

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 17 December 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 which is/are subject of a site visit.

2. Minutes (*Pages 3 - 4*)

To receive the minutes of the meeting held on 19th November 2019.

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. Carrs Lane, Cudworth, Barnsley - 2019/0718 - For Approval (*Pages 5 - 16*)
4. Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT - 2019/0722 and 2019/0740 - For Approval (*Pages 17 - 38*)
5. Collingwood Hotel, Station Road, Bolton Upon Dearne, Rotherham S63 8JA - 2019/0754 - For Approval (*Pages 39 - 48*)

Planning Appeals

6. Planning Appeals - 1st to 30th November 2019 (*Pages 49 - 52*)

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), T. Cave, Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Green, Greenhough, David Griffin, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, McCarthy, Mitchell, Noble, Phillips, Richardson, Smith, Spence, Stowe and Wright

Matt Gladstone, Executive Director Place
David Shepherd, Service Director Regeneration and Culture
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, 9 December 2019

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 19 November 2019
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), T. Cave, Danforth, Eastwood, Fielding, Frost, Gillis, Gollick, Greenhough, David Griffin, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, McCarthy, Noble, Richardson, Smith, Spence, Stowe and Wright

In attendance at site visit:

Councillors D. Birkinshaw (Chair), Dave Griffin, Greenhough and Hand-Davis

49. Declarations of Interest

There were no declarations of Pecuniary/Non-Pecuniary interest.

50. Minutes

The minutes of the meeting held on 22nd October 2019 were taken as read and signed by the Chair as a correct record.

51. The Greenland Cottage, High Hoyland Lane, High Hoyland - 2018/0380 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0380** (Erection of 1 residential dwelling and associated infrastructure (Amended Plans) at land to the rear of The Greenland Cottage, High Hoyland Lane, High Hoyland, Barnsley)

Mr P. Butler addressed the Board and spoke in favour of the Officer recommendation to approve the application.

Mr M. Dacre addressed the Board and spoke against the Officer recommendation to approve the application.

In accordance with agreed protocol, a recorded vote was taken on this planning application with the amendment to REFUSE the application being:-
MOVED by Councillor Hand-Davis and SECONDED by Councillor Greenhough, with voting being as follows:-

In favour of the amendment to refuse the application:-

Councillors Danforth, Fielding, Frost, Gillis, Greenhough, Hand-Davis, Higginbottom, Leech, Makinson, McCarthy and Wright.

Against the amendment to refuse the application:-

Councillors D. Birkinshaw (Chair), T. Cave, Eastwood, Dave Griffin, Gollick, Hayward, Noble, Richardson, Spence and Stowe.

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

RESOLVED that the application be REFUSED, against the Officer recommendation, as Members felt that the very special circumstances put forward, relating to design and sustainability, did not clearly outweigh the harm to the Green Belt.

52. Barnsley District General Hospital - 2019/1070 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/1070** [Single storey front extension to contain paediatric emergency department and clinical assessment unit] at Barnsley District General Hospital, Gawber Road, Old Town, Barnsley

RESOLVED that the application be granted in accordance with the Officer recommendation.

53. Jumble Lane Level Crossing, Kendray Street/Midland Street/Market Gate - 2019/1192 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2019/1192** [Variation of condition 2 (approved plans) of planning permission 2018/0989 to enable changes to the parapet height and lift and pylon base – Erection of new pedestrian footbridge and associated works and structures including alterations to public realm] at Jumble Lane Level Crossing, Kendray Street/Midland Street/Market Gate, Barnsley Town Centre.

RESOLVED that the application be granted in accordance with the Officer recommendation.

54. Planning Appeals - 1st to 31st October

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2019/20.

The report indicated that 2 appeals were received in October 2019.

It was reported that 21 appeals have been decided since 1st April 2019, 15 of which (71%) have been dismissed and 6 of which (29%) have been allowed.

Chair

Item 3

2019/0718

Jaguar Estates & Wortley Construction

Outline application for 10 new dwellings with matters of landscaping, access, layout and scale under consideration.

Land at Carrs Lane, Cudworth, Barnsley

The application is presented to Members as the Officer recommendation is the subject of a S106 Agreement to secure a contribution towards secondary and primary school places. 2 objections have been received from local residents.

Description

The site is a linear site, located immediately adjacent Carrs Lane, Cudworth, to the north east of Barnsley, South Yorkshire.

The existing site was previously used for agricultural purposes, being part of a wider network of fields which have approval for residential development of 289 dwellings, currently in the process of being built by Barratt Homes. The site is split by the access to this development and part of the site is currently used for the sales centre and associated car parking. To the east of this site the new development includes houses and a large surface water attenuation basin. Existing 1960's dwellings are located to the north and East (opposite on Carrs Lane). A strip of trees and low level bushes flank the southern boundary and the drainage outfall from the wider residential development runs from the attenuation basin to the sewer network in Carrs Lane.

The site has a moderate slope from North to South following the contours of the existing highway. It is currently overgrown with grass, shrubs and trees.

Proposed Development

It is proposed to build 10 dormer bungalows, fronting onto Carrs Lane with parking and gardens. The application is in outline form but seeks approval over the means of access, layout, landscaping and scale of the proposed development.

The proposed dormer bungalows are relatively uniform in layout and scale. The plans indicate that they would have pitched roofs and two dormer windows located at the rear, however as appearance is not under consideration this is indicative only. Plots 4-9 have an attached garage to the side, whereas plots 1, 2, 3 and 10 have detached garages located either to the side or rear.

Access is by private drives from Carrs Lane. All the properties have sufficient off street parking for 2 cars (at least) and front and rear gardens.

Planning History

There is no relevant planning history related to this site specifically other than the sales and information centre. The most recent application for the residential development to the rear is included for reference.

2017/1007 - Erection of sales and information centre with associated access and parking in connection with adjacent residential development – Approved 18/09/2017.

2018/1275 - Variation of condition 2 of 2017/0577 updating the house types design and / or repositioning 149 plots and increasing the total number of units on site by 4 – Approved 06/03/2019.

2017/0577 - Residential development of 278 no dwellings with associated roads, public open space and landscaping. Approved with S106 Agreement 06/03/2019 which included contributions towards education, public open space and affordable housing.

Policy Context

The new Local Plan was adopted at the full Council meeting held 3rd 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).

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.

Site Allocation: Housing Site HS35

SD1 'Presumption in Favour of Sustainable Development'.

GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

LG2 'The Location of Growth' Cudworth is listed as one of the Principal Towns where priority is given to development.

H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 21,546

H2 'Distribution of New Homes' states 6% of new homes to be built in Cudworth.

H6 'Housing Mix and Efficient Use of Land' proposals for residential development are expected to include a broad mix of house size, type and tenure and a density of 40 dwellings per hectare is expected in Principal Towns.

Policy T3 'New Development and Sustainable Travel'

Policy T4 'New Development and Transport Safety'

Policy D1 'High Quality Design and Place Making'

Policy GS1 'Green Space' requires new development to provide or contribute towards green space in line with the Green Space Strategy.

Policy GS2 'Green Ways and Public Rights of Way' seeks to protect rights of way from development.

Policy BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.

CC1 'Climate Change'

CC2 'Sustainable Design and Construction'

CC3 'Flood Risk'

CC4 'Sustainable Urban Drainage'

CL1 'Contaminated and Unstable Land'

Poll1 'Pollution Control and Protection'

PI1 'Infrastructure and Planning Obligations'

SPDs

'Parking' states that the parking standards for new housing development shall be 2 spaces for 3 bed dwellings and above.

'Designing New Housing Development' provides guidance regarding the design of new housing and external space standards.

'Financial Contributions To Schools'. A financial contribution will be needed for planning applications for housing developments where:-

- The scheme provides 10 or more homes; and
- There is insufficient capacity in schools; or
- There is a need for contributions to ensure schools are in an appropriate condition.

Other

The South Yorkshire Residential Design Guide is referenced within several of the SPD's including 'Designing New Housing Development' and provides guidance concerning many aspects of new developments including minimum internal space standards.

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Consultations

Biodiversity – The evaluation of the site is acceptable subject to additional biodiversity mitigation being secured through condition. Would prefer to see the retention of the existing hedgerow occupying parts of the site frontage.

Contaminated Land – As indicated within the desk study report, due to the potential contamination risk, further investigations are recommended. Therefore an intrusive investigation will be required to assess the actual potential contamination risks. This can be secured through an appropriate condition.

Drainage – No objections subject to a suitable condition requiring future drainage of the site is secured and agreed.

Education – No objections subject to a contribution towards 2 primary and 2 secondary school places.

Highways DC – No objections subject to conditions.

Regulatory Services – No objections subject to conditions securing appropriate working hours and noise and dust mitigation during construction.

South Yorkshire Police – No objections

Ward Councillors – No comments

Yorkshire Water – No objections subject to a condition.

Representations

The application was advertised through neighbour letters and site notices. Two objections have been received which raise the following concerns:

- No more housing should be allowed on Carrs Lane given the amount already built;
- The lane can't support any more cars, is it unsafe for pedestrians;
- Residents shouldn't have to put up with more noise and dust from construction;
- Services are already overstretched;
- The proposed would overlook and overshadow houses to the rear;

Assessment

Principle of Development

The site is part of a wider housing allocation, HS35 'Land adjacent to Carrs Lane / Summerdale Road, Cudworth' which has an assumed yield of 278 dwellings, based upon planning permission 2017/0577 which was originally granted for that number of dwellings. Since this time the scheme has been amended (2018/1275) and the number of plots increased to 282. Whilst it is not usually acceptable for an allocation to be delivered incrementally in this way, the previous planning application was submitted and decided in advance of the adoption of the Local Plan. On this basis the proposed is acceptable in principle, being on a site allocated for housing.

Design and Layout

The application is unusual in that as it is in outline with all matters to be considered except appearance. Therefore, the scale, layout and landscaping of the proposed are the only matters under consideration that impact on visual amenity.

