

Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 22 January 2019
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members in respect of the under mentioned planning application/s.

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 18th December 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 or by telephoning (01226) 772593.

3. Balmoral Industrial Tanks, Barrowfield Road, Thurnscoe, Rotherham S63 0EW - 2018/0966 - For approval (*Pages 7 - 14*)
4. Marlborough Hotel, 36 Dodworth Road, Barnsley S70 6DY - 2018/0683 - For approval (*Pages 15 - 24*)
5. 4 Springfield Place, Barnsley, S70 6HJ - 2018/1146 - For approval (*Pages 25 - 34*)
6. Georgie's Yard, 233 Park Road, Barnsley, S70 1QW - 2018/1271 - For approval (*Pages 35 - 40*)

Planning Appeals

7. Planning Appeals - 1st to 31st December 2018 (*Pages 41 - 42*)

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

Monday, 14 January 2019

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 18 December 2018
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

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

In attendance at site visit

Councillors D. Birkinshaw (Chair), David Griffin, Riggs, Spence, Tattersall and R. Wraith.

62. Declarations of Interest

Councillor Leech declared a Non-Pecuniary interest in **Planning Application No 2017/1451** – [Development of up to 232 dwellings with associated open space, road and drainage infrastructure (Outline with all matters reserved apart from means of access) (Amended Description) at land west of Wakefield Road, Barnsley) as he is a local ward member.

Councillors Coates and Makinson declared Non-Pecuniary interests in **Planning Application No 2018/1340** – [Variation of condition 2 of application 2018/0969 (Conversion of disused former NHS residential accommodation into 13 dwelling units and associated works including alterations to access road, landscaping, provision of bin stores and street lighting) to allow amendments to the road layout and reduce dwelling number from 13 to 12) at Keresforth Centre, House 1 – 12 Keresforth Close, Barnsley as they are Berneslai Homes Board Members.

63. Minutes

The minutes of the meeting held on 20th November 2018 were taken as read and signed by the Chair as a correct record.

64. Dodworth Road/Broadway/Pogmoor Road junction and Penny Pie Park, Dodworth Road - 2018/0965 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0965** (Signalised gyratory roundabout with improvements to the existing Dodworth Road/Broadway/Pogmoor Road junction and re-configuration of park at Penny Pie Park, Dodworth Road/Pogmoor Road, Barnsley).

Mr Ian Wilson addressed the Board and spoke in favour of the officer recommendation to approve the application

Mr Peter Fielding addressed the Board and spoke against the officer recommendation to approve the application

RESOLVED that the application be approved in accordance with the officer recommendation, unless the application is called in by the Secretary of State before the decision is issued.

65. Land west of Wakefield Road, Barnsley - 2017/1451 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1451** (Development of up to 232 dwellings with associated open space, road and drainage infrastructure (Outline with all matters reserved apart from means of access) (Amended description) at land west of Wakefield Road, Barnsley).

RESOLVED that the application be approved in accordance with the officer recommendation and subject to the signing of the Section 106 agreement.

66. Job Centre Plus, 68 High Street, Goldthorpe - 2018/1126 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1126** (Change of use from job centre (A2) to 9 apartments with managers office, associated parking and amenity space at Job Centre Plus, 68 High Street, Goldthorpe).

Mr Roger Beecroft addressed the Board and spoke in favour of the officer recommendation to approve the application.

Mr B B Dancer addressed the Board and spoke against the officer recommendation to approve the application.

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

67. Cote Lane, Thurgoland - 2018/1195 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1195** (Variation of Condition 3 (relating to access) of 2016/0340 – Outline application for residential development of up to 24 dwellings to include means of access and public open space at land to the East of Cote Lane, Thurgoland, Sheffield S35 7AB).

RESOLVED that the application be approved in accordance with the officer recommendation and subject to signing of the Section 106 agreement.

68. Land to the east of Cote Lane, Thurgoland - 2018/0338 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0338** (Residential development of 24 dwellings (Reserved Matters relating to outline application 2016/0340) at land at the East of Cote Lane, Thurgoland, Sheffield S35 7AB).

RESOLVED that the application be approved in accordance with the officer recommendation and subject to amendment to description and reason to Condition 1 to reference 2018/1195 once the decision notice for that application has been issued.

69. Land off Newland Avenue and Carrs Lane, Cudworth - 2018/1275 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1275** (Variation of Condition 2 of 2017/0577 updating the house type design and/or repositioning 149 plots and increasing the total number of units on site by 4 at land off Newland Avenue and Carrs Lane, Cudworth, Barnsley).

RESOLVED that the application be approved in accordance with the officer recommendation and subject to referencing this application to the agreed S106.

70. Penistone Grammar School ALC, Huddersfield Road, Penistone - 2018/1266 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1266** (Two storey extension to school and associated works at Penistone Grammar School ALC, Huddersfield Road, Penistone, Sheffield S36 7BX).

RESOLVED that the application be approved in accordance with the officer recommendation and subject to amendment to condition 7 to allow for measures to be agreed to prevent on-street parking on Huddersfield Road.

71. Keresforth Centre, House 1-12, Keresforth Close, Barnsley - 2018/1340 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1340** (Variation of condition 2 of application 2018/0969 (Conversion of disused former NHS residential accommodation into 13 dwelling units and associated works including alterations to access road, landscaping, provision of bin stores and street lighting) to allow amendments to the road layout and reduce dwelling numbers from 13 to 12 at Keresforth Centre, House 1 – 12 Keresforth Close, Barnsley S70 6RS).

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

72. Dawsons, Wath Road, Elsecar - 2018/1284 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1284** (Demolition of former factory building at Dawsons, Wath Road, Elsecar, Barnsley S74 8HJ).

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

73. 20 Steeton Street, Elsecar - 2018/1345 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/1345** (Erection of single storey side extension at 20 Steeton Court, Elsecar, Barnsley, S74 8DX).

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

74. Planning Appeals - 1st to 30th November 2018

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2017/18.

The report indicated that one appeal was received in November 2018:-

- **Planning Application 2018/0603** – Formation of vehicular access including levelling of kerb at 28 Bridge Street, Penistone, Barnsley S36 6AJ (written representation) – delegated.

It was reported that no appeals were withdrawn in November 2018. Two appeals were decided in November 2018. A total of 13 appeals have been decided since 1st April 2018. 9 appeals (69%) have been dismissed since 1st April 2018. 4 appeals (31%) have been allowed since 1st April 2018.

Chair

2018/0966

Applicant: Balmoral Park Limited, C/o Fairhurst

Description: Proposed extension to existing industrial unit.

Site Address: Balmoral Industrial Tanks, Barrowfield Road, Thurnscoe, Rotherham, S63 0EW

This application is presented to Planning Board because it is recommended for approval subject to a S106 Agreement for a contribution towards off site biodiversity improvements and as a small part of the development encroaches into the Green Belt.

Site Location and Description

Thurnscoe Business Park lies to the south east of Thurnscoe, between its urban settlement and Goldthorpe. The site forms part of the former Hickleton Colliery and which was subject to a land reclamation scheme in the early 1990s

There is a large, modern industrial unit with associated office, reception and welfare facilities on the site. The building is 144m by 42m and located centrally within the plot, with the parking provision of 73 vehicles (including 3 disabled, 4 motorcycle and 24 bicycle spaces) to the west and the service yard to the east.

The building has a double pitched roof with a central valley, with a height of 8.2m to the eaves and 10.1m to the ridge and consists of profile cladding and low level blockwork. The cladding is Goosewing Grey with contrasting panels in Anthracite Grey.

The site is bounded to the south with Phoenix Park which is an area used by walkers, cyclists and horse riders and forms part of the reclamation scheme.

There are other industrial premises on the estate to the north with residential properties approximately 200m to the north when measured from the centre of the site.

Proposed Development

It is proposed to erect a large extension to the existing building, measuring 120m x 42m. The proposal is a seamless extension to the existing building. All materials are proposed to match.

Development commenced on site in advance of the planning application being submitted.

Planning History

2017/0013 – Erection of 1 no. industrial unit with associated office, reception and welfare facilities. Approved 21 April 2017.

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 new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

The site is allocated in the Local Plan for Employment.

