
2023/0959

Mr John Blackburn

Change of use of first floor to Shisha Bar/restaurant and associated external alterations including first floor balcony to front, roof terrace above second floor, fire escape staircase to side, glass parapet means of enclosure, second floor extension to side for storage purposes and lift shaft to side (re-submission of 2022/0555)

The Mill, 10 Lower Castlereagh Street, Barnsley, S70 1AR

Site Location and Description

The site is an existing mixed two and three storey flat roofed building of buff and red brick that fronts onto its own car park but has frontages onto Lower Castlereagh Street, Wortley Street and Westway. The building appears to have been used for a predominantly storage and distribution use with some retail. The car park adjacent to the building is currently in use as a public car park.

The site is in a mixed commercial area of the town with uses including churches, retail and hot food takeaway and surface car parks in the immediate vicinity. The nearby Listed Wesleyan Reform Church is located on Blucher Street.

Site History

2022/0555 - Change of use of first floor to Shisha Bar/restaurant and associated external alterations including first floor balcony to front, roof terrace above second floor, fire escape staircase to side, glass parapet means of enclosure, second floor extension to side for storage purposes and lift shaft to side (Granted)

2021/0367 - Change of use to mixed use E(b) and Sui Generis – food and drink for consumption on the premises and drinking establishment), extension to roof height of the building, side extension to accommodate toilets and storage, external stairwell for all 3 floors, changes to the external facing materials and fenestration details (Granted 18 August 2021)

2020/0727 – Demolition of workshop building to create surface car park (Granted 8/10/2020)

B95/0106 – Change of use of former Royal Mail workshop to storage use and erection of boundary fencing.

Proposed Development

The application is a resubmission of a permitted scheme for alterations to and change of use of the building. The only difference from the previously permitted scheme is the position of the lift shaft which has moved from the west elevation of the building to the east end of the front elevation. As well as the lift shaft, the previously permitted proposed alterations include:

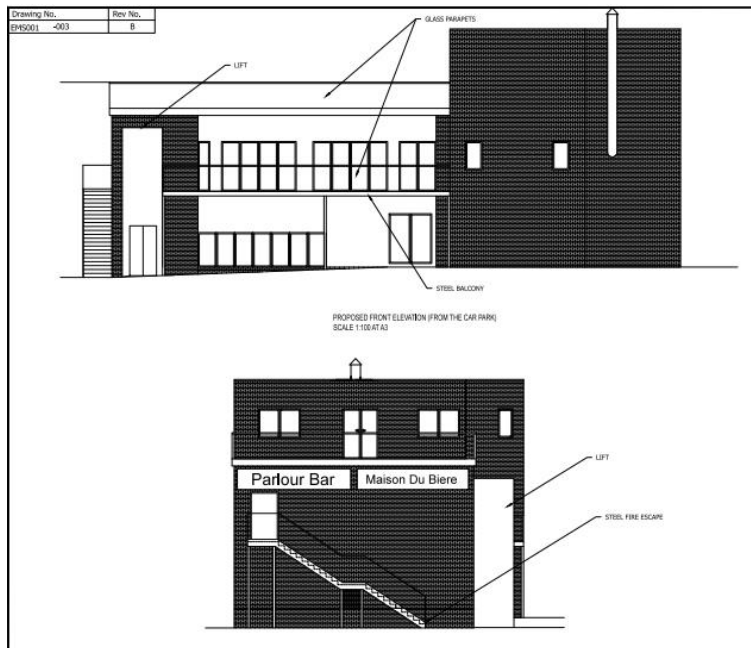
- The creation of a first-floor balcony with a glass parapet means of enclosure overlooking the car park
- The creation of a roof terrace above the first floor with a glass parapet means of enclosure
- A fire escape staircase to the side (east) elevation
- A second-floor extension to provide a storage area.

