

Applicant: Mr Paul Bicknell

Description: Alterations including subdivision of building into 2no retail units on the ground floor, 6no commercial workshop/studio units on the first and second floors and associated external works including repairs to walls, roof, and windows, installation of new shop front and changes to existing shop front.

Site Address: 60 Eldon Street, Barnsley, S70 2JL

Site Location & Description

The application relates to a 3-storey building fronting onto Eldon Street within Barnsley Town Centre. The ground and first floors of the building are occupied by a travel agents and computer repair business, but the rear of the building and upper floor are unoccupied, with the exception of some storage areas. The site sits within the Regent Street/Church Street/Market Hill Conservation Area and a Heritage Action Zone.

The building was constructed in 1875 as a warehouse with the original Architects plans showing a commercial unit to the Ground Floor frontage. However, this was subsequently amended in the late C20 to the arrangement evident today with the extended Ground Floor frontage wrapping around the corner. To the side elevations, infilled higher-level openings (presumably loading doors) illustrate the earlier use.

The construction consists of fair fixed brickwork with roughcast render to the front facing elevation and the side elevation facing the cinema to the northern side. This render is assumed to be a later addition given the age of the building and is in a poor state. The roof is slate pitched with hips to the front and rear.

The building is adjacent to Parkway Cinema to the North and a 5 storey hairdressers and training centre to the South. To the rear of the site is Mandela Gardens and the entrance to the Civic, a grade II listed building. Opposite the site are shops and takeaways with the re-development of Barnsley town centre taking place beyond.



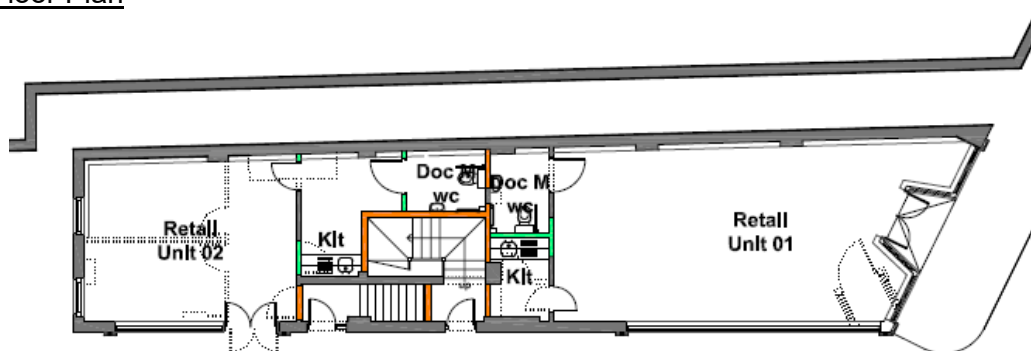
Proposed development

The proposal has several elements which include the repair and re-instatement of the external envelope and the alteration of internal spaces to provide 6no. workshop units (class E) and 2no. retail units (Class E(a)). The plans show 4no. workshop/studios on the second floor, 2no. studios, a kitchen and toilet facilities on the first floor and 2no. retail units on the ground floor with associated WC facilities.

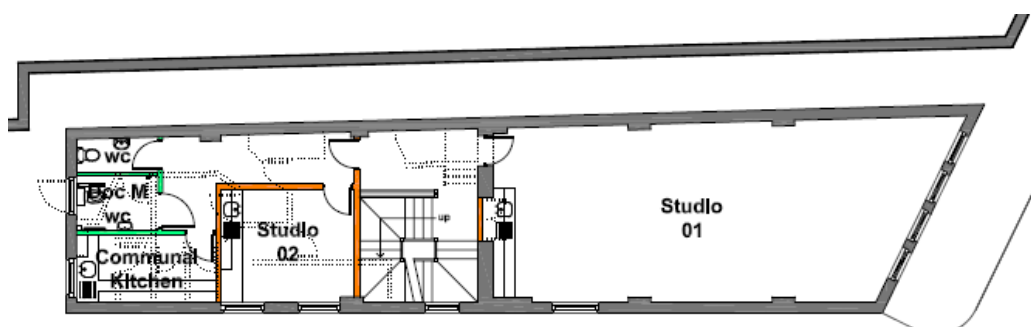
Some of the proposed internal changes have an impact on the arrangement of the external fenestration and doors. These changes include a number of window changes at upper floor levels. Moreover, a secondary shopfront is proposed within the side alley which will provide a secondary active area intended for flexibility of use of space. This will involve and utilise several blocked windows and convert an existing door and window into the new shopfront. The rear fire escape is also penned for removal.