Policy D3 Thurnscoe Business Park 6 ha. Development will be expected to:

- Consider the impact on the amenity of Phoenix Park and include appropriate mitigation where necessary;
- Where possible retain the grassland which is relatively species rich in places. Where this is not possible other areas of native wildflower grassland will be expected to be created elsewhere on the site;
- Consider wetland creation as part of the development; and
- Give consideration to the Thurnscoe Dike culvert which runs through the site.

In addition, part of the site is located in the Green Belt where policy GB1 and National Planning Policy Section 13 applies protecting the openness of the Green Belt from inappropriate development except in Very Special Circumstances.

Other relevant Local Plan Policies are:

- Policy SD1 Presumption in Favour of Sustainable Development;
- Policy GD1 General Development;
- Policy LG2 The Location of Growth;
- Policy E6 Uses on Employment Land;
- Policy D1 High Quality Design and Place Making;
- Policy BIO1 Biodiversity and Geodiversity;
- Policy CC1 Climate Change;
- Policy CC2 Sustainable Design and Construction;
- Policy CC3 Flood Risk;
- Policy CL1 Contaminated and Unstable Land; and
- Policy Poll1 Pollution Control and Protection.

National Planning Policy Framework (NPPF)

Section 6, Building a strong, competitive economy:

- The planning system should do everything it can to support sustainable economic growth.
- Local planning authorities should plan proactively to meet the development needs of business

Section 13, Green Belt:

The construction of new buildings is inappropriate development in the Green Belt which is by definition harmful and should not be approved except in very special circumstances. Substantial weight is given to any harm to the Green Belt when considering proposals for inappropriate development in the Green Belt.

Section 15, Conserving and enhancing the natural environment:

Planning policies and decisions should ensure that a site is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and / or land owner.

Supplementary Planning Documents (SPD)

Parking – sets out parking standards that will be applied to all new development.

Consultations

Biodiversity – Concerned that the development has commenced without appropriate assessment of the ecology / habitat on site.

Coal Authority – Objecting due to the extension being located within close proximity of an existing mine shaft and insufficient supporting information provided to confirm that (a) the building needs to be located where it is and (b) that the approach to constructing the extension has allowed for / fully assessed the location of the mine shaft.

Air Quality – No Objections

SYMAS – No Objections

Contaminated Land – No Objections

Drainage – No objection subject to a suitable condition restricting development from the easement of the watercourse.

Enterprising Barnsley – Support

Highways – No Objection subject to conditions

Pollution Control – No Objection

YW – No Comments

Representations

The application has been publicised as being of local interest by way of site notice, press notice and neighbour notification. One letter has been received querying that the development has already commenced.

Assessment

Principle of Development

The majority of the site is allocated for employment in the new Local Plan. In addition, the application is for an extension to an existing use approved under application 2017/0013. As such the proposed development on this part of the site is acceptable in principle.

A small corner of the extension and surrounding hard landscaping infringes into the Green Belt. As the proposed is inappropriate development in the Green Belt it has been necessary for the applicant to demonstrate Very Special Circumstances. These are:

The existing facility, relocated from Wombwell in 2018, created 34 jobs from director level to apprentices and represents a £10m investment by Balmoral. This extension is a further investment of £6m to develop and launch a new product: a glass fused steel tank. This investment will allow the business to compete on a global scale and create a minimum of 25 additional jobs and 2-4 new apprenticeships.

A number of options for the design of the new extension were considered to avoid the need to purchase additional land, outside of the current employment allocation. All the options involved a separate building informed by the shape of the site, the form of the existing building and the requirements for the extension. The final design is stated to be the only option that provides sufficient space for the manufacturing process and equipment required, whilst also allowing a linear manufacturing process within a single building. This offers a number of benefits, which are stated as necessary to allow the business to remain competitive, including:

- Better management of staff and ability to create a multi-skilled workforce;
- Improved process control, in particular the ability to control temperature throughout the process as products remain in the same building;
- Increased efficiencies associated with a single building and single linear process;

The total quantum of land that is located in the green belt and affected by this development is 0.2ha. A small corner of the extension projects into this area with an area of hardstanding providing access around the perimeter of the building. Levelling works have been undertaken in the area with Phoenix Park, which sits along the southern boundary of the site, at a higher level. The impact on the Green Belt is therefore limited by the scale of development located within it and the overall visibility of it given the change in levels.

It is therefore accepted that although substantial weight must be afforded to any harm to the Green Belt from inappropriate development, the scale and nature of development and impact on the openness of the Green Belt is such that, when weighed against the economic benefits of the proposed sufficient very special circumstances exist to outweigh the limited harm to openness and the purposes of including land in the Green Belt.

Design

The site and building has be built and maintained to a high standard with the proposed extension in keeping in terms of design, scale and materials. There are therefore no concerns in design terms.

Residential Amenity

The nearest residential property is located approximately 200m from the centre of the site and as such the proposed building would not result in the loss of outlook or result in an increase in overshadowing to a detrimental level.

Regulatory Services have raised no new issues regarding potential noise associated with the proposed manufacturing process.

Highway Safety

The applicant has now provided an additional 17 no. off street parking spaces which can be accessed and exited in forward gear, to accommodate the additional staffing numbers. In light of the above, there are no highway objections to the proposed development.

Biodiversity/Trees/Landscaping

The development has commenced on site prior to any assessment of the ecological and habitat value of the site. As such it is not possible to properly assess if the proposed development complies with Local Plan Policy BIO1 in relation to mitigating and enhancing biodiversity. In order to adequately mitigate this, the applicant has agreed to a contribution of £25,000 towards improvements / enhancements off site. This is likely to be utilised in the adjacent Phoenix Park.

Other Issues

Drainage - The site is crossed by a private surface water sewer and culverted water course. The Authority's drainage team and Yorkshire Water have been consulted on the application and have raised no objections to the application subject to the inclusion of conditions.

Land Stability – The development site is located on land which has been remediated previously in order to support future development with the nearest mine shafts infilled and capped. The land has been allocated for employment and the proposed is for an extension to an existing industrial building. However, the proposed extension is located close to one of the capped mine shafts and the applicant has not provided any new information to demonstrate that the design and construction of the extension has considered the location of the mine shaft and any land stability issues associated with it. This lack of information is the reason for the objection from the Coal Authority. Additional information has been requested from the applicant, however, their position remains that the site is remediated and as such suitable for development. Paragraph 178 of the NPPF requires that planning decisions ensure that land is suitable for its proposed use taking account of ground conditions and any risks arising from land instability and contamination. Paragraph 179 confirms that, where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer or land owner. Therefore, taking account of the previous remediation work undertaken on site, the location of the mine shaft in relation to the extension and the fact that ultimately it is for the developer / landowner to ensure the development is safe, the Council are minded to approve the application in this case. An informative will be added to the decision notice to reflect this.

Conclusion

In summary the majority of the development would take place on land allocated for employment purposes in the Local Plan. As such the proposed development on this part of the site is acceptable in principle.

A small part of the extension and associated hard standings (0.2ha) would encroach into the Green Belt which represents an inappropriate form of development. However the scale and nature of development and impact on the openness of the Green Belt is such that, when weighed against the economic benefits of the proposed sufficient very special circumstances exist to outweigh the limited harm to openness and the purposes of including land in the Green Belt. Therefore the development is judged to be acceptable in Green Belt planning policy terms also.

The assessment has covered all other material considerations including the scale and design of the development, potential impacts on residential amenity and parking/highway safety. In the opinion of Officers no other material considerations exist that warrant a decision at variance to the above. It should be noted however that the applicant has embarked on the development without supplying all of the information requested by the Coal Authority to demonstrate that the development would not be affected by a former mine entry in the vicinity of the development. Ultimately the NPPF makes clear that responsibility for securing a safe development rests with the developer and/or landowner. As such the decision notice would need to include an informative note to make that clear to the applicant.