The proposed plans confirm that the first floor restaurant will have capacity for 70 people and that the roof terrace is intended as a smoking area only for restaurant customers

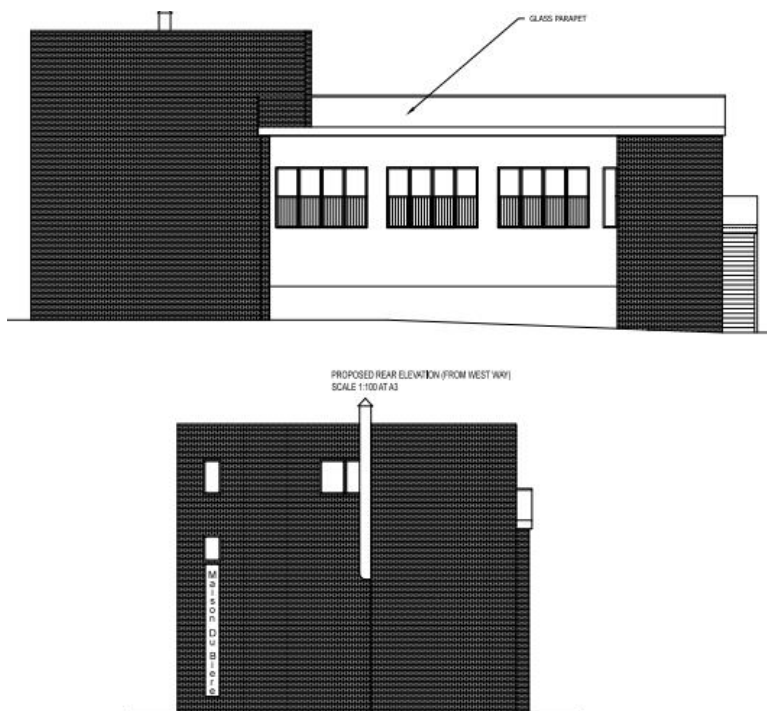
The change of use will allow for a restaurant and shisha bar on the upper floors.

The approved car park has been laid out and delineated and is in use.

Proposed front elevation and east side elevation



Proposed rear and west side elevations



Policy Context

Planning decision 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.

Local Plan

The Local Plan was adopted by the Council in January 2019. Council has also adopted a series of Supplementary Planning Documents which are other material considerations.

The Local Plan review was approved at the full Council meeting held on 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027 or earlier if circumstances require it.

The site is within an area allocated as Town Centre (and specifically Southgate) within the Local Plan Proposals Maps. The site is outside the primary shopping area. The following policies are relevant:

Policy TC1 Town Centres - indicates that new retail development will be directed to centres in order to maintain and enhance their vitality and viability and that a sequential approach will be used to assess proposals for new retail and town centre development outside the designated centres.

Policy BTC1 The daytime and evening economies - we will work with developers and operators to diversify the daytime and evening economies (particularly early evening) with preference given to uses which meet a range of criteria. Planning permission will be given to a range of leisure uses provided they meet a range of criteria.

Policy BTC2 late night uses - late night uses will only be encouraged in a closed list of locations in the town centre and will be supported where they meet a range of criteria.

BTC17 Southgate District – we will allow offices, residential development, assembly and leisure uses, hotel, food and drink uses and car parking within the Southgate District. Retail development will be allowed on Market Street, Pitt Street and as part of the mixed use development on the former Co-op Pioneer site on Peel Street.

HE1 The Historic Environment – Encourages developments which help the management, conservation, understanding and enjoyment of Barnsley's historic environment.

HE3 Developments affecting Historic Buildings – Proposes involving additions or alterations to listed buildings or their setting should seek to conserve and where appropriate enhance that building's significance.

Policy SD1 Presumption in favour of Sustainable Development – indicates that we will take a positive approach reflecting the presumption in favour of sustainable development in the National Planning Policy Framework and that we will work proactively with applicants to find solutions to secure development that improves the economic, social and environmental conditions in the area

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

Policy T3 New development and Sustainable Travel – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians of cycles. Also sets criteria in relations to minimum levels of parking; provision of transport statements and of travel plan statements.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

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.

Para 86 - Planning policies and decisions should support the role that town centres play at the heart of local communities, by taking a positive approach to their growth, management and adaptation.

