

# Public Document Pack



<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 4 September 2018
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## AGENDA

### SITE VISITS:

1. Site Visit Details

**Please meet at the Town Hall for immediate departure at 10.45 a.m.**

Plan Number	Site	Approx Time of Arrival
2018/0028	Planning application for residential development of 25 dwellings and access (Outline with All Matters Reserved apart from access) at land off Halifax Road, Thurgoland.	11.10 a.m.
2018/0338	Planning application for residential development of 24 dwellings (Reserved Matters relating to outline application 2016/0340) at land at the east of Cote Lane, Thurgoland.	11.30 a.m.
2017/1556	Planning application for the demolition of former Council office building and part new build/part conversion development of 53 retirement living apartments together with communal facilities, landscaping, car parking and associated access at Berneslai Close, Barnsley	12.00 noon

*Please note: Members of Planning Regulatory Board should not become involved in discussions with either the applicant nor local residents when on site visits.*

**The remainder of the agenda will be considered at 2.00 p.m. in the Council Chamber**

2. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members in respect of the under mentioned planning application/s which is/are subject of a site visit.

## **MEETING:**

3. Minutes (*Pages 5 - 8*)

To receive the minutes of the meeting held on 24<sup>th</sup> July, 2018

## **Planning Applications**

Any planning applications which are to be the subject of individual representation(s) at the meeting will be dealt with prior to any other applications.

**If you have any queries in respect of the planning applications included within this pack, or if you would like to register to speak at the meeting, please contact the Planning Department directly at [developmentmanagement@barnsley.gov.uk](mailto:developmentmanagement@barnsley.gov.uk) or by telephoning (01226) 772593.**

4. Land off Halifax Road, Thurgoland - 2018/0028 - For approval (*Pages 9 - 22*)
5. Berneslai Close, Barnsley S70 2HL - 2017/1556 - For approval (*Pages 23 - 40*)
6. Ashroyd Business Park, Ashroyds Way, Platts Common, Barnsley, S74 9SB - 2018/0420 - For approval (*Pages 41 - 54*)
7. Ardagh Glass Ltd., Burton Road, Monk Bretton, Barnsley, S71 2QG - 2018/0492 - For approval (*Pages 55 - 62*)
8. 14 High Street, Hoyland, S74 9AB - 2018/0831 - For approval (*Pages 63 - 68*)
9. Cottage associated with Cooper Art Gallery, 10 Eastgate, Barnsley. S70 2EX - 2018/0865 - For approval (*Pages 69 - 74*)

## **Planning Appeals**

10. Planning Appeals - 1st to 31st July 2018 (*Pages 75 - 76*)

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), Coates, M. Dyson, Franklin, Gollick, David Griffin, Hampson, Hand-Davis, Hayward, Higginbottom, Lamb, Leech, Makinson, Markham, Mitchell, Noble, Pickering, Richardson, Riggs, Saunders, Spence, Stowe, Tattersall, Wilson and R. Wraith

Matt Gladstone, Executive Director Place  
David Shepherd, Service Director Regeneration and Property  
Paul Castle, Service Director Environment and Transport  
Joe Jenkinson, Head of Planning and Building Control  
Matthew Smith, Group Leader, Development Control  
Andrew Burton, Group Leader (Inner Area), Development Management  
Bob Power, Senior Legal Officer (Locum)

Parish Councils

Please contact Elizabeth Barnard on email [governance@barnsley.gov.uk](mailto:governance@barnsley.gov.uk)

Friday, 24 August 2018

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<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 24 July 2018
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## MINUTES

**Present** Councillors D. Birkinshaw (Chair), Coates, Franklin, Gollick, David Griffin, Hand-Davis, Hayward, Higginbottom, Lamb, Makinson, Markham, Mitchell, Noble, Richardson, Riggs, Stowe, Tattersall and R. Wraith

**In attendance:** Councillor Miller (Cabinet Spokesperson for Place)

### 16. Declarations of Interest

Councillor Richardson declared a Non-Pecuniary interest in **Planning Application 2018/0362** – [Barnsley Mencap Centre, Burton Road, Monk Bretton, Barnsley] as local Ward Member and having been involved with meetings with local residents.

Councillors Coates, Makinson and Noble declared a Non-Pecuniary interest in **Planning Application 2018/0591**– [79 Beeston Square, Athersley North, Barnsley] in view of them being Members of Bernesali Homes Board.

### 17. Minutes

The minutes of the meeting held on the 26<sup>th</sup> June, 2018 were taken as read and signed by the Chair as a correct record.

### 18. Land off High Street, Shafton, Barnsley - 2018/0396 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0396** [Residential development of up to 43 dwellings (Outline with All Matters Reserved apart from access)] Land off High Street, Shafton, Barnsley.

**RESOLVED** that the application be approved in accordance with the officer recommendation.

### 19. Job Centre Plus, High Street, Goldthorpe , Rotherham S63 9LQ - 2018/0656 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0656** [Change of use from Job Centre (A1) to 15 bedroom sui generis HMO (C4)] at the Job Centre Plus site, High Street, Goldthorpe, Rotherham, S63 9LQ

**RESOLVED** that the application be refused, against the Officer recommendation, on the grounds of the unacceptable amenity to the proposed tenants and local residents.

In accordance with the agreed protocol, a recorded vote was taken on this planning application with the proposal to refuse the application being:

Moved by Councillor Stowe – Seconded by Councillor Noble; with voting being as follows:

In favour of the proposal to refuse the application:

Councillors D Birkinshaw (Chair), Coates, Franklin, Gollick, David Griffin, Hand-Davis, Hayward, Higginbottom, Lamb, Mitchell, Noble, Richardson, Riggs, Stowe, Tattersall and R Wraith.

All Members present at the time of the vote actually voted.

**20. Barnsley Mencap Centre, Burton Road, Monk Bretton, Barnsley S71 2JS - 2018/0362 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0362** [External alterations including partial demolition works, formation of new building entrance, other fenestration changes and alterations to external parking and manoeuvring areas] at Barnsley Mencap Centre, Burton Road, Monk Bretton, Barnsley, S71 2JS.

Mr Allen Hitchen attended the meeting and spoke against the officer recommendation to approve the application.

**RESOLVED** that the consideration of the application be deferred to enable the Board to undertake a site visit and to allow officers to consider and report on the legal implications relating to a possible future temporary change of use from D1 to A1 permitted in accordance with Part 4 Class D of the Town and Country Planning (General Permitted Development) (England) Order 2015.

**21. Land at Cheapside, Eldon Street, Midland Street, Kendray Street, May Day Green, Queen Street and Peel Square, Barnsley - 2018/0279 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0279** [Erection of permanent structures and associated public realm works] on land at Cheapside, Eldon Street, Midland Street, Kendray Street, May Day Green, Queen Street and Peel Square, Barnsley.

**RESOLVED** that the application be approved in accordance with Officer recommendation.

**22. 79 Beeston Square, Athersley North, Barnsley S71 3DW - 2018/0591 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0591** [Single storey extension to rear and accessibility ramp to side and rear of dwelling] at 79 Beeston Square, Athersley North, Barnsley, S71 3DW.

**RESOLVED** that the application be approved in accordance with Officer recommendation.

**23. Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley - 2018/0802 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0802** [Removal of Ash Tree T1 within TPO 1/1964] at Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley, S71 5EH.

**RESOLVED** that the application be approved in accordance with Officer recommendation.

**24. Planning Appeals - 1st to 30th June 2018**

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2018/19.

The report indicated that 1 appeal had been received, no appeals had been withdrawn and none had been decided in June 2018. A number of appeals had been submitted in July and a further update would be provided at the next meeting.

It was reported that 4 appeals had been decided since 1<sup>st</sup> April, 2018 of which 2 (50%) had been dismissed and 2 (50%) had been allowed.

**RESOLVED** that the update report be received and noted.

**25. Planning Enforcement Update Report**

The Board received a report which was presented by the Planning, Building Control and Enforcement Officer giving an update on the activities of the Planning Enforcement Service for the Quarter 1 (April – June, 2018).

Of the 210 cases received during the quarter, 125 had been investigated/resolved and 85 were still under consideration. In giving a breakdown of the requests for service received, the report also outlined the key actions undertaken and the enforcement case outcomes during the quarter. It then gave details of legal action being taken in respect of various cases details of which were updated, where appropriate, by the Head of Planning and Building Control

It was noted that from April 2018 the Service had been aligned with the Planning/Economic Regeneration Service within the Place Directorate and that the number of formal actions being taken were now at record levels largely as a result of the increased proactive nature of the Service. It was also reported that the vacant Planning Enforcement Officer post was being advertised and was to be recruited to shortly.

**RESOLVED** that the update report regarding planning enforcement activity be noted.

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Chair

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# Item 4

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**2018/0028**

**Applicant:** Mr Elmhirst

**Description:** Residential development of 25 dwellings and access (Outline with All Matters Reserved apart from access)

**Site Address:** Land off Halifax Road, Thurgoland, Sheffield

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6 letters of objection have been received  
Thurgoland Parish Council have objected to the scheme

## **Site Description**

The site is located on the north eastern edge of Thurgoland, a settlement located around 6.1m south west of the centre of Barnsley.

The site comprises an irregular shaped piece of agricultural land, totalling around 1.04 Ha and designated as 'safeguarded land' within the Barnsley UDP (2000). The northern extent of the site is occupied by a vacant farmhouse together with a number of outbuildings.

The site is bordered by existing residential development along the north western edge by virtue of properties located on Smithy Hill. An existing bus shelter is located along the western boundary of the site, with the south western edge occupied by an existing war memorial. The Green Dragon Inn PH is located directly opposite the site together with an existing hair & beauty salon on the corner of Halifax Road/Cote Lane. Properties within the surrounding locality comprise a variety of architectural form & scale, with the majority of existing residential properties being of a stone-built construction incorporating slate roofs.

## **Previous Planning History**

2012/0676 – Residential Development of 3 no. dwellinghouses following demolition of exiting barn shelters (Outline) – Approved (August 2012)

2015/1319 - Erection of 3 no. dwellings (Outline) – Approved (December 2015)

2016/0274 - Conversion of agricultural barn to 2 no. dwellings (Prior Notification) – Approved May 2016

## **Proposed Development**

The planning application is for the redevelopment of the site for up to 25 dwellings. The farmhouse will be retained with all other farm buildings on the site removed. All matters are reserved except access which is to be from Halifax Road via a T-Junction. The existing farm access off Smithy Hill will be retained for no.1 Smithy Hill (which has parking to the rear) and will continue on as a pedestrian link into the site. Continued access to the adjacent farm land is secured via the new access from Halifax Road and a new field entrance to the south east of the site.

## 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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The emerging Local Plan has now reached a very advanced stage with a consultation on main modifications to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean increasing weight can be given to the policies contained within the document although, in accordance with paragraph 48 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

### Core Strategy

CSP3 SuDS  
CSP4 Flood Risk  
CSP8 The Location of Growth  
CSP9 The Number of New Homes to be Built  
CSP10 The Distribution of New Homes  
CSP14 Efficient use of land  
CSP 15 Affordable Housing  
CSP26 New Development and Highway Improvement  
CSP29 Design  
CSP33 Green Infrastructure  
CSP36 Biodiversity and Geodiversity  
CSP42 Infrastructure and Planning Obligations

### Saved UDP Policies

The site is in the Housing Policy Area on the Saved UDP Proposals Map.

## SPDs

Designing new housing development  
Parking

## Emerging Local Plan

The site is proposed for allocation as housing in the emerging Local Plan, it formed part of a number of additional sites put forward for allocation during the Examination in Public. Policies of relevance would be:

Policy SD1 - Presumption in Favour of Sustainable Development

Policy GD 1 – General Development

Policy H7 – Housing Mix and Efficient Use of Land

Policy T4 – New Development and Transport Safety

Policy D1 – High Quality Design and Place Making

Policy CC3 – Flood Risk

Policy Poll1 – Pollution Control and Protection

## 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.

In respect of this application, relevant policies include:

Section 2 – Achieving Sustainable Development

Section 5 – Delivering a sufficient supply of homes

Section 12 – Achieving well-designed places

## **Consultations**

Affordable Housing – scheme includes 7 affordable units which equates to 28% over the policy which requires 25%

Coal Authority – No Objections

CPRE – Object to the loss of safeguarded land and potential future pressure on the Green Belt.

Contaminated Land – No objections subject to conditions

Ecology – The Ecology reports are acceptable, and all mitigation should be conditioned. The retention of the hedgerows is an important part of these mitigation measures therefore if removal of additional hedgerow is required at detail design stage a further ecology report would be required.

Education – There is a shortage of secondary and primary school places and a contribution of £125,183 will be required to mitigate this.

PROW – Footpath 18 will need to be diverted and the new route tarmacked with consideration given in the landscaping scheme to visibility and safety.

Highways drainage – No objections subject to conditions

Highways - A number of concerns were raised regarding the access into the site from Halifax Road. These have been resolved and as a result no objections subject to conditions.

Parish Council - The Parish Council is of the opinion that this site is not suitable with the access, as shown, onto Halifax Road. The access is far too near the traffic lights on one side, and far too near the access/egress of Thorpe's Lorry Park on the other. The Parish Council also raise the concern that the site should remain as safeguarded land until any allocation is adopted by the Local Plan. However, the Parish Council do acknowledge that the area around the traffic lights is an eyesore and any visual improvements that could be gained would be welcomed.

Pollution Control – No objections subject to conditions

SYMAS – No objections

Trees – Concerns about the impact of the access on the hedgerow and trees. More detailed plans required to show level changes and the full impact of any internal layout on the boundary trees and vegetation. These can be conditioned for submission at the Reserved Matters stage.