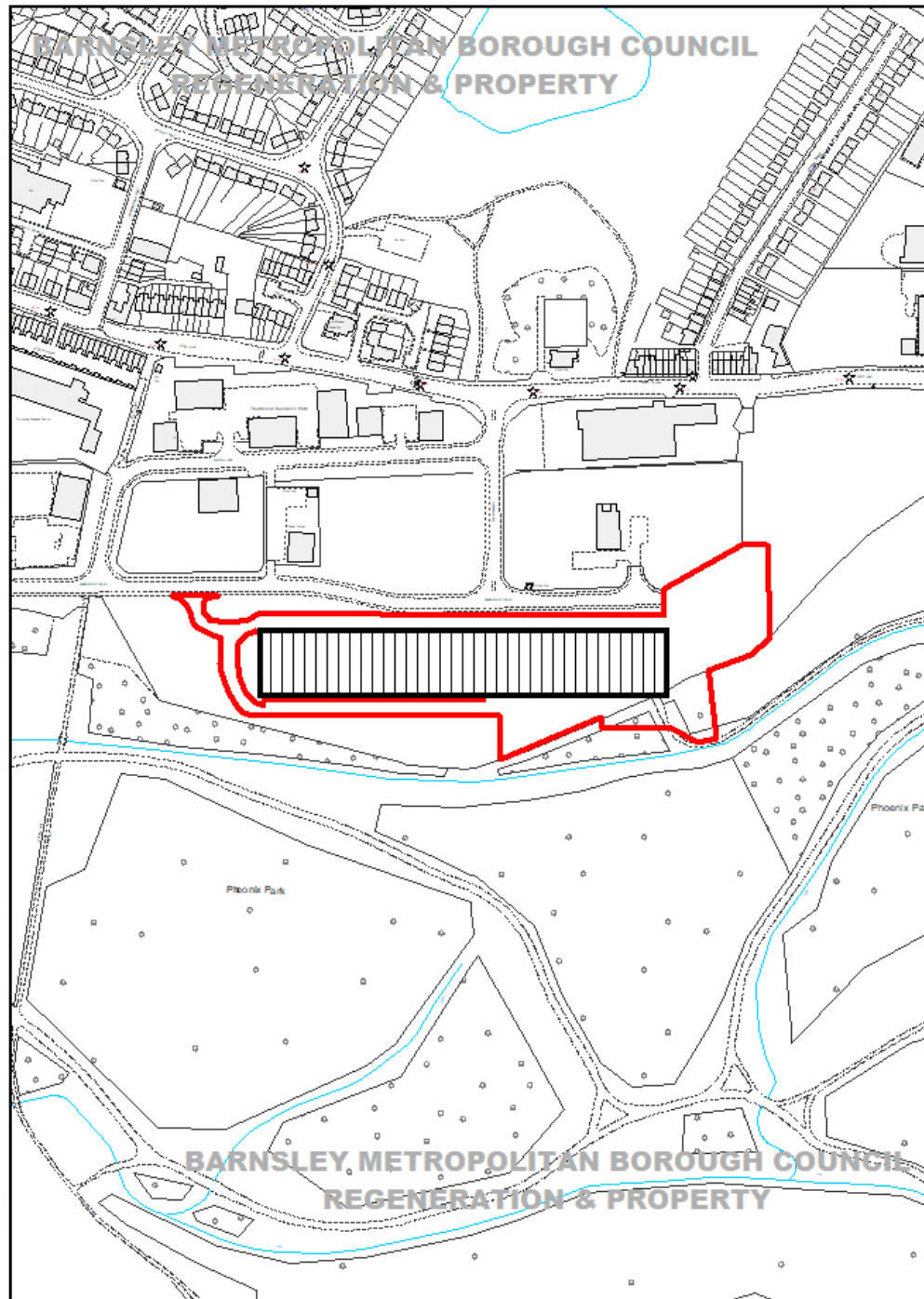
Recommendation

Grant planning permission subject to conditions and S106 Agreement (mitigating and enhancing biodiversity)

- 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:
123754/0001 Rev A - Redline
653-31 Ground Floor Plan
653-32 Elevations
653-33 Section
653-34 Roof Plan
Barnsley Upper Yard (issued 7th December 2018)
123754/2000 Rev E - Drainage Layout
unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 3 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
To prevent damage to the existing sewer, watercourse or culverted watercourse.
- 4 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: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.

- 5 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 6 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 Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.
- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:20 to ensure safe and adequate access.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 8 Any gates must be hung so as to open inwards into the site and not out onto the adopted highway.
Reason: In the interest of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety.

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BARNSELY MBC - Regeneration & Property



Scale 1: _____

2018/0683

Applicant: A Shade Greener, C/o Coda Studios Ltd

Description: Conversion of existing public house into 4no. apartments including dormer extension to 2nd floor.

Site Address: Marlborough Hotel, 36 Dodworth Road, Barnsley, S70 6DY

Letters of representation have been received from 6 households. Councillor Mitchell has requested that the application be determined by the Planning Regulatory Board due to the lack of parking provision, the potential for increased anti-social behaviour and problems with waste management and fly tipping.

Site Location & Description

The vacant former Marlborough Public House is located at the junction of Dodworth Road and Lancaster Street, near to Townend roundabout and Barnsley Town Centre.

The building forms an end terrace and is of stone construction with stone headers and cills. The unit fronts on to Dodworth Road and Lancaster Street and an archway from Lancaster Street provides access to the small courtyard to the rear of the premises. The small courtyard is bounded by the outdoor space associated with the surrounding residential properties. The surroundings of heavily built up in nature and are predominately made up of terraced buildings and streets.

Proposed Development

The applicant seeks permission to change the use of the former Marlborough Public House to 4no apartments consisting of 1no 2bed apartment, 1no 1bed apartment and 2no studio apartments. In addition the proposal involves external alterations in the form of 2 new dormer window extensions which would be created in the rear and rear/side roof planes.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy H4 Residential Development on Small Non-allocated Sites

Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

Policy T3 New Development and Sustainable Travel

New development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;
- Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and
- Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition.

Where levels of accessibility through public transport, cycling and walking are unacceptable, we will expect developers to take action or make financial contributions in accordance with policy I1.

If it is not possible or appropriate for the minimum amount of parking for cycles, motorbikes, scooters and mopeds to be met on site, the developer must provide, or contribute towards, off-site parking, or improve or provide other forms of travel.

Policy T4 New development and Transport Safety

New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

If a development is not suitably served by the existing highway, or would create or add to problems of safety or the efficiency of the highway or any adjoining rail infrastructure for users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.

Policy SD1 Presumption in favour of Sustainable Development

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy GD1 General Development

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
- Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

Policy D1 High Quality Design and Place Making

Design Principles:

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;
- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;

- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

Policy Poll1 Pollution Control and Protection

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

Policy AQ1 Development in Air Quality Management Areas

Development which impacts on areas sensitive to air pollution⁽¹³⁾ in air quality management areas will be expected to demonstrate that it will not have a harmful effect on the health or living conditions of any future users of the development in terms of air quality (including residents, employees, visitors and customers), taking into account any suitable and proportionate mitigation required for the development.

We will only allow residential development which impacts on areas sensitive to air pollution, where the developer provides an assessment that shows living conditions will be acceptable for future residents, subject to any required mitigation.

We will only allow development which impacts on areas sensitive to air pollution which could cause more air pollution, where the developer provides an assessment that shows there will not be a significantly harmful effect on air quality, subject to any required mitigation.

Furthermore, development which impacts on areas sensitive to air pollution due to traffic emissions will be expected to demonstrate suitable and proportionate mitigation relative to the increased traffic emissions generated by the development.

SPDs/SPGs

Supplementary Planning Document – Design New Housing Development

Supplementary Planning Document – Residential Amenity and Siting of Buildings

Supplementary Planning Document – Parking

The South Yorkshire Residential Design Guide (SYRDG) does not directly form part of the development plan but is used by the council as good practice to help inform how some of the related policies are interpreted.

National Planning Policy Framework

The National Planning Policy Framework sets out the Governments 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.

Consultations

Highways DC – no objections

Air Quality Officer – no objections subject to conditions

Pollution Control – No objections

Waste Management – No objections

Ward Councillors – Cllr Kath Mitchell request the application be determined by PRB due to lack of parking increase in anti-social behaviour, increase in issues with fly tipping and waste management.

