
2020/0170 and 0191

Change of use of building into 2no retail units (use class E) and 1no drinking establishment (sui generis) and associated alterations (2020/0170)

Conversion of building into 2no retail units (use class E) and 1no drinking establishment (sui generis) and associated alterations (Listed Building Consent)

23-27 Church Street, Barnsley, S70 2AH

Site Location and Description

The applications relate to a group of buildings which were last used as a single planning unit as a Barclays Bank. The buildings front onto Church Street across a wide pavement and have three distinct elements: no 27 which is single storey, stone built with a pitched and parapet roof; no 25 which is two storey, stone built and also with a pitched and parapet roof; and no 23 which is three storey, rendered and is listed Grade 2. The buildings have been vacant for some time.

To the north on Church Street, the no 27 abuts Dow Passage, a public right of way, and beyond there are retail uses (some with residential above) and a museum. To the south on Church Street, no 23 abuts the Permanent Building which was previously occupied by solicitors but now is predominantly in residential use with permission for a retail unit on the Church Street frontage.

The site is within the Regent Street/Church Street/Market Hill Conservation Area.

Photos showing Dows passage (PROW) to left, then the application units 27-23 and the Permanent Building to the right.



Proposal

The applications have been amended to remove the originally proposed external alterations and to include a drinking establishment in one of the new units.

The applicant seeks permission to change the use of the buildings from office (class E, previously A2) to a mixed use of retail (also use class E) and drinking establishment (sui generis) – this clarified to relate to no 27 only. It is only because the proposed change of use includes the drinking establishment that planning permission is required. The application

also seeks permission to undertake internal alterations to enable the buildings to be subdivided into three separate units – these works are the subject of the listed building consent application.

A letter from the proposed tenant of the drinking establishment has been submitted by the applicants agent. This clarifies that:

- The plan is to be a low key relaxed atmosphere lounge bar focused on ages of 30 plus.
- Initial opening hours will be Friday to Sunday, closing between midnight and 1am.
- Two of the prospective owners of the bar have previously worked at the Soul Lounge

Two further letters from the proposed tenant have been submitted advising that a noise management plan has been devised. Amongst other things, it is advised that:

- for the final hours of opening music will be reduced in volume and quieter
- door security will ensure that customers leave in an orderly manner and move away from the premises.

It also advises that it is planned that there will be ashtrays on the front of the building – this would require further information to demonstrate if planning permission or listed building consent were required.

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 allocated as a Town Centre (and specifically is within The Lanes) within the Local Plan Proposals Maps. It is in the primary shopping area and is a secondary shopping frontage, and the site is within the Regent Street/Church Street/Market Hill Conservation Area and therefore 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 TC2 Primary and Secondary Shopping Frontages – proposals for retail (A1-A5) uses will be allowed on primary and secondary shopping frontages in Barnsley Town Centre and the District Centres provided that within each primary shopping frontage ground floor uses remain predominantly retail (Class A1) in nature. Provided that criteria is met, other uses may be acceptable especially where they diversify and improve provision provided that vitality and viability of the primary shopping area wouldn't be negatively affected.

BTC21 Courthouse Campus – we will allow education and community facilities; offices; development designed to support the creative and digital industries; residential development

including live-work units; multi storey car parking; and a new public park and improved public spaces.

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 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.

Policy HE1 The Historic Environment – indicates that we will positively encourage developments which will help in the management, conservation, understanding and enjoyment of Barnsley's historic environment and will support proposals which conserve and enhance the significance and setting of the borough's heritage assets.

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.

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.

Consultations

Conservation – The originally proposed external alterations have been dropped in favour of a more straightforward internal conversion. The change of use itself raises no objections from a heritage perspective. The alterations required to facilitate this seem very low key and look to amount to some internal lobby changes/removal, the insertion of a connecting doorway between nos 25 and 27 and the removal or a modern internal stair to the rear of no 27. The degree of harm is very low (internal fabric loss to connect 25 and 27). I am mindful that there will be a need for signage which will require LBC and advert consent which details a scheme that is sympathetic to the character and appearance of the listed building.

Highways DC – considering the location of the site within the town centre, the proposals are acceptable from a highways point of view.

Public Rights of Way – there is a public right of way running alongside the northern boundary of this property which doesn't seem to be affected by these proposals. If the application is accepted please add an informative advising about the need to retain safe public access on the right of way.

South Yorkshire Police – no response

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 so approval with conditions is recommended.

Ward Councillors – Councillor Dyson confirmed no objections to the original proposal (change of use to three retail units and external alterations). No further responses.

Representations

The application has been advertised via letters direct to neighbours as well as site and press notices (reflecting the listed building and Conservation Area location) on a number of occasions, reflecting the changing nature of the proposal. In response to the latest change to include a drinking establishment in one of the units, site and press notices for the periods 7 Sept – 21 Sept and 10 Sept – 24 Sept respectively.

Two comments have been received. The first offers support to the proposed change of use and suggests the use of uplighters or downlighters; a plaque to a former bank manager; and lighting on doorways, fire exits and passages. The second letter from a local resident of the Permanent Building, sought clarification at the location of the proposed pub. On being advised that the pub is proposed only in no 23, i.e. at the furthest extreme from the Permanent Building, the local resident did not go on to submit any objection.

