

2024/0111 & 2024/0114

Mr P Kelly

8 Regent Street, Barnsley, S70 2EJ

Change of use of first and second floors from offices to 4 no. apartments (Listed Building Consent)

## Site Description

The building (8 Regent Street) is grade II listed (NHLE 1191920) and located on Regent Street in Barnsley Town Centre. Regent Street features a variety of commercial uses at ground floor level frontages. The building was built in 1895 and is part of the Regent Street/Church Street/Market Hill Conservation Area. The listing incorporates Number 8 and 10 Regent Street and 2 Eastgate as the building occupies a corner plot and overall forms a very characteristic frontage that contributes strongly to the group value of Regent Street and the rest of the conservation area.

## Relevant Planning History

B/00/0462/BA/AD - Display of two illuminated fascia signs and projecting sign (Approved)

B/00/0657/BA/LB - Display of one projecting sign and illuminated signs on a Listed Building (Historic)

B/04/2379/BA - Installation of new shopfront and disabled access (Approved with Conditions)

B/04/2381/BA/LB - Installation of new shopfront and disabled access (Listed Building Consent) (Approved with Conditions)

## Proposed Development



The applicant is seeking approval for the change of use of the first and second floor of the building from offices to four residential apartments. The building is listed at grade II (NHLE 1191920) so change of use is accompanied by listed building consent. The proposal relates entirely to the interior and involves the alteration of internal C20 stud partitions, and the insertion of a new separating wall to subdivide the apartments. In the basement a new storage facility for each apartment is proposed with connecting doors.

At ground floor the existing office remains, with a small area devoted to a new ventilated fire protected bin store within what is currently a back office. At the first and second floor the office space become four apartments with living space on the south side and bedroom space on the north. The landing at first floor and second floor level will serve the entrance to each flat with the existing toilet and washbasins removed to accommodate access.

## **Policy Context**

Planning decisions 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 Local Plan was adopted in January 2019 and is also now accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies and are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting 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.

## **Local Plan Allocation – Urban Barnsley Town Centre District 3 Courthouse Campus and Regent Street/Church Street/Market Hill Conservation Area**

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004). In reference to this application, the following policies are relevant:

**Policy SD1: Presumption in favour of Sustainable Development** – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

**Policy D1: High quality design and place making** – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

**Policy GD1: General Development** – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

**Policy TC1: Town Centres** – New retail and town centre development will be directed to centres 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 BTC21: Courthouse Campus** – We will allow the following types of development in the Courthouse Campus District. Education and community facilities. Offices. Developments designed to support the creative and digital industries. Residential development, including live-work units. Multi storey car parking. A new public park and improved public spaces.

**Policy HE1: The Historic Environment** – Positively encourage developments that help in the management, conservation and understanding of the historic environment.

**Policy HE3: Developments affecting Historic Buildings** – Proposals involving historic buildings should conserve and where appropriate enhance, respect historic precedents, and capitalise on opportunities to reveal significance.

**Policy Poll1: Pollution Control and Protection** – 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.

**Policy T3: New Development and Sustainable Travel** – New development will be expected to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.

**Policy T4: New development and Transport Safety** – Expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

#### Supplementary Planning Documents

Those of relevance to this application are as follows:

- Design of Housing Development
- Parking
- Sustainable Travel

#### Other Guidance

- South Yorkshire Residential Design Guide

#### National Planning Policy Framework

The NPPF sets out the Government's planning policies and how these are expected to be applied. The core of this is a presumption in favour of sustainable development. Proposals that align with the Local Plan should be approved unless material considerations indicate otherwise. In respect of this application, relevant sections include:

- Section 12: Achieving well-designed and beautiful places
- Section 16: Conserving and enhancing the historic environment

#### **Consultations**

Central Ward Councillors were consulted and raised no objections.

The LPA's Conservation Officer was consulted and raised no objections.

Highways Drainage were consulted and raised no objections.

Highways Development Control (DC) were consulted and raised no objections.

Historic England were consulted and raised no objections.

Yorkshire Water were consulted and raised no objections.