Representations

The application was advertised by way of neighbour notification letters and the erection of a site notice. 6 households have commented on the application, the reasons for which can be summarised as follows:

- Impact on residential amenity by means of increased noise and overcrowding of the area.
- On street parking is a local problem with workers within the town centre using surrounding streets. The development will further burden this.
- Increase in antisocial behaviour
- Increase in fly tipping
- Overlooking from dormer window

Assessment

Principle of Development

The site is designated to be part of the Urban Fabric of the Borough in the new Local Plan. Proposals to convert existing buildings to residential use are acceptable in principle subject to policies within the local plan being satisfied such as GD1 'General Development'. In this case the most prevalent use of land and buildings in the area is residential and so the proposal fits in with the character with the area. In addition they involve bringing a vacant and deteriorating building of some character back into use. Furthermore being located within the urban fabric near to Barnsley Town Centre the site located in a priority and sustainable location to accommodate future housing growth. In summary the proposed development is acceptable in principle.

Residential Amenity

The premises are located at the junction of Dodworth Road and Lancaster Street, an area which is predominantly residential in nature. Whilst it is acknowledged that there are some

properties within the vicinity of the site which are occupied as Houses of Multiple Occupation, this particular application is to consider the change of use of a vacant public house to a residential unit consisting of 1no 2bed apartment, 1no 1 bed apartment and 2no studio apartments, all of which are self-contained.

Representations have been received raising concerns that the development will encourage anti-social behaviour within the locality and also increase crime levels. Anti-social behaviour is not inherent to the character of a block of self-contained residential apartments and as such it is not considered that the proposal would be detrimental to residential amenity on this basis.

With reference to the noise and disturbance, it would be difficult to sustain arguments/claims made within the representations that the residential units, located within a predominantly residential area within close proximity to the town centre will result in additional noise above that which could be associated a public house.

The applicant also seeks permission to install flat roof dormer windows on the Dodworth Road rear roof plane and the Lancaster Street rear roof plane. The dormer windows are to provide additional head height within the roof space to the studio apartment located on the second floor. The window located on the Dodworth Road roof plane would be situated approximately 10m from the blank northern elevation of 23 Nicolas Street and whilst the window located in the Lancaster Street roof plane would result in some overlooking of the surrounding private areas, the window does not project beyond the rear elevation of the building. Therefore levels of overlooking would not significantly increase above what occurs from the existing first floor windows.

It is considered that future residents of the development will be afforded with an appropriate level of amenity. The bedrooms and living spaces such as the lounge and kitchen/dining areas are well in excess of the specification as set out in the South Yorkshire Residential Design Guide for a new dwelling of this size. In addition it would be possible for the yard to the rear of the building to be converted into shared outdoor amenity space.

For the reasons above it is considered that the development adheres to Local Plan Policies H4 and GD1 in that the amenity of existing neighbouring properties and the wider locality will not be adversely affected or impacted upon as a result of the proposals.

Air Quality

The site is located on Dodworth Road and falls within an Air Quality Management Area. Policy AQ1 states that development within Air Quality Management Area will be expected to demonstrate that it will not have a harmful effect on the health or living conditions of any future users.

The proposal sees the change of use of the public house to 4no residential apartments. The premises benefit from an existing residential use at first and second floor and therefore there is only the ground floor of the building that has not been used for residential accommodation previously. Therefore to further protect the amenity of future occupants it is considered appropriate to include a condition requiring the installation of mechanical ventilation. Given the small scale nature of the change of use it is not considered that the proposed residential development would impact on the area which is sensitive to air pollution.

Visual Amenity

There are no external alterations proposed to the existing building other than the installation of the flat roof dormer windows located on the rear roof plane. Whilst the proposed dormers

are of a flat roof construction, there are examples of such on the rear elevation of the row of properties. As such it is considered that the addition of the dormer extensions to the rear of the property harmonise with the original dwelling and ensures the original dwelling remains the dominant feature. It is acknowledged that the extensions would be visible from public vantage points. However they are not considered to have a domineering appearance/presence within the street scene and as such the design is considered to be acceptable and in compliance with Local Plan Policy GD1.

Highway Safety

Whilst the building does not benefit from any off street parking provision the site is located in very close proximity to the town centre. Furthermore it would be possible to re-open the pub and the associated ancillary residential accommodation without the need for planning permission. As such Highways have raised no objections to the lack of parking provision, but have requested the provision of secure cycle storage as part of the development.

Overall Highways are satisfied that the development can be absorbed on the local highway network without giving rise to any problems. The site is located with good access to the town centre and is within a short walking distance of local services with Dodworth Road being served with frequent bus services. Concerns have been raised within the submitted representations that the development will be a further burden to the current on street parking problems. When assessing the impact on highway safety, the application cannot be refused on basis of the existing parking problems in the locality. It would therefore be necessary to demonstrate that the proposed use would significantly increase demand for parking over and above that associated with the current use. In this instance the existing property is a large former public house located within close proximity to the town centre which is served by frequent bus services. As such it is not considered that the change of use would significantly increase parking problems and this is confirmed in the consultation response from Highways. Further to this the applicant has proposed a bike store and general store for use by residents as requested for by Highways. Consequently, it is not considered that the development will adversely affect highway safety and as such is considered acceptable.

Conclusion

In summary the proposal to convert the vacant former pub is acceptable in land use planning policy terms. In addition they involve bringing a vacant and deteriorating building of some character back into use. Furthermore the site is in a highly sustainable location within walking distance of the Town Centre that is in a priority location to accommodate growth. The proposed flats and studios comply with the minimum internal space size requirements of the SYRDG and as such the development would provide acceptable amenity standards for future residents. The proposals include the provision of 2 rear dormer extensions, however it is considered that these would not give rise to harmful impacts on residential and visual amenity. The development does not include any parking, but its location in walking distance of the town centre and the proposal to provide bike storage facilities mean that Highways do not object to the proposals. Mitigation is proposed in the form of imposing a condition requiring mechanical ventilation on the façade of the building facing Dodworth Road to mitigate the air quality management issues. Overall the application is judged acceptable and is recommended for approval accordingly.

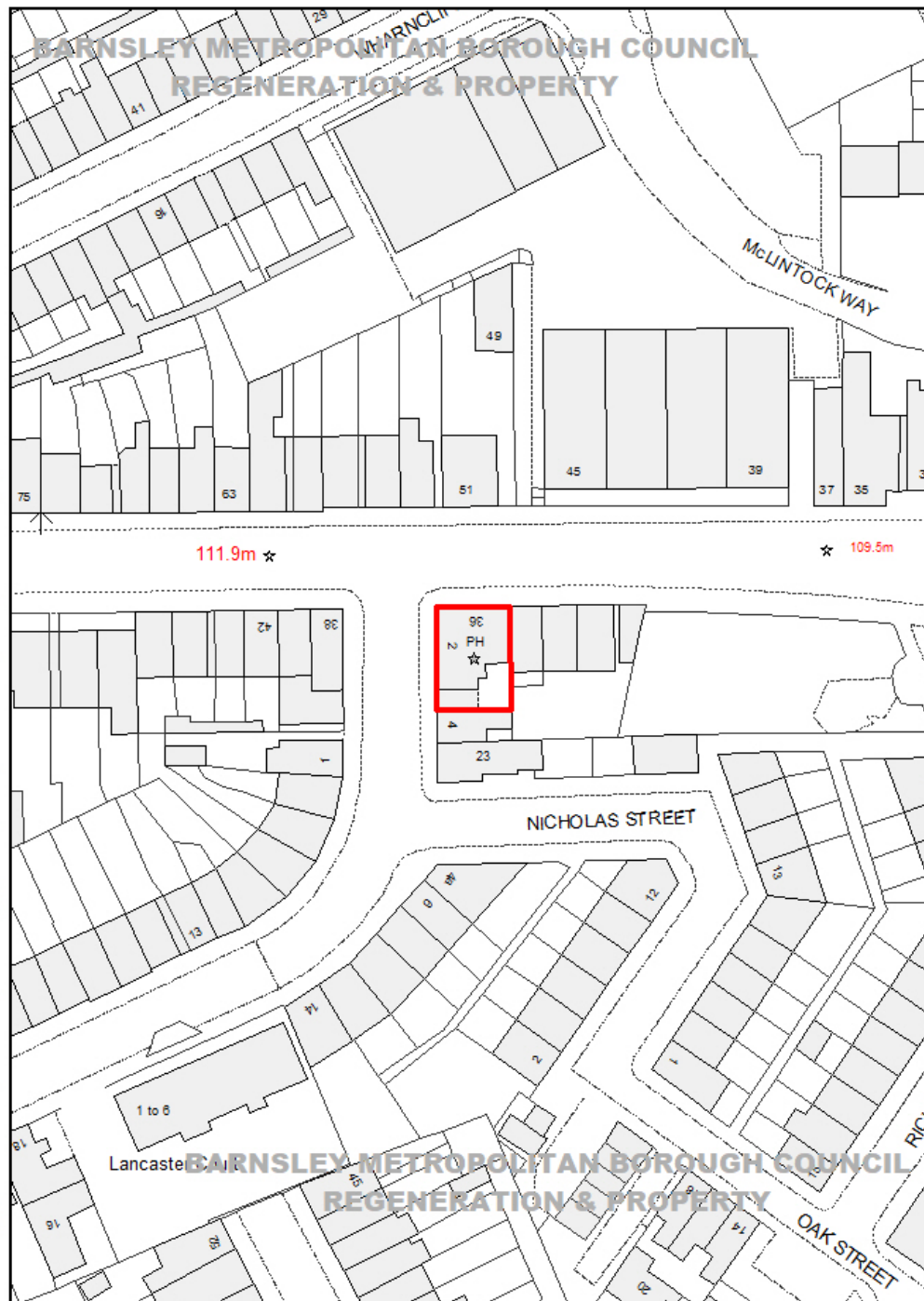
Recommendation:

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 amended plans 2714-001 Rev A, 2714-002, 2714-003 Rev D, 2714-004 and 2714-005 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 in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 3 The external materials shall match those used in the existing building.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 4 Prior to commencement of the development, a mechanical ventilation scheme shall be provided for the proposed development, for agreement with the Local Planning Authority. This ventilation scheme shall ensure that air is taken from an area of proven good air quality; must be suitable to prevent overheating; demonstrating low energy and green energy usage; with a maintenance contract - the contract to ensure correct operation for the first five years of operation. Windows shall be non-openable to the polluted façade (in this case, Dodworth Road).
Reason: In the interests of minimising the impact of local air quality on the proposed development in accordance with Local Plan Policy Poll1 Pollution Control and Protection and Policy AQ1 Development in Air Quality Management Areas.
- 5 The dormer windows shall be constructed from materials with a similar visual appearance to those used in the construction of the roof of the original building.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1.

PA Reference:-

2018/0683



BARNSLEY MBC - Regeneration & Property



Scale 1:

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2018/1146

Applicant: Mr Ben Shufflebottom, C/o Peter Thompson

Description: Erection of 3 ½ storey side/rear extension to accommodate HMO (max 6 person)

Site Address: 4 Springfield Place, Barnsley, S70 6HJ

Councillor Mitchell has raised concerns and requested that the application is determined by the Board. No representations have been received from members of the public.

Site Location and Description

The application property is located at the end of Springfield Place, a small cul-de-sac located off Dodworth Road near to Townend Roundabout that contains residential properties including a number of houses converted into flats and Houses of Multiple Occupation (HMO's). No.4 is located at the end of the existing terrace of properties meaning that the side of the building faces the adjacent road, Springfield Street. Associated with the property is a garage block located on the land at the side of the property on Springfield Street rather than Springfield Place which contains three garages. A pedestrian link between Springfield Place and Street passes in front of the building.

The existing building is 2 ½ storey with the land at the side of the property to the north on Springfield Street being located on a lower land level. The property is surrounded by development on all sides. In close proximity to the site is Springfield House which until recently provided office accommodation for the Council. This building now benefits from consent to be converted into 66no apartments utilising permitted development rights available in the Town and Country Planning (General Permitted Development) (England) Order 2015.

Proposed Development

The applicant seeks permission to erect a 3 ½ storey extension on the northern elevation of 4 Springfield Place to create a separate 6 bedroom HMO with shared kitchen/dining facilities. The extension would have its own separate entrance from Springfield Street which would make the development independent from the existing property. Each bedroom would have provision of its own bathroom.

The plans are identical to those approved under previous planning application 2015/1116. However, that permission expired last July.

Site History

As is identified above planning application 2015/1116 for the same set of plans was approved by the Council 09/12/2015. Prior to that there had been the previous list of applications made at the site:-

2010/0476 – Erection of 1no. studio flat. Refused and dismissed at appeal 15/06/2010.

2012/0698 – Conversion of basement to self-contained flat – Refused 30/07/2012.

2012/1077 – Conversion of basement to self-contained flat – Approved 26/10/2012.

2013/0156 – Erection of 1 no. self-contained apartment – Approved 08/04/2013.

2014/0382 – Erection of 3no apartments - Approved 10/06/2014.

2015/0497 – Variation of condition 3 of previously approved 2014/0382 to change 3no. apartments to house in multiple occupation (HMO) – Approved 01/07/2015.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

Policy H4 Residential Development on Small Non-allocated Sites

Proposals for residential development on sites below 0.4 hectares (including conversions of existing buildings and creating dwellings above shops) will be allowed where the proposal complies with other relevant policies in the Plan.

Policy T3 New Development and Sustainable Travel

New development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;

Where levels of accessibility through public transport, cycling and walking are unacceptable, we will expect developers to take action or make financial contributions in accordance with policy I1. If it is not possible or appropriate for the minimum amount of parking for cycles, motorbikes, scooters and mopeds to be met on site, the developer must provide, or contribute towards, off-site parking, or improve or provide other forms of travel.

Policy T4 New development and Transport Safety

New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Policy SD1 Presumption in favour of Sustainable Development

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy GD1 General Development

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
- Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

Policy D1 High Quality Design and Place Making

Development is expected to be of high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and features of Barnsley, including:

- Landscape character, topography, green infrastructure assets, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage and townscape character including the scale, layout, building styles and materials of the built form in the locality.

Through its layout and design development should:

- Contribute to place making and be of high quality, that contributes to a healthy, safe and sustainable environment;
- Complement and enhance the character and setting of distinctive places, including Barnsley Town Centre, Penistone, rural villages and Conservation Areas;

- Help to transform the character of physical environments that have become run down and are lacking in distinctiveness;
- Provide an accessible and inclusive environment for the users of individual buildings and surrounding spaces;
- Provide clear and obvious connections to the surrounding street and pedestrian network;
- Ensure ease of movement and legibility for all users, ensure overlooking of streets, spaces and pedestrian routes through the arrangement and orientation of buildings and the location of entrances;
- Promote safe, secure environments and access routes with priority for pedestrians and cyclists;
- Create clear distinctions between public and private spaces;
- Display architectural quality and express proposed uses through its composition, scale, form, proportions and arrangement of materials, colours and details;
- Make the best use of high quality materials;
- Include a comprehensive and high quality scheme for hard and soft landscaping; and
- Provide high quality public realm.

In terms of place making development should make a positive contribution to achieving qualities of a successful place such as character, legibility, permeability and vitality.

Policy Poll1 Pollution Control and Protection

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

SPDs

‘Designing New Residential Development’ sets out the standards that will apply to the consideration of planning applications for new housing development including HMO’s.

‘Parking’ states that the parking standards for new housing development shall be 1 space for dwellings under 3 bedrooms in size and 2 spaces for 3 bed dwellings and above.

The South Yorkshire Residential Design Guide has been adopted as a best practice guide by the Council and covers issues including minimum internal space standards

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.

Consultations

Highways DC – No objections to the previous application. On this occasion they have queried whether off street secure cycle storage could be provided.

Regulatory Services – No objections.

Ward Cllrs – Cllr Mitchell has objected to the application and requested that it is determined by the Board. Her main points of concern are:-

- Limited parking in the area
- Excessive amount of waste bins
- Over concentration of HMO's within the area
- Properties generally poorly managed and maintained
- Anti-social behaviour

Representations

The application was publicised by notification letters sent to the residents of adjacent properties and by site notice. No representations have been received.

Assessment

Principle of Development

The site is designated to be part of the Urban Fabric of the Borough in the new Local Plan. In this case the most prevalent use of land and buildings in the area is residential and so the proposal fits in with the character with the area in land use planning policy terms. Furthermore being located within the urban fabric near to Barnsley Town Centre it is located in a priority and sustainable location to accommodate future housing growth.