Waste – Access needs to accommodate a 26 tonne RCV (Refuse Collection Vehicle)

YW – No objection subject to conditions

## **Representations**

The proposed was advertised through neighbour notification letters, site notices, and by a press notice. 6 objections have been received. These raise concerns regarding:

- Loss of the historic farmhouse and barns and impact on this historic part of Thurnscoe;
- Overdevelopment of the site and wider area and loss of character of the village;
- Loss of community feeling in the village from increased development;
- Loss of outlook / privacy and light;
- Schools and health services already overloaded;
- The drains can't take the sewage and water runoff;
- Increased traffic causing congestion and highway safety concerns; and
- Impact on wildlife.

## Assessment

### Principle of development

Planning law is that decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise. The current position is that the Development Plan consists of the Local Development Framework Core Strategy and the saved Policies of the Unitary Development Plan. The proposal site is predominantly comprised of Unitary Development Plan (Saved Policies) designated Safeguarded Land and a smaller area of land with the Housing Policy Area designation.

The revised NPPF states, in relation to the presumption in favour of sustainable development, that:

*“The presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision making. Where a planning application conflicts with an up-to-date development plan (including any neighbourhood plans that form part of the development plan), permission should not usually be granted. Local planning authorities may take decisions that depart from an up-to-date development plan, but only if material considerations in a particular case indicate that the plan should not be followed”.*

Currently the council cannot demonstrate a 5 year housing supply which is a material consideration in this case. Thurgoland is identified as a village in the settlement hierarchy, in the adopted Core Strategy and the emerging Local Plan, where development is allowed if it is consistent with Green Belt policy and is necessary for the viability of the settlement and to meet local needs. As the site is safeguarded in the saved UDP, its development is not in conflict with Green Belt policy and the absence of a 5 year housing supply supports (in part) that the development is necessary to meet local needs. The village of Thurgoland includes some essential services (doctors, school, shop and public house) and is serviced by buses to Barnsley, Penistone and Sheffield. Furthermore, whilst the site was originally proposed to remain safeguarded in the Local Plan, through the EiP process it was identified that additional land for housing is required and this site has now been brought forward as a housing allocation. Whilst the weight that can be afforded to the Local Plan is limited in accordance with paragraph 48 of the NPPF, the site has been assessed as a sustainable, suitable location in order to be out forward as an allocation.

Therefore, taking account of the above it is considered that departing from the development plan and applying the presumption in favour of sustainable development, there is justification for the principle of residential development at this site. However, this is subject to an assessment of the impacts.

### Residential Amenity

The main criteria for assessing this issue are Core Strategy Policy CSP29 Design, the Designing New Residential Development SPD and Core Strategy Policy CSP40 Pollution Control and Prevention.

An indicative layout has been provided which demonstrate that the site can accommodate up to 25 dwellings easily and separation distances between the new and existing properties can be achieved to meet the standards in the Designing New Residential Development SPD. However, as this application is in outline with only the principle of development and means of access being considered the layout as submitted is indicative only. Loss of a view or outlook is not a matter that can be taken into account when considering planning applications.

Residents' concerns about noise and disturbance during the construction phase are acknowledged. Conditions requiring method statements to limit noise and dust would be required along with a condition restricting the hours of day when construction work is permitted.

### Visual Amenity

The site is visible when approaching the village from the east as a result of the open landscape beyond it and its topography. Nevertheless it is located at the edge of the existing settlement with residential and / or mixed use development along 3 of the 4 boundaries. A well designed scheme here has the potential to complement and overtime blend into the existing village nicely. However, as this is an outline application, the detailed design will form part of the reserved matters application.

### Highway Safety

Initial concerns were raised by the Council's Highways Section with regards to the suitability of the access onto Halifax Road. In response the applicant's submitted a Road Safety Audit and further assessments of the impact on the free flow of traffic on Halifax Road. In response to the concerns raised the applicant's Highways Consultant responded with the following points:

- The proposed access has been designed to adoptable standard
- Visibility splays have been provided in accordance with the 30mph plated speed limit in force
- The access exceeds junction spacing guidance to the traffic signals based upon the 30 mph plated speed limit
- No accidents have been recorded at comparable junctions to the north of the signals
- The proposed access will operate well within capacity
- The access has been the subject of an independent Road Safety Audit which has not raised any concerns over the for, location or proximity of the junction to the traffic signal or lorry park

Further discussions were held between the applicant and the Highways Section. Whilst the above points allayed some concerns the Highways Section were still concerned about visibility at the access. The applicant had originally put forward that the visibility would meet MfS (Manual for Streets) standard but, knowing the traffic generation and speeds along Halifax Road, the Highways Section were looking for the higher standards required by the DMRB (Design Manual for Roads and Bridges) which it was not clear could be met. However, the applicant has provided further information to show that the required visibility, 2.4m x 90m, can be achieved. There has also been an agreement that a 'gateway' feature can be provided, at the cost of the applicant, which would help to highlight the change in speed to motorists. Whilst the details of this are not fully worked up it is considered that they can be secured by an appropriate condition.

In view of the above discussions, and further details provided through the course of the application, the Highways Section have raised no objections to the scheme subject to suitable conditions.

### Affordable Housing, Education and Green Space

As the application is at outline stage full details of the type and size of house proposed are not fixed. However, the applicant has confirmed in their submission that 7 of the 25 houses will be affordable which equates to 28% of the development which is above the policy requirement of 25%. This can be secured via an appropriate condition.

Whilst house sizes are not yet known, the Council's Education section have calculated that 25 homes would generate 5 additional primary school places and 4 additional secondary school places. This would equate to a commuted sum of £125,183. The education contribution can be secured via a suitably worded condition.

In terms of green space the applicant has shown on their indicative drawing that green space can be incorporated within the layout of the site. This would benefit the visual amenities of the area as highlighted by the Parish Council. However, the plans are only indicative at this stage and as such a condition can be imposed to ensure this issue is adequately addressed at the reserved matters stage.

### PROW

There is a PROW that runs from Smithy Hill through the top half of the site and links onto Fir Tree. The applicant has acknowledged its existence on the indicative plan and the likelihood that this will need to be retained but diverted through the site. This will need to form part of the reserved matters but the diversion will also need to be agreed with the PROW Section and an informative is therefore recommended to make the applicant aware of this.

### Drainage

The applicant has submitted a Drainage Strategy and Flood Risk Assessment as part of the application. In summary this states that foul water will discharge to the public combined sewer. In terms of surface water disposal, this will depend on the layout that is eventually decided upon but it is proposed to carry out infiltration testing to ascertain whether soakaways will be feasible. If not, other methods will have to be explored including discharging to the public surface water sewer at appropriately controlled rates. These details have been assessed by the Council's Drainage Section and Yorkshire Water who have both raised no objections subject to suitable conditions.

### Ecology and Trees

The applicants have submitted a bat report and Preliminary Ecological Assessment. The Council's biodiversity Officer is satisfied with the contents of these reports and subject to conditioning the mitigation measures proposed has raised no objections. The issue of the impact on hedges and trees within and on the boundaries of the site has been raised. However, as neither layout nor landscaping is being considered at this stage this is an issue that would need to be more appropriately assessed at Reserved Matters stage. A condition is however recommended to highlight this issue to the developer if outline permission is granted.

## Conclusion

The land is currently allocated as Safeguarded land but the allocation for housing in the emerging Local Plan, the lack of a 5 year supply, and the site's positioning towards the centre of the village and bordered on three sides by existing development, provide weight to support the principle that residential development is acceptable. The access has been fully assessed by the Council's Highways Section who have raised no objections. Although in outline form only at this stage it is considered that a scheme could be designed to ensure there are no significant detriments to visual amenity or residential amenity and as such the recommendation is to approve.

## **Recommendation**

**Grant** subject to conditions:

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.**

- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) means of access
- (e) landscaping

**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**

- 3 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

**Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.**



- 4 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units/bed spaces;
  - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
  - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.**

- 5 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
  2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
  3. An appraisal of remedial options, and proposal of the preferred option(s).
  4. A remediation statement summarising the works to be undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

**Reason - To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy Policy CSP40**

- 6 In relation to Condition No.5, should the site require a remediation scheme to address any contamination risks identified, then this scheme shall be implemented in accordance with a timetable of works to be submitted to and agreed in writing with the Local Planning Authority. On the completion of the measures identified in the approved remediation scheme, a Validation Report (that demonstrates the effectiveness of the remediation carried out) must be submitted to the Local Authority.

**Reason - To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy Policy CSP40**

- 7 No development shall take place unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.  
**Reason: To ensure the proper drainage of the area in accordance with Core Strategy Policies CSP 3 and CSP 4**
- 8 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.  
**Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with Core Strategy Policies CSP 3 and CSP 4**
- 9 No development approved by this permission shall be commenced until a scheme for the provision and implementation of a surface water run-off limitation into the watercourse has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be implemented in accordance with an approved programme and details.  
**Reason: To prevent the increased risk of flooding in accordance with Core Strategy Policy CSP 4**
- 10 An Arboricultural Impact Assessment shall be submitted with the Reserved Matters application.  
**Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 11 Prior to any work commencing, the applicant shall submit to BMBC for their approval a noise and dust management plan detailing how they will control noise and dust during demolition and construction. Once approved the applicant shall adhere to the noise and dust management plan at all times.  
**Reason: In the interest of residential amenity to accord with Core Strategy Policy CSP40**
- 12 Prior to commencement of development full details of the mitigation measures identified in the Preliminary Ecological Appraisal (Dec 2017) and the Bat Emergence Survey (August 2018), including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 13 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

- 14 No development shall commence until such time as a planning obligation has been entered into for the provision of off-site education facilities. The provision of off-site education facilities shall be provided in accordance with the approved scheme.  
**Reason: To ensure children can be accommodated in local primary schools in accordance with policy CSP 42.**
- 15 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to on site and off-site public open space in accordance with Core Strategy policy CSP 35 and the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the on site and off site open space shall be provided prior to completion of the development in accordance with the approved scheme.  
**Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 35 and the Open Space Provision on New Housing Developments SPD.**
- 16 Visibility splays, having the dimensions 2.4m x 90m, shall be safeguarded at the junction of the access road with Halifax Road, such that there is no obstruction to visibility and forming part of the adopted highway.  
**Reason: In the interests of highway safety in accordance with CSP26**
- 17 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway  
**Reason: In the interests of highway safety in accordance with CSP26**
- 18 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- " Provision of a gateway feature on Halifax Road;
  - " Any necessary signing/lining;
  - " Any necessary resurfacing/reconstruction;
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.  
**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**

19 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- The parking of vehicles of site operatives and visitors;
- Siting of the site cabin
- Means of access for construction traffic;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Measures to prevent mud/debris being deposited on the public highway
- Noise and dust management plan to provide measures on how noise and dust will be controlled during the construction period

**Reason: in the interests of highway safety in accordance with CSP26**

20 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

**Reason: In the interests of highway safety in accordance with CSP26.**

21 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.

**Reason: In the interests of highway safety.**

22 The development red line area hereby approved shall be in accordance with drawing No. 1770 01 unless required by any other conditions in this permission.

**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

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**BARNESLEY MBC - Regeneration & Property**

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Scale 1: 2000

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**2017/1556**

**Applicant:** McCarthy and Stone Retirement Lifestyles Ltd

**Description:** Demolition of former Council office building and part new build/part conversion development of 53 retirement living apartments together with communal facilities, landscaping, car parking and associated access

**Site Address:** Berneslai Close, Barnsley, S70 2HL

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6 letters of objection were received initially. On reconsultation a further 6 letters of objection were received and 7 letters of support.

## **Site Location & Description**

The site measures approximately 0.42 hectares (1.04 acres) and is located in Barnsley Town Centre on the north side of Berneslai Close.

The site comprises of disused former Council office buildings and an area of hard standing (mainly car parking). The existing building comprises the main buff brick building which was constructed in the 1930s with modern additions to the rear, together with an adjoining red brick Edwardian former hospital building. The site is irregular in shape but generally level. The site overlooks open space to the south, the former St Mary's Burial Ground, and is located approximately 400 metres from the defined Shopping Area of Barnsley Town Centre.

Access is taken from Berneslai Close, which forms the site's southern boundary. There is established residential development to the north and west boundaries with a mews court to Churchfields Close to the east.

The site lies wholly within the Victoria Road Conservation Area. The Conservation Area was enlarged in 2008 specifically to include the buildings at Berneslai Close with considerable Member and local support.

The buildings, which are located on a site that once housed Beckett Hospital which was founded in 1862, now contain redundant offices, which are large scale 3/4 storey buildings. The elevations that face the former St. Mary's burial ground are of particular interest. The oldest of these buildings is the 3 storey, red brick Edwardian building in Baroque style. It has a hipped Welsh slate roof with overhang and decorated stone corbels, a central gabled projection with pediment, round window and decorated oriel window above the main entrance. Bays to either side incorporate sliding sash frames. The height to eaves is 9m, and the overall height is 12.5m.

Adjacent and attached to this building is a larger 1930's building of 4 storeys with a stepped elevation in an orange-buff brick. 11 bays, some with vertical proportions, some square. Square bays incorporate windows in an 8 over 12 arrangement and vertical windows incorporate side hung casements. The foundation stone was laid by Countess Fitzwilliam in October 1938. The height to eaves is 13.5m, and the overall height is 16m on the front elevation. Two arms extend to the rear, one 4.3m to eaves and 6.3m to ridge; one 12m to eaves, and 14m to ridge. It is this later building which is intended to be demolished. There are some trees to the perimeter of the site.