Assessment

Principle of development

The proposal is for a mix of main town centre uses which national and local planning policy supports in this town centre location and the principle is therefore acceptable.

BTC21 Courthouse Campus policy is silent on retail and pub uses, with the implication that they are not acceptable in the Courthouse Campus area.

However, the application site's Church Street frontage is a secondary frontage where local plan policy TC2 indicates proposals for retail (A1-A5) will be allowed – the proposed pub use fell into use class A4 and the proposed retail uses fell into use class A1 before changes to the use class order in 2020. The proposals will diversify provision, secure active frontages at ground level and positively contribute towards the vitality and viability of the area.

Heritage – Listed Building and Conservation Area

No. 23 is a grade II listed building but numbers 25 and 27 are also considered to be listed by attachment, given the age of the buildings, their direct curtilage and functional relationship, architectural quality and the conservation area setting.

Bringing the building back into beneficial use is supported. The original submission included a number of external alterations to facilitate the change of use but these have been removed in favour of internal alterations only. It is concluded that these limited internal alterations will have a limited impact on the historic significance of the building which will preserve the special interest of the listed building and the conservation area and therefore accord with national and local policy in relation to heritage assets.

Residential Amenity

The nearest residents are in the Permanent Building which abuts no 27; and above no 33 Church Street. The two proposed class E units do not require planning permission and are unlikely to cause any perceptible change in noise or disturbance. The pub element of the proposal is separated from the nearest residents by Dows passage and two shop units/buildings. Conditions will be imposed to limit the hours of operation (to reflect those proposed by the applicant); to require a management plan to be agreed and implemented for the pub (the submitted noise management plan not fully addressing the comments of the EHO, and potentially including elements which may require a further planning permission and listed building consent); to require any extract ventilation to be agreed before it is implemented; and to restrict the pub use to number 23 only. It is concluded that with the imposition of these conditions, the impact on residential amenity in this busy town centre location will not be unreasonable.

Highway Safety

The proposal relates to change of use of a building which fronts onto Church Street where there are double yellow lines and a pedestrian crossing. The building will continue to be serviced from Church Street with no obvious change and there are no objections from Highways Development Control.

Other matters

The design comments by the member of the public relate to external alterations. Since the applications have been amended to specifically exclude external alterations from the proposal; and they would require listed building consent, it is concluded that it would not be appropriate to pursue these matters with the applicant.

Recommendation

Grant subject to conditions

Conditions re hours need changing; management plan condition required by EHO; condition clarifying that pub is only allowed in no 23. Note that no external alterations are allowed; and that care will be needed with adverts which will require ad consent and listed building consent.

Planning application:

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.

Amended Plans:

Development in accordance with amended plans (M3 Code B12)

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

Updated Location Plan

Updated Block Plan
Existing Plans and Elevations March 2021
Amended Plans and Elevations March 2021 Rev C

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 change of use hereby permitted allows only for no 27 to be used as a drinking establishment and for no.s 23 and 25 to be used for any purpose falling within class E.

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

Opening Hours (M3 Code D16) (amended)

The drinking establishment use hereby permitted shall be carried on only between the hours of 9am to 12 midnight Sunday – Friday and 9am to 1am on Saturdays.

Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and Poll1, Pollution Control and Protection.

Ventilation equipment

Notwithstanding the provisions of the Town and Country Planning General Permitted Development Order 2015 (as amended), no externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be installed to the property without the prior written approval of the Local Planning Authority,

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

Before use of the drinking establishment first commences, a noise mitigation scheme shall be submitted in writing and approved in writing by the Local Planning Authority detailing measures to ensure that any noise associated with the development does not cause adverse impacts on health or the quality of life, especially to those living and working in the vicinity. The scheme shall be maintained and not altered without the prior permission of the Local Planning Authority.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1

Informative

A public right of way runs alongside the proposed development site. Safe public access on the right of way should remain available whenever possible, with no obstruction of or encroachment onto the width of the path and no building debris, storage of materials or parked vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. If safe public access is not possible at any time then a temporary closure should be arranged, providing at least 4 weeks' notice and details of how public access will be managed. For further information contact publicrightsofway@barnsley.gov.uk.

The developer is advised that both listed building consent and advertisement consent will be required for any advertisements to be displayed on the buildings. The

design of the advertisements will require careful design to ensure that they are appropriate and sympathetic to the listed building.

In preparing the noise mitigation scheme required by condition, the developer is advised to consider issues including the location of music to be played - no music to be played outside; windows and doors to be closed when music is played inside; noise monitoring by staff; signage informing patrons to be respectful to neighbours; no patrons to be outside drinking after 10pm

Listed Building Consent

Time limit condition

Amended plans (listed as above)

Informatives

The developer is advised that, in accordance with the amended plans submitted during determination of this application, no external alterations are hereby allowed at all. The developer is advised to liaise closely with the Council prior to the submission of any future applications for alterations to this group of listed buildings.

The developer is advised that both listed building consent and advertisement consent will be required for any advertisements to be displayed on the buildings. The design of the advertisements will require careful design to ensure that they are appropriate and sympathetic to the listed building.