
2016/1381

Applicant: Matthew Carter

Description: Conversion of former public house into 7 apartments and erection of 2 detached dwellings.

Site Address: The Former Three Horseshoes Public House, Barnsley Road, Brierley, Barnsley, S72 9JT

13 objections from members of the public. No comments have been received from local Ward Councillors.

Site Description

This former public house occupies a prominent position on the junction of Barnsley Road and Church Street. This site falls within the Conservation Area. It comprises the public house buildings and a large surface car park that contains some trees. The site is overlooked by existing houses on Cliffe Lane and a large house on Barnsley Road, which has many of its windows in the side. The public house is set back from Barnsley Road but abuts Church Street where a house is side on to the site.

Proposed Development

The existing buildings are to be retained and converted into 7 apartments with 4 one bed on the ground floor and 2 two bed and a one bed on the first floor. The existing openings are mostly utilised.

Parking is shown in the middle of the site and the two 4 bed detached houses are shown on the car parking area, where there are currently some trees in a verge. The proposed houses have large integral double garages at the front. Each house has a ground floor side kitchen/dining room window but other side windows are non-habitable. The houses would be red facing brick with ashlar stone details.

The submitted plans include cross sections and there is also a Planning and Design Access Statement. Amongst other things, this deals with the steps taken to address the issue of whether this Local Community Asset should remain as a public house. It is stated that a six weeks consultation was carried out to find out if any interested party wanted to bid for the building. No such bids were received.

However, this building has recently been re-designated an Asset of Community Value. Designation prevents the sale of land unless community groups have been given time (six weeks to express an interest and if an interest is expressed six months to put together an offer) to purchase the property, although there is no obligation on the owner to sell.

The building was first designated an Asset of Community Value in November 2015. A sale was proposed and in accordance with the law this was publicised by the Council to find out if any community groups were interested in bidding for the property. No interest was expressed at that time and so the land was sold and the designation was removed. However, the pub was nominated again after it had been sold and added to the list again. There is now some evidence of a community interest in forming a group to acquire the property.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies and The Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Saved UDP Policies

Housing Policy Area
Conservation Area

Core Strategy

CSP14 Housing Mix
CSP26 Highways issues.
CSP29 Design matters.
CSP30 The Historic Environment
CSP43 Education and Community facilities.
CSP40 Pollution protection.

SPDs/SPGs

Parking
Designing New Housing Development-High quality development required in a Conservation Area

Publication Consultation Document

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

SD1 Presumption in favour of sustainable development
GD1 General development
D1 Design
T4 New Development and Highway Improvement
Poll1 Pollution Control and Protection
CC4 Sustainable Drainage Systems (SuDS)

These policies carry little weight for the reason given above.

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.

Consultations

Pollution Control- no objections subject to conditions.

Highways- no objections subject to conditions.

Highways Drainage- no objections subject to conditions.

Trees-No objections subject to tree protection measures.

SYMAS- no objections subject to an informative.

BDA-no objections if evidence that can continue as employment.

Representations

13 objections received which include the following:

1. There has already been too much new housing in the village and local facilities such as schools will be put under too much pressure if more is allowed.
2. The site is on a bad junction so highways safety will be compromised.
3. The Pub was an important part of history and the character of the village, which is being eroded. It was a place for people to socialise and it should be retained as a public house or community building. Loss would contravene policy CSP43 and paragraph 70 of the NPPF, which seek to retain such community facilities.
4. There were offers made to keep the site open as a pub and as such it is argued that whole marketing process was flawed. It is therefore asserted that the applicants should be required to submit further evidence. The odds are against a community group being able to purchase a pub so the fact that the community could not afford to buy the pub should not be given weight. So a further nomination has been made following the change in ownership.

Assessment

Principle of Development

The main issue relates to the recent designation of the Public House as an Asset of Community Value and the relationship of this with Core Strategy policy CSP43 Education and Community facilities. This states that such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing use or an alternative community use.