Assessment criteria concerning HMO's are also relevant. It should be noted however that planning permission was granted for this same set of plans in late 2015. The focus of this assessment therefore is limited to whether there have been any material changes in circumstances since. Potentially the adoption of the new local plan would be one such thing. Policy H9 'Protection of Existing Larger Dwellings' relates to proposals to convert existing dwellings into HMOs. However that policy is not applicable in this case for the reason that the proposal relates to a new build HMO. In land use planning policy terms this is acceptable. The remaining considerations are whether proposals are suitable in residential and visual amenity terms and highway safety. The outcome of the assessment in relation to these matters is set out below.

Residential Amenity

The proposal would result in the existing building extending out by a further 5.4m towards Springfield Street. A pair of semi-detached dwellings is located opposite the proposal to the north east. However, they do not directly face the site and there would be a separation distance of approximately 16.5m. As a result the proposal would not give rise to any significant problems by way of overshadowing or over dominance affecting those dwellings. Furthermore the development would not project any closer to properties located on Springfield Place and Dodworth Road than the existing property.

In terms of privacy levels it is acknowledged that a number of habitable room windows are proposed on the North elevation facing Springfield Street which span over 3 floors plus living accommodation in the roof space. However, the dwellings opposite do not directly face the site and, as mentioned above, there is a separation distance over 16.5m to the two dwellings

diagonally opposite meeting the criteria set out in the SPD which states '*where front elevations face a road the dwellings should be no more than 19m apart*'. In addition the proposal achieves a streetscape that reflects local character given the existing separation distances evident to the east of the site.

There are habitable room windows proposed in the western elevation which face the parking areas and amenity space associated with 119 Dodworth Road. These have the potential to cause some overlooking given the close proximity of the elevation to the boundary. However, the rooms which the windows serve would be dual aspect. Therefore the issue can be overcome via the imposition of an obscure glazing condition.

It is acknowledged that the main elevation would be north facing. However, the units would be served by ample windows and a number of the rooms would be dual aspect. As such, there would be acceptable levels of light and outlook.

It is expected that the development would bring additional noise and disturbance associated with residential activity into the area. However this would be offset by the loss of the three existing garages and the site is in a heavily built up area in close proximity to the town centre. The nature of the use shall not be out of keeping therefore.

In terms of internal spacing standards, each of the bedrooms would exceed the 12m² set out in the South Yorkshire Residential Design Guide for a double bedroom. Five of the proposed bathrooms would fall short of the 3.5m² standard by approximately 1m². However this is deemed acceptable in this case given they are individual private facilities for single bedrooms as opposed to being shared facilities.

The proposed shared kitchen/dining space exceeds the Design Guide internal space requirement. The proposal does not include a separate shared lounge/sitting room. In addition the plans do not include the provision of any external amenity space. However these details match the plans approved under previous application 2015/1116.

Visual Amenity

The development would mainly impact on the Springfield St street scene. This particular street scene lacks continuity given that a large length of the road is fronted by rear boundary walls or garages as opposed to being fronted by properties on both sides as per many more conventional streets.

There are a large number of garages fronting onto Springfield Street that have been built to the rear of properties in Dodworth Road. Most like the ones on the application site do not make a positive contribution to the street scene.

The proposed extension to the existing building is designed to mirror the opposite end of the terrace, on the corner of Springfield Place and Dodworth Road, which incorporates a hipped roof. The fenestration and details such as brick banding is also carried on throughout the proposed build in order to harmonise and maintain the character and rhythm of the streetscene, in accordance with CSP 29.

It is acknowledged that the new addition would not include a set back or reduced ridge height from the host dwelling to distinguish it however, there is a vertical brick banding between the existing and proposed which separates the two visually.

The Northern elevation of the proposal would be approximately two metres from the back edge of the footpath and be a prominent feature on the streetscene, especially as accommodation would be over 3 ½ floors. However, one of the floors would be in the roof space, with the hipped roof sloping away from the highway, and one of the rooms would

effectively be a lower ground floor, as such, it would be no higher than the existing elevation which it extends. The scheme also incorporates an element of landscaping between the elevation and the back edge of the footpath which would soften the development slightly.

The Springfield Street elevation incorporates a number of openings which breaks up the expanse of brickwork and adds interest and, despite the immediately adjacent buildings being set back from the highway; there are a number of structures the same distance or closer to Springfield Street, including the apartment buildings to the east. As such, the proposal would be in keeping with the street scene.

The extension projects beyond the existing rear (West) roof plain, and at a greater height, resulting in an area of brick work above the existing roof slope. However, this would be in a non-prominent position and would have minimal impact on the visual amenity of the area. Overall it is considered that the design of the development would be sufficiently in keeping with the existing building and the area as a whole.

Highway Safety

The proposals are to provide 2 parking spaces for the development and retain 4 for the existing property. The number of 6 spaces is sufficient to ensure that parking provision across both the existing and proposed properties complies with the SPD. Furthermore it would not be reasonable to insist upon further provisions given the proximity of the development to the Town Centre. In addition Springfield Street has double yellow lines along both its sides and a small amount of residents' parking spaces (permit holders) to protect against illegal parking.

Conclusion

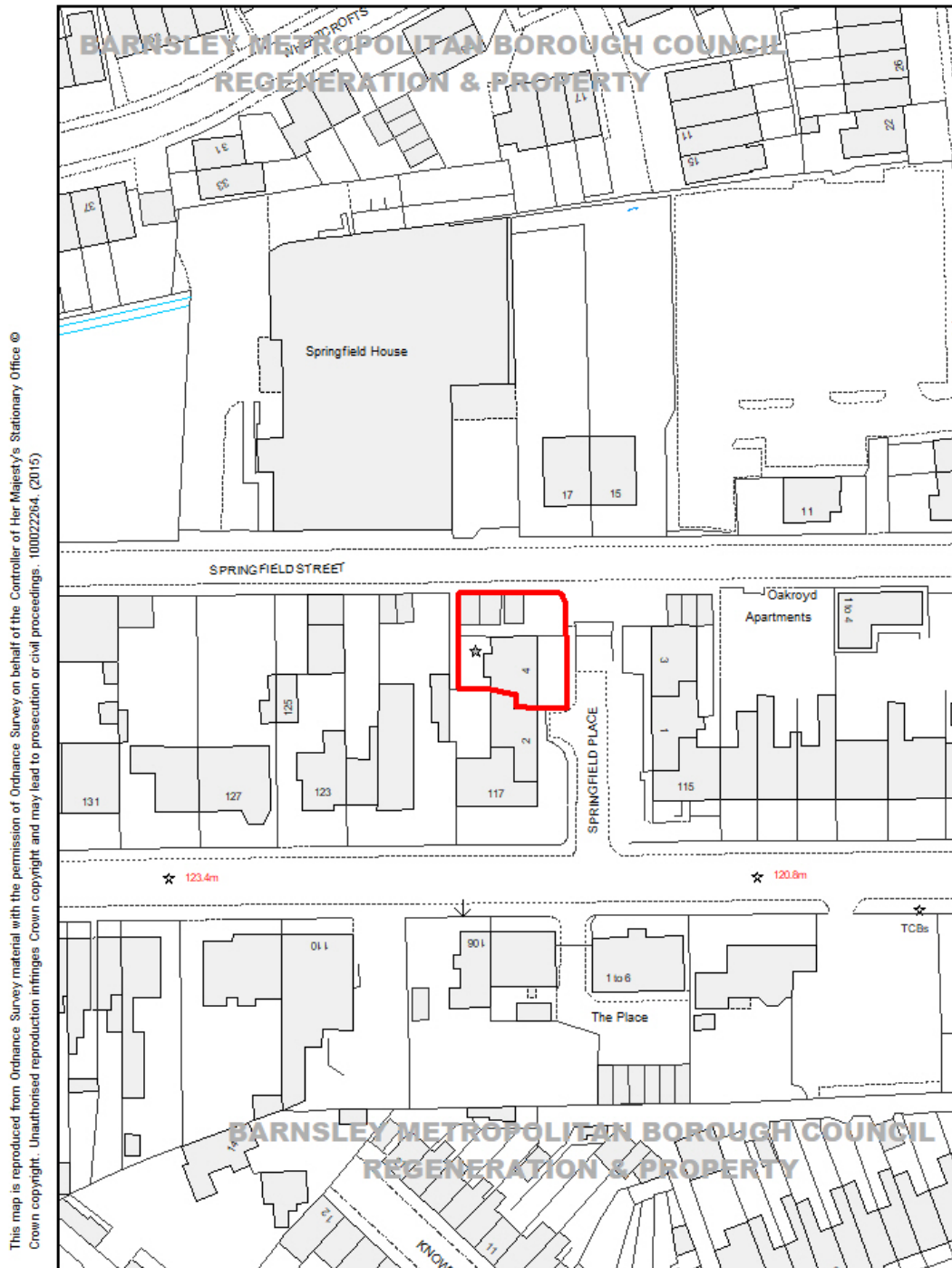
In summary the proposal seeks planning permission for the same set of plans that were approved under planning application 2015/1116. Whilst the Local Plan has been adopted since that decision was made back in December 2015 there is nothing within the new suite of policies that would alter the assessment carried out at the time with regards to residential and visual amenity considerations and highway safety. The Officer recommendation is one of approval therefore.