With regards to scale, the proposal is for dormer bungalows, which is consistent in scale with the majority of properties along Carrs Lane. The proposed bungalows are set within generous plots with front and rear gardens and off street parking. This is also consistent with existing properties along Carrs Lane. In some circumstances this low density nature of the proposed development would place plans in conflict with policy H6, which expects a minimum development density of 40 dwellings per hectare. However as has been explained all of the dwellings increase on the number of dwellings accounted for by the site allocation policy in the Local Plan and therefore represent extra which would positively assist growth targets. Also the linear nature of the site is such that achieving a higher density would require a design approach, which would be inconsistent with the character and appearance of the street i.e. town houses / terraced properties. Therefore, the proposed lower density is acceptable in this instance.

The landscaping submitted is limited in detail, with the plan only showing the location of drives, patios and soft landscaping / garden. Further details can be conditioned along with retention of any specific features for the first 5 years of the development. This is consistent with other residential development.

The boundary treatments as shown on the detailed site plan include a stone boundary wall along the site frontage with Carrs Lane. This would be a like for like replacement of the current field boundary and, subject to details of appearance being secured in the Reserved Matters application, the retention of this feature would contribute to quality of appearance.

There are two groups of trees on the site which are assessed as being category C albeit with some visual amenity value. The tree survey is not consistent with the layout in that the trees are all likely to have to be removed to facilitate the development. This can be mitigated through detailed landscaping for the proposed units which can include tree planting, in particular in front gardens along Carrs Lane.

Overall the plans are assessed to comply with the design policies as set out in the NPPF, the Designing New Housing Development SPD and Local Plan Policy D1.

Residential Amenity

The proposed dwellings are well spaced with sufficient external amenity space to achieve the standards as set out in the Designing New Residential Development SPD. There is also sufficient distance to the new houses at the rear of the site, all of which are set side on to the proposed development. Therefore no issues of overlooking or overbearing arise.

The relationship of the new dwellings with No.40 Carrs Lane has been reviewed closely given there are windows in the side elevation of this property. The layout initially proposed had a new bungalow located in line with this property and only a drives width (circa 3m) to the boundary. As No.40 is set very close to this boundary and to the north of the proposed, there would have been an unacceptable overbearing and overshadowing impact. The proposal has been amended with the bungalow set back further within its plot and 10m is retained to the rear boundary ensuring this relationship is judged acceptable. There remains some overlap but the impact is significantly reduced and although the new dwelling is now in line with the rear garden of No.40 the applicant has provided solar path analysis which demonstrates sun shading is limited with the only time that the whole garden is in shade being at sunset in the winter. Permitted development rights can be removed on this plot as well to ensure any future extensions are fully assessed. The windows of No.40 would overlook the driveway and front garden of plot 1. However, the impact is considered acceptable both due to front gardens being less private.

Therefore the proposed is in compliance with Local plan Policy D1 and the accompanying design guidance in terms of residential amenity.

Ecology

The applicant has submitted a Preliminary Ecological Report which assesses the site as being of low ecological value. This is consistent with the findings of the Council's own assessment when the site was allocated for housing in the Local Plan and has been agreed by the Council's Ecologist.

Policy BIO1 seeks to maximise biodiversity opportunities in and around new developments and to encourage provision of biodiversity assets. The enhancements as recommended in the Preliminary Ecological Report are not sufficient to address this aspect of the policy but further mitigation can be achieved through a specific condition, alongside the standard condition requiring a detailed landscaping scheme.

With regards to the hedgerow assessment, the Preliminary Ecological Report assesses the hedgerow as being species poor and small in size, concluding it is low in ecological value. Similarly the tree survey for the site has concluded the trees are category C (trees of low quality). These conclusions are consistent with those made at the time that the larger residential development to the rear was approved (2017/0577). It is also worthwhile noting that at the time

that this application was approved, no hedgerow assessment was required and the larger portion of existing hedgerows on the site were approved for removal. Therefore, it is not appropriate to require a hedgerow assessment for what are remnants of a hedgerow left following recent development.

Highway Safety

Highways have confirmed no objections to this scheme, subject to conditions applied in accordance with Local Plan Policy T4. The provision of a continued footway along the site frontage with associated individual vehicular access provisions and street lighting are required as mitigation works to make the development acceptable in vehicular and pedestrian safety terms.

S106

As the development is for 10 dwellings, no affordable housing or greenspace contribution is required. However, the site does meet the threshold for an education contribution. Education Services have confirmed that the development would generate 2 primary and 2 secondary school places and that there is a need for a contribution towards the provision of these, to meet a shortfall in current capacity. As a result a S106 agreement is required to secure a financial contribution of £64,000 in accordance with 'Financial Contributions To Schools' and Local Plan Policy I1.

Conclusion

In summary the proposal is in accordance with the Local Plan in that it proposes residential development on a site that is allocated for new housing development, delivering additional dwellings on top of the anticipated yield. It would assist with the delivery of housing growth targets therefore.

The plans do not seek determination over the full details with the final appearance of the dwellings being held back until a future application for the approval of the reserved matters. However the proposals over the proposed site layout, scale of the development, landscaping and means of access are all been assessed to be acceptable for the purposes of this outline application. In particular a development made up of detached dormer bungalows would intergrate very well with the existing dwellings on Carrs Lane. Also the generous spacing standards would ensure that separation distances to existing dwellings would be met and very high amenity standards for the new residents. Furthermore the provision of a new footway along the site frontage with associated individual vehicular access provisions and street lighting would make the development acceptable in vehicular and pedestrian safety terms. The application is therefore supported to Members subject to the applicant entering into a S106 Agreement to secure the financial contribution already described towards primary and secondary school places. Also new planting shall be required to compensate for the loss of the existing low value vegetation.

Recommendation

Grant subject to conditions and S106 Agreement (to secure the financial contribution towards primary and secondary school places)

- 1 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) the design and external appearance of the proposed development.**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**

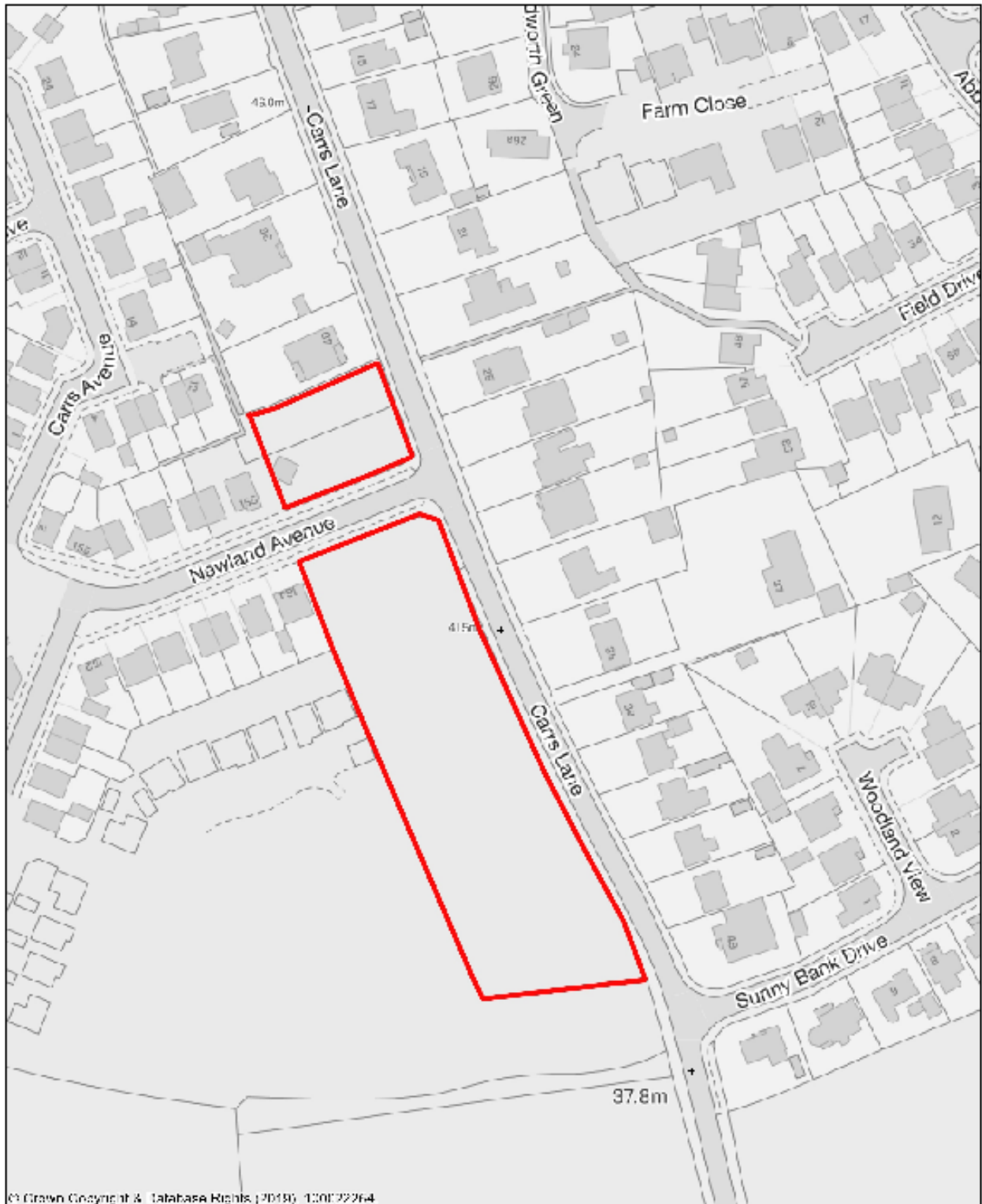
- 2 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos: CLB-PA-PL-004 Detailed Site Plan Rev B, CLB-PA-PL-003 Rev B Proposed Site Plan, CLB-PA-PL-005 Rev B Proposed Site Sections) 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.
- 4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Local Plan Policy D1 High Quality Design and Place Making.
- 5 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.
- 6 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 enlargement, improvement or other alteration of plots 1 and 2 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Local Plan Policy GB1 Protection of Green Belt.
- 7 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.
- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.