Para 126– 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

Para 195 Local Planning Authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) in order to avoid or minimise any conflict between the heritage asset's conservation and any aspect of the proposal.

Supplementary Planning Documents (SPD):

SPD Parking

Consultations

Conservation – This resubmission involves a variation of the approved scheme that includes moving the lift shaft from the northwest to the northeastern (principal) elevation and away from the setting of the Wesleyan Reform Church on Blucher Street. This is positive and no objections are raised in principle, provided that the matching bricks are used in the lift shaft as previously approved and the mechanical extraction flue is finished matt black.

Highways DC – this proposal was considered acceptable when submitted as application 2022/0555, the revised submission does not raise any additional highway concerns. The previously recommended conditions should be repeated, in relation to restricting the use of the roof terrace, bicycle parking and a construction method statement

Pollution Control – The development has the potential to have an adverse impact on health and the quality of life of those living and/or working in the locality and so approval with conditions relating to hours of use and restricting the playing of amplified music outside is recommended.

South Yorkshire Police – No comments

Ward Councillors – No response

Representations

The application has been advertised via site and press notices (Setting of Listed Building) between 22 December and 16 January; and letters have been sent to nearby premises; one representation has been received expressing concern about the likelihood of customers being able to look straight into the objectors flat and requesting some sort of one way tint on the windows to combat this.

Assessment

Principle of development

The proposal relates to the upper floors of a vacant building which was last used for storage and distribution, being a use which doesn't fall within conventional town centre uses. The proposal is for it to be used for a town centre use which national and local planning policy supports in this town centre location.

As the proposal includes extensions the principle of development is acceptable subject to consideration of details.

Design and setting of listed building

The existing building has a somewhat utilitarian appearance that is considered to have a largely neutral impact on the setting of the nearby listed building. The previously approved extensions and alterations have been carefully considered and amendments were secured to ensure that as altered and extended, the building will continue to have a neutral impact on the setting of the nearby listed building – in particular the position of the flue has been amended and a condition is recommended that it is given a black finish. The amended position of the lift shaft is considered to have less impact on the setting of the nearby listed building and subject to a condition relating to the materials of the lift shaft and a further condition to require full details of the new windows, doors and balcony to be agreed, it is considered that the design of the alterations and extensions is acceptable and in compliance with Local Plan Policy D1

Safe use of the building

The applicant has agreed to the use of prison weldmesh to be integrated into the gaps of the external staircase to reduce the risk of accident or worse, reflecting the advice of the Police on a previous similar application on the site. This product is not dissimilar to mesh fencing and design advice has previously been that it is considered acceptable in appearance subject to details of how it will be integrated into the gaps in the staircase. A condition is recommended accordingly, together with a further condition requiring details of a fire exit door to prevent access to the stairwell, in the interests of the satisfactory appearance and safety of the completed development

Residential amenity

The nearest residents to the application building, are off Nelson Street, some 50 metres away to the northwest (but screened by the Salem Church); 60 metres away to the northwest above a pub fronting onto Wellington Street; and 100 metres away to the west on the other side of Westway. The proposal includes a balcony on the first floor facing northwest across the on-site car park and a roof terrace on the top floor. The concerns about overlooking from the residents of the flat over the pub have been considered but at over 60 metres away, any overlooking would be not unreasonable and not considered to impact upon privacy.

Wellington Street is designated in the Local Plan as an area where late night uses are encouraged. Although the application site is not on Wellington Street itself, it is considered that it is closely related enough that the proposed late night use is considered acceptable. A condition is recommended to limit the proposed opening hours to the hours previously approved on a similar application to: 10am -12 midnight Mon to Fri and 10am-2am Sat and Sun. Further conditions are recommended to require details of the fixed building services plant to be agreed and implemented and preventing use of the outside areas of the site without prior written approval.

Highways safety/Parking

Highways officers have confirmed that there are no highway safety objections to the proposal, noting the proximity of public car parks and access to public transport in the town centre, and subject to the imposition of conditions relating to the use of the roof terrace, the provision of cycle parking and the submission of a Construction Method Statement.

Recommendation

Grant subject to conditions