## **Representations**

Neighbour notification letters were sent to surrounding properties and a site notice posted, and a press notice issued, two comments in support of the applications were received.

## **Assessment**

### Principle of Development

The application site is in a town centre location where national and local policy indicates that main town centre uses will be directed in order to maintain the vitality and viability of centres. The site falls within the Courthouse Campus Town Centre District. As such, Local Plan Policies TC1: Town Centres and BTC21: Courthouse Campus are relevant which generally expect development to support and maintain the Town Centre's sub-regional role as the Borough's dominant Centre. Support will be given to retail, but other suitable town centre uses will be supported including residential uses as proposed.

The proposed development and therefore change of use of the building is acceptable because Policy BTC21 states we will allow "*residential development, including live-work units*" in said district and the proposed use can be deemed to fall with that category. Given the above the proposed change of use of the building to residential apartments is deemed acceptable in principle.

The site is also a listed building and within the Regent Street/Church Street/Market Hill Conservation Area, as such, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The LPA will support proposals which conserve and enhance the significance and setting of the borough's heritage assets, paying particular attention to those elements which contribute most to the borough's distinctive character and sense of place.

Furthermore, all new dwellings proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

### Impact upon Heritage Assets and Visual Amenity

No objections were raised from the Conservation Officer as there is little original fabric or detail loss to achieve the conversion, and no external changes required. One of the major internal changes is the insertion of the dividing wall which is necessary to provide acoustic and fire separation of the apartments and therefore acceptable.

There will be no significantly harmful impact to visual amenity from the proposed conversion. The materials are to be retained as existing whilst maintaining the core design of the existing building. There is to be no significant change to the outside of the property therefore the visual amenity of the street scene is not expected to be compromised. The proposal is therefore acceptable in terms of visual amenity and impact upon the street scene in accordance with the SPD Design of Housing Development and policy D1 of the Local Plan.

Additionally, the scope of works to the listed building is acceptable and the proposal is considered to be compliant with Local Plan Policy HE3: Developments affecting Historic Buildings and is considered acceptable in terms of its impact on the listed building.

### Residential Amenity

In terms of noise from surrounding uses, it is noted that the proposed apartments will be located on a predominantly commercial street however existing residential uses are located at first floor level so commercial noise would not be considered a significant issue. In addition, the LPA's Pollution Control team have raised no objections to the scheme.

The proposed internal dimensions meet the standards for studio flats within the South Yorkshire Residential Design Guide as the minimum floorspace for a 1 bed studio is 33sqm and two of the proposed apartments have 33sqm of floorspace with the two others having 40sqm of floorspace. Shared private amenity space for flats should be a minimum of 50sqm plus and additional 10sqm per unit either as a balcony space or added shared private space. The residents have access to a rear yard area which provides approximately 166sqm of space however the quality of this space is poor. The amount of shared private space to be provided can also depend on the quality, quantity and accessibility of local public open space.

Within the wider area of the Town Centre there is the Dearne Valley Country Park and the Dearne Valley Green Heart partnership, which is one of the only 12 nature improvement areas in England which is creating a healthy and attractive natural environment providing plenty of outdoor amenity space within the local area. Given that the one bed apartments are very unlikely to appeal to families, it is considered that there is acceptable outdoor amenity space for the proposed scheme given the nearby facilities as well as the close proximity to the Town Centre and the amenities provided there. For the above reasons, the proposal is not expected to be detrimental to the residential amenity of the neighbours nor the future occupiers in line with the standards set within the SPD and the SYRDG. The proposal is considered to be in compliance with Local Plan Policy GD1: General Development and is acceptable in terms of residential amenity.

### Highway Safety

There will be no impact upon highway safety. The LPA's Waste Management team and Highways DC both confirmed they had no objections to the proposals and the refuse collection statement. The site is within the recognised Town Centre of Barnsley and is in easy walking distance of local car parks and public transport links. As such, although no off-street parking is provided in the proposal it is acceptable given the sustainable location of the development.

### **Recommendation**

**Approve with conditions**