- 9 Before any dwelling is first occupied the roads and footways shall be constructed to binder course level from the dwelling to the adjoining public highway at Carrs Lane in accordance with details of a completion plan to be submitted and approved in writing by the LPA. Thereafter the development shall be carried out in accordance with the approved details and timescales.
Reason: To ensure streets are completed prior to occupation and satisfactory development of the site.
- 10 Notwithstanding the details indicated on the submitted drawings no works shall commence on site until a detailed scheme for the off-site highway works has been submitted to and approved in writing by the LPA, to include:
i. Details of new 2m footway and associated vehicle access crossings along the frontage of plots; and
ii. Details of new or amended street lighting proposals.
The development shall thereafter be implemented in accordance with these details.
Reason: To ensure that the highway works are designed to an appropriate standard in the interest of highway safety.
- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
i. The parking of vehicles of site operatives and visitors
ii. Means of access for construction traffic
iii. Loading and unloading of plant and materials
iv. Storage of plant and materials used in constructing the development
v. Measures to prevent mud/debris being deposited on the public highway.
Reason: In the interests of highway safety.
- 12 No development shall be commenced until pedestrian visibility splays of 2 x 2m to the back edge of the footway / verge shall be provided at the proposed access (or drive). Nothing shall be erected, retained, planted and / or allowed to grow at or above a height of 0.6m to the rear of the footway/ verge which would obstruct the visibility splay. The visibility splay shall be maintained free of obstruction at all times thereafter for the lifetime of the development.
Reason: To ensure drivers have clear and unrestricted views of approaching pedestrians when pulling out onto the public highway, in the interest of highway safety.
- 13 Prior to the first occupation of the development hereby permitted a visibility splay measuring 2.4m x 43m shall be provided as measured to back from the centre line of the access or give way point and extending 43m along the nearside carriageway edge to each side of the access and such splays with no obstruction exceeding a height of 1.05m above the level of the adjacent carriageway.
Reason: In interests of highway safety.
- 14 Prior to the first occupation of the development hereby permitted, the proposed accesses, driveways, on-site car and cycle parking, and turning shall be laid out in accordance with the approved plans. Driveways and vehicle parking areas accessed from the approved streets must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard.

- 15 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).
- Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Local Plan Policy CL1.
- 16 No development shall take place unless and until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area in accordance with Local Plan Policy CC3 and CC4.
- 17 Prior to commencement of development full details of ecological mitigation and enhancement measures, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Local Plan Policy BIO1.
- 18 Prior to any construction being undertaken the applicant shall submit to the LPA, for approval, a noise and dust management plan which details how noise and dust will be controlled during the construction of the project. Once approved the applicant shall strictly adhere to the plan.
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.
- 19 Prior to the commencement of the development details of the provision of an on-site water supply or water storage facility along with other dust suppression measures as required shall be submitted to and approved in writing by the LPA. The approved details shall be put in place from the start of the construction period and shall be adhered to for the duration of the construction period.
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.
- 20 The maximum scale of the development shall be limited to one and a half storeys per dwelling.
Reason: In order to accord with the maximum scale of development assessed as part of the outline planning application and in the interests of residential and visual amenity having regard to Local Plan policy GD1 'General Development'.

21 Upon commencement of development details of measures to facilitate the provision of high speed full fibre broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure compliance with Local Plan Policy I1.



This page is intentionally left blank

Item 4

2019/0722 & 2019/0740 Joint Report Full Planning + Listed Building Consent

Cannon Hall Museum/BMBC

Extension and alterations to the south and west wing of the stable building to provide cafe at ground floor and shop at first floor, with associated porch access route and disabled access lift.

Cannon Hall Museum, Bark House Lane Cawthorne Barnsley S75 4AT

The application is put to Members as the Council is the applicant. Ten letters of objection have been received from seven separate parties. Cawthorne Parish Council also object.

Description

Cannon Hall Museum sits in 70 acres of historic parkland looking towards the village of Cawthorne, to the west of Barnsley and within the Green Belt. Cannon Hall is a Grade II* Listed Building and the majority of the hall in its current form dates to the early eighteenth-century and has an association with two eminent architects of the time, John Etty and John Carr of York. It is listed at Grade II* in recognition of the high level of architectural and historic interest it possesses.

A home farm complex lies immediately north of the Hall and consists of a range of buildings including stables, a coach house, cottages and a farmhouse of late C18 date (all listed Grade II). The northern and part of the eastern sides of the courtyard are private residential accommodation.

Cannon Hall Museum shares its immediate setting with Cannon Hall Farm, and Cannon Hall Garden Centre, both of which are privately owned businesses. The park itself comprises of a mixture of formal landscapes, parkland, and structures that include a Grade II listed walled garden, a series of cascading lakes and a number of important undesignated heritage assets. The park boundaries comprise of mature trees to the northwest and south-west. The eastern boundary separates the park from Cannon Hall Farm and the southern boundary consists of meadow and small groups of mature trees. The main car park and cafe is set to the south western boundary, adjacent to the Garden Centre.

The Hall and Estate were sold to Barnsley Council in 1951 by the last member of the Spencer family, Elizabeth. Since then the Estate has been run by the council as a tourist attraction. It opened as a museum in 1957 and now hosts important collections of glassware, ceramics, paintings and period furniture. The site has approximately 450,000 visitors per year, with 150,000 people each year visiting the Museum itself and participating in a regular programme of visiting exhibitions, workshops and events.

The application relates directly to the Spencer Wing, a two-storey western range of the stable block/coach house located to the north east of the main house. The coach house is listed in its own right (Grade II - ID 334139) and is in a dilapidated condition. The ground floor is currently used for storage and the interior contains many original fittings, including the former tack rooms and stable accommodation, which are in a substantially intact but poor state of preservation. The eastern elevation of the block features a symmetrical 9-bay façade with eleven muntin bar windows, three carriage doors and two entrance doors all coloured conservation green which all outlook onto a courtyard. The western elevation of the Spencer Wing is set beside a retaining wall which rises to allow access directly by a footpath across the bank to the first floor of the building. A large Holm Oak is set upon the northern extent of the bank beside the

vehicular access. The access traverses through a carriageway entrance to the courtyard with a neighbouring residential dwelling (The Gamekeeper's Lodge) situated above at the first floor level to the north. A walkway sits below the western elevation of the Spencer Wing where the retaining wall is positioned – three conical voids are located within the retaining wall.

In terms of appearance, the western elevation of the range also exhibits a number of muntin windows, as well as an external spiral staircase and, at its southernmost aspect, a biomass boiler at the ground floor level which is mostly hidden by the level-difference created by the earthen bank. The western elevation is composed of coursed sandstone with large stone quoins while the eastern elevation has a decorative red-brick façade topped with a pediment where an oculus window is set centrally within. The roof of the western range is hipped and finished with stone tiles. The southern range is similarly finished in red brick with a carriageway entrance that allows access to the kitchen courtyard further south.

Several residential dwellings face onto the stable courtyard and utilise it as their shared amenity space.

Proposed Development

The applications comprise a package of works to convert and facilitate better flexibility and use of spaces (some currently underused or not used at all) within the courtyard and the Spencer Wing.

The works would involve the conversion of the current western stable / carriage range to a café at ground floor level with a café overspill area and shop above this at first floor level with a lift and stair connecting the levels.

The proposals would allow visitors to move through the covered walkway to the north of the kitchen courtyard, via a new glazed porch and into the new café area without visitors entering the larger courtyard to the north. Changes to the existing covered walkway area would include new timber gates to match the existing gate. A wider double door with lowered threshold into the current store room and another new door in its northern wall would allow access to the new glass porch. Beyond this, access would be gained to the café space via an enlarged window in the corner of the carriage building. Once inside the café, visitors have the option of a visit to the café or, may use the new stairs or platform lift (an unused space adjacent the biomass boiler room) to access the shop on the first floor or the overspill café. The proposal includes a number of interventions to allow all this to work together, the most noteworthy being:

- (i) Changes to the covered walkway area in the southern range including the expansion of an existing doorway and new gates to the coach house.
- (ii) The glazed courtyard porch and new doorways.
- (iii) The Café conversion at ground floor including the addition of glazing within the carriageway windows as well as removal of a number of sections of internal wall and a rear entrance to the passageway beside the retaining wall.
- (iv) The new lift / stairs.
- (v) Café overspill, W.C. and Shop at first floor including the reorientation of a number of internal walls.
- (vi) Regrading and reorientation of path on western bank.

History

The following planning applications and listed building consents have been previously approved by the Planning Board:-

Planning Application 2016/0633 - Works within grounds of Cannon Hall including formation of 6. no. parking spaces, reconfiguration of forecourt, reinstate pond, repair of growing areas and footpaths, change use of Gardener's Cottage, remove cart sheds to form access between museum and walled garden, repair works to Stable Yard Cottage to create holiday let cottages, partly restore and repair North Range Glass House and improvements to cafe settings.

Listed Building Consent 2016/0758 - Works within grounds of Cannon Hall including restoration of Deer Shelter, repairing and access works to Ice House, amendments to forecourt, south terrace and footpaths, restoration and amendment to walled garden including new entrance, removal of cart sheds and wall section, amendment to Stable Yard and Gardener's Cottage, repairs to Pinery, alterations to paths and planting and recreate pond.

Full Planning Application (Regulation 3) 2017/0213 - Erection of new entrance porch.

Listed Building Consent 2017/0239 – Erection of new entrance porch.

Listed Building Consent 2017/1571 - Minor amendments to internal layouts of gardeners and stable yard cottages, repair works and alterations of stable yard cottage, retention of cart shed and installation of full height brick arched opening at rear.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan is the borough's statutory development plan which is supported by a series of adopted Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan

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 policies map designations include:-

- Green Belt
- Cannon Hall Historic Park and Garden
- Deffer Wood TPO

Other relevant Local Plan policies are as follows:-

GD1 – General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1 – High Quality Design and Place Making – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

GB2 – Replacement, Extension and Alterations of Existing Buildings within the Green Belt - Extensions in the Green Belt will be acceptable where the extension or alteration of the building does not exceed the size of the original building.

