

2021/1110

Mr James Holmes

18 Regent Street, Barnsley, S70 2HG

Change of use from offices to 39 no residential apartments (Application to determine if prior approval is required)

Site Description

The application relates to a 1960's, 4 storey, 'L' shaped, flat roofed office building (previously use Class B1, currently Class E) located to the North of Regent Street in the Courthouse Campus district of Barnsley Town Centre. There is a small canopy at the front of the building over the front entrance together with a paved forecourt area. To the right of the building is an archway that leads to a private parking area to the side/rear. The building has a total of circa 25,000sq ft of internal floor space. The building is currently vacant but was last used to house a pensions office.

The building is located within a Conservation Area. Regent street consists of a mixture of offices, (predominantly solicitors), restaurants, estate agents and apartments.



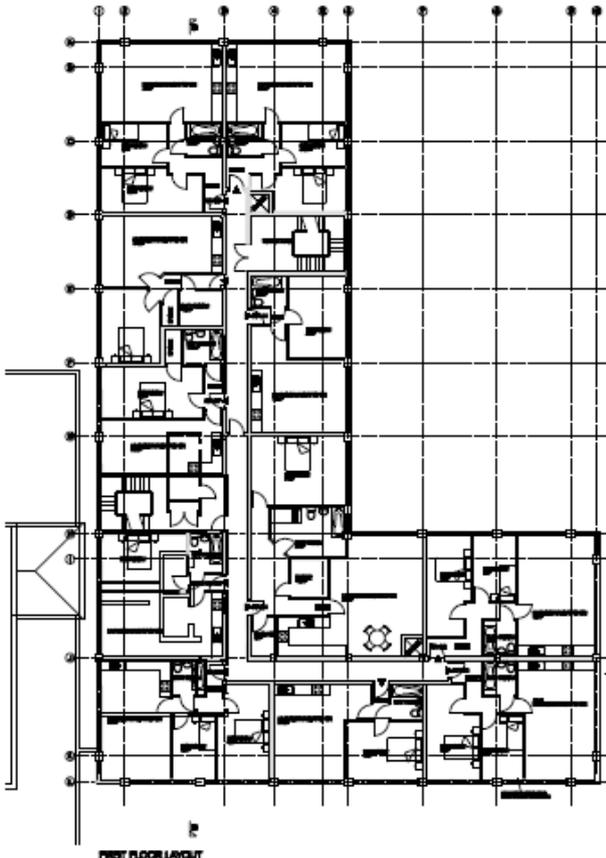
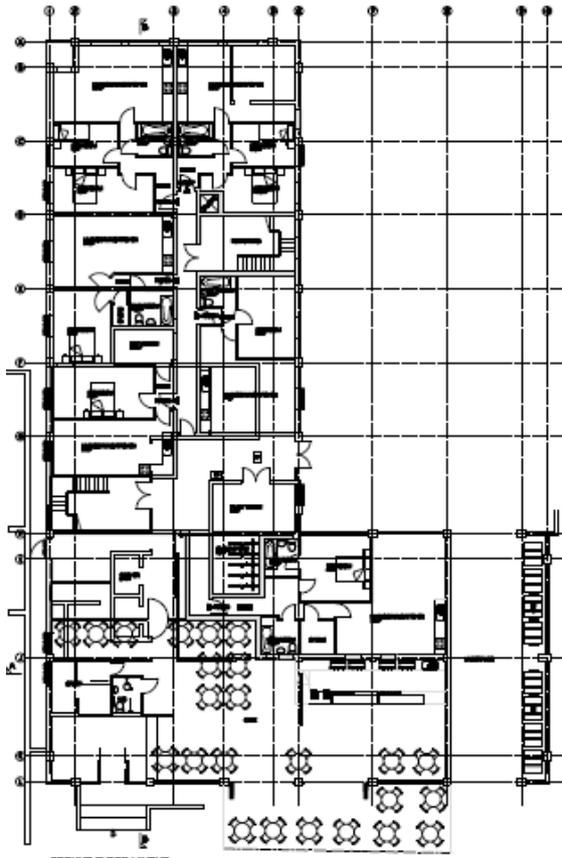
Proposed Development

This application is to determine whether prior approval is required to change the use from a use falling within Class B1 (a) offices of the Schedule of the Use Classes Order, to 39 residential apartments (Class C3) under Part 3, Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The application is considered under class O rather than class MA as the application was submitted prior to 31/07/2021 when the regulations changed.

