
2022/0555

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

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.



Main front elevation overlooking own car park



The Mill on the left-hand side, Salem Wesleyan Reform Church (Grade II) on right-hand side



South East Elevation



Rear elevation to Westway screened by trees

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.

Site History

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 Main workshop to storage use and erection of boundary fencing.

Proposed Development

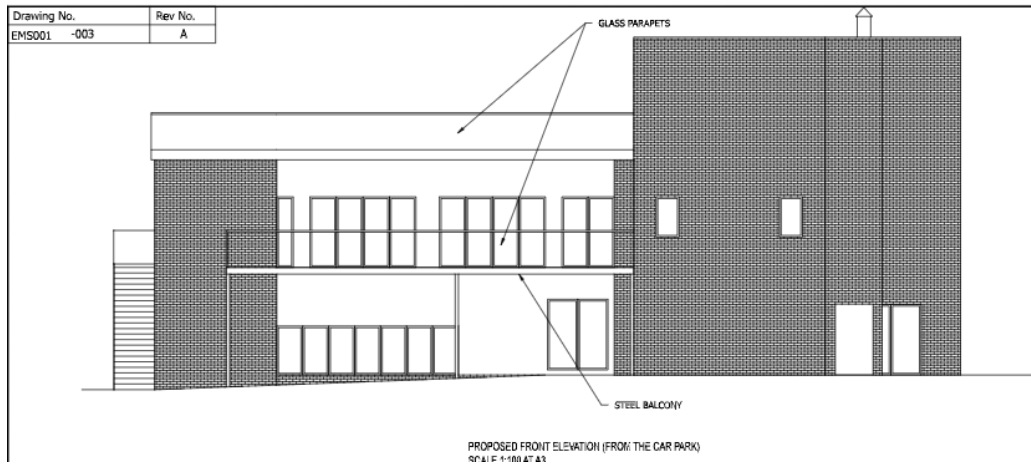
The applicant seeks permission for alterations to and change of use of the building. The alterations include:

- 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 lift shaft to the side (west) elevation
- A second-floor extension to provide a storage area.

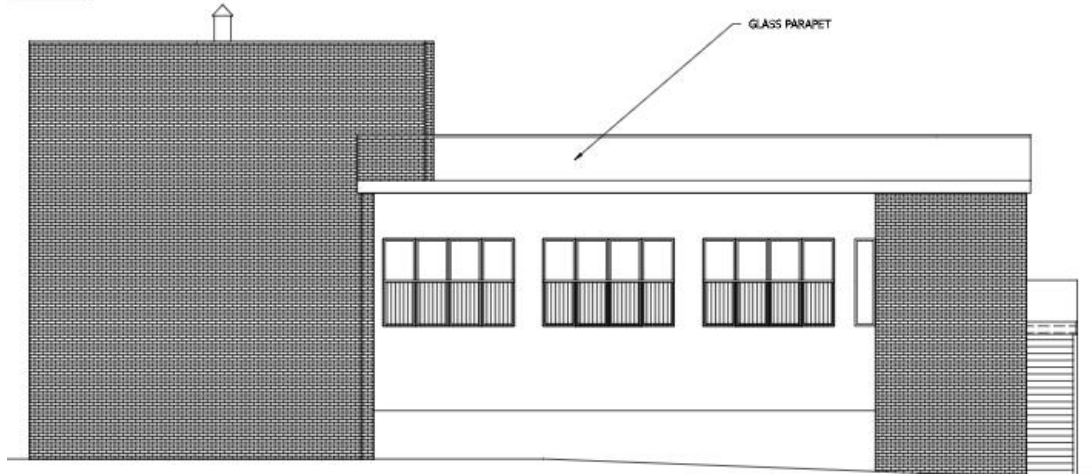
The application confirms that the first floor restaurant would have capacity for 70 people and that the roof terrace is intended as a smoking area only for restaurant customers