GB3 – Changes of Use in the Green Belt - The proposed new use is in-keeping with the local character and the appearance of the building while preserving the openness of the Green Belt.

HE1 – The Historic Environment - We will positively encourage developments which will help in the management, conservation, understanding, and enjoyment of Barnsley's historic assets. Including (f) supporting proposals which will help secure a sustainable future for Barnsley's heritage assets, especially those identified as being at greatest risk of loss or decay.

HE2 – Heritage Impact Assessments and General Application Procedures - Submission of Heritage Impact Assessments for development affecting heritage assets.

HE3 – Developments Affecting Historic Buildings - Proposals involving additions or alterations to listed buildings of evident historic significance such as locally listed buildings (or their setting) should seek to conserve and where appropriate enhance that building's significance.

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.

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 ground water, noise, smell, dust, vibration, light or other pollution which could unacceptably affect or cause a nuisance to the natural and built environment.

Supplementary Planning Documents

Heritage Impact Assessments

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework

indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, the policies above are considered to reflect the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

The relevant paragraphs within the NPPF will be observed with respect of this application, those being Chapters 13 (Protecting Green Belt Land) and 16 (Conserving and Enhancing the Historic Environment).

Consultations

Cawthorne Parish Council – Object to the design of the erection of the glass porch due to its design not being aesthetically pleasing or acting as an enhancement to the building.

Conservation Officer – No objections subject to conditions. The conservation officer's comments are as follows:

During pre-application discussion I noted that the proposed works to the covered walkway would be required for DDA and that some justification was required (which we have) for these alterations. In terms of the glazed porch I previously suggested the option of a monopitch roof over this structure as there has been one previously (scar on wall). However, I accept in doing this, the roof would likely truncate the string course and cill of the FF window in this area and so is not a viable option. In terms of the café alterations I was at pains to note the degree of preservation and the need for a very light touch, and the important contribution the external appearance will have to the setting here:

'However there is some obvious impact and a degree of minor harm in altering this very original space. This includes original panelling removal and the loss of wall fabric to punch doorways through etc. It is justified but needs proper explanation in the heritage impact statement...'

Overall I would say the proposal is light touch and does take a conservation led approach, with some limited but entirely necessary alterations to cross walls and new doorways (to facilitate access to the lift / stair). The heritage statement details this, however I would still wish that the spaces undergo detailed recording before the works commence. In terms of the new lift and access to the stairs the internal changes to the area immediately adjacent to the biomass raise no concerns. These spaces have undergone multiple historic changes following their use as the billiard room, conversion to toilets during the mid-C20, then the installation of the biomass boiler and hopper (2012/1351). However, the proposed lift enclosure will clearly be visible from the setting of the house to the rear (north). Given the recent installation of the glazed porch to the rear of the house I have voiced concerns over cumulative changes and possible negative impacts in this area. Needless to say, much discussion went into this element, its appearance and other locations or options for the lift. However the proposed location is the only viable option and so the enclosure has been designed to have the most minimal upstand possible, and be clad in materials to reduce its visual intrusion. Additionally, I have asked if the extended wall which abuts the ballroom be extended further along and at one consistent height

along its length, thus shielding views more effectively of the enclosure from the setting at the rear of the house. Lastly, the works to the second floor of the Spencer wing will require changes to the arrangement of the space to accommodate the shop, overspill café and W.C. / Baby Change. Clearly the greatest intrusion here is the need to break through the external wall to allow access to the lift. However, overall I do feel this is justified to facilitate the lift and the better access for all to the space.

Overall, although some intervention into historic fabric (and some minor harm) is undoubtedly required to facilitate the proposal, I feel this is balanced by improved access and better engagement by the public with the heritage at Cannon Hall.

Historic England – No objections on heritage grounds.

Ward Councillors – No responses received.

Pollution Control – No objection subject to conditions.

Forestry Officer – No objection subject to condition.

Highways Drainage – No objections subject to compliance with the building regulations.

Highways DC – No objections:-

Access, parking and servicing are retained from Bark House Lane. Customer trips are expected to be linked to visits to the museum and other parts of the grounds. The four extra staff and additional servicing requirements are not considered to be significant to give rise to road safety issues. Given the number of users and the extent of the works, a construction traffic management plan (CTMP) is appropriate. The CTMP has been agreed with the applicant.

Representations

The application was advertised by way of neighbour notification letters, a site notice and a press advert. The press notice was advertised in the Barnsley Chronicle on the 19th July 2019. Ten letters from seven separate parties have been received which outline the following issues with the development:

- Impact on privacy of the residential courtyard area from the cafe windows that are to be introduced within the carriage door frames, as well as from the existing fenestration, which will negatively affect residential amenity.

- Significant alterations to the façade of the Spencer Wing will detrimentally impact its appearance therefore negatively affecting the historic fabric of the building.

- The condition of the private access road known as Bark House Lane would be made worse by construction vehicles.

- The café will increase the number of deliveries and customers travelling to the site thereby increasing the volume of traffic movements on the narrow private drive accessed from Bark House Lane. The representors cite that the drive is not designed to accommodate a large volume of use as it has only a single vehicle right of way with one passing point. The drive has already borne an increase in use from the development of two holiday let dwellings in the southern range, the new pet crematorium as well as the existing use by staff and visitors to the Hall. Access

permission on the private drive and the courtyard extends to unloading and right of way for vehicles and pedestrians. However many visitors to the museum park in the courtyard late into the evening when events take place at the museum and disrupt the residents of the nearby dwellings – this is in contravention of the museum’s access rights. The representor cites an instance where wedding guests moved their vehicles as late as 11pm at night. Early morning and late evening deliveries to the courtyard are also stated to be disruptive, especially when articulated lorries visit the museum. Inadequate volume of parking at the hall will be made worse by an increase in footfall to the café and consequent increase in parking it will elicit. The current situation leads to blocking of emergency exits as well as people parking in the private courtyard in contravention of the access rights previously mentioned.

- Waste storage is inadequate and the voids beneath the earth bank will be unable to accommodate the volume of waste generated by the café, potentially attracting vermin and creating odours in proximity to a residential dwelling.

- Late evening events, such as weddings, at the museum have caused large noise disturbance for residents with taxis, music and guests all contributing to noise pollution late into the night.

- Lack of a designated smoking area has contributed to unpleasant odours from late evening guests leaking into residential rooms.

- Concerns with regard to the development’s impact upon the Holm Oak tree.

- The new store room and staff area will share a single course brick internal wall with the neighbouring dwelling. Concerns were raised in relation to the impact of noise upon the neighbouring residential property.

- Overall an 11pm closing time is considered disruptive to residents, especially when there have been a lack of staff to martial late evening events where anti-social behaviour has occurred.

- One representor states that there are already three café’s in close proximity to the Spencer Wing and queries the necessity of another given the current offer nearby.

The above objections will be reviewed in the residential amenity assessment below.

Assessment

Cannon Hall is set within the Green Belt and is a Grade II* listed building within a Grade II registered landscape, with several associated buildings and structures listed at Grade II. The application therefore needs to be assessed in principle against Local Plan Policies GB2, GB3, HE1, HE2 and HE3 which accord with Government advice set out in the NPPF.

Green Belt Tests

The glazed corner porch in the south western corner of the courtyard poses the only increase in footprint to the Spencer Wing. Historic OS mapping indicates that a previous building was sited in this area between 1910 and 1930 until it was removed between 1960 and 1990. The 1960 OS map suggests that it was larger in size than the porch proposed under this application. Irrespectively, the porch’s impact upon the Green Belt is not determined to be inappropriate as its size would not result in disproportionate addition over and above the size of the original building (local plan

policy GB2 allows for extensions up to a doubling of the size of the original buildings as they existed in 1948 by way of context). The same interpretation also applies to the lift shaft which would not be raised above the adjacent roof plane and would therefore be viewed within the profile of the Spencer Wing and within the footprint of the original building. Overall the proposal accords with Local Plan Policy GB2 and NPPF para 145 (c).

The change from the historic stable use and contemporary storage space to an A3 café and A1 shop is also found to be in line with Local Plan Policy GB3. This is because the development complies with NPPF para 146 (d) where the re-use of buildings within the Green Belt is not inappropriate when they are composed of a permanent and substantial construction – in this instance being composed of red-brick and ashlar elevations.

Impact upon Heritage Assets and Visual Amenity

The proposal has been assessed in detail by both the Conservation Officer and Historic England who have raised no objections to the proposed change of use and scheme of works. Both representors and Cawthorne Parish Council cite the porch's modern appearance as out-of-keeping with the historic façade of the coach house being that the porch would be entirely glazed in contrast to the palladian red-brick styling of the Spencer Wing. A traditional lean-to porch was considered at the design stage for the café however, as stated within the design and access statement (DAS), a lean-to structure would have sat uncomfortably in the corner of the courtyard where it would have disrupted the sandstone belt course upon the eastern elevation of the coach house. As such, the adoption of a minimalist glazed porch with a flat roof was agreed by the Conservation Officer and the applicant as the least visually disruptive addition to the fabric of the Spencer Wing.

Officers agree with this approach as it is conservation led and light touch when viewed in the context of the southern and western range buildings. Indeed the porch, as well as the introduction of the lift and the removal of some sections of internal wall, shall open up the Wing to the museum's visitors - directly correlating with the intent of Local Plan Policy HE1. This policy requires development affecting the borough's historic assets to aid and secure a sustainable future for those assets. This is especially the case for historic buildings that are at most risk of loss or decay, like the Spencer Wing, by improving the management, viability, conservation, understanding and enjoyment of the asset. When viewed in the context of the other works undertaken to bring Cannon Hall forward as a leisure and educational facility, the café would open up an underutilised and listed building which should elicit greater enjoyment, management and enhancement of a major visitor attraction in the borough.

