
2017/1556

Applicant: McCarthy and Stone Retirement Lifestyles Ltd

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

Site Address: Berneslai Close, Barnsley, S70 2HL

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

Site Location & Description

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

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

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

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

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

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

Planning History

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

Proposed Development

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

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

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

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

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

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

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

Policy Context

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

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

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

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

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

Relevant Local Plan Policies would be:

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

The Core Strategy

CSP1 Climate Change

CSP2 Sustainable Construction

CSP3 Sustainable Drainage Systems

CSP4 Flood Risk

CSP5 Including Renewable Energy in Developments.

CSP8 The Location of Growth

CSP9 The Number of New Homes

CSP10 The Distribution of New Homes

CSP14 Housing Mix and Efficient Use of Land

CSP15 Affordable Housing

CSP25 New Development and Sustainable Travel

CSP26 New Development and Highway Improvement

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

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

CSP39 Contaminated and Unstable Land

CSP40 Pollution Control and Protection

CSP42 Infrastructure and Planning Obligations

Saved Unitary Development Plan Policies

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

Victoria Road Conservation Area

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

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

Relevant Supplementary Planning Documents and Advice Notes

SPD Designing New Housing

SPD Open Space provision on New Housing Developments

SPD Parking

South Yorkshire Residential Design Guide

NPPF

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

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

Paragraphs of particular relevance to this application include:

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

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

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

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

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

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

Consultations

Historic England – No comments required

South Yorkshire Archaeology Service – no comments received

South Yorkshire Police – advice provided on secured by design

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

Yorkshire Water – no objections in principle

Pollution Control –no objections.

Highways DC – no objections in principle

Design – no formal comments received, requested enhanced planting

Policy – A greenspace assessment would require a contribution

Contaminated Land Officer – no comments received

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

Forestry Officer – no objections subject to conditions

Biodiversity Officer – no objections subject to conditions

Conservation Officer - no objections subject to conditions

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

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

Adult Care Homes – no comments received

Natural England – No comments

Representations

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

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

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

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

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

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

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

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

Assessment

Principle of Development

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

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

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

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

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

All new dwellings must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. Development will only be granted where it would maintain visual amenity and not create traffic problems/reduce highway safety.

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

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

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

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

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

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

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

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

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

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

Historic Environment

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

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

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

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

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

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

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

Design and Visual Amenity

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

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

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

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

Residential Amenity

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

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

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

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

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

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

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

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

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

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

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

Pollution Control

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

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

Drainage

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

Highways

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

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

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

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

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

Biodiversity

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

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

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

Other issues

Residents also raised the following concerns:

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

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

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

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

Conclusion

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

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

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

Recommendation:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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