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

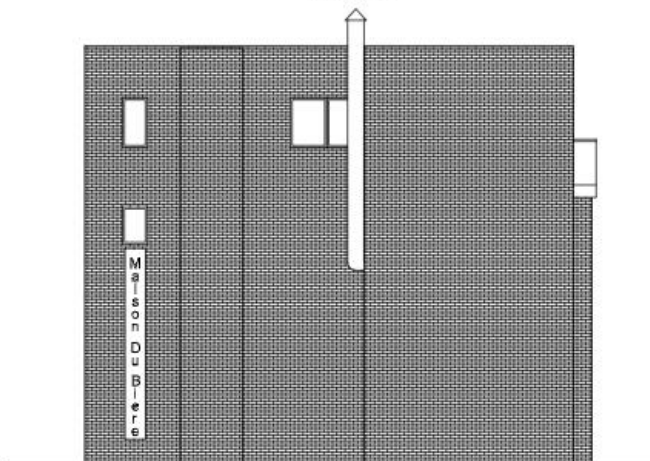
Proposed front elevation and showing new fire escape on side elevation



Proposed rear and side elevations



PROPOSED REAR ELEVATION (FROM WEST WAY)
SCALE 1:100 AT A3



PROPOSED END ELEVATION
SCALE 1:100 AT A3

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.

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).

Local Plan

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 – Having considered the impact of the alterations on the setting of the listed Salem Wesleyan Reform Church, considers that the external alterations including the first floor balcony and the roof terrace above the second floor with glass parapets protecting these areas; the new fire escape on the south-eastern elevation; and the new lift shaft on the north-eastern elevation; and the new storeroom over the kitchen are less harmful to the setting of the listed Salem Church than the previously approved scheme. Other changes to the fenestration are a minor improvement to the building. However, the lift shaft on the north-western elevation is strongly advised to be constructed/clad in matching materials to the rest of the building, ie bricks. The new flue is ugly and harmful to the setting of the listed building and could be re-located to a less intrusive position and decorated black. Provided these issues can be resolved, it is suggested that any approval is conditioned to require the

external wall materials on the north-west elevation to match the existing brickwork; and the flue extract to be relocated and decorated matt black.

Response to amended plans – the flue has been re-located as requested and the lift shaft (colour) is indicated as matched to the rest of the building. Ideally this would be brick but render may be acceptable and could be resolved by conditioning for later approval. The rear protection of the stair and weld mesh fence are of no concerns in terms of the setting of the listed building.

Highways DC – The site is located on Lower Castlereagh Street, with a 30mph speed and waiting restrictions. It is also in the centre of Barnsley. Close to shops, amenities and facilities with excellent links to public transport and therefore in a sustainable location. The applicant indicates that 20 spaces are available in the on site car park which is likely to be acceptable and delivery and service vehicles will access the site from the front entrance from Blucher Street and exit the site via the rear entrance directly onto Wortley Street which will be acceptable. The proposed extensions and roof terrace exceed the threshold for requiring a Transport Assessment and Travel Plan. The applicant has submitted a plan which indicates that the roof terrace will be used as a smoking area only which will be acceptable but should be conditioned. The proposal is likely to generate a higher demand than the existing use but the town centre location allows for additional vehicle movements and parking and the proposal is therefore acceptable. Concludes by offering no objection subject to conditions relating to a restriction on the use of the roof terrace; a scheme for the provision of bicycle parking and a Construction Method Statement

Pollution Control – There are no known nearby sensitive receptors and initial assessment is that conditions relating to noise or services would not be required. If there were residential properties with direct line of sight to the application site, a condition requiring fixed building services plant to be agreed would be appropriate. A condition to address concerns about music from the terraces may be appropriate.

South Yorkshire Police – No response

Ward Councillors – No response

Representations

The application has been advertised via site and press notices (Setting of Listed Building) between 28 June -19 July and 1-22 July respectively; and letters have been sent to nearby premises; no representations have been received.

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 proposed extensions and alterations have been carefully considered and amendments have been 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; and the materials of the lift shaft have been amended to brick, which it is also proposed to condition.. A further condition is recommended 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

There are no residents in close proximity to the application building, the nearest being above the properties fronting onto Wellington Street, some 50 metres away to the west (but screened by the Salem Church); 60 metres away above a pub fronting onto Wellington Street; and 100 metres away on the other side of Westway. The proposal includes a balcony on the first floor facing across the on-site car park and a roof terrace on the top floor. 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 (since the application is silent on the proposed hours) 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 existing car park on site which is to be relined, 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