The Governments Non-statutory guidance on Assets of Community Value (ACV) says the following

“2.20 The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.”

So the fact that it is listed again as an ACV may be a material consideration, but the weight attached to it is the key consideration. Being listed as an ACV could be considered as evidence that the premises are required for an alternative community use at variance to

policy CSP43 but the circumstances of this case also have to be taken into account. The pub has been listed as an ACV before and no group came forward to express an interest in bidding at that time. Therefore, the site was purchased for development by a third party in good faith and this application was made after pre application discussions.

Only after this process has it been nominated again. It was relisted as it continued to meet the statutory tests under the Localism Act 2011. Although this time around there is some evidence of a community interest in forming a group to acquire the property the fact that it has been listed once before and sold without a community group coming forward suggests less weight might be put on the fact that it is listed as an ACV than would have previously been the case. The fact that the pub has been closed for a period of time and there were previous reports of anti-social behavior when it was operating are also material considerations. On balance I consider that a reason for refusal based upon policy CSP43 could not be substantiated.

As this is conservation area the design will need to meet the higher standard anticipated by policy CSP30 The Historic Environment. However, in principle residential development that meets the relevant guidelines on space about building would be appropriate in a Housing Policy Area.

Residential Amenity

The site is bounded by existing dwellings. As sated above there are space standards set out in the SPD that need to be followed to ensure that the surrounding dwellings are not affected.

The layout plans show that there would be ample space about the new build properties. These are set back in the site but it is deep enough to afford generous rear gardens. The side dining room windows are on the ground floor so can be screened.

The site is relatively flat so there are no special topographical issues that would demand greater separation.

Visual Amenity

The retention of the existing building as part of the development is welcomed by the Conservation Officer given its heritage significance. He is satisfied that the proposed conversion makes use of the existing openings in the building and the proposal retains its intrinsic value.

A design access statement sets out the key principles. There are only two new houses close to the existing large detached house on Barnsley Road. The proposed houses are set behind projecting garages but are also well into the site. Trees are shown along the site frontage so there will not be a significant visual impact in terms of long range views.

The new houses replace a redundant pub car park so they will actually result in an improvement albeit that the car park does have some trees within it. In terms of the trees the tree officer has not raised any objections to removal of these car park trees.

Highway Safety

The site is located immediately adjacent to the junction between Church Street and the A628. However Highways are content that the development would not lead to any significant intensification in the use of the access compared with the previous use. In addition no concerns have been received from highways with regards to the new vehicular circulation routed within the site, parking provision and the space allocated for turning and maneuvering.

The development is in two distinct parts conversion of the public house to apartments and erection of two detached houses on the car park. It is not normal to seek ensure that a development of this nature is completed in its entirety. However, there is a potential for two houses being built on the car park and the public house being retained due to the relisting, with virtually no room for parking.

If the permission were granted it would be important to avoid the above scenario by imposing a condition to phase the development so the public house is converted first.

Mining

There is an old mine shaft on the adjacent property fronting Barnsley Road but the precise location of the mine shaft is not 100% certain. However, SYMAS indicate that it is unlikely to be too close to prevent the development of the nearest detached house. They advise that an informative regarding the matter would enable the detailed design of the foundations to be amended under the Building Regulations if it is closer than expected.

Conclusions

The main consideration in relation to this proposal is the local community belief that the public house should be retained and this building has been designated an Asset of Community Value. Whilst, this is a material planning consideration it has to be weighed against other factors discussed above. On balance it is concluded that planning permission should be granted.