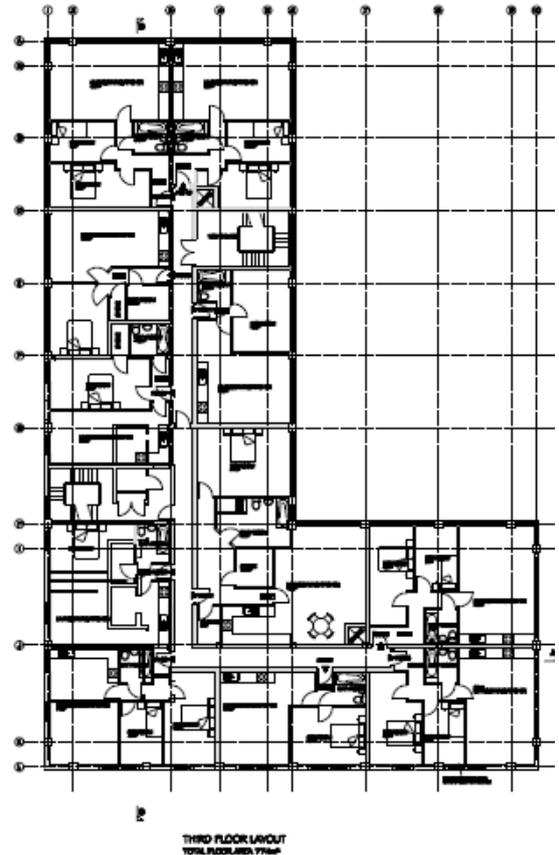
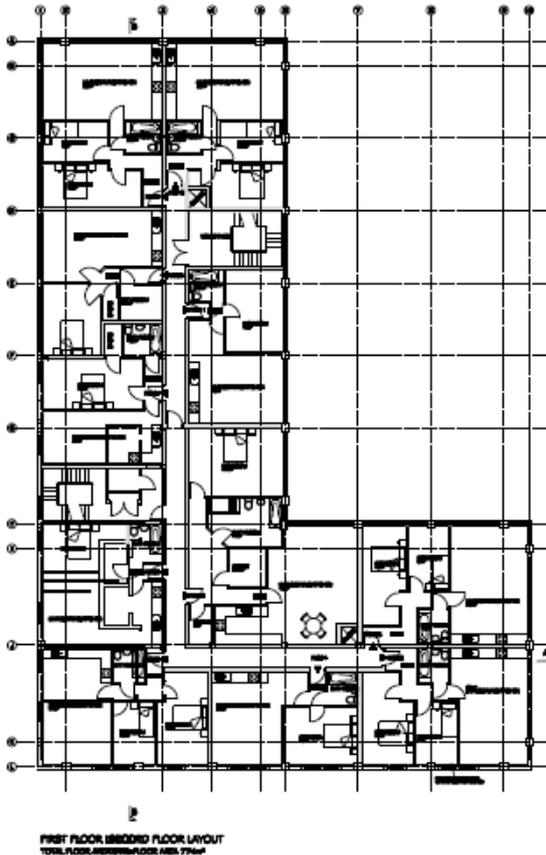
The proposal consists of 4no. 1 bedroom units and 2no. 2 bedroom units on the ground floor and 6no. 1 bedroom units and 5no. 2 bedroom units on the first, second and third floors resulting in a total of 39 units. There is a café shown on the ground floor, however, the building is currently within use class E and as a café is within use class E(b) the use would be permitted development.

There are some external alterations proposed including fenestration changes, creation of shop front and cladding the front elevation, however, these cannot be considered under the prior notification application and are subject to a separate planning application (2021/1317).