## **Planning History**

B/80/0894/BA Environmental works and car parking area approved

## **Proposed Development**

The 1930's block is proposed to be demolished and replaced with a new build specialist Retirement Living accommodation. Initially the scheme was for 54 units in total, comprising new build of 43 units, of 24 x 1 bed and 19 x 2 bed apartments for sale to older people, and conversion of the Edwardian building into 11 apartments comprising 2 no 2 bed and 9 no 1 bed apartments. Following negotiations, the scheme has been amended with a small increase to 45 units in the new building composed of 26 no 1 bed apartments and 9 no 2 bed apartments, an additional 2 apartments being inserted to Level 00, and an increase in the size of apartments overall to meet the Council's minimum internal space requirements. The number of units proposed to be in the converted Edwardian Building has been reduced from 11 down to 8 in order to meet the Council's minimum adopted space requirements for the most part, subject to the constraints experienced when converting a historic building. This makes a total of 53 units in the proposal, a reduction of 1 from what was originally submitted.

The negotiations have also included extended discussions on the external design and quality of materials which are now proposed to be as follows:

The new build would consist of a four storey building of 9.5m to eaves and 12.5m to apex of roof. The top floor of accommodation lies within the roofspace. A lower ground floor is proposed which will accommodate refuse area, guest suite, manager's office etc. Bay window style balconies are proposed to centre and end bays. The main material is proposed to be of buff brick, with slate roof on the front elevation, together with a significant amount of stone detailing in the form of an artstone plinth, heads and cills, copings, verges and corbelling to the front elevation. Conservation rooflights and windows in anthracite to be set back in reveal are also proposed, along with black downpipes and guttering

The new building will be separated from the Edwardian hospital building with works then taking place to the existing building to repair and rebuild the attached wall to make good the separation. From the main public vantage points to the south and east the Edwardian Hospital Building would then remain externally as is with all works to convert it being predominantly internal.

The Retirement Living development would feature communal facilities such as a residents' lounge, CCTV entry system, and Careline alarm facility. A management company would maintain the grounds and fabric of the development following construction, thus safeguarding the interests of the owners and the local community.

31 no. parking spaces are proposed with two disabled spaces to the main car park to the rear and east of the proposed building. A further 7 no car parking spaces are proposed accessed from Berneslai Close to the rear of the retained Edwardian building. A scooter store and small substation building is also proposed within the grounds. Additional landscaping has been provided to the residents' patio area as requested by Council's Design Officer.

A viability assessment was submitted as the applicant considers that the application is not sufficiently viable to provide the full suite of contributions which would normally be necessary through policy requirements. However, the applicant has agreed to pay the required greenspace contribution of £41,763.



## 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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean increasing weight can be given to the policies contained within the document although, in accordance with paragraph 48 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Draft Local Plan Allocation – Westgate/Churchfields Policy BTC 18 Priority will be given to office development. We will also allow residential, shops leisure and entertainment uses.

Relevant Local Plan Policies would be:

Policy GD 1 – General Development  
Policy H7 – Housing Mix and Efficient Use of Land  
Policy T4 – New Development and Transport Safety  
Policy D1 – High Quality Design and Place Making  
Policy HE1 – The Historic Environment  
Policy HE5 – The Demolition of Historic Buildings  
Policy CC3 – Flood Risk  
Policy Poll1 – Pollution Control and Protection

## The Core Strategy

CSP1 Climate Change

CSP2 Sustainable Construction

CSP3 Sustainable Drainage Systems

CSP4 Flood Risk

CSP5 Including Renewable Energy in Developments.

CSP8 The Location of Growth

CSP9 The Number of New Homes

CSP10 The Distribution of New Homes

CSP14 Housing Mix and Efficient Use of Land

CSP15 Affordable Housing

CSP25 New Development and Sustainable Travel

CSP26 New Development and Highway Improvement

CSP29 – Design – sets out the overarching design principles for the borough to ensure that development is appropriate to its context and states that high quality development will be expected.

CSP30 – The Historic Environment – states that development which affects the historic environment and Barnsley’s heritage assets and their settings will be expected to protect or improve the character and/or appearance of Conservation Areas and Listed Buildings

CSP39 Contaminated and Unstable Land

CSP40 Pollution Control and Protection

CSP42 Infrastructure and Planning Obligations

## Saved Unitary Development Plan Policies

The UDP designation is TC51/2 Northern Office/Education/Civic Area

Victoria Road Conservation Area

Policy TC20 High standards of design and materials will be required for town centre development:

1. Within conservation areas... good buildings should be retained and refurbished, or rebuilt. Poorer buildings should be replaced in traditional size, scale and form to suit their context, in natural stone and slate

## Relevant Supplementary Planning Documents and Advice Notes

SPD Designing New Housing

SPD Open Space provision on New Housing Developments

SPD Parking

South Yorkshire Residential Design Guide

## 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 109 - 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

Para 62 - where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on site unless off site provision or an appropriate financial contribution in lieu can be robustly justified and the agreed approach contributes to the objective of creating mixed and balanced communities.

Para 189 - In determining applications, LPA should require an applicant to describe the significance of any heritage asset including any contribution made by their setting.

Para 192 - in determining applications, LPA should take account of the desirability of new development making a positive contribution to local character and distinctiveness.

Para 197 - the significance of a non-designated heritage asset should be taken into account in determining the application, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Para 124 - good design is a key aspect of sustainable development

### **Consultations**

Historic England – No comments required

South Yorkshire Archaeology Service – no comments received

South Yorkshire Police – advice provided on secured by design

Civic Trust – supports the application and considers relative heights have been considered properly

Yorkshire Water – no objections in principle

Pollution Control –no objections.

Highways DC – no objections in principle

Design – no formal comments received, requested enhanced planting

Policy – A greenspace assessment would require a contribution

Contaminated Land Officer – no comments received

Affordable Housing - 15% affordable housing would normally be required or equivalent offsite contribution

Forestry Officer – no objections subject to conditions

Biodiversity Officer – no objections subject to conditions

Conservation Officer - no objections subject to conditions

Highways Drainage – the submitted information is sufficient, no conditions required

Waste Management – the developer will be charged for bins, a leaflet is attached to comments. Bin store should be large enough for 11 x 1100 litre containers for household waste and then extra for recycling bins

Adult Care Homes – no comments received

Natural England – No comments

### **Representations**

The initial application was advertised by way of a press notice, site notice with 45 neighbours being notified individually by letter.

Objections were received from 6 addresses in the local area relating to the initial plans. Some residents sending more than one comment or representation. Comments can be summarised as follows:

- Support for project as a whole but concerns about details
- Loss of privacy/size/overlooking/overshadowing/over development
- Impacts of noise/dust on health during demolition/construction
- Effect on drains/ water pressure etc
- Effect on street parking in local area as there are insufficient spaces proposed
- Noise disturbance from vehicle movements in proposed car park
- Design is out of character for this low rise conservation area( bulk scale massing details)
- A 10 ft. high Victorian brick wall should be built instead of proposed fence
- A nursery was refused in this area, why should this application be granted?
- Potential for rats to be disturbed
- Must ensure the flats are only for the over 55's and not rented out to drug or alcohol dependents
- Loss of view

A second round of consultation was undertaken with local residents and councillors on a revised design

13 comments were received as a result of the reconsultation exercise. Of these, 11 were pre-prepared slips sent recently by the applicants to residents who had previously shown an interest during the applicant's public consultation exercise. The slips contained the application information with a space for comments. Seven of the comments supported the proposal, being a much needed development in the town centre and for the elderly (6 of these supporting comments came from outside the immediate locality such as from Hood Green, Mapplewell, Ardsley).

There were six objections, these were all from properties lying close to the development site, and for the most part reiterated the previous concerns of noise, dust, hours of demolition/construction, privacy and overlooking, height of buildings and number of units proposed, noise from cars and substation and disturbance of rats.

Councillor Bruff has also commented that the following should be considered, these comments relate to both consultations:

- Start / finish times [demolition, construction]should be determined so as not to be too early, too late or weekends, which may affect residents of sheltered housing close by
- Screening for dust, mud etc
- Vehicle wash to reduce any mud on road around area of build and access
- No delivery/pick up vehicle queues (especially with engines running)
- Keeping access to residential home free and available at all times for taxis, visitors or emergency vehicles
- Noise levels
- If security lights used, keep them away from residents living/sleeping windows

## **Assessment**

### Principle of Development

The Council cannot at present demonstrate a deliverable five year supply. The Barnsley Five Year 'Deliverable' Housing Land Supply Report concludes that for this five year period the authority cannot demonstrate a 'deliverable' five year supply against Core Strategy

targets at the present time. However, should the Local Plan be adopted as submitted, the authority will be able to demonstrate a deliverable five year supply against Local Plan requirements.

The NPPF is clear that where no five year supply can be demonstrated the Presumption in Favour of Sustainable Development at paragraph 11 of the NPPF should be used to determine planning application. Other relevant development plan policies and material considerations should, however, still be considered.

The policy background makes it clear that proposals must also comply with other relevant policies in the plan to be approved. In particular, CSP29, CSP14, the NPPF and the Council's SPDs require high quality development/design, and a good standard of amenity for all existing and future occupants of land and buildings.

The harm associated with the demolition of the 30s section would need to be justified against Policy CSP 30 which requires the character and/or appearance of Conservation Areas to be protected or improved. The loss needs to be offset by other significant public benefit including not only quality retirement properties in a sustainable location, but also tangible benefits in terms of the character and appearance of the conservation area, that references the best it has to offer (in architectural terms) and continues to contribute to the group value.

All new dwellings 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. Development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety.

In this instance other material considerations which could be weighed in the planning balance include that the site is located within the Urban Barnsley which is a focus for growth as set out in Core Strategy Policy CSP8 'The Location of Growth' and that it lies within a sustainable location, close to town centre amenities and services including the transport interchange, health centres shops and entertainment.

The area is well served by public transport and is considered to be a sustainable location for residential use. The proposed development is therefore considered to accord with policies CSP1 and in view of the circumstances, is acceptable in principle on this point.

#### Core Strategy Policy CSP14: Housing Mix & Efficient Use of Land

Core Strategy policy CSP14 is concerned to ensure that development makes the most efficient use of land. The development proposed is a retirement centre and the apartments reflect this being a mix of one and two bed units.

With regard to density, CSP14 requires a minimum density of 40 dwellings per hectare unless it can be demonstrated that a lower density is necessary. Paragraph 9.78 of the Core Strategy expands on the issues that are relevant where justifying a density lower than that required by CSP14. The proposal is for 53 dwellings, which is acceptable; taking account of the constraints of the site and character of the area.

However, this is a specialist retirement development for which there is a need in the borough as set out in the SHMA 2014 which states in para 6.121 " A major strategic challenge for the Council is to ensure a range of appropriate housing provision, adaptation and support for the area's growing older population. The number of people across the Barnsley MB area aged

65 or over is projected to increase by 16.9% from 55,166 in 2011 to 64,483 by 2021". This proposal meets a need in the borough and is therefore considered to accord with CSP 14.

#### S106 considerations – off-site public open space, affordable housing,

Core Strategy Policy CSP 15 expects 15% of the proposed units to be affordable unless the requirement would render the scheme unviable. In addition, in accordance with CSP35, CSP42 and the SPD Open Space Provision on New Housing Developments, new developments that exceed 20 residential units are expected to contribute towards green space requirements. A minimum of 15% of the gross site area must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses.

The applicant has submitted a viability appraisal stating that the site cannot sustain any developer contributions due to viability. The Council commissioned the District Valuer to undertake an independent evaluation of the applicant's viability appraisal and has determined that the proposal cannot support an affordable housing contribution. However, it has been agreed with the developer that a greenspace contribution of £41,763 can be put forward. Based on the District Valuer's assessment it is considered that any further contributions would render the scheme unviable and as such this level of contribution is accepted.

#### Historic Environment

Core Strategy policy CSP30 requires that we ensure that development which affects the historic environment and Barnsley's heritage assets and their settings will be expected to protect or improve the character and / or appearance of Conservation Areas'. The loss of a building within a Conservation Area can cause harm to a Conservation Area and a proportionate explanation of the significance of an asset is required which should clearly identify any harm to elements that contribute positively in a Conservation Area and allow an appropriately balanced judgement in favour of an overarching public benefit.

The buildings (both the Edwardian original and the 30's extension) physically illustrate both historic and communal values that are more than just secondary to appearance and still have a meaning to local people who relate to it through collective memories and experiences. This was demonstrated by the public support for the inclusion of the building into the extended conservation area. As such the buildings have heritage values that contribute to the significance of the conservation area. This contribution may on balance be a moderate but positive contribution and its loss represents some harm.

The replacement must therefore balance the public benefits of the new build which requires the demolition of the 1938 building against the harm of the loss.

There is real benefit in providing residential accommodation within the town centre. However, in replacing the 1938 building it is important that the design should also make a positive contribution to both the setting and appearance of the Edwardian building and the former burial ground but still be deferential in appearance.

The separation of the proposed replacement building from the Edwardian retained building will allow the Edwardian former hospital building to have more presence in this part of the Conservation Area. This will be enhanced by the more modest height of the proposed building. The design of the proposed frontage now broadly echoes the order, rhythm,

arrangement, and proportion of the openings on the retained building and is of a more proportionate size to the retained building. The bay windows to the front elevation again reflect the oriel to the frontage of the Edwardian and more closely relate to a key design element within the Conservation Area. The proposed buff brick echoes the existing exterior material, and stone detailing adds an element of historic quality and integrity to the design.

Overall, whilst there is harm to the Conservation Area as a result of the loss of the 1930's building, its replacement proposes separation from the Edwardian hospital building; high quality materials and detailing and a more appropriate scale and massing than the existing. Together with the provision of a significant number of much needed residential accommodation for elderly, this will provide a community benefit and overall it is considered that the harm caused by the loss of the 1930's building is outweighed by the positive benefits of the proposal and contributes positively to the character of the conservation area in accordance with CSP 30.