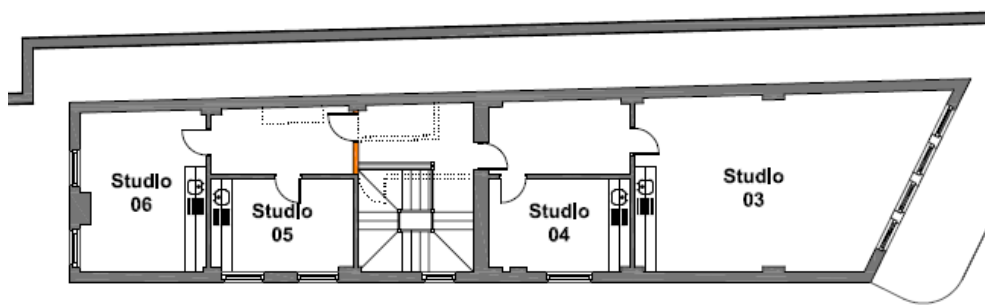
Ground Floor Plan



First Floor Plan



Second Floor Plan



Policy Context

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy T4 New development and Transport Safety

Policy TC1 Town Centres

Policy BTC20 The Lanes

Policy GD1 General Development

Policy D1 High Quality Design and Place Making

Policy HE1 The Historic Environment

Policy HE 3 Development affecting Historic Buildings

Policy Poll1 Pollution Control and Protection

Policy LG2 The Location of Growth

Policy E4 Protecting Existing Employment Land

Policy CL1 Contaminated and Unstable Land

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 80 – Planning policies and decision should help create the conditions in which businesses can invest, expand and adapt.

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.

NPPF para 193: Great weight given to an asset's conservation, irrespective of the degree of harm

NPPF para 194: Any harm to or loss of significance will require clear and convincing justification

NPPF para 200: LPA's should look for opportunities for development within conservation areas and within the setting of heritage assets that enhance or reveal significance

Consultations

Conservation Area – no objections, supports the proposal

Enterprising Barnsley – supports the application

Highways – no comments

PROW – No objections subject to informatives. Raised slight concerns with the ground floor encroaching into the passageway.

Ward Councillors – No comments

Representations

None

Assessment

Principle of Development

The site is within The Lanes area of Barnsley Town Centre. The Lanes is a small District defined by Church Street and Market Hill to the east, Regent Street to the north, and Eldon Street to the southern edge which creates a triangular shaped area. It forms part of the Conservation Area and has a generally good quality environment (with some opportunity for improvement). It has a close knit, fine grained character made up of a network of passages, and offers independent retailers including some very renowned and quality shops, as well as places to eat and drink. There are some very interesting buildings, including The Civic, a grade II listed building with a modern extension and Mandela Gardens Public Square.

Local Plan Policy BTC20 The Lanes states that all new development within the Lanes District must have an active frontage at ground floor level and that uses such as shops, financial and professional services food and drink, non-residential institutions would be acceptable.

New development must conserve or enhance the specialist nature of this area by being of a size, scale, quality and design appropriate to the character of the area.

Local Plan Policy LG2 'The Location of Growth' states that priority will be given to development in Urban Barnsley. Urban Barnsley will be expected to accommodate significantly more growth than any individual Principle Town. Policy E4 'Protecting Existing Employment Land' goes on to state 'land or premises currently or last used for employment purposes will be retained in order to safeguard existing or potential jobs'.

Policy TC1 'Town Centres' states support will be given to maintaining and enhancing the vitality and viability of Barnsley Town Centre. Barnsley Town Centre is the dominant town centre in the

borough. To ensure it continues to fulfil its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.

The NPPF paragraph 80 states that 'planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity'.

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Residential Amenity

The building is located within Barnsley Town Centre and currently accommodates a travel agent business and a computer repair business on the ground and first floors. The rear of the building and the second floor are currently largely vacant and used for storage.

The proposal is to subdivide the ground floor into 2no. retail units and incorporate 6no. multi use/flexible workshops/studios on the first and second floors. Given the nature of the surround area, which accommodates a number of differing town centre uses, the proposal would sit comfortably with the neighbouring units and the amenity of the existing and future users would be to a reasonable degree, in accordance with Local Plan Policy GD1.

There have been reports of anti-social behaviour in the alley way adjacent to the Southern elevation of the building which links Mandela Gardens with Eldon Street. The newly created shop unit to the rear of the building would have its frontage onto that alley way in the hope that it would introduce natural surveillance, light and activity, in order to have a positive impact on the anti-social behaviour.

Design & Visual Amenity

This application has been discussed in some detail with the Conservation Officer before submission as 60 Eldon Street forms a key building within the Heritage Action Zone area.

The proposal has several elements which include the repair and re-instatement of the external envelope and the alteration of internal spaces to provide several workshop and retail units. Some of the proposed internal changes have an impact (overall positive) on the arrangement of the external fenestration and doors. These changes include a number of window changes at upper floor levels.