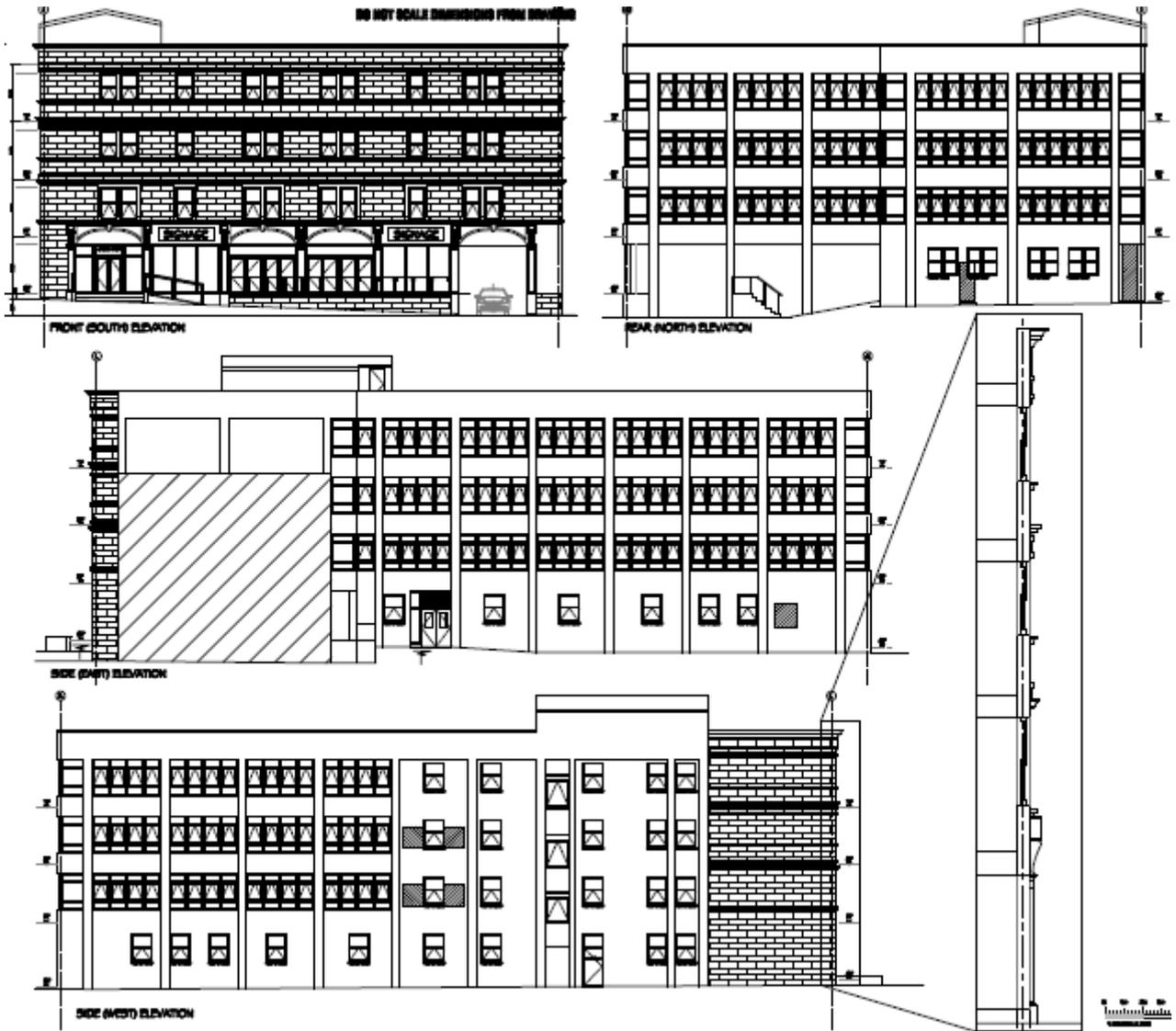
Ground and First floor



Second and Third Floor



Elevations



Streetscene from Regent Street



Policy Context

Class O of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) states that Development consisting of a change of use of a building and any land within its curtilage from a use falling within Class B1 (a) offices of the Schedule of the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that Schedule constitutes permitted development.

Paragraph O.1 sets out a number of limitations where development is not permitted.

Paragraph O.2 states that before beginning the development, the developer must apply to the LPA for a determination as to whether the prior approval of the authority will be required as to;

- (a) transport and highways impacts of the development
- (b) contamination risks on the site
- (c) flooding risks of the site
- (d) impacts of noise from commercial premises on the intended occupiers of the development
- (e) the provision of adequate natural light in all habitable rooms of the dwellinghouse

Consultations

Drainage – building to be checked by Building Control

Conservation – No objections to the change of use but required further information to the external alterations, however, these are being considered separately.

Waste Management – Concerns regarding amount of containers required and space available

Air Quality Officer – No objections subject to EVCP condition

Yorkshire Water – No objections

Reg Services – no objections following submission of acoustic report and subject to condition

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was put up publicising the proposed development, no comments were received.

Assessment

Class O of the GPDO 2015 states that development consisting of a building and land within its curtilage falling within Class B1 (a) (Offices) of the schedule to the Use Classes Order, to a use falling within Class C3 (dwellinghouses) of that schedule is permitted development. Exclusions to this are set out in O.1. and part b of O.1. states 'the building was not used for a use falling within Class B1(a) (offices) of the Use Classes Order – (i) on 29th May 2013, or (ii) in the case of a building which was in use before that date but was not in use on that date, when it was last in use.