### Design and Visual Amenity

The Conservation Officer is satisfied that the proposal presents a high quality design suitable for the replacement of this large building in the Conservation Area. The existing building is in a beige brick and the proposal reflects this and complements both the red brick Edwardian building adjacent and would also fit well with the prevalent medium grained sandstone to be found throughout the Conservation Area and will have a sense of quality.

In terms of the other design attributes the Conservation Officer considers that the proposal being considered by Members is a significant improvement over the original submission. He considers that the recurring motif in the Victoria Road Conservation Area is a bay window and is a strong design element in many houses in the area (particularly along Victoria Road). The incorporation of this design element is a quality feature of the proposal as is the inclusion of the central bay projection. Together with the considerable amount of architectural stone detailing, corbelling, window design, and flush conservation style roof lights and the slate roof will all help to key the design into the local area.

In terms of scale, the building as now proposed is 9.5m to eaves and 12.5m to apex which is 3.5m lower than the existing 1930's building which is being demolished, and is much closer in scale and massing to the existing Edwardian Building to be retained. The top (4<sup>th</sup>) floor accommodation being located in the roof space also reduces the impact of the building, allowing the 3 storeys of buff brick to be of similar vertical dimensions to the adjacent Edwardian building and minimising the visual impact of the fourth floor accommodations.

Overall the proposal is considered to be of high quality design and materials and together with the scale and massing, and high quality detailing is considered to be appropriate to its location and is considered to preserve and enhance the character of the of the Conservation Area. As such the proposal is considered to be in accordance with Core Strategy Policy CSP 29 design and CSP 30 Historic Environment.

### Residential Amenity

Supplementary Planning Document 'Designing New Housing Development' sets out that all residential developments should achieve the internal spacing standards set out in the South Yorkshire Residential Design Guide (SYRDG).

Both the new build element and the conversion element comply with the relevant internal space standards as set out in the Councils adopted SPD "Designing New Housing Development and the adopted best practice guidance in the South Yorkshire Residential Design Guide.

Objector concerns about loss of privacy and overlooking, and overshadowing caused by the height and mass of the proposed new building have been raised. The north western arm of the existing building closest to no 14 Victoria Road is a low level element to the existing building at 4.3m to eaves and 6.3m to ridge, and lies 18m from the rear of the dwelling. The existing north eastern arm is higher, at 12m to eaves and 14.4m to apex and lies only 17m to the existing building.

Whilst the new building would be considerably smaller than the existing in most parts it is acknowledged that the elevation facing no. 14 would be higher than the existing low level element (it would increase to 9m to eaves and 12m to apex). However, the distance from the rear of the dwellings to the new building would almost double from 18m to 32 m and it is considered that this would be sufficient to mitigate any impact on outlook or overshadowing.

A shading study specifically for Victoria Rd properties has been provided from the applicant which supports this view, and which demonstrates that the dwellings would not be significantly impacted by the new building due to its significantly greater distance from the dwellings than the existing building. The proposed new building is substantially lower at almost all points than the existing building. The reduced height, together with the substantially increased distance from existing dwellings will satisfactorily maintain residential amenity including privacy and light levels and would not lead to overshadowing or overlooking to a significant degree. It is likely in fact that light levels and outlook are improved due to the lower overall height of the proposed building and increased distance from the existing dwellings.

When considering external space standards, the application considerably exceeds the minimum in the majority of instances distance between the proposed building and the existing dwellings. The distance between the dwellings to the north is considerably increased from 17m and 18m (existing), to 28m and 32m as proposed. Even though one element of the building is taller than the existing at this point, the proposed building meets the 25 degree rule at rear. Only number 14 Victoria Avenue immediately to the west of the site does not meet required external distance requirements, but it is currently only 2m away from the Council Offices and the proposal would see an increase to 8m from the new building.

Concerns were raised about potential noise of vehicles using the car park to the apartments. The existing Council buildings has car parks to east and west elevations which were used during office hours, and there are also commercial premises to the north of the site, with car parking to the rear, closest to properties on Victoria Road. It is acknowledged that there will be some increase in noise levels over and above existing as the Berneslai Close building is currently unused. However, given that parking will be no closer than the existing, and that an additional boundary fence will be erected which will additionally mitigate against vehicular noise, it is not anticipated that vehicular noise from the site will overly impact on existing residents, the majority of which have rear gardens which back on to the site.

Taking the above into account the proposed new building would not impact detrimentally on the exiting dwellings to a significant degree and the application is considered to accord with CSP 29, and the relevant supplementary planning documents and best practice.

Comments from a local resident referred to a preference for a 3m high Victorian style brick wall as boundary treatment to the proposal rather than a low wall and 1.8m fence as



proposed. However, the existing boundary treatments belonging to the various properties surrounding the application site are proposed to be retained and the fence is an additional boundary, rather than a replacement.

Comments were also received from residents that the initial design is out of character for this low rise Conservation Area (bulk, scale, massing details) and that the existing front elevation should be retained. The current design being considered by Members is now considered to be of appropriate scale, massing and design being slightly smaller than the existing building and more in keeping with the scale and massing of the retained Edwardian building. The front elevation of the existing building would not be able to be retained due to cost, structural integrity and incompatibility with proposed use.

### Pollution Control

The Pollution Control Officer initially had concerns about a small substation on site and the potential impacts of noise. This had also been raised by an objector. However, following the submission of further information the Pollution Control Officer is satisfied that the brick construction would provide sufficient noise mitigation to prevent nuisance.

Residents raised concerns about noise during construction and demolition. A construction method statement has been submitted which adequately covers the potential issues with respect to noise and dust during demolition and construction, which was raised as a concern by objectors. This includes hours of operation for construction/demolition and control of noise/dust. It is acknowledged that there will be some disturbance during demolition and construction, although this would be for a temporary period only. The Pollution Control Officer is also satisfied that there would be no significant impact on existing dwellings as a result of the substation and the application is therefore in accordance with Core Strategy Policy CSP 40.

### Drainage

A resident raised concerns about the impact the proposal would have on water pressure, drains etc. A drainage strategy and plan have been submitted and both Yorkshire Water and the Highways Drainage Officer have no objections and it is considered the proposal is acceptable on this point.

### Highways

Residents have raised concerns that the number of parking spaces is insufficient for the number of dwellings and this may lead to problems with on-street parking. However, the site lies within a sustainable town centre location, with all town centre services and the transport interchange within walking distance. As such the normal parking requirements as set out by adopted Supplementary planning document Parking can be relaxed and the Highways Officer has no objections on this point.

There are no objections in principle to the development on highway grounds. However, whilst it has been demonstrated that refuse vehicles, can enter and leave in a forward gear, and that there is sufficient parking, there remains uncertainty about a parking/servicing bay for other types of deliveries/services. The applicant has submitted two supporting statements in this respect, and considers that their experience in delivering this type of specialist accommodation demonstrates that no special arrangements are required because:

- McCarthy & Stone developments typically take around two or more years from completion to become fully occupied so furniture deliveries are staggered

- The furniture vehicles will have a smaller swept path than the refuse vehicle and if arriving during the initial sales period the car park is likely to be underutilised
- Elderly residents (average resident age is 78 in McCarthy & Stone developments) do not typically have any deliveries by large vehicles, deliveries will typically be by the Royal Mail or small delivery van for on-line deliveries.
- Even deliveries by supermarkets are not by large vehicles and the types of vehicles used would be able to enter and leave the site in a forward gear having a smaller swept path than the refuse vehicle.

The NPPF Para 109 states that development should only be prevented or refused on highway grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network is severe. In this case, Berneslai Close is a quiet location and is not heavily trafficked, as it ends in a cul-de-sac. Given the information provided, and the response from Highways saying no objections, the proposal is considered to comply with the adopted SPD Parking and Core Strategy Policy CSP 26

### Biodiversity

The site has been surveyed for bats, including roof voids where accessible. Evidence of bat activity has been found and avoidance and mitigation measures are proposed as follows:

- Provision of four tree mounted bat boxes to provide roosting opportunities during the demolition and renovation of building to be installed prior to any development works commencing on site and remain in place for a minimum of five years but preferably permanent
- inclusion of suitable bat features within the retained building, such as installation of a bat 'ridge box' to be incorporated in to one of the loft voids
- Use of Bitumen felt only, to be utilised within the re-roofed section of retained building

The Biodiversity Officer is satisfied with the survey, reports and avoidance and mitigation proposals subject to conditions for implementation of the measures. The application therefore accords with Core Strategy CSP 36.

### Other issues

Residents also raised the following concerns:

A planning application in 2010 for a nursery to open Saturdays was refused in this area, why should this application be granted?

Each application must be determined on its own merits; the impact of a nursery with outside play for children would have a different impact on existing neighbours than residential accommodation for the elderly in terms of the type volume of noise. In addition, since the 2010 application was submitted, both national and local planning policies and guidance have also changed significantly, and the application must be considered based on the current relevant documents.

Residents also raise the issue of the potential for rats to be disturbed and that the flats should only be for the over 55 have and not rented out to drug or alcohol dependents. However, this would be a management issue for the applicants to control and manage.

Residents also raised a concern about loss of view. However, this is not a planning consideration, and there is no legal right to a view.

## **Conclusion**

This is a much needed specialist development which will provide accommodation for the elderly, on the edge of Barnsley Town Centre, replacing unused 1930's ex Council offices with a modern bespoke building of high quality design, appropriate scale, and materials suitable for this Conservation Area location. In an attractive and sustainable location, the development also proposes to retain the historic red brick Edwardian building on this former Beckett Hospital site, the latter building to be converted to apartments.

Surveys and suitable mitigation/enhancements are proposed for biodiversity and trees, and a landscaping scheme is proposed. A contribution of over £41,000 will be made towards the provision or enhancement of off-site greenspace. Whilst there have been some neighbour objections, it is considered that overall, the proposed new building will be an improvement on the existing in that it will be both lower in height, and further away from the surrounding dwellings, protecting privacy, amenity and outlook. Car parking is considered appropriate in scale for this sustainable location and it is not considered that it would cause a noise impact or disturbance and significant enough to outweigh the benefits of the proposal.

It is considered that the development would retain and enhance the character of the Conservation Area whilst providing a welcome contribution to the housing need within Urban Barnsley and is in accordance with the relevant policies in the Development Plan and the NPPF.

## **Recommendation:**

Approve subject to legal agreement for contribution of £41,763 greenspace contribution and to conditions:

- 1 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.**

- 2 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:

NE-2473-03-01-AC-001 REV B Site location and context Plan  
NE-2473R-03-01-AC-006-1 REV A Former Barnsley CO Offices Plans and Elevations - Existing  
NE-2473R-03-01-AC-006-2 REV A Former Barnsley CO Offices Plans and Elevations - Demolition  
NE-2473R-03-01-AC-006-3 REV B Former Barnsley CO Offices Plans and Elevations - as proposed rec'd 16/2/18  
NE-2473-03-01-AC-006-1 REV O Elevations 1 of 2 rec'd 12/7/18  
NE-2473-03-01-AC-006-2 REV K Elevations 2 of 2 rec'd 12/7/18  
NE-2473-03-01-AC-002-1 REV B Proposed site layout  
NE-2473-03-01-AC-002-2 REV J Proposed site layout  
NE-2473-03-01-AC-002-3 REV B Boundary treatment plan  
NE-2473-03-01-AC-002-9 REV K Floor Plans rec'd 12/7/18  
NE-2473-03-01-AC-012 REV A Sub station layout  
NE-2473-3-AC-016 REV B External scooter store - GA plans & Elevations  
NE-2473-3-AC-131 REV D Areas GIA & GEA  
NE-2473-3-AC-133 16 Victoria Road - Shading Study  
NE-2473-03-LA-01 REV E Landscape General Arrangement Plan rec'd 20/2/18  
NE-2473-03-LA-02 REV C Landscape Sketch Detail rec'd 20/2/18  
NE-2473-03-LA-03 REV D Detailed Landscape Plan rec'd 12/7/18  
NE-2473-03-DE-001 REV C Drainage Strategy rec'd 16/2/18  
9871-KC-XX-YTREE-TCP-01 Tree Constraints Plan  
9871-KC-XX-YTREE REV A Tree Survey impact assessment and method statement received 2/2/18  
9871-KC-XX-YTREE Tree Protection Plan rec'd 2/2/18  
Bat Mitigation Statement dated V2 received 20/8/18 by WSP  
Figure 5 Bat Mitigation Location received 20/8/2018  
Phase I Desk Top Study Report by Arc Environmental  
Phase 2 Ground Investigation report by Arc Environmental  
Construction Method Statement dated 5/2/18  
NE-(XXXX)-1-AC-15 dated 6/27/17 Annotated Indicative retained building reinstatement plan

**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 3 On commencement of development a representative sample of the roofing materials, facing stone and brick shall have been submitted to, and approved in writing by, the Local Planning Authority. This shall include the building on site, of a sample panel of at least 1m by 1m in size of the proposed brick and facing stone. Thereafter the development shall proceed in strict accordance with the details as approved.

**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 4 The windows, doors and frames shall be set in at least 75mm in the reveal and decorated in a colour to be agreed in writing with the Local Planning Authority on commencement of development. Thereafter, the agreed fenestration shall be installed and retained for the duration of the development.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 5 The gutters shall be ogee in section mounted either on corbels or brackets (no fascias) with matching circular down pipes and soil pipes all in black.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material ( ie not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: to ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.**
- 7 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.  
**Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 8 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority  
**Reason: In the interests of Highway safety and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.**
- 9 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.  
**Reason: To safeguard existing trees, in the interest of visual amenity**

- 10 Prior to commencement of development full details of the mitigation measures identified in Part 5 of the Bat Mitigation Statement by WSP dated July 2018, and Part 8 of the Extended Phase 1 Habitat Survey by Innovation Group Environmental Services dated 26/2/18 reference E-13792 REV 3, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 11 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 12 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework**
- 13 Upon commencement of development, details of external lighting shall be submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to occupation of the development hereby approved and retained in accordance with the approved details.  
**Reason: To enhance the quality of the development in the interests of the amenities of the locality, in accordance with Core Strategy policies CSP 29 and CSP 40.**
- 14 Prior to commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved

details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.

**Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.**

- 15 The development shall not advance above damp-proof course level until details of the works to the exterior of the retained Edwardian Building have been submitted to and approved by the Local Planning Authority substantially in accordance with annotated indicative plan NE-(XXXX)-1-AC-15 dated 6/27/17. The submitted details shall include, inter-alia, making good the separation of the Edwardian Building as well as replacing and repairing matching stone detailing and matching bricks. The development shall be carried out in accordance with the approved details before the first occupation of the new apartment building.

**Reason: in the interests of visual amenities of the locality and in accordance with LDF Core Strategy CSP 29 Design and to preserve the historic character of the area in accordance with CSP 30.**

- 16 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-

- The parking of vehicles of site operatives and visitors;
- Means of access for construction traffic;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Measures to prevent mud/debris being deposited on the public highway.

**Reason: In accordance with CSP 26 New Development and Highway Improvement and in the interests of highway safety.**

- 17 Any gates/barriers shall be located at least 5 m from the adopted highway, to allow a vehicle to wait clear of the highway whilst the gates are being opened/closed.

**Reason: In the interests of highway safety and in accordance with CSP 26.**



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**BARNSELY MBC - Regeneration & Property**

Service Director: David Shepherd  
Westgate Plaza One, Westgate  
Barnsley, S70 9FD  
Tel. (01226) 772621



Scale 1: 2000



# Item 6

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**2018/0420**

**Applicant:** Network Space Developments Ltd

**Description:** Erection of 4 no. business units for use within Use Classes B1(b) (Research & Development), B1(c) (Light Industry), B2 (General Industrial) and B8 (Storage and Distribution) with ancillary offices and associated access, parking and circulation/service areas, infrastructure works and landscaping

**Site Address:** Ashroyd Business Park, Ashroyds Way, Platts Common, Barnsley, S74 9SB

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No representations have been received from members of the public.

## Site Description

The application site comprises of a vacant development plot at Ashroyd Business Park, which is located off Ashroyds Way and Ryecroft Bank in the Platts Common part of Hoyland, south of the A6195 Dearne Valley Parkway.

The business park is relatively well established with a number of recent buildings being constructed and businesses now operating there following on from the planning permission granted in 1999 and the now expired Ashroyd and Shortwood Local Development Order. Roads and other infrastructure systems are in place and plateaus to create ready-made development plots. The site is known as plot 5.

The site is approximately 2 ha in area. It is located in the southern area of the business park. The business park connects with the A6195 Dearne Valley Parkway via Ryecroft Bank which provides direct access to J36 of the M1 Motorway.

The site is a relatively flat with an access road having already been constructed to connect with the north west corner at the site entrance from Ashroyds Way, the internal industrial estate road. The roads have been created to provide appropriate access for a range of vehicles as befits a business park location.

To the north is an industrial unit occupied by a self-storage use within a large industrial building. To the north-east is a development plot that is being progressed by the applicants as part of the Sheffield City Region Enterprise Zone that is being progressed under the previous LDO. To the east/ south-east is an industrial building and a two-storey office use. To the south is a residential area set at a higher level than the site, behind semi-mature landscaping. To the west is vacant land that is known as Plot 3 of the business park, which is also in the applicant's ownership. There are public rights of way bordering the site to the north, west and south.

## Proposed Development

The proposals seek to develop Plot 5 for employment uses in four buildings of varying sizes referred to as Units 5A, 5B, 5C and 5D. The dimensions are as follows:

<b>Unit</b>	<b>GIA (sqm)</b>	<b>Ridge Height (m)</b>
5A	1,013	10.7
5B	1,203	11.25
5C	2,016	11.6
5D	1,021	11

**Total 5,253**

The buildings do not currently have specific end users and so would be for employment uses (Use Classes B1(b), B1(c), B2, B8) with ancillary offices (Use Class B1(a)).

Access is taken from the western boundary via the existing access junction on Ashroyds Way. The development includes car parking (including disabled parking), motorcycle and cycle parking (to be provided within units) and goods vehicle parking as part of a service yard. There would also be hard and soft landscaping, as detailed on the submitted plans. The buildings will range in height from 10.7-11.6 metres in height to ridge

The proposals would retain existing structured soft landscaping to the south. There would also be additional soft landscaping in and around the site to provide a quality development. Alongside this will be a range of hard landscaping treatments including paladin fencing, retaining walls and block paving.

The units would be provided in a palette of contemporary materials to reflect the site context, being a mixture of silver and greys. Double height glazed curtain walling is proposed around the reception/ entrance foyer areas. This glazing is proposed to wrap around the corner of the buildings and would provide a striking modern appearance to the prominent entrance office corners and help define the main entrance positions. This design strategy also breaks up the massing of the units in terms of visual appearance.

The development is expected to lead to the creation of construction jobs (FTE) during the build period and 150 direct jobs and potential for indirect jobs off-site during the operational phase.

## **History**

B/99/0342/HN Construction of infrastructure to site including roads, plateaus drainage, services and landscaping. Granted 25.05.1999

In addition the site is adjacent the land which was designated to constitute the Ashroyd and Shortwood Business Park Hoyland Local Development Order that was in place between January 2013 and April of this year. Applications on that land include the following:-

2015/1404 - Prior notification application for the erection of 165,00sqft distribution warehouse with ancillary office, car parking and service yard etc. 9 units totalling 43,000sqft of semi-detached and welfare accommodation, parking and service yards 15/01/2015.

2018/0181 - Erection of employment unit (Use Classes B1(b), B1(c), B2 and B8) with ancillary B1 (a) offices with parking and circulation/servicing areas, infrastructure works, substation and hard and soft landscaping - LDO Prior Notification application. Approved 23/02/2018.

In addition planning application 2006/1825 –for the erection of B1, B2 and B8 industrial units was approved 20/12/2006.

## 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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean increasing weight can be given to the policies contained within the document although, in accordance with paragraph 48 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

### Saved UDP Policies

UDP notation: Employment Proposal

### Core Strategy

CSP2 'Sustainable Construction'  
CSP3 'Sustainable Drainage Systems'  
CSP4 'Flood Risk'  
CSP5 'Including Renewable Energy in Developments'  
CSP8 'The Location of Growth'  
CSP11 'Providing Strategic Employment Locations'  
CSP12 'The Distribution of New Employment Sites'  
CSP19 'Protecting Existing Employment Land'  
CSP25 'New Development and Sustainable Travel'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP36 'Biodiversity and Geodiversity'  
CSP39 'Contaminated and Unstable Land'  
CSP40 'Pollution Control and Protection'

## SPD's

- Residential amenity and the siting of buildings
- Parking

## Emerging Local Plan

Proposed allocation: Employment Proposal (HOY7)

Part of the site is in the Sheffield City Region Enterprise Zone. The development will be expected to retain the young plantation woodland present on the periphery of the site

Policies of relevance would be as follows:

- Policy GD1 – General Development
- Policy E5 Uses on employment land
- Policy T4 – New development and Transport Safety
- Policy D1 – High Quality Design and Place Making
- Policy CC3 – Flood Risk
- Policy Poll1 Pollution Control and Protection

## 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.

Section 6 of the NPPF states that 'Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development'

## **Consultations**

Enterprising Barnsley - fully support the application and development of speculative units that are much needed to generate economic growth in the borough.

SYAS- no comments received.

SY Police – guidelines provided to aid designing out Crime.

YW – no objections subject to conditions.

Pollution Control – no objections subject to a condition regarding construction hours.

Highways DC – no objections subject to conditions.

PROW – no comments received.

SYMAS – no objection subject to a condition to secure intrusive site investigation.

Coal Authority – no objection subject to a condition to secure intrusive site investigation.

Contaminated Land Officer – no objections.

Air Quality – no objections but an informative to request EV charging points.

Forestry Officer – no objections subject to conditions.

Biodiversity – no objections received.

Highways Drainage - no objections.

Waste Management – no comments received

Superfast Broadband – guidance for developers provided, broadband often available at nil cost to developers

Ward Councillors – no comments received

## **Representations**

The application was advertised by neighbour notification letters, site and press notice. No representations have been received.

## **Assessment**

### Principle of development

The site is allocated as an employment proposal in the adopted Unitary Development Plan and proposes units for B1, B2, B8 employment uses. The site is also proposed to be allocated as an employment site in the emerging local plan. As such the principle of development is acceptable.

The development would generate a large number of skilled and semi-skilled jobs and lead to the significant investment in the local economy. It is considered to be a suitable and compatible employment generating use that would comply with multiple aims of the Council in terms of job creation in skilled areas and policies including CSP 8, 11 and 12. Also being within the Principal Town and being surrounded by other employment units the site is in a priority sustainable location to accommodate growth and benefits from excellent access to the strategic road network. The proposal is therefore supported in land use planning policy terms.

### Visual amenity

The proposed building would represent another large scale addition to the development Ashroyd Business Park. However the site is large enough to absorb the development taking into account of its surroundings which are large and spacious and already include a number of large buildings. The four units would sit at a lower level than the dwellings to the south and site well in the landscape when viewed from that direction, being screened by existing vegetation and screen banks.

The new buildings have been designed in accordance with modern architectural principles for this form of development and would utilise a mixture of different cladding and colours in order to create a building of sufficient visual interest. In addition glazing would exist on two levels of the building to provide visual interest.

Furthermore the application is accompanied by a landscaping plan which shows how existing vegetation would be retained on the existing landscaping embankments which will help to soften the edges of the site as well as protect residential amenity.

This would all aid with integrating the development with the local area and provide a high grade setting for the development and its workforce. The plans are considered to comply with policy CSP29 'Design'.

### Residential Amenity

The nearest residential dwelling directly facing the site is on Hawshaw Lane and lies approx. 34 m to the south, separated by Hawshaw Lane. The site lies below the highway and the closest building would be unit C. Due to the site being a lower level, the existing vegetation would screen the building to a large degree and the eaves of the unit would be the closest part of the building to the dwellings, further minimising the impact on the outlook for the residents and would not appear overbearing.

In terms of potential impact on daylight and sunlight, the units would lie to the north of the existing dwellings and so would not directly impact upon sunlight. The proposal also accords with the 25 degree rule as set out in the adopted SPD residential amenity and the siting of buildings, and would not impact upon the amount of daylight received by nearby dwellings on Hawshaw Lane. Dwellings on Hawshaw Bank lie between 25 and 46m away from the site, however, the closest dwellings lie sideways on to the site and do not have windows to the side elevations facing the site. It is considered therefore that they will not suffer any impact with regard to loss of sunlight or daylight.

Officers have also assessed the findings of the noise assessment. The service yards lie to the north of the proposed units, so are remote from the dwellings to the south and additional screening would be provided by the buildings. The noise assessment has concluded that operations within the building and outside are not expected to generate any noise implications. Whilst it is proposed to have 24 hour use, the submitted noise assessment concluded that the proposed development is not expected to have an 'adverse impact' on health or quality of life during daytime or night time operating hours. However the access is directly through the industrial estate from the A6195 and would not need to use Hawshaw Lane. Overall therefore the development is considered acceptable with regards to residential amenity considerations taking into account of Core Strategy policy CSP40, subject to a standard condition limiting hours of construction.

### Highway Safety

The site benefits from excellent access to the strategic road network due to Ashroyd Park being closely connected to the A6195 Dearne Valley Parkway leading to the M1 to the west.

The Transport Assessment states that the proposed development is expected to generate 53 two-way trips during the AM peak hour and 44 two-way trips during the PM peak hour which does not cause an impact on the road network. In addition the road to be constructed within the site is to remain private. Furthermore the plans have been designed to allow sufficient turning/manoeuvring for HGV's and parking provision. Consequently, there are no objections to the proposed development in a highway context, subject to conditions.

### **Other considerations**

#### Air Quality

The site is not located in an air quality management area and Regulatory Services agree that there are no significant air quality pollution control issues associated with the proposal. However, EV charging points are requested.

#### Drainage

The FRA has determined that the site is located within Flood Zone 1 and is therefore at low risk of flooding from river or sea. NPPF Technical Guidance states all uses of land are appropriate in Flood Zone and as such the proposal complies with CSP4 in this respect.

Surface water management is the other main consideration. A drainage strategy and drainage layout have been provided. Yorkshire Water and the Council's drainage officer have assessed the details and are content with the proposals, subject to conditions.

#### BREEAM and CO2 emission reduction

Conditions are required to require the development to achieve a BREAAAM very good standard and a 15% reduction in CO emissions.

#### Biodiversity

A condition is proposed to ensure that the mitigation measures in the ecology report submitted are complied with.

#### Public Rights of Way

The proposal will not physically impact upon the public rights of way close to the site. In addition the applicant has undertaken an assessment of the existing tranquillity level of the site that has been based on the mapping data published by Campaign to Protect Rural England (CPRE). This uses a colour coded system and a 500m assessment grid for the whole of England, and a tranquillity rating of between 1 and 10 is assigned (1 being least tranquil and 10 being most). By reference to these maps the development is assessed as falling into Zones 2-3. As such, it is not considered that the proposal would have a significant impact on the public rights of Way.

#### Conclusion

In summary the proposal relate to development on a site which benefits from an existing employment allocation within an existing well established industrial site. In addition the site is in a suitable and sustainable location for development as identified in the Core Strategy and emerging Local Plan.

Although speculative, it is anticipated that the development would generate a large number of skilled and semi-skilled jobs and lead to the significant investment in the local economy this is considered to be a suitable and compatible employment generating use that would comply with multiple aims of the Council in terms of job creation in skilled areas and policies including CSP 8, 11 and 12.