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 (April 15 Rev. G) 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 Local Plan Policy D1 High Quality Design and Place Making.

- 3 The windows on the Western elevation of the building at ground and first floor level facing 119 Dodworth Road shall at all times be fitted with obscure glass and retained as such thereafter.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Local Plan Policy GD1 'General Development'.
- 4 The external materials shall match those used in the existing building.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 5 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: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Local Plan Policy T4 New Development and Transport Safety.
- 6 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 Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.
- 7 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 Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.



BARNSELY MBC - Regeneration & Property



Scale 1: _____

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2018/1271

Applicant: Mrs Lynn Hemsworth

Description: Change of use of basement of residential property into a business associated with the making and selling of seasonal crafts and soft furnishing plus tea parties and events (max 12 people and 3 hour duration).

Site Address: Georgie's Yard, 233 Park Road, Barnsley, S70 1QW

Councillor Mitchell has requested that the application be determined by the Planning Regulatory Board due to concerns associated with safety. Representations have been received from 2 households.

Site Location and Description

No.233 is a mid-terraced dwelling located on Park Road (also the A6133), which is located opposite Locke Park close to its junction with Park Grove. The property is set back behind a small front garden which is enclosed by a low level boundary wall and privet hedge.

Park Road is characterised by a variety of stone fronted, terrace dwellings, along its tree lined length. A neighbouring property located 5 doors down at No.243 recently obtained planning permission in 2017 to enable the ground floor to be used as a similar home based business for crafts and a tea room (The Twisted Teapot).

Proposed Development

The applicant is seeking planning permission to use the basement of the residential property for craft workshops (sui generis) with associated teas (A3). The upper floors would remain in residential use as a family home occupied by the applicant.

The craft workshops would be held on a part time basis with a maximum of 8 events taking place over a monthly period and only any 2 of those events taking place on a Saturday. The maximum duration of events would be 3 hours and they would be held on Mondays to Friday, between 5:30pm and 8:30pm and 11am and 4pm on Saturdays with no events taking place on Sundays or Bank Holidays. The capacity of the venue is 12 people.

Planning History

There is no record of previous planning applications at the property. However planning permission was granted recently in March 2017 at a neighbouring property No.243 to enable a change of use of the dwelling to a ground floor business (class A3 and sui generis) and 1st and second floor residential apartment (ref 2017/0014). The hours of use were then changed under application 2017/0640.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making.

The new Local Plan was adopted at the full Council meeting held 3th January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning

law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

The site is allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:-

Policy SD1 Presumption in favour of Sustainable Development

When considering development proposals we will take a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. We will work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in the area.

Policy GD1 General Development

Proposals for development will be approved if:

- There will be no significant adverse effect on the living conditions and residential amenity of existing and future residents;
- They are compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land;
- They will not adversely affect the potential development of a wider area of land which could otherwise be available for development and safeguards access to adjacent land;
- They include landscaping to provide a high quality setting for buildings, incorporating existing landscape features and ensuring that plant species and the way they are planted, hard surfaces, boundary treatments and other features appropriately reflect, protect and improve the character of the local landscape;
- Any adverse impact on the environment, natural resources, waste and pollution is minimised and mitigated;
- Adequate access and internal road layouts are provided to allow the complete development of the entire site for residential purposes, and to provide appropriate vehicular and pedestrian links throughout the site and into adjacent areas;
- Any drains, culverts and other surface water bodies that may cross the site are considered;
- Appropriate landscaped boundaries are provided where sites are adjacent to open countryside;
- Any pylons are considered in the layout; and
- Existing trees that are to remain on site are considered in the layout in order to avoid overshadowing.

Policy T4 New Development and Transport Safety

New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Policy Poll1 Pollution Control and Protection

Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

National Planning Policy Framework

The National Planning Policy Framework sets out the Governments 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.

Consultations

Highways DC – no objections

Regulatory Services – No objections

Ward Councillors – Cllr Kath Mitchell has requested that the application be considered by Planning Regulatory Board due to safety issues

Representations

The application has been advertised by way of neighbour notification. 2 letters of objection have been received in relation to noise, parking issues and loss of family homes within the area.

Assessment

Principle of Development

The proposal is to create a home based business within the basement of a house that is located within a well-established residential area. The upper floors of the house would remain in use as a dwelling. Previously UDP Policy H8C stated that small home based businesses may be acceptable where the majority of the building and its curtilage continue to be solely in residential use, where adequate parking provision exists and where the use would not be unduly harmful to the living conditions of adjacent residents. Whilst this policy is no longer in force following the adoption of the new Local Plan I do not feel that these principles have disappeared altogether as a means of assessing proposals for home based businesses. The new replacement policy in the Local Plan 'Policy GD1 General Development' is lot more wide ranging given that it covers all land subject of the Urban Fabric land use designation, including the old UDP housing policy areas. However it includes similar policy tests including ensuring that development proposals should not give rise to significant adverse effects on the living conditions and residential amenity of existing and future residents. In summary of the land use policy position the provision of small, part time home based businesses which ensure that the majority of dwellings continue to be in residential use may be acceptable in principle. However this is subject to the Council being satisfied that proposals are acceptable in residential amenity and highway safety terms.

Residential Amenity

The proposed change of use is part time and would be limited to being carried out from the basement of the property with the upper floors remaining in use as a family dwelling. The proposal to host a maximum of 8 events over a monthly period (an average of 2 per week) for a maximum duration of 3 hours at times not exceeding 8:30pm in the evening Monday to Friday and 4pm on Saturday with no events taking place on Sundays or Bank Holidays. This would ensure that the use would not give rise to significant adverse effects on the living

conditions and residential amenity of existing and future residents in my opinion. Arguably the most contentious part of the proposal is the proposal to allow up to 12 people to attend the events. However as this would be a maximum number with a likelihood of numbers being lower on many occasions I consider this acceptable taking into account of the other parameters and restrictions set out above listed above. It is therefore considered that the proposal accords with Local Plan Policy GD1 in that it would not have a significant adverse effect on the living conditions and residential amenity of local residents.

Visual Amenity

No external changes are proposed and as such the property would retain the appearance of an ordinary house staying in keeping with the area.

Highway Safety

The existing property does not benefit from any off street parking as is the case with most other properties on Park Road leading to on street parking being a prevalent feature of the area. It is acknowledged that the proposal may cause additional pressures on on-street parking provision in the area. However the applicant has stated that they shall promote car sharing and suggest parking in alternative locations rather than Park Road. The small scale nature of the proposal and accessibility of the property by walking/cycling and public transport means that it is unlikely to generate any significant traffic. Furthermore the proposal is to operate the part time use less frequently than the maximum allowed under the planning permission given to the Twisted Teapot business taking place several properties located further down Park Road. Given these circumstances Highways have resolved not to object to the application, subject to conditions being imposed to ensure that the proposed operating restrictions are adhered to.