Paragraph O.2. sets out the criteria the prior notification application can be assessed against. This includes transportation and highways impacts of the development, contamination risk on the site, flooding risks on the site, impacts from noise from commercial premises on the intended occupiers

of the development and the provision of adequate natural light in all habitable rooms of the dwellinghouse. The following criteria have been assessed as follows;

Transport and highways impacts of the development

The building previously accommodated a commercial use within the building; as such, traffic would have been generated through staff and visitors. It is proposed to use the building predominantly for residential purposes, with only a small proportion of the building being retained for commercial purposes to the front of the building on the ground floor.

The application has been submitted alongside a Transport Statement. With reference to off-street parking requirements, based on the need for 1 space per 30-60m², the existing office use of 3,011m² requires 50-100 spaces. There are currently 43 spaces provided which means that the existing use falls short of the lower requirement by 7 spaces. Based on the submitted information, the proposed use would require at least 63 parking spaces which means that there would be a shortfall of some 40 spaces as just 23 parking spaces are proposed (+2 disabled bays). No mention is made with regard to how the proposed 23 spaces are to be used; whether they are to be allocated to specific apartments or whether they are to operate on a first come-first served basis is unknown.

However, despite all the above, it must be borne in mind that the Parking SPD for Barnsley states that the standards apply to all of Barnsley except Barnsley town centre and that the standards are to be used as a basis for considering applications in the town centre. It is also stated that developers will be expected to reduce the levels of car parking that is provided where there are more sustainable transport options. Given the location of this site and its close proximity to bus, train and taxi services and the inclusion of secure cycle parking as part of the proposals this site has to be considered to be in a sustainable location where a reduction in the number of parking spaces below the usual requirement is justifiable and acceptable.

Although the parking requirements are greater for the proposed use compared to the existing use, the trip rates contained within the Transport Statement show that the number of vehicle trips generated by the site will be fewer for the proposed use in both the AM and PM peak hours as well as the overall daily total.

The proposals are therefore considered acceptable from a highways development control perspective, however, given the significant shortfall in parking provision, there remains the concern that there is a real need for a Travel Plan, so as to ensure that future residents have sufficient knowledge of the variety of transport options available to them otherwise the sustainable location of the site may not be optimised and the effect of the reduced parking provision will be felt in terms of an impact upon the highway. As such, Highways have raised no objections subject to a suitably worded condition.

Contamination risks on the site

The Contaminated Land Officer has been consulted; however, no response has been received. Given the previous office use it is unlikely that there will be any significant impact in terms of possible contamination risks.

Flooding risks on the site

The building is located within Flood Zone 1 and is consequently at low risk of flooding therefore a flood risk assessment is not required. Drainage have been consulted on the application and have raised no objections.

Impacts of noise from commercial premises on the intended occupiers of the development

There are a number of commercial uses within close proximity of the site given the building is within Barnsley Town Centre, as such, the application was accompanied by a Noise Report. The Report concludes that the existing background sound levels will result in an adverse impact on the properties to the front of the building, therefore, a number of mitigation measures including 6/12/6 double glazing and a ventilation system incorporating acoustic trickle ventilators for all windows to habitable rooms. Following the installation of the measures the report states the internal sound levels would be acceptable and will result in a 'No observe Effect' on the future residents.

Regulatory Services have assessed the report and concur with the findings, as such, they have raised no objections subject to a condition requiring the mitigation measure to be installed and retained.

Adequate natural light in all habitable rooms

All habitable rooms contain windows to provide natural light. There was initial concern with regards to the rooms within close proximity to the internal angle of the 'L' shaped building as the building itself overshadowed those windows and they were North and East facing. Also, there were habitable room windows propose on the lower floors of the building immediately adjacent to the 2-storey side gable of the neighbouring estate agent.

However, the plans have been amended to omit a unit on the ground floor, which was the darkest and most overshadowed, and instead accommodate part of the commercial use, a cycle store and plant room. A number of the other units in those areas have also been amended so that bathrooms or non-habitable rooms are positioned in the most overshadowed or darkest areas of the building.

Following on from the amendments, it is considered that there would be adequate natural light to all habitable rooms within the development and the initial concerns have been addressed.

Conclusion

The proposal meets the requirements of Class O of the Town and Country Planning General Permitted Development Order 2015, as such, a prior notification application is appropriate. The application can only be assessed against the criteria set out in this report and as illustrated above there are no objections on these grounds, as such, prior approval is not required.

Recommendation

Not required subject to conditions