The Conservation Officer has requested that the building in its current state is recorded for posterity and that the external and internal finishes, including the new stable block and courtyard doors, are to be conditioned in line with conservation specifications. Furthermore, the details relating to the appearance of the lift enclosure are to be submitted prior to commencement of works on site and the same is the case for all internal and external materials that are to be newly introduced.

Residential Amenity

The issues raised by representors are appraised below:

- Impact on privacy of the residential courtyard area from the cafe windows that are to be introduced within the carriage door frames, as well as from the existing fenestration, which will negatively affect residential amenity.

The new windows within the carriage doors of the Coach House shall be conditioned so that their lower glazing panels are obscured to the upper transom. This should prevent new views into the courtyard which would otherwise not have been available prior to the proposed use coming forward. The existing windows shall not be obscure-glazed as these offer existing views into the courtyard through smaller apertures as originally designed. Furthermore the glazing panels within the porch extension are to be obscure-glazed to a height of 1.8m to further protect resident's amenity in this transit area. Based upon the circumstances previously described, the privacy loss incurred by residents' is expected to be within reasonable limits.

- Significant alterations to the façade of the Spencer Wing will detrimentally impact its appearance therefore negatively affecting the historic fabric of the building.

This has been discussed in the section above. The alterations have been reviewed by the conservation officer and Historic England and have been found to be acceptable and in line with Local Plan policies HE1 and HE3.

- The condition of the private access road known as Bark House Lane would be made worse by construction vehicles.

On the whole this would be a civil matter that is outside the scope of the planning application. Nevertheless, a construction traffic management plan can be conditioned requiring the applicant to supply satisfactory details pertaining to routeing, volumes and timing of construction vehicles, hours of working, details for the storage of machinery and materials and provision of parking for onsite workers.

- The café will increase the number of deliveries and customers travelling to the site thereby increasing the volume of traffic movements on the narrow private drive accessed from Bark House Lane which has already borne an increase in use from the development of two holiday let dwellings in the southern range, the new pet crematorium as well as the existing use by staff and visitors to the Hall.

The private drive and most of the shared courtyard to the east of the coach house is under the ownership of Cannon Hall Farm with the museum having access rights for crossing and unloading vehicles over both transit points. The case officer notes that no gates are installed to control pedestrian or vehicular traffic at specific times of day at neither the entrance from Bark House Lane or into the Courtyard beside the Holm oak tree. A set of gates is positioned at the entrance to the car park at the rear of Cannon Hall. The main car park for Cannon Hall Museum is beside Bark House Lane opposite the nearby garden centre. It has ample capacity for both visitors and staff and it is expected that most visitors to Cannon Hall will park in this car park and that any increase resulting from the proposal's addition will be absorbed there. Indeed the café and shop's layout has been designed to prevent visitors walking into the stable courtyard with new gates being positioned in the entranceway of the southern range accessed from the kitchen courtyard. Indeed it is expected that those using the café and shop would either entrance via the path on the earthen bank to the west of the Spencer Wing or via the kitchen courtyard and through the new porch. Both

approaches would prevent visitors from accessing the resident's shared private courtyard as they progress through the museum and its grounds.

Visitors to the museum park in the courtyard late into the evening when events take place at the museum and disrupt the residents of the nearby dwellings – this is in contravention of the museum's access rights. The representor cites an instance where wedding guests moved their vehicles as late as 11pm at night. Early morning and late evening deliveries to the courtyard are also stated to be disruptive, especially when articulated lorries visit the museum. Inadequate volume of parking at the hall will be made worse by an increase in footfall to the café and the consequent increase in parking it will elicit. The current situation leads to blocking of emergency exits as well as people parking in the private courtyard in contravention of the access rights previously mentioned.

It is acknowledged that there may be instances where visitors may try to park closer to the Hall and utilise the adjacent ancillary car park in front of the hall and that this can lead to congestion or anti-social parking for both Cannon Hall Farm and its residents'. Nevertheless instances such as this are unlikely to increase at anti-social times of day given that the café is to be limited to operating hours of 08:00 to 18:00 Monday to Sunday while delivery times would be similarly conditioned and shall be further restricted to being made only to the aforementioned ancillary car park.

The holiday let dwellings are not permanently let out which infers that the car park adjacent to the main Cannon Hall building are not permanently used by such residents. It is further acknowledged that there may be instances where visitors may try to park closer to the Hall and utilise the adjacent ancillary car park and that this can lead to congestion or anti-social parking. Nevertheless it is understood that instances such as this lie outside the remit of the planning process and that they are the result of existing leisure and educational uses across the site. Controls via condition can only be instituted where they can reasonably be seen to result from the proposed café and shop use. It is felt that the pedestrian and vehicle access arrangements that have been proposed are reasonable and proportionate to the scheme.

- Waste storage is inadequate and the voids beneath the earth bank will be unable to accommodate the volume of waste generated by the café, potentially attracting vermin and creating odours in proximity to a residential dwelling.

A waste strategy has been submitted in support of the café application following a request by the case officer. The voids within the retaining wall are to be used for waste that would be collected daily and moved to the main waste compound near the car park off Bark House Lane. It is determined that the voids, as a whole being 6.3sqm in size, are large enough to cope with the daily needs of a café of the size proposed. Similarly, as the waste is to be collected daily and relocated several hundred metres away, the risk of attracting vermin or other pests will be curtailed with the amenity issues for nearby residents subsequently minimized.

- Late evening events, such as weddings, at the museum have caused large noise disturbance for residents with taxis, music and guests all contributing to noise pollution late into the night.

Events, like the wedding specified, lie beyond the remit of this application owing to the restrictions proposed to be placed on the operating hours and delivery times of the café and shop.

- Lack of a designated smoking area has contributed to unpleasant odours from late evening guests leaking into residential rooms.

Same as above. The case officer has been provided confirmation in correspondence from the applicant dated 2nd September 2019, that no smoking is permitted by visitors or staff on the site.

- Concerns with regard to the development's impact upon the Holm Oak tree.

The application has been reviewed by the Council's arboricultural officer. The works near to the tree in question relate to a build-up and rerouting of the path across the bank adjacent to the tree. These works are partially within the tree's root protection area and the forestry officer has subsequently required a condition for a method statement and protection details to be submitted prior to commencement of works on the path to ensure the health of the Holm oak which lies within the group TPO for the site.

- The new store room and staff area will share a single course brick internal wall with the neighbouring dwelling. Concerns were raised in relation to the impact of noise upon the neighbouring residential property.

Pollution Control have recommended that a noise report in line with BS8233:2014 is required by condition to protect the amenity of neighbouring residents in the attached residential property (Game Keeper's Lodge) which may result from operation of the use in the proposed store/staff room. The condition would not be discharged without satisfactory levels being achieved.

- One representor states that there are already three café's in close proximity to the Spencer Wing and queries the necessity of another given the current offer nearby.

Issues relating to business competition are not a material planning consideration.

Another amenity issue, not raised by residents but addressed by regulatory services, concerns the creation of any means of extraction that could be required for the operation of the café use. The applicant advised that the use on site had not been tendered and therefore the type of food offer, i.e. cold food only or a cold and hot food service, had not been established. Similarly the layout of the kitchen and the details pertaining to any means of fume extraction could not be clarified as a consequence. These issues can impact residents in terms of the outlet of fumes as well as the noise external plant could create. It also has ramifications for the significance of historic asset as well as the setting of the main hall. To practically overcome this issue, the kitchen layout and the method of fume extraction are subsequently conditioned as prior to commencement of the cafe use and shall not be discharged without agreement from pollution control or the heritage officer.

To conclude, the residential amenity of the site is believed to be sufficiently protected via the means outlined above in line with Local Plan Policy GD1 – General Development and POLL1 – Pollution Control and Protection.

Conclusion

The proposals constitute minor external additions and internal alterations to the Spencer Wing. The works are supported by Historic England and the Council's Conservation Officer and should have no significant impact upon the Grade II Listed Building, the setting of the Grade II* Listed Building or the Grade II registered

landscape in accordance with the NPPF and Local Plan Policies HE1 and HE3. Likewise, the impact upon the Green Belt from the external additions and the proposed use are not determined to be inappropriate in line with Local Plan policies GB2 and GB3 which accord with NPPF paras 145 (c) and 146 (f). Residential amenity is expected to be maintained at existing levels in line with Local Plan Policies GD1 General Development and POLL1 – Pollution Control and Protection.

Recommendations:

Grant planning permission and listed building consent subject to the conditions listed below.

2019/0722

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
Plan Nos -
 - Location and Block Plan - 2645.11
 - Proposed Ground Floor Plan - 2645.06A
 - Proposed Ground Floor Plan - 2645.10A
 - Proposed First Floor Plan - 2645.07
 - Proposed Elevations - 2465.09B
 - Ramp Plan (Submitted 18th November 2019)**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 No construction or repair works shall commence until a representative sample of any new internal or external materials to be used has been submitted to, and approved in writing by, the Local Planning Authority, and the development shall proceed in strict accordance with these details as approved.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 4 New or repaired natural sandstone facing stone shall match the existing and historic stone in terms of colour, general grain size, type of face dressing, and method of coursing.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 5 Pointing mix for new or repaired structures or sections of wall to be lime (NHL 3.5): aggregate at a ratio of 1:3. Sand / aggregate should be well graded or river sand. Preparation of the joints will require careful removal of any cement or other perished mortar by hand at a depth equal to twice that of the width. Pointing mix to be of the same colour or as close as possible to the original lime and to be finished slightly back from arms of surrounding stonework and brushed off or stippled to remove laitance, aid curing and expose aggregate to a depth of 2 or 3

mm.

Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 6 Any new doors to the Stable Block and Courtyard to be used in the course of alterations shall be constructed in timber with frames mounted in at least 75mm in the reveal. Full details of their design, construction, finish (including details of surrounds and furniture), and means of opening shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details

Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 7 Generally, any retained (unaltered) doors and windows shall be repaired in situ using traditional materials and techniques and retained with all original glazing where possible. Any new windows or replacement doors will necessitate details of their design, construction and finish (including details of surrounds and furniture) to be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 8 Full details of the design, construction and finish shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include elevational plans at 1:20. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 9 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - The timetable for completion of all site investigation and post-investigation works.
- Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

- Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.in line with Local Plan Policy HE6 Archaeology.**
- 10 Prior to occupation of the commencement of the use, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details
Reason: In the interests of the amenity of neighbouring residents in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 11 The use hereby permitted shall be carried on only between the hours of 08:00 to 18:00 Mondays to Sundays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 12 Prior to commencement of the use, a noise report shall be submitted demonstrating that satisfactory internal sound levels within the attached residential dwelling adjacent to the proposed store room can be achieved in line with BS8233:2014. If structural alterations are required to the Listed Building to satisfy sound levels as per BS8233:2014, plans and details shall be submitted and approved in writing by Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection and Policy HE1 The Historic Environment.
- 13 The windows installed within the carriage bays upon the east elevation of the building shall be obscure glazed up to the upper transom as detailed on plan - Proposed Elevations - 2654.09B.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy GD1 General Development.
- 14 Deliveries are to be made into the Cannon Hall forecourt to the west of the Stable wing, and carried into the café kitchen door via the sunken path along the west side of the building, or into the shop via the first floor door upon the western elevation. Deliveries for the café use are to be restricted to 08:00 to 18:00 Mondays to Sundays.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall be adhered to throughout the construction period (unless otherwise approved in writing by the LPA) and shall include details of (but not limited to):
- Routeing, volumes and timing of construction vehicles
 - Hours of working
 - Details for the storage of machinery and materials
 - Provision of parking for onsite workers
- Reason: In the interest of road safety and to mitigate the impact of**

construction traffic generated by the development upon local residents in line with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.

- 16 Waste is to be stored and collected daily in line with the submitted waste strategy.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 17 No works to the redevelopment of the path or regrading of the earth bank shall take place until the following documents, in accordance with British Standard 5837:2012 Trees relating to design, demolition and construction - recommendations, have been submitted to and approved in writing by the Local Planning Authority concerning the Holm Oak beside the Spencer Wing:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the Holm Oak in the interests of the visual amenity of the locality in line with Local Plan Policy D1 High Quality Design and Placemaking.**

2019/0740

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
Plan Nos -
 - Location and Block Plan - 2645.11
 - Proposed Ground Floor Plan - 2645.06A
 - Proposed Ground Floor Plan - 2645.10A
 - Proposed First Floor Plan - 2645.07
 - Proposed Elevations - 2465.09B
 - Ramp Plan (Submitted 18th November 2019)**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 No construction or repair works shall commence until a representative sample of any new internal or external materials to be used has been submitted to, and approved in writing by, the Local Planning Authority, and the development shall proceed in strict accordance with these details as approved.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 4 New or repaired natural sandstone facing stone shall match the existing and historic stone in terms of colour, general grain size, type of face dressing, and method of coursing.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.

- 5 Pointing mix for new or repaired structures or sections of wall to be lime (NHL 3.5) : aggregate at a ratio of 1:3. Sand / aggregate should be well graded or river sand. Preparation of the joints will require careful removal of any cement or other perished mortar by hand at a depth equal to twice that of the width. Pointing mix to be of the same colour or as close as possible to the original lime and to be finished slightly back from arms of surrounding stonework and brushed off or stippled to remove laitance, aid curing and expose aggregate to a depth of 2 or 3 mm.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 6 Any new doors to the Stable Block and Courtyard to be used in the course of alterations shall be constructed in timber with frames mounted in at least 75mm in the reveal. Full details of their design, construction, finish (including details of surrounds and furniture), and means of opening shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 7 Generally, any retained (unaltered) doors and windows shall be repaired in situ using traditional materials and techniques and retained with all original glazing where possible. Any new windows or replacement doors will necessitate details of their design, construction and finish (including details of surrounds and furniture) to be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 8 Full details of the design, construction and finish shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include elevational plans at 1:20. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the heritage of the site and appearance of the building in line with Local Plan Policy HE3 Development Affecting Historic Buildings and D1 High Quality Design and Placemaking.
- 9 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.

- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

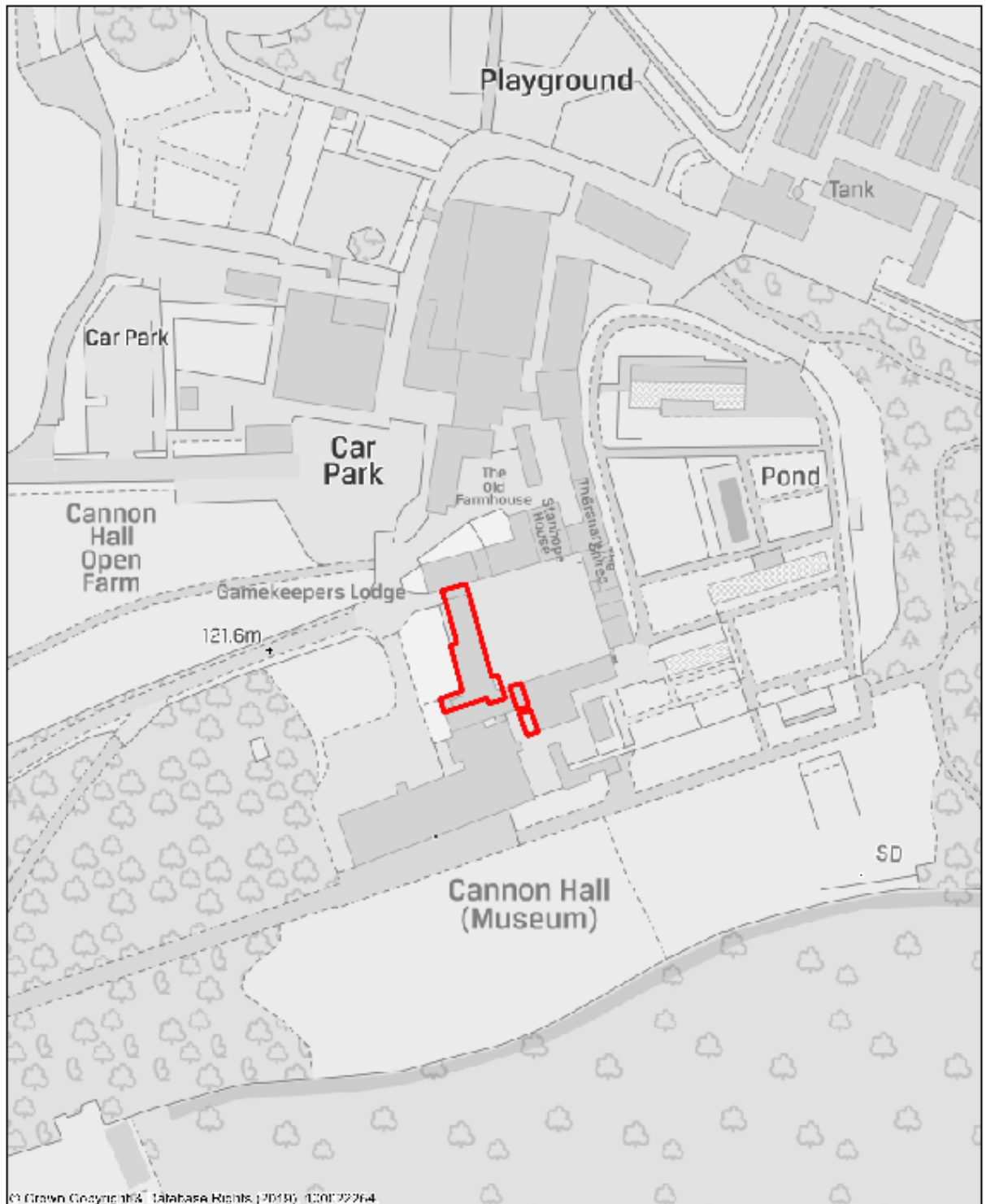
Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in line with Local Plan Policy HE6 Archaeology.

- 10 Prior to occupation of the building/commencement of the use, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details
Reason: In the interests of the amenity of neighbouring residents in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 11 The use hereby permitted shall be carried on only between the hours of 08:00 to 18:00 Mondays to Sundays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.
- 12 Prior to commencement of the use, a noise report shall be submitted demonstrating that satisfactory internal sound levels within the attached residential dwelling adjacent to the proposed store room can be achieved in line with BS8233:2014. If structural alterations are required to the Listed Building to satisfy sound levels as per BS8233:2014, plans and details shall be submitted and approved in writing by Local Planning Authority. Thereafter the development shall be constructed in accordance with the approved details.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection and Policy HE1 The Historic Environment.
- 13 The windows installed within the carriage bays upon the east elevation of the building shall be obscure glazed up to the upper transom as detailed on plan - Proposed Elevations - 2654.09B.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy GD1 General Development.
- 14 Deliveries are to be made into the Cannon Hall forecourt to the west of the Stable wing, and carried into the café kitchen door via the sunken path along the west side of the building, or into the shop via the first floor door upon the western elevation. Deliveries for the café use are to be restricted to 08:00 to 18:00 Mondays to Sundays.
Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

- 15 Prior to the commencement of development a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by the Local Planning Authority. The CTMP shall be adhered to throughout the construction period (unless otherwise approved in writing by the LPA) and shall include details of (but not limited to):
- Routeing, volumes and timing of construction vehicles
 - Hours of working
 - Details for the storage of machinery and materials
 - Provision of parking for onsite workers
- Reason: In the interest of road safety and to mitigate the impact of construction traffic generated by the development upon local residents in line with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.**
- 16 Waste is to be stored and collected daily in line with the submitted waste strategy.
- Reason: In the interests of residential amenity and in accordance with Local Plan Policy POLL1 Pollution Control and Protection.**
- 17 No works to the redevelopment of the path or regrading of the earth bank shall take place until the following documents, in accordance with British Standard 5837:2012 Trees relating to design, demolition and construction - recommendations, have been submitted to and approved in writing by the Local Planning Authority concerning the Holm Oak beside the Spencer Wing:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the Holm Oak in the interests of the visual amenity of the locality in line with Local Plan Policy D1 High Quality Design and Placemaking.**

PA Reference:-

2019/0722



BARNSELY MBC - Regeneration & Property



Scale: 1:1250

This page is intentionally left blank

Item 5

2019/0754

Mr Hussain

Change of use from former Public House to a restaurant use (A3) and 4no. residential apartments (C3).