The development would not give rise to any other identified areas of harm with the development not expected to give rise to harm to residential amenity due to the separation distance and small number of residential properties in the vicinity of the site and the nature of the use. Also the site is located in a low risk flood area and the proposal would not give rise to unacceptable highway impacts

The ecology report has determined that most of the site is of low ecological value. However mitigation and enhancement would be required to preserve interests and as such this needs to be conditioned. Furthermore it is necessary for a condition to be imposed to agree suitable air quality mitigation measures. Overall however the development is considered acceptable when considered against relevant local and national planning policies and is supported by Officers accordingly.

## Recommendation

Grant planning permission subject to conditions:

- 1 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.**
  
- 2 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:-  
14698C-110 REV A Location Plan Plot 5  
14698C-111 REV B Existing site plan  
14698C-112 REV B Existing site sections 01 received 7/6/18  
14698C-113 REV B Existing site sections 02 received 7/6/18  
14698C-115 REV J Proposed Site Masterplan received 27/7/18  
14698C-116 REV C Proposed GA Plan - Unit 5A received 27/7/18  
14698C-117 REV B Proposed GA Plan - Unit 5B received 27/7/18  
14698C-118 REV C Proposed GA Plan - Unit 5C received 27/7/18  
14698C-119 REV B Proposed GA Plan - Unit 5D received 27/7/18  
14698C-120 REV B Proposed Elevations Unit 5A received 27/7/18  
14698C-121 REV A Proposed Elevations Unit 5B received 27/7/18  
14698C-122 REV B Proposed Elevations Unit 5C received 27/7/18  
14698C-123 REV A Proposed Elevations Unit 5D received 27/7/18  
14698C-125 REV A Proposed Roof Plan - Unit 5A received 27/7/18  
14698C-126 REV A Proposed Roof Plan - Unit 5B received 27/7/18  
14698C-127 REV A Proposed Roof Plan - Unit 5C received 27/7/18  
14698C-128 REV A Proposed Roof Plan - Unit 5D received 27/7/17  
14698C-130 REV A Proposed Sections in Context received 27/7/18  
14698C-132 REV A Proposed Typical Section AA - Unit 5A  
14698C-133 REV A Proposed Typical Section AA - Unit 5B  
14698C-134 REV A Proposed Typical Section AA - Unit 5C  
14698C-135 REV A Proposed Typical Section AA - Unit 5D  
11717 - WMS - ZZ - XX - DR - C - 39001 - S8 - P3 site levels strategy  
11717 - WMS - ZZ - XX - DR - C - 39002 - S8 - P3 Swept Path Analysis  
11717 - WMS - ZZ - XX - DR - C - 39201 - S8 - P3 Drainage Layout  
11717 - WMS - ZZ - XX - RP - C - 39201- S8 -P1-DRAINAGE\_STRATEGY  
V1498C-L01 REV F Proposed Landscape Plan received 27/7/18  
Phase I Geo-Environmental Report William Saunders  
Ecology Report by Smeeden Foreman  
Coal Mining Risk Assessment by William Saunders  
Noise Report by WYG Planning Ref A099897  
Transport Assessment WYG Ref A099897  
Interim Travel Plan by WYG Issue 2 Ref A099897  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
  
- 3 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**



4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

**Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**

5 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

- 7 Upon commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.  
**Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.**
- 8 Upon commencement of development full details of the mitigation measures identified in the Ecology Report, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 9 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.**
- 10 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.  
**Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.**

- 11 No development shall take place until additional intrusive site investigations as recommended in the Geo-Environmental Report by William Saunders have been undertaken by a suitably qualified person to evaluate ground conditions and potential mining legacy risks. The site investigation and subsequent development shall be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. A report detailing the findings of the investigations and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, and the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner"  
**Reason: In the interests in contaminated or unstable land in accordance with CSP 39 and in accordance with NPPF section 120 & 121 Land stability.**
- 12 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.  
**Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 13 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 14 Development shall not commence until the details of the location of the security gates for unit 5D have been submitted and approved in writing by the Local Planning Authority. The scheme shall then proceed in accordance with the approved details.  
**Reason: In the interests of road safety and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement**

15 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity**

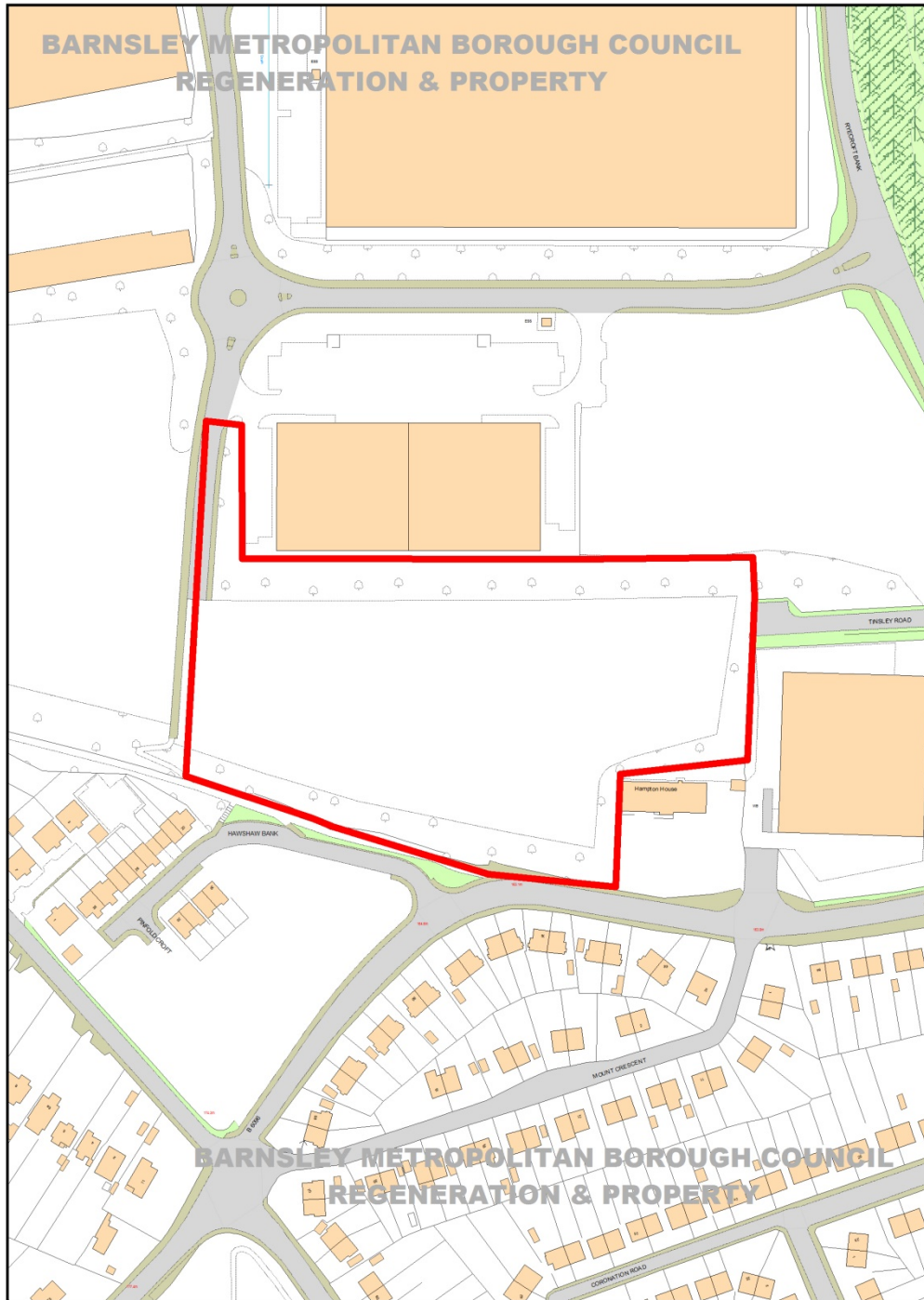
16 No building or other obstruction including landscape features shall be located over or within 3 (three)metres either side of the centre line of the water main i .e. a protected strip width of 6 (six) metres that enters the site. If the required stand -off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker .

**Reason: Reason: To prevent damage to the existing sewer or watercourse and to allow sufficient access for maintenance and repair work at all times.**

17 Surface water run-off from hardstanding (equal to or greater than 800 square metres) and/or communal car parking area (s) of more than 49 spaces must pass through an oil, petrol and grit interceptor/separator of adequate design that has been submitted to and approved by the Local Planning Authority, prior to any discharge to an existing or prospectively adoptable sewer .

**Reason :To prevent pollution of the aquatic environment and protect the public sewer network in accordance with CSP 40**

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**BARNESLEY MBC - Regeneration & Property**

Service Director: David Shepherd  
Westgate Plaza One, Westgate  
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# Item 7

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**2018/0492**

**Applicant:** Ardagh Glass Ltd

**Description:** Demolition of 7no dilapidated buildings and erection of a steel portal framed warehouse building for the storage of pallets and glass products, canopy and associated service area

**Site Address:** Ardagh Glass Ltd., Burton Road, Monk Bretton, Barnsley, S71 2QG

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2 letters of objection have been received

## **Site Location and Description**

Ardagh Glass is an existing glass manufacturing company located within Monk Bretton and occupies a site of approximately 30 hectares which is bounded by Fish Dam Lane to the west, Burton Road to the east and West Green/Cudworth Bypass to the north. An area of greenspace and mature woodland is located to the north west of the site.

The site is heavily populated by numerous production and warehousing units which are of a similar design.

## **Proposed Development**

The applicant seeks permission for the demolition of 7 no. dilapidated buildings and the erection of 1no warehouse unit associated with the onsite glass production. The existing buildings have already been cleared from site.

The new building is proposed with a multiple pitched roof with central valleys, it would measure 156m by 121m with a height of 8.2m to the eaves and 11.4m to the ridge and consist of Plastisol coated galvanised steel sheeting in Solvent Blue with a Plastisol coated galvanised steel sheeting roof coloured Goosewing Grey.

The unit is to be located adjacent to the western boundary with Far Field Lane, and in between the company's Brand Enhancement Centre building and the main production unit.

## **Policy Context**

Unitary Development Plan (UDP) allocation – Employment Policy Area  
Local Plan allocation – Urban Fabric

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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

## 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.

CSP19 – Protecting Existing Employment Land – states that existing employment land, or land last used for employment purposes will be retained in order to safeguard existing or potential jobs.

CSP25 – New Development and Sustainable Travel – new development will be expected to be located and designed to provide and support sustainable travel methods

CSP26 – New Development and Highway Improvement – new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – sets out the overarching design principles for the borough to ensure that development is appropriate to its context and states that high quality development will be expected.

CSP 40 – Pollution Control and Protection – states that development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise smell, dust or other pollution which would unacceptably affect or cause a nuisance to the surrounding environment.

### Barnsley Unitary Development Plan adopted 2000 (UDP) (Saved policies):

ED7 – development will normally be permitted for business, industry and storage and distribution on sites defined as Employment Policy Areas. Other employment generating uses may also be permitted if they are compatible with adjoining uses.

ED10 – Growth of Existing Firms – will normally be permitted subject to satisfactory standards of design, the amenity of neighbouring uses, and adequate car parking, loading and vehicle manoeuvring facilities.

### Supplementary Planning Documents

SPD 'Parking'

### Local Plan

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean increasing weight can be given to the policies contained within the document although, in accordance with paragraph 48 of the NPPF, the extent of this will depend on:



- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Policies of relevance in the emerging Local Plan would be:

Policy GD1 General Development  
 Policy D1 High Quality Design and Place Making  
 Policy E5 Uses on Employment Land  
 Policy E6 Protecting Existing Employment Land  
 Policy Poll1 Pollution Control and Protection

### **Consultations**

Biodiversity Officer – Comments have been made in relation to historical nesting and rearing of young peregrine falcons on a tower within the site.

Pollution Control – No objections

Highways DC – No objections

Tree Officer – No objections

Yorkshire Water – No objections

Environment Agency – No objections

Waste Management – No objections

Contaminated Land Officer – No objections

Drainage – No objections; drainage to be checked by Building Control

SYMAS – No objections; site is not located within a Coal Mining Referral Area

Enterprising Barnsley – Support the proposal.

Public Rights of Way – No comments received

Superfast Broadband – No comments received

Ward Councillors – No comments received

### **Representations**

The application has been publicised as being of local interest by way of 4no. site notices posted around the boundary of the site and 300 neighbour notification letters were sent to surrounding properties; 2 letters of objection have been received; one in relation to noise from the existing production activity and one in relation to works commencing on site prior to a decision being issued.

## **Assessment**

### Principle of Development

It is considered that the erection of a new warehouse building within an existing and well established employment area is consistent with policies CSP19 and ED7 and is therefore acceptable in principle. The NPPF makes it clear that planning should support sustainable economic growth and meet the development needs of business where it can.

### Design

The building is to be a steel frame construction with Plastisol coated galvanised steel sheeting with Solvent Blue walls and a Plastisol coated galvanised steel sheeting coloured Goosewing Grey roof.

The proposed building is of a scale and design which is not uncommon in an industrial setting; the site accommodates a range of buildings which are of a similar scale and design and as such is considered to be appropriate to its context.

The site is set lower than the surrounding highway and is surrounded by extensive vegetation and woodland which provides significant screening of the site when viewed from outlying areas. It is therefore considered that the erection of the unit would not have a detrimental impact on the character of the area and would not appear overly prominent with the locality given the scale and type of existing industrial buildings already within Ardagh Glass's site.

### Residential Amenity

The nearest residential properties are located approximately 75m from the south western corner of the proposed building and would therefore not suffer a significant loss of outlook or result in an increase in overshadowing to a detrimental level.

