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2021/0367

Mr Lawlor

Change of use to mixed use E (b) and Sui Generis – (Food and drink for consumption on the premises and drinking establishments), extensions to roof height of the building, roof terrace and roof top canopy, external stairwell for all 4 floors, changes to the external facing materials and fenestration details

McMills and Co Ltd, Lower Castlereagh Street, Barnsley, S70 1AR

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### 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



McMills 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**

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 significant alterations and change of use of the building. The alterations include the extension of the existing (partial) third floor to the full length of the building, changes to the fenestration of north east (facing the car park) and south west (facing west way) elevations, 1<sup>st</sup> and 2<sup>nd</sup> floor balconies (roof terrace) looking out over the car park, extensions at the south east and north west elevations to provide a fire escape and lift/stair access to the upper floors and partial cladding of the north east and north west elevations. The change of use will allow for a drinking establishment on the ground floor and a separate restaurant/drinking establishment to be used as a wedding venue and for other corporate/hospitality events on the upper floors.

The submitted planning statement in support of the application confirms that ground floor would be occupied by Maison du Biere (craft ale specialist currently trading from Elsecar heritage centre) and the upper floors operated by the Yorkshire Catering Company. The investments on the site will secure in the region of 40 full and part time jobs

### **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.

**Policy BTC6 Building Heights** – indicates that we will apply the advice in the Building Heights Study.

**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.

**26. 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

Other planning documents

Barnsley Building Heights Study

## **Consultations**

**Conservation** – Having initially expressed concerns at the impact of the alterations on the setting of the listed Salem Wesleyan Reform Church, agrees the proposed Spectrum Metallic Beigestone cladding, which is a pearlescent mid-beige grey and tonally similar to the existing materials is so not hugely out of keeping with stone of the church.

**Design Officer** – Recommends a condition requiring more details of how the weldmesh will be applied to the escape stairs and a condition requiring the finish of the proposed aluminium window frames and doors to be agreed.

**Air Quality Officer** – as there is a requirement for EVCPs to be provided under 2020/0727 for the car park, I am happy to withdraw my request for EVCPs under this proposal.

**Highways DC** – The information submitted by the applicant explains the proposed building and alleviates the concerns previously raised. The site is located within the town centre with

excellent links to public transport, being in easy walking distance from the interchange. Lower Castlereagh Street is subject to parking restrictions; there will be no opportunity for on street parking; there is opportunity for drop off/pick up from within the site itself and the events/wedding venue element of the application should make it clear that guests will have to park at various public car parks should the on site car park permission not have been implemented.

**Drainage** – the details provided are sufficient and I have no further observations to make with respect to land drainage.

**Yorkshire Water** – confirmed no comments

**SYMAS** – The site does not fall within a Coal Authority referral area, only the Coal Authorities Standing Advice should be included if permission is granted.

**Enterprising Barnsley** – support the proposal which will help to secure jobs and provide a business rate uplift for BMBC

**South Yorkshire Police** – Expresses concerns about the stairwells as there doesn't appear to be anything to prevent anyone wishing to commit suicide by means including suspension or jumping. It is recommended that the stairwells are clad with Prison Weldmesh fence and that fire doors should be provided at the ground floor to the stairwell.

**Pollution Control** – no response

## **Representations**

The application has been advertised via site and press notices (Setting of Listed Building) between 4 June and 25 June; no representations have been received.

## **Assessment**

### Principle of development

The proposal relates to 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 range of town centre uses 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 the proposed cladding materials have been amended to ensure that as altered and extended the building will continue to have a neutral impact on the setting of the nearby listed building. The design of the extensions is such that they do not extend above the highest part of the existing building and there is not considered to be any conflict with the Building Heights Study. A condition is recommended to require full details of the new windows and doors to be agreed.

It is considered that the design of the proposed extension is acceptable and in compliance with Local Plan Policy D1

### Safe use of the building

The application has been amended on the advice of the Police to indicate that Prison Weldmesh will be integrated into the gaps of the external staircase to reduce the risk of accident or worse. This product is not dissimilar to mesh fencing and the Design Officer

advises 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 bi-folding doors and balconies on the elevation facing Wellington Street. 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 as requested by the applicant to: 10am - 12 midnight Mon to Fri and 10am-2am Sat and Sun. Further conditions are recommended to require full details of fume extraction, heating, cooling and ventilation equipment 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, the proximity of public car parks and access to public transport in the town centre.

#### **Recommendation**

**Grant** subject to conditions

#### Full – 3 Years (M3 Code A1)

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.**

#### Development in accordance with approved plans (M3 Code B11)

The development hereby approved shall be carried out strictly in accordance with the plans (Nos.) and specifications as approved unless required by any other conditions in this permission.

Plans as existing 19-179-01

Site Plan and Location Plan 19-179-07

Floor Plans 19-179-08

Elevations 19-179-09 Rev A

Elevations 19-179-10 Rev A

**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.**

#### External materials to match (M3 Code B1) (amended)

The external materials to be used in the development hereby permitted shall match those used in the existing building unless allowed 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 cladding to be used in the development hereby permitted shall be Kingspan Spectrum Metallic Beigestone and only in the positions specified on the approved drawings.

**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.**

Prior to the commencement of development, plans to show full details of the materials and finish of doors and windows to be used shall be submitted to and agreed in writing by the Local Planning Authority and only the agreed details shall be implemented.

**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.**

Prior to the commencement of development, plans to show full details of the method by which the proposed prison weldmesh will be attached to the external stairwells shall be submitted to and agreed in writing by the Local Planning Authority and the agreed details shall be implemented in full before any use of the first or second floor of the building.

**Reason: In the interests of the safety and security of the completed development and of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

Prior to the commencement of development, plans to show full details of a fire exit door to prevent access to the external stairwell from the ground floor shall be submitted to and agreed in writing by the Local Planning Authority and the agreed details shall be implemented in full before any use of the first or second floor of the building.

**Reason: In the interests of the safety and security of the completed development and of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

#### Submit details of fume extraction

Prior to the commencement of the uses hereby permitted, full details of the method of fume extraction shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of the use to which the details relate and retained as such thereafter.

**Reason: In the interests of the visual and residential amenity in accordance with Local Plan Policy Poll1, Pollution Control and Protection.**

#### Submit details of externally mounted plant/equipment

Prior to the commencement of the uses hereby permitted, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, or grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to commencement of the use to which the details relate and retained as such thereafter.

**Reason: In the interest of visual and residential amenity in accordance with Local Plan Policy Poll1, Pollution Control and Protection.**

#### a) Opening Hours (M3 Code D16)

The use hereby permitted shall be carried on only between the hours of 10:00 to 24:00 Mondays to Fridays and 10:00 to 02:00 on Saturdays and Sundays.

**Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy Poll1, Pollution Control and Protection.**

No tables or other structures shall be placed outside the building unless full details have previously been submitted to and approved in writing by the Local Planning Authority.

**Reason: to ensure that the development takes the form envisaged by the Local Planning Authority and in the interests of residential amenity and provision of adequate car parking spaces in accordance with Local Plan Policies Poll1, Pollution Control and Protection and T3 New Development and Sustainable Travel**

Informative:

The proposed development lies within a coal mining area which may contain unrecorded mining related hazards. If any coal mining feature is encountered during development, this should be reported to The Coal Authority.

Any intrusive activities which disturb or enter any coal seams, coal mine workings or coal mine entries (shafts and adits) requires the prior written permission of The Coal Authority.

Property specific summary information on coal mining can be obtained from The Coal Authority's Property Search Service on 0845762 6848 or at [www.groundstability.com](http://www.groundstability.com)