Collingwood Hotel, Station Road, Bolton Upon Dearne, Rotherham, S63 8JA

Representations have been received from 4 local residents (3 raising concerns and 1 in support). Cllr Charlotte Johnson has expressed concerns associated with the site access and parking.

Site Description

The Collingwood Hotel is a disused public house located at the junction between Furlong Road and Station Road in Bolton-upon-Deerne.

The building is set mostly over two storeys with a single storey section connecting the two-storey sections from east to west with a raised terrace located above. The building is accessed from Station Road and has been heavily altered through the introduction of casement windows, several new entrances across the ground floor of the southern elevation as well as the incorporation of painted render. The western section of the building remains externally faced in brick with a staircase upon its northern elevation opposite the staircase to the eastern building that is topped with a small conservatory style porch. The western building is characterised by a pitched roof, whilst the eastern building features a shallow hipped roof both finished with slate. The façade across Station Road and Furlong Road contain two fascia signs as well as a number of satellite dishes, spotlights and cabling. Highway footpaths abut the building across its southern and eastern elevations while a partially gravelled and tarmacked car park is located at its rear. The car park sits at a raised level with a large retaining wall acting as its eastern boundary which includes a brick-built bus-stop that encroaches into the envelope of the site. The western boundary of the car park features a combination of a palisade and closed boarded fence that separates it from the neighbouring residential gardens.

Proposed Development

The applicant seeks permission to change the use of the public house (Use class A4) to a mixed use of a restaurant (use class A3) at the ground floor, alongside a conversion to 4no. residential apartments across both the ground floor and the first floor.

The restaurant would be approximately 220msqm in size with the ability to cater for between 50-60 customers at any one time and has the usual facilities required for such a use i.e. a kitchen, store, preparation area, service area and toilet facilities. The residential units are proposed as three two-bedroom apartments and one one-bedroom apartment. Flat one and flat two are located at the first floor of the eastern part of the building. Conversely, flat three and flat four are based in the western wing of the building with the former unit set at ground level and the latter set above at the first floor. The respective footprints of the residential accommodation are as follows:

Flat One - 62.9sqm – Two-bed
Flat Two – 58.3sqm – One-bed
Flat Three – 73.9sqm – Two-bed
Flat Four – 75.6sqm – Two-bed

External modifications to the façade including the installation of windows in the southern gable of the western building, the removal of a number of redundant spotlights, repainting of the principle elevation as well as the creation of a staircase up to a separated terrace for flats two and four.

The car park would be altered to accommodate 4no. residential car parking spaces as well as 10no. restaurant parking spaces. The car park would further feature an approx. 65sqm private

residential amenity space upon its northern boundary which is for the use of flats one and three. Several bin stores and a bike storage unit are located upon the rear elevation of the building.

Four new full time jobs are likely to be created as a result of the proposed use as well as six part time positions. A design and access statement, planning statement and a sequential test have been submitted in support of the application.

Signage details are required to be submitted as a part of a separate planning application.

N.B. The application was originally proposed with 3no. retail units, 6no. apartments and 1no. studio

Planning history

The planning history of the site is limited, with the last historic application being received in 1986 for the conversion of an unspecified outbuilding to accommodate a snooker room associated with the pub.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan is the Borough's statutory development plan which is supported by a series of adopted Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan

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).

Relevant Local Plan policies include:

GD1 – General Development

D1 – High Quality Design and Place Making

H4 – Residential Development on Small Non-allocated Sites

TC1 – Town Centres

POLL1 – Pollution Control and Protection

T3 – New Development and Sustainable Travel

T4 – New Development and Transport Safety

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved

unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

SPDs

- Designing New Housing Development (DNHD)
- Parking

Other Material Considerations

South Yorkshire Residential Design Guide

Consultations

Highways DC – No objections subject to amendment of junction. Highways DC are satisfied with the access arrangement following removal of a section of wall beside the entrance as well as the volume of parking on site given the nearby bus stop, train station and the surrounding residential area.

Pollution Control – No objections, subject to opening hours, deliveries and external plant details conditions.

Yorkshire Water – No response following 21 day consultation period.

Highways Drainage – Satisfied that the development can be addressed through building regulations.

Ward Councillors – Cllr May Noble raised the potential for archaeological findings on the site and for the western building to be retained. Andy Lines at South Yorkshire Archaeological Service was contacted with no response following 21 days which infers that the site is unlikely to be a site of interest. Cllr Charlotte Johnson requested the application be decided at Board owing to concerns associated with the vehicular access and parking.

South Yorkshire Police Architectural Liaison Officer – Recommendation of one informative.

Representations

The application was advertised by way of a site notice and consultation letters which were sent to properties adjacent to the proposal site. Four representations have subsequently been received which highlight the following concerns/queries (Case Officer comments in italics):

- Representors queried the tenancy arrangements of the flats i.e. are the flats to be privately rented or socially rented. *Though the applicant is not obligated to disclose such information, they have stated that the residential units are to be rented privately through estate agents.*
- The local area has issues with overcrowded on-street parking and representors query how the development will impact this. Similarly a representor enquired as to the suitability of the pub's vehicular access in proximity to Station Road's junction with Furlong Road and whether any traffic measures will be introduced. Another representor cites that Furlong Road/Angel Street cannot cope with more traffic due to previous developments within the area.

- Loss of privacy to 14b Station Road.
- Noise and disruption will impact residents due to the conversion and refurbishment of the building.

The scheme is welcomed by one representor due to the building's current appearance and its ability to generate anti-social behaviour owing to it being unoccupied.

Assessment

Principle of Development

The building is designated within the Urban Fabric of the settlement forming Bolton-Upon-Dearne in the Local Plan Policies Map. Urban fabric is a designation which acknowledges that development has been established previously in a given area and that the principle of development is acceptable where it complies with the predominant use of the area and where the proposed use or development would not compromise or lower the amenity of uses or property within the locality.

With regard to the use of the premises, the building is considered wholly as an A4 drinking establishment but it is understood that the first floor of the eastern building has previously been utilised as residential accommodation. The proposed A3 restaurant lies approximately 500m outside Bolton-Upon-Dearne's local centre. Policy TC1 determines an A3 use as a 'town centre use' which requires a sequential assessment of sites when proposed outside of a local centre in order to ascertain whether there are suitable or viable units within that centre. This approach is applied to help to achieve the spatial strategy for the borough and to focus development on identified centres in the first instance. When considering edge-of-centre and out-of-centre sites, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored, in line with NPPF para 87.

A sequential assessment has been provided by the applicant which states that there are no available units in the Local Centre and a search conducted by the case officer corroborates the assessment's findings. Regardless, the proposed restaurant use conforms with the historic public house use of the site which has been operating outside of the Local Centre for over one hundred years. The site itself is also highly accessible, being set within an urban area 500m walking distance from the Local Centre and adjacent to a bus stop. Overall the impact of the proposal upon the spatial strategy and harm toward Barnsley Town Centre are likely to be marginal if not wholly negligible. As the site is a former commercial premises which lies empty and unmaintained, the reuse of the building is considered beneficial to the area and the wider town through its redevelopment. Likewise, the creation of four full time and six part-time will be a boost to the local economy which further substantiates the proposal's benefits.

The redevelopment of the building meets the requirements of policy H4 subject to the residential amenity, visual appearance and road safety assessments discussed below.

Overall the proposal is considered acceptable in principle relative to Local Plan policies TC1 and H4 as well as the relevant policies within the NPPF.

Residential Amenity

It is not anticipated that the use or alterations proposed would create unreasonable amenity issues for surrounding residential properties given the ample external separation distances between those dwellinghouses and the existing building. Similarly, the position of existing windows and the

installation of new windows are unlikely to give rise to issues of overlooking or privacy loss as they do not outlook directly over private amenity spaces of nearby residential properties.

The private amenity space created within the northern aspect of the car park is located at least 12m from the habitable room windows at the rear of 14 and 14a Station Road and it is unlikely that it will be overlooked by 3 Furlong Road as only its side elevation faces the new outdoor area. The outdoor space within the car park is expected to be adequately provisioned at approximately 65sqm in area and shared by the occupiers of flats one and three respectively. The first floor terrace shared by flats two and four is similarly sized at 65sqm and overall the four flats will be endowed with 130sqm of private amenity space which far exceeds the 90sqm minimum required in the SPD. However the terrace is to be segregated to prevent privacy loss for the windows serving the bedrooms of each flat which would otherwise be 8.5m distant from one another and thus 3.5m below the minimum for habitable room windows which face one another. The terrace is to be segregated with an opaque boundary treatment which is to be conditioned as a part of an approval, if permitted. The western window to the open-living space within flat two looks directly across to the bathroom window of flat four. As flat four's bathroom window is not a habitable room, the risk to privacy loss is deemed to be low. The restaurant's kitchen window is to be obscure-glazed to prevent privacy loss for flat three's northern-most bedroom.

All of the residential units meet or exceed the overall internal space standards, room width ratios and heights recommended within the SYRDG.

The impact of the restaurant on the residential units and surrounding residential area have been assessed by pollution control and it is not anticipated to pose a high risk addition to the area which could cause a nuisance to future or existing residents. Pollution Control have recommended that opening hours are restricted by condition from 8am to 11pm seven days a week while deliveries should be restricted to between 8am and 8pm seven days a week. Indeed a restaurant use is less likely to produce anti-social behaviour than the current public house use while the precedent of residential accommodation has previously been established at the first floor of the property. A flue would be introduced externally beside flat two, but the details of any external plant would be reviewed by the LPA prior to installation to prevent noise issues from arising.

On the basis of the above assessment the proposal is considered to be in line with Local Plan Policy GD1 and POLL1 in relation to residential amenity. The usual working times condition is recommended to limit noise and disturbance during the construction phase.