A representation has been received in relation to noise; however this property is located on Burton Road and is situated approximately 250m from the proposed warehouse unit. It is acknowledged that there may be an issue existing noise disturbance from the site; nonetheless the use is an existing established use which is not under consideration as part of this application.

A noise assessment has been produced which has measured the existing noise levels from the plant and a background level taken at some distance from the plant, and has concluded that there is currently a potential adverse impact of noise from the current operations on existing residential properties. However, the existing noise is not in question from the existing established industrial process but from the potential impact from the proposed warehouse. This has not been addressed in the report; however it does state that *"it is unlikely that the implementation of the new warehouse unit, once fully constructed, will increase the likelihood of adverse impacts as it is reported that noise sources will be contained within the unit and no impulse or tonal noises will be generated"*.

In view of the above the scheme has been fully assessed by the Council's Regulatory Services Section who have stated the following:

"The new proposed warehouse replaces 7 individual existing warehouses. Vehicle movements in the open yard in front of these warehouses are currently a source of noise affecting nearby properties. The new proposal replaces this open yard with a covered structure such that vehicle/forklift movements will be contained within the building which will reduce noise levels from those currently existing. Vehicle movements for the new proposal will be at the rear of the building away from existing properties and shielded by the building itself. There are no openings (other than fire doors) on the façade nearest the properties with the new design. The building itself may also help to shield properties from other noise sources on the site."

Given the above assessment it is considered that the noise from the proposed unit would not pose a significant impact on the nearest residential properties and as such is considered acceptable

#### Highway Safety

The proposed warehouse would be accessed via an existing access onto Far Field Lane linking the site to the West Green/Cudworth bypass which would reduce the number of vehicles utilising the existing access onto Burton Road.

The proposed building does not result in the loss of off street parking or an additional provision; Highways DC have not raised any objections to the proposed unit and as such it is therefore considered to comply with policies CSP25, CSP26 and ED10.

#### Biodiversity/Trees/Landscaping

The proposed unit is to be located within an existing industrial site and was occupied by 7no industrial buildings until recently. The biodiversity officer has raised comments in relation to peregrine falcons successfully nesting and rearing young in 2017 on a tower within the Ardagh Glass Site. The site is also partly within the Dearne Valley Green Heart 'Nature Improvement Area' – a nature conservation designation aimed at improving biodiversity. It is therefore appropriate to ensure that the construction works do not impact on the nesting areas and that biodiversity enhancement can be achieved. This can be secured through an appropriate condition.

#### **Recommendation**

Grant planning permission subject to conditions:

- 1 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.**

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

Plan reference:

Site NW + Car Parking G 01 135 00 T

AGB Warehouse Proposal NW P2-1 Rev B

AGB Warehouse Elevations NW P2-1-EL Rev B

AGB Warehouse Pallet Layout NW P2-1-PL Rev B

AGB Warehouse Roof Lights NW P2-1-RFL Rev B

AGB Warehouse Drainage NW P2-1-DR Rev C

Siphonic Roof Drainage Plan 18134 Drawing Number 01

Topographical Survey NW P2-1-ATS Rev A

AGB Warehouse Traffic Flow NW P2-1-TF Rev C

Planning Statement

Flood Risk Assessment & Flood Map

Environmental Sound Level Survey FT0N64710 Dated June 2018

**Reason: In the interests of the visual amenities of the locality  
accordance with Core Strategy Policy CSP 29, Design.**

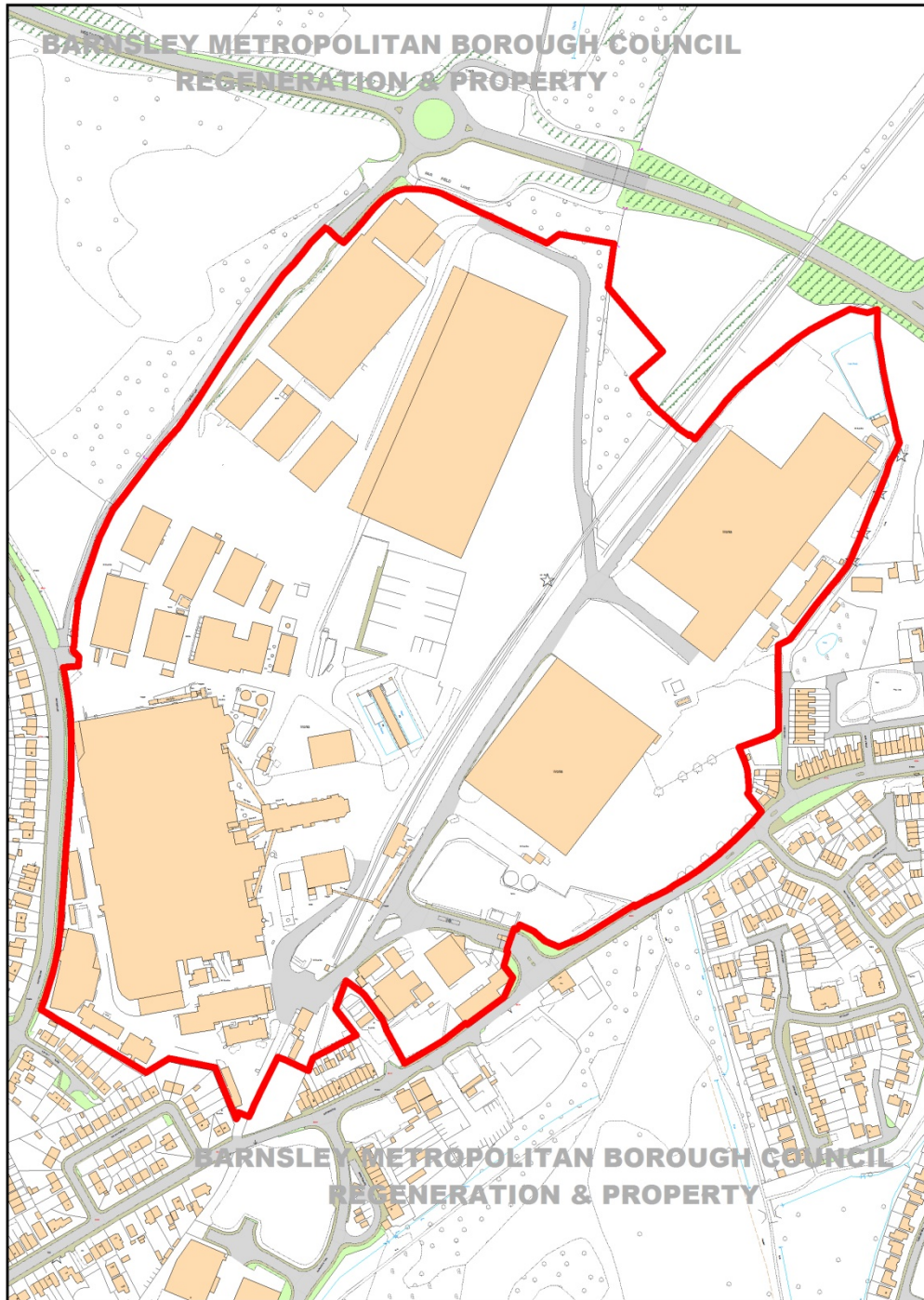
- 3 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

**Reason: In the interests of the amenities of local residents and in  
accordance with Core Strategy Policy CSP 40, Pollution Control and  
Protection.**

- 4 Within 3 months of the commencement of development full details of the measures of biodiversity enhancement across the site including details of provision for the protection and enhancement of the existing Peregrine Falcon nesting platform, and a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

**Reason: To conserve and enhance biodiversity in accordance with Core  
Strategy Policy CSP 36.**

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**BARNESLEY MBC - Regeneration & Property**

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Westgate Plaza One, Westgate  
Barnsley, S70 9FD  
Tel. (01226) 772621



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# Item 8

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**2018/0831**

**Applicant:** Mr Adem Aydemir

**Description:** Change of use of café to hot food takeaway and installation of fume extraction unit

**Site Address:** 14 High Street, Hoyland, Barnsley, S74 9AB

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10 Letters of representation have been received, 9 of which are objections and 1 in support of the proposal.

Councillor Shepherd objects and Cllr Franklin requests the application be considered by board

## **Site Location & Description**

The property is located within the principle shopping area of Hoyland and is situated within a row of properties occupied by a hot food takeaway, a clothing store, a travel agent and a pet food store. The site is opposite The Hoyland Centre which is occupied by the library.

## **Proposed Development**

The applicant seeks permission to change the use from an existing café (A3) to a Hot Food Takeaway (A5) with the proposed opening hours of the unit being 4pm – 11pm seven days a week. The only external alteration proposed is an extraction unit which will be to the side of the unit, set back approximately 3.1m from the front elevation and with a height to match the existing ridge line.

## **Policy Context**

Unitary Development Plan (UDP) allocation – Principle Shopping/Commercial Centre  
Local Plan allocation – Primary Shopping Area/ Primary Shopping Frontage

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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

### Core Strategy

Core Strategy Policy CSP 26 – New Development and Highway Improvement - states that all new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

Core Strategy Policy CSP 29 – Design - states that high quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

Core Strategy Policy CSP 31 – Town Centres - states that support will be given to maintaining and enhancing the vitality and viability of Barnsley Town Centre and that the majority of new retail and town centre development will be directed here.

Core Strategy Policy CSP 40 – Pollution Control and Protection – states that development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise smell, dust or other pollution which would unacceptably affect or cause a nuisance to the surrounding environment.

#### Barnsley Unitary Development Plan adopted 2000 (Saved Policies)

Saved UDP Policy S1 – Shopping/Commercial Centres – states that all new retail development will be permitted only within the Central Shopping Area of Barnsley Town Centre and in the defined Principle Shopping and Commercial Centres. New retail developments which extend and enhance the range of goods, consumer choice and the provision of amenities and facilities available will be particularly encouraged.

Saved UDP Policy S2 – Shopping/Commercial Centres – states that retail development will be permitted within the principle Shopping and Commercial Areas.

Core Strategy Policy CSP 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

#### Supplementary Planning Documents

SPD 'Parking'

SPD 'Hot Food Takeaways'

#### Local Plan

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean increasing weight can be given to the policies contained within the document although, in accordance with paragraph 48 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

Policies of relevance in the emerging Local Plan would be:

Policy GD1 General Development

Policy D1 High Quality Design and Place Making



Policy TC1 Town Centres

Policy TC2 Primary and Secondary Shopping Frontages

Policy Poll1 Pollution Control and Protection

### **Consultations**

Highways DC – No objections

Pollution Control – No objections

Ward Councillors – Objections on the grounds of over concentration of hot food takeaways in Hoyland centre.

### **Representations**

Neighbour notification letters were sent to surrounding neighbours. 1 letter of support has been received and 9 letters of objection. In terms of the objections the following have been raised as a concern:

- increase in antisocial behaviour
- increase in obesity
- increase in litter and odour
- parking issues
- accessing and servicing impacts
- proliferation of hot food takeaways within the town centre
- increased traffic

### **Assessment**

#### Principle of development

The change of use of the premises is considered acceptable where there is no detrimental impact on residential amenity by means of noise and disturbance, visual amenity or highways safety. The unit is located within the retail frontage where there are a mix of uses including A1, A2 and A5. The proposed use of the unit would therefore fit in with the character of the area and retain an active frontage, adding to the mix of services on offer.

#### Visual Amenity

The only external alteration proposed is the provision of an extraction duct on the side elevation of the building. Due to it being set back from the front elevation, and not projecting above the ridge of the building, it would not be highly prominent from the streetscene and as such, visual amenity would be maintained to a reasonable degree, in accordance with CSP 29.

#### Residential Amenity

The type of unit proposed is what would generally be expected within a town or district centre and so it is unlikely to have a significantly detrimental effect on existing residents. In addition the adjoining use is an existing hot food takeaway. There are no attached buildings on the eastern side with the nearest building being used as a clothes shop. The applicant has submitted details of the extraction unit which has been assessed by the Council's Regulatory Services Section who are satisfied that unit will appropriately disperse fumes into the

atmosphere and, as there are no side windows on the adjoining building, noise should also not be an issue.

The addition of a relatively small Hot Food Takeaway unit on the ground floor of the property, given the nature of the area, would not significantly reduce the residential amenity of the area or detrimentally affect the amenity of the neighbouring uses. SPD 'Hot Food Takeaways' states 'when determining planning applications, the Council will have regard to the general character of the area, including levels of commercial and vehicular activity. The presence of residential accommodation over the property or neighbouring shops, however, would not necessarily preclude a hot food takeaway use, where this is primarily a commercial area'.

As previously mentioned, the fume extraction details are positioned such that they would not have a detrimental impact on the amenity of surrounding uses, by means of odour or noise.

The proposed opening hours of 16.00 to 23.00 Monday to Sunday would be in line with similar uses with similar opening hours within the immediate area, as such; the proposed hours would be acceptable within this location.

#### Concentration

SPD 'Hot Food Takeaways' states that planning permission will only be granted for Hot Food Takeaways providing that no more than two A5 units are located adjacent to each other and there are no less than two non A5 units between groups of Hot Food Takeaways.

It is acknowledged that the adjoining unit 12 High Street results in two consecutive A5 uses however, the vacant premises to the south, 8-10 High Street do not benefit from an A5 permission and the three properties to the north, 16 to 22 High Street, are occupied by a A1 uses; therefore the proposed change of use complies with the Supplementary Planning Document in relation to concentration.

#### Schools

SPD 'Hot Food Takeaways' states that 'outside designated centre, planning permission for hot food takeaways will not be granted within 400m of a primary or secondary school or advance learning centre. The premises are situated within 400m of St Helens Catholic Primary School, however, the site is located within a designated centre and therefore the 400m buffer does not apply.