Conclusion

In summary the proposal for this small scale home based business is considered acceptable for the reasons that it would only take place in the basement of the property with the upper floors remaining in use as a family dwelling. Furthermore the proposed use would be part time, averaging 2 events per week for maximum of 3 hours with no more than 8 events in total taking place over a monthly period. Operating hours would be limited to times not exceeding 8:30pm in the evening Monday to Friday and 4pm on Saturday with no events taking place on Sundays or Bank Holidays. This would be less frequent than the permission granted in 2017 to the Twisted Teapot home based business granted at a neighbouring property, No.243 which is allowed to host 3 events per week over a longer period (6 hours maximum duration) and be at a time that would not give rise to disturbance during unsociable times. Taking these things into account it is considered that the proposal would not give rise to significant adverse effects on the living conditions and residential amenity of existing and future residents.

No external changes are proposed which would ensure that the domestic appearance of the property would be protected. It is acknowledged that the proposal may increase pressures on on-street parking in the area. However applicant has stated that they shall promote car sharing and suggest parking in alternative locations rather than Park Road. Given the small scale nature of the use and the fact that it is proposed to operate less frequently than the Twisted Teapot business at No.243 they feel that a reason for refusal could not be substantiated. On balance therefore the Officer recommendation is one of approval subject to the conditions set out below.

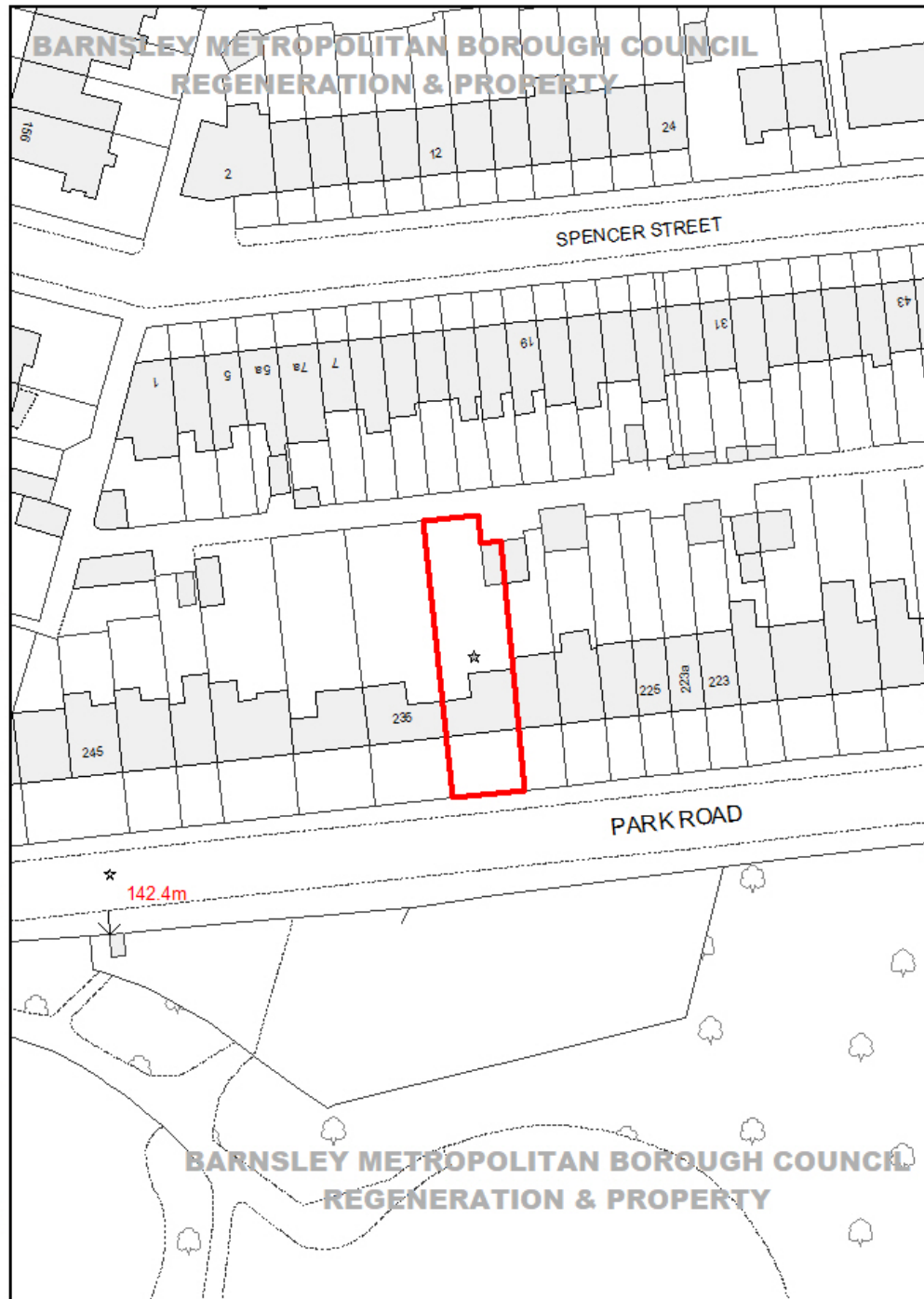
Recommendation - Grant planning permission subject to conditions:-

- 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 (Received 12/2018) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Local Plan Policy D1: High Quality Design and Place Making.
- 3 The front elevation and Western side elevation facing Mortimer road shall be built in natural stone materials.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1: High Quality Design and Place Making.
- 4 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**Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**
- 5 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.

PA Reference:-

2018/1271

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BARNSELEY MBC - Regeneration & Property



Scale 1: _____

Item 7

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 December 2018 to 31 December 2018

APPEALS RECEIVED

0 appeals were received in December 2018:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>

APPEALS WITHDRAWN

0 appeals were withdrawn in December 2018

APPEALS DECIDED

1 appeal was decided in December 2018

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2018/0524	Formation of new driveway and vehicular access. 131 Goldthorpe Green, Goldthorpe, Rotherham, S63 9EL	Dismissed	Delegated

2018/2019 Cumulative Appeal Totals

- 14 appeals have been decided since 01 April 2018
- 10 appeals (71%) have been dismissed since 01 April 2018
- 4 appeals (29%) have been allowed since 01 April 2018

<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2018/0524	Formation of new driveway and vehicular access. 131 Goldthorpe Green, Goldthorpe, Rotherham, S63 9EL	Dismissed	Delegated
2017/1342	Erection of detached double garage to dwelling. Rowethby, 41 Intake Lane, Gawber, Barnsley, S75 2HX.	Allowed	Delegated
2017/0245	Erection of 1 no. detached dwellinghouse. Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE	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) Land at Wentworth Street, Birdwell, Barnsley, S70 5UN	Allowed	Delegated

2017/0721	Residential Development (outline) Land at Lakeside View, Huddersfield Road, Penistone, Barnsley	Dismissed	Delegated
2017/0088	Residential development of 21 dwellings (Outline including means of access) Land South of New Smithy Avenue, Thurlstone, Barnsley, S36 9QZ	Allowed	Committee
2017/0118	Erection of rear extension to retail unit and conversion of upper floor to single unit of accommodation 29-31 New Street, Barnsley, S70 1RZ	Dismissed	Delegated
2017/1196	Retention of beer garden and new car parking spaces to rear of public house (amended details to application 2015/1162) The Cross Inn, 7 Summer Lane, Royston, Barnsley, S71 4SE	Allowed	Committee
2017/1285	Erection of 3 no. commercial units - Use classes A1 (Retail), A2 (Professional Services), and B1a (Offices) Land Bmbc Asset ID E00045, Milton Road, Hoyland, Barnsley, S74 9BN	Dismissed	Delegated
2017/0800	Erection of 1 no. holiday villa Windy Bank Hall, Hill Top Farm, Hill Top Lane, Green Moor, Sheffield, S35 7DQ	Dismissed	Delegated
2017/0898	Formation of car park and associated access/egress Land to the north of Old Mill Lane, Old Mill Lane, Barnsley	Dismissed	Delegated
2017/1587	Change of use from agricultural building to dwellinghouse (C3) (Prior Notification - Change of Use) Agricultural Building, Land at Low Mill Lane, Off Fall Head Lane, Silkstone, Barnsley, S75 4LB	Dismissed	Delegated
2018/0462	Erection of first floor side extension to dwelling 60 Manchester Road, Thurlstone, Sheffield, S36 9QT	Dismissed	Delegated
2018/0616	Erection of single storey outbuilding to form residential annex (Resubmission) 4 Burton Crescent, Monk Bretton, Barnsley, S71 2QD	Dismissed	Delegated