Visual Amenity

The premises are currently empty and advertised by way of a real estate hoarding and so reuse would prevent the unit falling into further disrepair. The benefits to visual amenity are likely to be positive in the round with the repainting and removal of redundant lighting, signage and satellite dishes across the principle elevations. Further to this, high quality aluminum glazing frames are to be installed at the ground floor restaurant while the new windows to the residential units are set to match the existing uPVC casement windows.

Overall the proposal is considered to be beneficial to the street scene and wider setting and is consequently determined to be in line with Local Plan Policy D1.

Highways Considerations

The large parking area at the rear is to be retained and this would provide parking capacity for residents and the restaurant's customers within the curtilage of the site, should they arrive by car. Likewise, the car park can act as a turning circle for drop-offs by taxis while a lay-by is also situated on Station Road in front of the building. In terms of other modes of transport, the location of the proposed change of use is well provisioned with public transport services owing to the nearby bus stop and railway station and the proposal's residential situation should also reduce the

need for car journeys by encouraging journeys to be made by foot. In combination these other modes of transport should help reduce car dependence for the restaurant. Highways DC are satisfied that the 10no car parking spaces for the restaurant should prove sufficient for its needs to prevent an unreasonable level of on-street parking being created. It should be noted also that the pub could re-open to its former use or as a pub/restaurant without the need for any new planning permission.

The residential units would be supplied with 1no parking space each, in line with the recommendations in the SPD Parking. The applicant has indicated on the block plan and through supporting documentation that a galvanised steel shelter is to be introduced at the rear of the pub to allow for the secure storage of four bicycles to encourage sustainable means of transportation. Several bin storage areas have also been indicated on the block plan in line with Highway's DC comments.

A change that has been insisted upon by Highways consists of the removal of part of the existing boundary wall in order to make the site accesses wider. Highways DC recommended this amendment to allow better views of southbound traffic and pedestrians when exiting the car park. Views of north bound traffic are determined to be satisfactory as the access is located on the western side of the street which allows a view of traffic at the corner and junction where Furlong Road meets Station Road. On this basis, visibility across the junction is found to be adequate for the volume of development proposed.

Overall the proposal is determined to be in line with the requirements of Local Plan Policies T3 and T4 relating to New Development, Sustainable Travel and Transport Safety.

Summary

It is recommended that the proposal is granted permission as the proposed development is judged acceptable in land use planning policy terms and in that changing from a pub to a restaurant and the provision of 4no flats is considered to be a suitable re-use of a prominent vacant building that is a Principal Town location. In addition it has been demonstrated that the proposals would make suitable amenity provisions for future residents and would not harm the amenity of existing residents. The proposals would see the existing vehicular access widened, which is sufficient for highways to be content with the development would be served by a suitable access and is a benefit considering that the pub use could re-open at any time without the need for planning permission. Also the 14 space car park would ensure that a reasonable level of in-site parking and dropping off space is provided for the future uses.

Officer 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 and specifications as approved unless required by any other conditions in this permission.
Plan Nos.

- Elevation and Floor Plans - YH/CH/0619-02- Rev 1C

- Proposed Block Plan - YH/CH/0619-04- Rev 1C

- Recommended Cycle Store Details and Specifications - Metal Bike Store 369

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 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected for the private outdoor amenity space and the first floor terrace shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be opaque and completed before the development is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Local Plan Policies GD1 General Development Policy and D1 High Quality Design and Place Making .
- 4 The restaurant use hereby permitted shall be carried on only between the hours of 8am to 11pm Monday to Sunday and on 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.
- 5 Deliveries shall only take place between the hours of 0800 & 1800 Monday to Friday and 0900 & 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 and POLL1 Pollution Control and Protection.
- 6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 7 Upon commencement of development, full details of both hard and soft landscaping works to the shared outdoor amenity space and raised terrace shall be submitted to and approved in writing by the Local Planning Authority. The approved landscaping details shall be implemented prior to the occupation of the development.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Placemaking.
- 8 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.
- 9 The window on the western elevation of the building serving the restaurant kitchen facing the bedroom of flat three 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.
- 10 Prior to occupation of the building, full details of any externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details
Reason: In the interest of visual and residential amenity in accordance with Local Plan policy Poll1.

11 Upon commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

-Provision of bus stop clearway traffic signs and markings to the existing bus stop located north of the development access

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Local Plan Policy T4.

Item 6

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 to 30 November 2019

APPEALS RECEIVED

0 appeals were received in November 2019

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

APPEALS WITHDRAWN

0 appeals were withdrawn in November 2019

APPEALS DECIDED

2 appeals were decided in November 2019

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2019/0314	Extension to garage roof height and provision of associated roof lights to create first floor accommodation to be used as games room 27 Spruce Avenue, Royston, Barnsley, South Yorkshire, S71 4JL	Dismissed	Delegated
2019/0242	Change of use of agricultural land into domestic curtilage and formation of new vehicular access and associated parking area 4 Church View Cottages, Sheffield Road, Wortley, Sheffield, S35 7DB	Dismissed	Delegated

2019/2020 Cumulative Appeal Totals

- 23 appeals have been decided since 01 April 2019
- 17 appeals (74%) have been dismissed since 01 April 2019
- 6 appeals (26%) have been allowed since 01 April 2019

	<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
1	2017/0994	Conversion of first and second floors in 27 residential apartments Hoyland Town Hall, High Street, Hoyland, Barnsley, S74 9AD	Dismissed	Delegated
2	2017/1463	Removal of condition 4 (Highway Improvement Works) of previously approved application 2014/1573 - Change of use from working men's club (D2) to a church (D1) Seventh Day Adventist Church, Doncaster Road, Kendray, Barnsley, S70 3HA	Allowed	Delegated
3	2018/0245	Erection of detached garage with store above and erection of boundary fencing and demolition of existing garage. 7 Burntwood Close, Thurnscoe, Rotherham, S63 0QQ	Allowed	Delegated

4	2018/0481	Erection of 1 no. detached dormer bungalow with side attached garage Land adjacent 1 Woodland View, Silkstone Common, Barnsley, S75 4SA	Dismissed	Delegated
5	2018/1374	Erection of brick outbuilding to the rear of dwelling (retrospective) 21 Kings Court, Wombwell, Barnsley, S73 0FB	Dismissed	Delegated
6	2017/1675	Erection of 8 field shelters/stables (Retrospective) Land at Edderthorpe Lane, Priest Croft Lane, Darfield, Barnsley	Allowed	Delegated
7	2018/0946	Change of use of existing ground floor shop unit (Use class A1) and first and second floor office accommodation (Use class B1) to 8 bedroom house of multiple occupation (Sui Generis Use Class) 12 - 14 Eldon Street North, Barnsley, S71 1LG	Dismissed	Delegated
8	2018/1046	Erection of detached dwelling Land at Broomhill View, Bolton Upon Dearne, S63 8LB	Dismissed	Delegated
9	2018/1080	Erection of 2 detached bungalows Land to the Rear of 116 Churchfield Lane, Kexbrough, Barnsley, S75 5DN	Dismissed	Delegated
10	2018/1208	Erection of a timber single storey granny annexe for ancillary residential use associated with the dwelling 8 Orchard Close, Keresforth Hall Road, Kingstone, Barnsley, S70 6NF	Dismissed	Delegated
11	2018/1337	Erection of stone built detached summer house to side of dwelling. Black Moor Farm, Black Moor, Snowden Hill, Barnsley, S36 8YR	Dismissed	Delegated
12	2018/1486	Removal of condition 13 (Scheme of highway mitigation works) from outline planning permission 2018/0665 - Development of approximately 5 dwellings and associated infrastructure (all matters reserved apart from means of access) Land North of Keresforth Road, Dodworth, Barnsley *Record decision as dismissed for the reason shown in next column.	Dismissed *Although this appeal was allowed the planning condition was upheld, but varied by the Inspector.	Delegated
13	2018/0071	Conversion of redundant farm buildings into 4 no. dwellings and erection of 3 no. additional new build dwelling houses and associated garage blocks Hangman Stone Bar Farm, Moor Lane, Birdwell, Barnsley, S70 5TY	Dismissed	Delegated
14	2018/0819	Erection of 1no. detached dwelling Land adjacent Rivelin, Old Mill Lane, Thurgoland, Sheffield	Dismissed	Delegated
15	2018/0831	Change of use of café to hot food takeaway 14 High Street, Hoyland, Barnsley, S74 9AB	Allowed	Committee
16	2018/1101	Erection of 2no detached bungalows (Outline with all matters reserved) 8 Scar Lane, Ardsley, Barnsley, S71 5BB	Dismissed	Delegated
17	2019/0070	Two storey side extension to dwelling. 20 Gilder Way, Shafton, Barnsley, S72 8WP	Dismissed	Delegated
18	2019/0168	Erection of agricultural storage building Muscle Hill Farm, Lee Lane, Royston, Barnsley, S71 4RT	Allowed	Delegated

19	2019/0043	Erection of 2 no detached dormer bungalow and associated access, parking and garden facilities South Grove House, South Grove Drive, Hoyland, Barnsley. S74 9DY	Dismissed	Delegated
20	2018/1359	Change of use of domestic swimming pool to private hire swimming pool and associated car parking provision 433 Rotherham Road, Monk Bretton, Barnsley, S71 1UX	Dismissed	Delegated
21	2018/1308	Erection of café/restaurant with drive through facility (Use Classes A3/A5) and associated alterations to site layout Peel Centre, Harborough Hill Road, Barnsley, S71 1JE	Allowed	Delegated
22	2019/0314	Extension to garage roof height and provision of associated roof lights to create first floor accommodation to be used as games room. 27 Spruce Avenue, Royston, Barnsley, South Yorkshire, S71 4JL	Dismissed	Delegated
23	2019/0242	Change of use of agricultural land into domestic curtilage and formation of new vehicular access and associated parking area 4 Church View Cottages, Sheffield Road, Wortley, Sheffield, S35 7DB	Dismissed	Delegated

This page is intentionally left blank