The previous application was partially refused in that it would 'provide substandard levels of amenity for occupants'. This was a result of a number of units failing to meet the internal spacing standards set out in the South Yorkshire Residential Design Guide. However, every unit in the current proposal exceeds the total floorspace requirement and the individual rooms meet or exceed the requirements. The applicant has also introduced a storage area into each unit which was lacking previously. As such, the proposal now meets and exceeds the requirements set out in the South Yorkshire Residential Design Guide and Local Plan Policy GD1.

The amenity levels of the future occupants of a number of the apartments on the previous scheme were also compromised where they were positioned on the internal angle of the North and North East elevations. This was due to compromised levels of light and privacy. These units at both first and second floors have since been redesigned to be dual aspect which allows more light into the units and avoids the windows of neighbouring units directly facing each other, as such, again, the current scheme partially addresses the previous reason for refusal and meet the requirements of Local Plan Policy GD1 and SPD 'Design of Housing Development'.

In all other aspects the proposed apartments are considered to provide acceptable levels of residential amenity for future occupants, as well as maintaining amenity levels for adjacent residents and building users, in accordance with SPD 'Design of Housing Development' and Local Plan Policy GD1.

Noise

The application has been accompanied by a Noise Survey. The Survey concludes that adequate internal levels could be achieved with sound reducing windows, doors, walling and ventilation.

During the previous application the Regulatory Services Officer raised concerns with the initial noise survey as no measurements were recorded from the rear of the building which accommodates the service yard to the recently built commercial units. However, a revised survey has since been submitted and Regulatory Services have raised no objections subject to the mitigation measure set out in the report being conditioned.

Design & Visual Amenity

The upgrade of the envelope of the building, including cladding and fenestration amendments was approved under the applications relating to the regeneration of Hoyland Town Centre.

The only external alterations proposed as part of this application relate to the mitigation measures set out in the Noise report, including the upgrading of the windows that have not already been replaced and the installation of ventilation grills to serve the apartments. In addition mirror film is proposed on the windows on the western elevation due to its proximity to the Hoyland Centre which will allow light and privacy to be maintained to an acceptable standard. Details of this mirror film are conditioned. These alterations are illustrated on the submitted elevation drawings and would maintain the visual amenity of the streetscene, in accordance with Local Plan Policy D1.

Affordable Housing

Local Plan Policy H7 'Affordable Housing' states that Housing developments of 15 or more dwellings will be expected to provide affordable housing. Within Hoyland a percentage of 10% of the development is expected to be affordable.

Affordable housing was discussed at length through the appeal process for the previous application where 27 units were proposed. The applicant stated that they believed Vacant Building Credits were applicable for this development.

National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought.

With regards to the application of the Vacant Building Credits, the Planning Inspector had the following comments

'The property is currently vacant at the first and second floors. It is evident that the building was not vacated purely for the purposes of the VBC and it has not been abandoned nor is subject to an extant or recently expired planning permission. As the proposed development would involve the refurbishment of the existing building and not result in an increase in floorspace, the PPG advises that a 100% credit should therefore apply...I have therefore given this substantial weight and find that it outweighs the policy conflict in this instance'.

Given that the current proposal is for fewer apartments than the previous scheme and that there is still no new floorspace to be created, then Vacant Building Credits are still relevant for this application and, as such, there is no affordable housing provision required.

Green Space

SPD 'Open Space provision on new housing developments' states that an open space contribution is required on all new housing developments of 20 or more dwellings including flats. Appendix 2 'contributions per dwelling for off-site provision of green space' outlines the contribution per unit based on the number of bedrooms. There are 17 studio and 1 bed units which require a contribution of £693.01 each and 4no. 2 bedroom units which requires a contribution of £1524.32 each, therefore, the total contribution required for the development is £17,878.45.

The applicant has agreed to pay the full amount which will be secured through a legal agreement.

Education

SPD 'Financial contributions towards schools' states that a financial contribution will be needed for planning applications for housing developments where;

- The scheme provides 10 or more homes; and
- There is insufficient capacity in schools; or
- There is a need for contributions to ensure schools are in an appropriate condition

However, the SPD goes on to state that when assessing the need for a contribution will consider how many pupils a development will generate. Given that the majority of the units are 1 bedroom, the scheme is unlikely to generate a significant number of pupils as the development will not be focused towards families, as such, a financial contribution towards school places is not required in this instance.

Highway Safety

SPD 'Parking' requires 1 space per residential unit of 2 bedrooms or less. However, the building is located within a highly sustainable location in the heart of a district centre. There are a number of shops and facilities within walking distance and both to the front and rear of the building are bus stops which host a regular bus service. Furthermore, Elsecar Train station is also within walking distance of the building providing direct access to Leeds, Huddersfield, Barnsley, Sheffield and beyond.

There are public car parks within close proximity of the site and the applicant has proposed a secure cycle store area for residents.

Highways have been consulted on the application, and given the accessible nature of the site, have raised no objections to the scheme.

Conclusion

The occupation of the building for residential use, is something which would afford significant weight as a benefit of the scheme given the sustainable location of the site and the fact it would make efficient use of land and contribute towards housing requirements.

The revised scheme would now provide acceptable levels of amenity for occupants, which exceed the requirements of the South Yorkshire Residential Design Guide. The scheme would also provide a sufficient mix of unit types, in accordance with Local Plan Policy H6.

It is acknowledged that no affordable housing would be provided as part of the scheme but it has been established that Vacant Building Credits are applicable, which were introduced to encourage vacant building being brought back into use. The applicant would, however, provide a contribution which would aid to improve the quantity, quality and value of green space within the area.

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 revised 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

Grant subject to conditions and S106 Agreement:-

- 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 external materials shall match those used in the existing building.
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 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 053-101, 053-102 & 053-103) 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.
- 4 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.
- 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 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**
- 7 Upon commencement of the development details of the mirror finish glazing shall be submitted to, and approved by, the Local Planning Authority prior to the occupation of the development. The approved glazing shall be retained as such thereafter.
- Reason: To safeguard the privacy and amenities of the occupiers of adjoining buildings and the future residents of the development in accordance with Local Plan Policy GD1 'General Development'.**
- 8 The development shall be carried out in accordance with the mitigation measures set out in the Noise Assessment Report by Noise Survey Ltd, dated 5th November 2018 (Ref: 210TOWNHALL). The measures shall be implemented prior to the occupation of the building and retained as such thereafter.
- Reason: In the interest of the residential amenity of the future residents of the development and in accordance with Local Plan Policy GD1 General Development'.**