#### Highway Safety

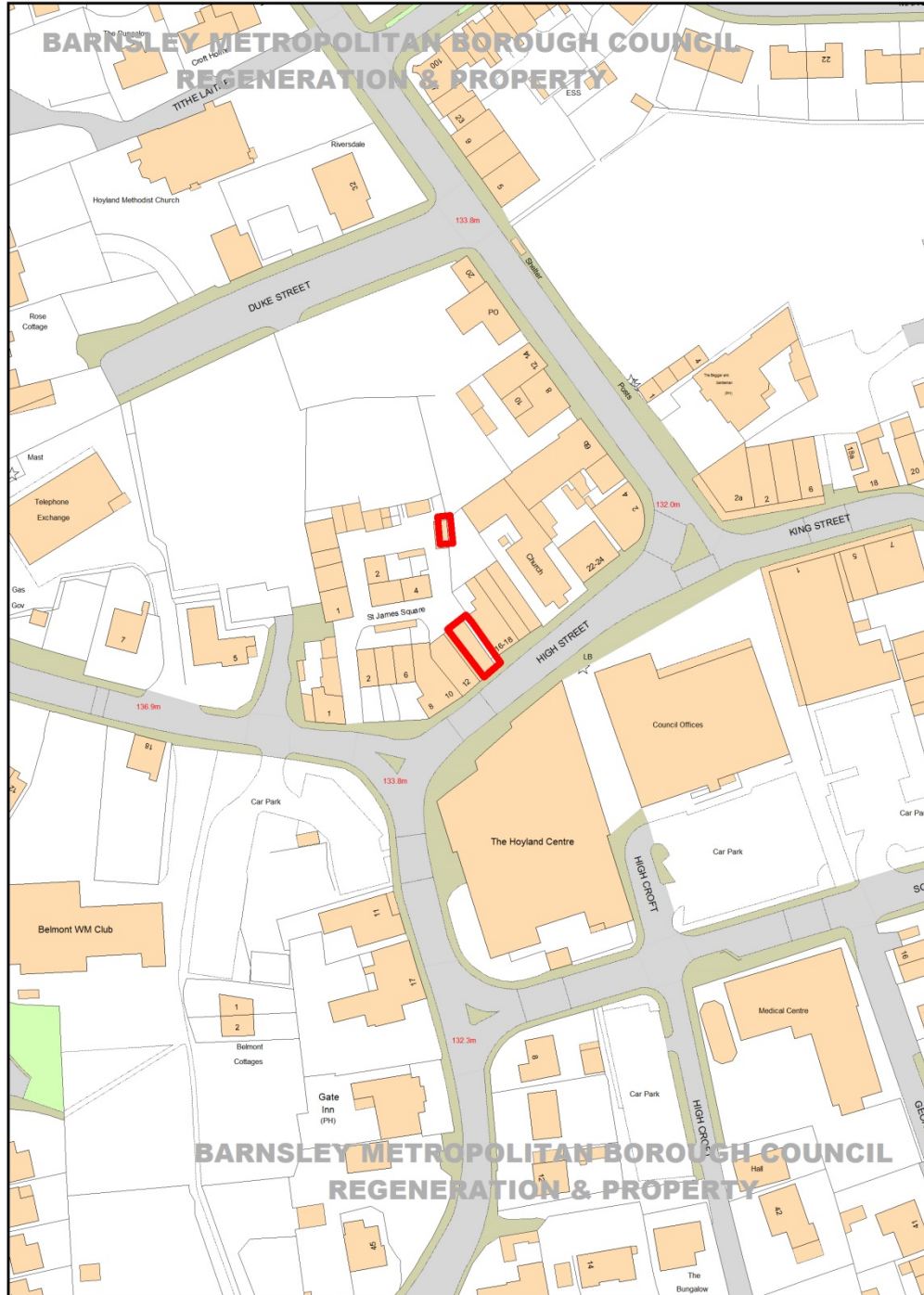
No off road parking spaces are proposed. However, the unit is located within Hoyland town centre with numerous free surface car parks and access to regular public transport. Furthermore, there are parking restrictions immediately to the front of the unit to control parking/waiting on the highway. Highways DC have raised no objection to the proposal and as such it is considered to be acceptable.

## Recommendation

**Grant** subject to conditions:

- 1 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.**
  
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Proposed Extraction Details dated 19th July 2018 and specifications provided to the Local Authority confirming the Fume Extraction System outlined in the email titled 'RE: 2018/0831 14 High Street Hoyland - Change of use from cafe to hot food takeaway' dated 13th August 2018) 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 LDF Core Strategy Policy CSP 29, Design.**
  
- 3 Prior to the commencement of the use a scheme describing the methodology to be employed to control litter and minimise waste from being deposited in the street shall have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall, amongst other matters, provide details of the packaging to be used, any litter bins to be provided and any signage to be displayed on the premises advising customer of the need to dispose of litter in appropriate litter bins or other facilities. Any litter bins or other facilities provided pursuant to the requirements of this condition shall be retained and maintained for the duration of the development and the use shall operate in complete accordance with the approved scheme.  
**Reason: In the interests of the visual amenity of the locality in accordance with CSP29.**

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**BARNSELY MBC - Regeneration & Property**

Service Director: David Shepherd  
Westgate Plaza One, Westgate  
Barnsley, S70 9FD  
Tel. (01226) 772621



Scale 1: 1250

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**2018/0865**

**Applicant:** Ms Lynn Dunning (BMBC)

**Description:** Change of use of from residential use to mixed use café and artist studio

**Site Address:** Cottage associated with Cooper Art Gallery, 10 Eastgate, Barnsley. S70 2EX

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## Site Description

The application relates to two storey stone building that sits adjacent to the Cooper Gallery and fronts onto Eastgate. The building itself is not listed however; it does sit within the Regent Street/Church Street/Market Hill Conservation Area. The property abuts a three storey terrace block to the south and is constructed of coursed punch face local sandstone and a gable pitched slate roof. The rear of the building faces into the rear courtyard of the Cooper Gallery.

## Proposed Development

The applicant is seeking permission for the change of use of the existing building from residential to a mixed use art studio space with associated café. The majority of works will be internal to provide additional space for Art Studios at first floor level and break out, Café / Refreshment space at ground floor level. A minor external alteration is also proposed, with a new entrance and porch being provided to the western elevation, facing into the courtyard. The extension will have a projection of 0.9m and will project along the rear elevation by 2.5m, with a maximum height of 2.3m.

The proposed opening hours of the new café are 09.00 to 16.00 Monday to Saturday.

## 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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The emerging Local Plan has now reached a very advanced stage with a consultation on main modification to the plan commencing in July 2018. The consultation follows confirmation from the Local Plan inspector that the plan is capable of being found sound. This by no means represents the Inspectors overall judgement, which will not be known until the final report is issued and the examination closes. However, it does mean increasing weight can be given to the policies contained within the document although, in accordance with paragraph 48 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

By virtue of the fact the policies have been tested at examination, they have been scrutinised in relation to their degree of consistency with the NPPF and it is therefore highly likely that they are sufficiently compliant. However, it will not be possible to conclude whether many of the objections have been resolved until the inspector has considered the responses to the consultation on modifications and the final report is published. The extent to which weight can be attributed to the Local Plan policies will therefore vary on a case by case basis taking into account the relevant policies and the significance of any unresolved objections.

### Core Strategy

CSP 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

CSP 30 ‘The Historic Environment’ – Development which affects the historic environment and Barnsley’s heritage assets and their settings will be expected to protect or improve the character and appearance of Conservation areas and Listed Buildings.

CSP 31 – Town Centres – states that support will be given to maintaining and enhancing the vitality and viability of Barnsley Town Centre and that the majority of new retail and town centre development will be directed here.

CSP40 ‘Pollution Control and Protection’ states that the Council shall not allow development of new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that they can be mitigated against.

### Saved UPD Policies

UPD Policy ED9 states that the conversion of existing buildings to employment use will be encouraged subject to consideration of the impact on residential amenity, visual amenity and highway safety.

TC51 – states that development proposals will be considered in the context of policy areas and specific policies relating to Town End are set out. Development opportunities in the Town End area should provide uses which are appropriate to the Town Centre.

### SPDs/SPGs

SPD ‘Parking’ provides parking requirements for all types of development.

### NPPF

The National Planning Policy Framework (NPPF) Section 16 – Conserving and Enhancing the Historic Environment, states that 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.

## **Consultations**

Highways DC – No objections

Conservation Officer – No objections to proposal

Ward Councillors – No comments received

## **Representations**

Notification letters were sent to surrounding properties and a site notice and press notice were posted. No comments or representations were received.

## **Assessment**

### Principle of Development

The proposed site is located within a Conservation Area. As such, the development will be expected to protect or improve the character and appearance of the Conservation area. The change of use of the premises is considered acceptable where there is no detrimental impact on residential amenity by means of noise and disturbance, visual amenity or highways safety.

The unit is located within the town centre, where there are a mix of uses including A1, A3 and A5. The proposed use would fit in with the character of the area and further support the existing use of Cooper Gallery, providing additional facilities to complement the Gallery. Furthermore, the proposed new development would allow for the creation of new employment opportunities within Barnsley Town Centre

### Residential Amenity

The site lies within a predominantly commercial and leisure orientated part of the town centre, with Barnsley College located on the opposite side of Eastgate. There are some residential properties located within the nearby buildings. However, given the type of uses proposed, café and artist's studio, and the opening hours being 09.00 to 16.00 Monday to Saturday, they are unlikely to be significantly affected by the development.

### Visual Amenity

The majority of changes will be internal, with only a small single storey extension proposed in order to facilitate a new entrance to the café. The extension will be located on the elevation that faces into the courtyard that the building shares with the Cooper Gallery and so will not be highly visible from the highway.

The proposed new entrance porch is designed to harmonise with the existing building and the proposed materials are respectful of both the original building and wider conservation area. The Conservation Officer has not raised any objections to the proposal and so it is considered acceptable.

## Highway Safety

No off road parking spaces are proposed. However, the unit is located within Barnsley town centre with numerous car parks and access to regular public transport. Furthermore, there are parking restrictions immediately to the front of the unit to control parking/waiting on the highway.

Highways DC have raised no objection to the proposal and so it is considered to be acceptable.

## **Recommendation**

**Approve** – subject to conditions:


- 1 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.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing No. 3172 (0-) & 3172 (0-) 01 Rev. A) 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 LDF Core Strategy Policy CSP 29, Design.**
- 3 The cafe use hereby permitted shall be carried on only between the hours of 0900 to 1600 Mondays to Saturdays and at no time on Sundays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**



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**BARNSELY MBC - Regeneration & Property**  
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**NORTH**  
Scale 1: 1250

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## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

01 July 2018 to 31 July 2018

#### APPEALS RECEIVED

2 appeals were received in July 2018

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2017/1366	Erection of 3 no. dwellings and alterations to access (Outline with access, layout and scale under consideration at this stage) <b>Flouch Inn, Whams Road, Hazelhead, Sheffield, S36 4HH</b>	Written Representation	Delegated
2018/0630	Erection of detached single storey granny annexe <b>15 Darton Hall Drive, Darton, Barnsley, S75 5AG</b>	Written Representation	Delegated

#### APPEALS WITHDRAWN

0 appeals were withdrawn in July 2018

#### APPEALS DECIDED

4 appeals were decided in July 2018

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2017/0088	Residential development of 21 dwellings (Outline including means of access) <b>Land South of New Smithy Avenue, Thurlstone, Barnsley, S36 9QZ</b>	Allowed	Committee
2017/0118	Erection of rear extension to retail unit and conversion of upper floor to single unit of accommodation <b>29-31 New Street, Barnsley, S70 1RZ</b>	Dismissed	Delegated
2017/1196	Retention of beer garden and new car parking spaces to rear of public house (amended details to application 2015/1162) <b>The Cross Inn, 7 Summer Lane, Royston, Barnsley, S71 4SE</b>	Allowed	Committee
2017/1285	Erection of 3 no. commercial units - Use classes A1 (Retail), A2 (Professional Services), and B1a (Offices) <b>Land Bmbc Asset ID E00045, Milton Road, Hoyland, Barnsley, S74 9BN</b>	Dismissed	N/K

### **2017/2018 Cumulative Appeal Totals**

- 8 appeals have been decided since 01 April 2018
- 4 appeals (50%) have been dismissed since 01 April 2018
- 4 appeals (50%) have been allowed since 01 April 2018

<b>Audit</b>	<b>Details</b>	<b>Decision</b>	<b>Committee/ Delegated</b>
2017/1342	Erection of detached double garage to dwelling. <b>Rowethby, 41 Intake Lane, Gawber, Barnsley, S75 2HX.</b>	Allowed	Delegated
2017/0245	Erection of 1 no. detached dwellinghouse. <b>Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE</b>	Dismissed	Delegated
2017/1054	Variation of condition 1 of planning permission 2016/0169 to enable plot substitutions on plots 10 and 11 to dormer bungalow, change of house types on plots 12 and 13 and removal of condition 12 (surface water run off rate reduction amount) - Development of 12 dwellings in total (amendment to planning permission 2016/0169) <b>Land at Wentworth Street, Birdwell, Barnsley, S70 5UN</b>	Allowed	Delegated
2017/0721	Residential Development (outline) <b>Land at Lakeside View, Huddersfield Road, Penistone, Barnsley</b>	Dismissed	Delegated
2017/0088	Residential development of 21 dwellings (Outline including means of access) <b>Land South of New Smithy Avenue, Thurlstone, Barnsley, S36 9QZ</b>	Allowed	Committee
2017/0118	Erection of rear extension to retail unit and conversion of upper floor to single unit of accommodation <b>29-31 New Street, Barnsley, S70 1RZ</b>	Dismissed	Delegated
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