The amendments to the internal layout noted above are joined with a number of amendments to the external window and door openings to the building. Many of these are simply a reopening of previous infilled window openings which are unsympathetic to the building frontages. The few additional openings which are proposed, have all been located to serve the internal layout proposed, and are all in keeping with existing openings and all are sized and styled to be in-keeping with the aesthetics of the building. All modern unsympathetic features have been proposed to be removed from the exterior of the building and therefore these changes as a whole are beneficial and not harmful to the building and street scene.

The proposed amendments to the front facing elevation of the building are designed to reverse modern amendments to the building, and, take it back to a design more in keeping with the original building design. The proposed detailing of the shop frontage, whilst not identical to the original design, is very much in keeping with the age and design of this part of the building and will appear to be a significant improvement on the street frontage.

Moreover, a secondary shopfront is proposed within the side alley which will provide a secondary active area intended for flexibility of use of space and to help deter antisocial behaviour in this area. This will involve and utilise several blocked windows and convert an existing door and window into the new shopfront. The rear fire escape is also penned for removal which currently attracts anti-social behaviour.

The repair works noted above include repairs to the external masonry walls, masonry roof, timber sub-structure, timber ground, first and second floor structures, rainwater goods and the windows and doors. These repair works have been specified to be conservation based like-for-like repairs where possible with replacement materials specified to be as close to the original items as possible.

Generally, the works involving the repair and re-instatement of the historic envelope and the new shopfronts, are conservation lead (primarily due this being a HAZ project). There are interventions both internally and externally into existing and historic fabric including the alteration of the vertical circulation and removal of the existing stairs. These, however, are modern and overall; the Conservation Area Officer has confirmed he is comfortable the proposal is justified and necessary to achieve the proposed new uses and improve the contribution the building makes to both the conservation area and setting of the listed Civic.

Given the comments above, the visual amenity of the street scene, the Conservation Area and HAZ would be maintained or enhanced, in accordance with Local Plan Policies D1 and HE1 and paragraphs 193, 194 & 200.

Highway Safety

The site is within Barnsley Town Centre. No parking is proposed within the curtilage of the building, but the site is a short walk from the transport interchange and there are numerous public parking spaces available within close proximity, including on-street pay and display parking along Regent Street and Eldon Street. There is also a loading bay directly to the front of the building.

Highways DM have not objected to the proposal.

PROW

The passageway between no. 60 and 58a Eldon Street is not a recorded public right of way, although the continuation through Mandela Gardens is.

However, this is a well-used route and should be treated as though it was a public right of way. The applicant should be aware that, if any unrecorded routes have been used unchallenged by the public for 20+ years, or for a lesser period under common law, those routes may have acquired public access rights. Members of the public may apply to have such rights formally recorded and if an application is made, the Council has a legal duty to research the claimed rights and reach a decision based exclusively on the available evidence about the status of the claimed routes.

The main concern of the Public Rights of Way Officer is that the proposed new shop frontages along the southern elevation appear to encroach onto the passageway and that there should be no encroachment whatsoever onto the width of the path, which is already relatively narrow and dark. Any encroachment may have to be removed in future if a public right of way is shown to exist on the access.

However, the proposals would not increase the footprint of the building and the newly created shopfront, which opens onto the passageway, would just involve amendments to the existing elevations. The only small amendment is where the current entrance to the ground floor unit is 'cut away' on the corner of the passageway and Elson Street, leaving part of the upper floor 'floating above', whereas, the proposed entrance would infill this section. However, it would not project beyond the existing side elevation building line or the front elevation building line.

In fact, there would be less encroachment onto the alley way as the current double doors on the side elevation open outwards into the alley way, whereas, the proposed entrance doors would open inwards.

If possible, safe access should be retained for the public at all times during construction. If this is not feasible, the site should be secured, and the temporary closure should be communicated to the public. It is possible to arrange a formal temporary closure order through the Council, though this is not obligatory as the route is not currently a recorded public right of way. An informative as such will be placed on the decision notice.

Conclusions

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 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

Approve subject to conditions

Conditions

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.*

The development hereby approved shall be carried out strictly in accordance with the plans 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.*

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.*

The ground floor of the premises shall be used for the display or retail sale of goods, other than hot food, principally to visiting members of the public (class E(a)) & For the sale of food and drink principally to visiting members of the public where consumption of that food and drink is mostly undertaken on the premises (Class E(b)) and not for any other purposes (including any other purpose in Class E) of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: *The site is located within a primary shopping area and has a secondary shopping frontage.*

The first and second floors of the premises shall be used for Commercial, Business and Service (class E) uses and not for any other purposes of the Schedule to the Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: *To ensure compatibility with the primary shopping area location and neighbouring uses.*