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 2423-10a, 2423-11, 2423-12, 2423-13a and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 No development shall take place until full details of the proposed external materials have been 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 the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

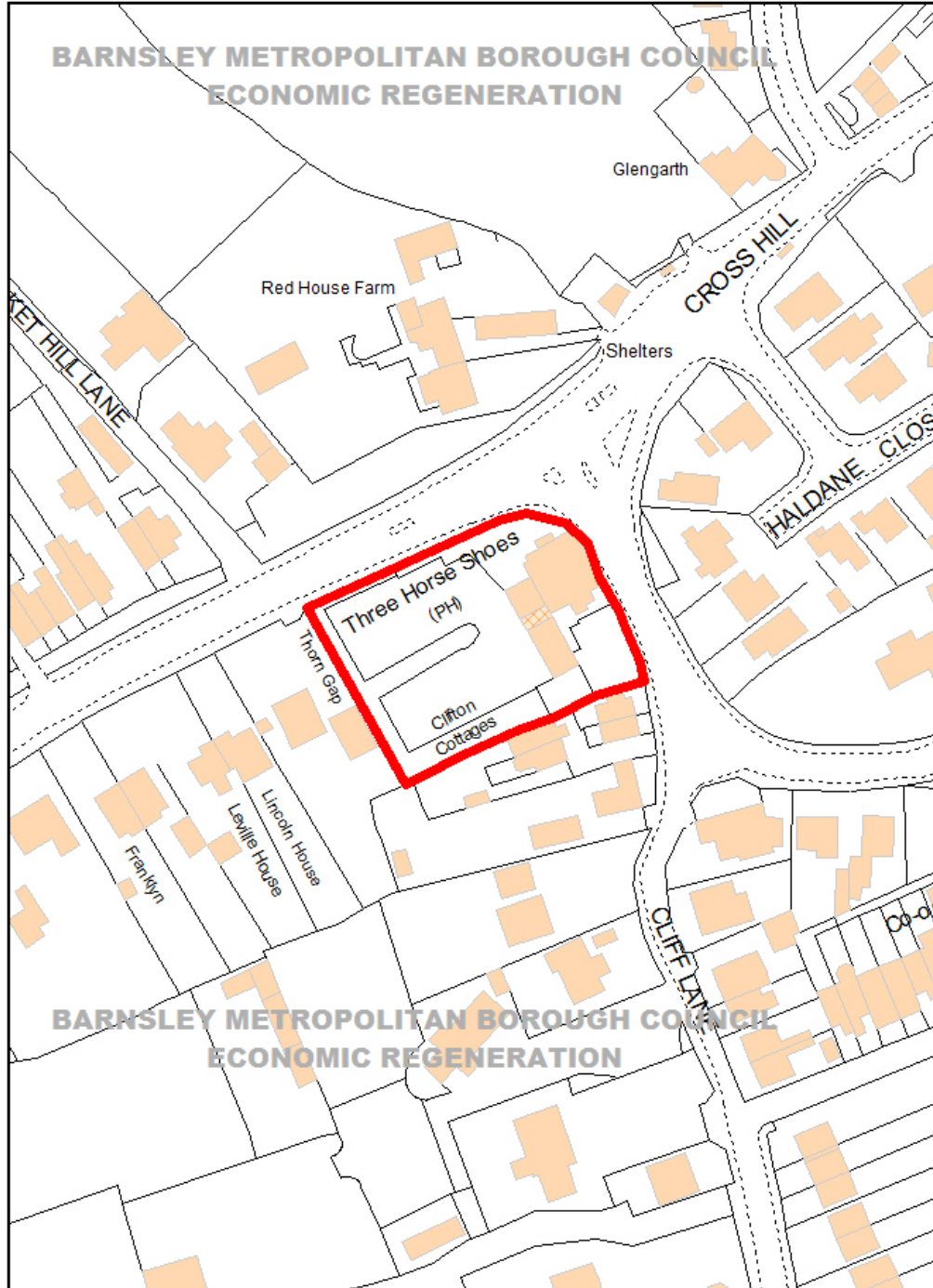
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. 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 Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling 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 and in accordance with Core Strategy Policy CSP 29, Design.
- 7 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.**
- 8 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.

- 9 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 Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 10 Sightlines, having the dimensions 2.0m x the site frontage, shall be safeguarded at the drive entrance/exits, such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 11 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 13 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 14 No development shall take place 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.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

PA reference :-


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BARNSELY MBC - Economic Regeneration

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


Scale 1:1250