

<b>Application reference number</b>	2025/0140
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<b>Application Type</b>	S73 – Variation of condition
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<b>Proposal Description:</b>	Variation of condition 2 relating to 2023/0587 (Erection of a new three storey building to create a 33 bed residential care home with associated works including landscaping and car parking)
<b>Location:</b>	Land to west of Perseverance Street, Barnsley, S70 6HD

<b>Applicant</b>	Cairnwell Development s Ltd.
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<b>Number of Third Party Reps</b>	No neighbour representations and 1no. representation from a Ward Councillor.	<b>Parish:</b>	
		<b>Ward:</b>	Kingstone

#### **SUMMARY**

*The proposal is a Section 73 application to vary condition 2 (approved Plans) of application 2023/0587. The applicants are proposing to revise the approved site plan in order to incorporate 4 additional staff car parking spaces with access from Springfield Street. full planning permission for the erection of 27 dwellings within Residential Policy Area. A number of the conditions attached to application 2023/0587 have also been discharged between the approval of that application and submission of this application so they will have to be referenced in the new decision notice.*

*The proposal is considered to be acceptable in policy terms being designated as Urban Fabric within the Local Plan and is therefore considered to be an acceptable and sustainable form of development in line with paragraphs 7 and 8 of the National Planning Policy Framework (NPPF, 2023).*

*The report demonstrates that any harm generated by the proposal is outweighed by other material planning considerations. The development would not cause an unacceptable level of harm to neighbouring properties, the highway network, trees or the wider character of the area subject to suitably worded conditions.*

**Recommendation: GRANT Planning Permission**



## Site Description

The site is situated to the West of Barnsley Town Centre and immediately to the North of Dodworth Road which links Barnsley Town Centre with junction 37 of the M1. The application relates to a former car park which measures approximately 0.25Ha and is relatively square in shape. The car park provided ancillary parking to the nearby Springfield House but became surplus to requirements when that office building closed.

Works commenced on site several months ago in line with application 2023/0587 and the building itself is up to around second floor level. No works have yet commenced on the parking or landscaping areas as these are used by the contractors during the build.

The surrounding area is predominantly residential in nature. To the North of the site is a relatively modern housing estate consisting predominantly of 2 and 3 storey semi-detached and terraced dwellings and 3 storey apartment blocks. To the South and South West of the site are dwellings fronting Springfield Street, as well as the rear amenity and parking spaces of dwellings fronting Dodworth Road. There is also a former office block (Springfield House) to the West of the site which has recently been converted to apartments. To the East of the site, beyond Perseverance Street, is a pocket park which children's play equipment and further dwellings.

## Proposed development

The applicants seek to vary condition 2 (approved plans) of application 2023/0587 in order to make some changes to the approved site layout. The changes include replacing an area of garden space in the South West corner of the site with 4no. additional staff parking spaces (2 rows of 2 tandem spaces). An existing dropped kerb, protected by existing double yellow lines, would be utilised to access the spaces.

Approved site layout;



## Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2023/0587	Erection of a new three storey building to create a 33 bed residential care home with associated works including landscaping and car parking	Approved
2024/0834	Discharge of conditions 8 (Construction Method Statement), 13 (Pre-Construction Highway Condition Survey) and 15 (Precautionary Working Method Statement) relating to planning application 2023/0587 : (Erection of a new three storey building to create a 33 bed residential care home with associated works including landscaping and car parking)	Approved
2024/0866	Discharge of condition 18 (Drainage) of application 2023/0587 Erection of a new three storey building to create a 33 bed residential care home with associated works including landscaping and car parking	Approve
2024/1016	Discharge of conditions 3 (Materials), 4 (Means of Enclosure) and 6 (Landscaping) relating to application 2023/0587 (Erection of a new three storey building to create a 33 bed residential care home with associated works including landscaping and car parking)	Approve
2025-ENQ-00013	Non-material amendment to planning application 2023/0587 including fenestration alterations and glass balustrading to entrance footpath	Approve
2025-ENQ-00037	Non-material amendment to planning application 2023/0587 including providing additional four parking spaces for Staff Car parking for the proposed building. Parking spaces accessed off Springfield Street	Withdraw

## Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process.

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

## Local Plan

The site is identified as Urban Fabric within the Local Plan and as such the following policies are considered to be relevant to this application.

Adopted Supplementary Planning Documents relevant to this application:

Trees and hedgerows  
Parking  
Biodiversity and Geodiversity

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. NPPF policy of relevance to this application includes:

Para 7 - The purpose of the planning system is to contribute to the achievement of sustainable development.

Para 11 – Plans and decisions should apply a presumption in favour of sustainable development.

Para 96 - Planning policies and decisions should aim to achieve healthy, inclusive, and safe places

Para 116 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Para 131 - The creation of high-quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

Para 136 - trees make an important contribution to the character and quality of urban environments and can also help mitigate and adapt to climate change.

Para 139 - 'Development that is not well designed should be refused, especially where it fails to reflect local design policies and government guidance on design, taking into account any local design guidance and supplementary planning documents such as design guides and codes.

**Relevant Consultations:**

**Highways DC** – No objections

**Pollution control** – No objections

**Ward Councillors** – one representation received. The main points of concern relate to parking provision, staffing numbers, parking restrictions within the area & Pedestrian safety.

It should be noted that the concerns do not specifically relate to the provision of the additional 4no. parking spaces but are more generally comments regarding the development as a whole which were fully considered under application 2023/0587.

### **Representations**

Neighbour notification letters were sent to 101 surrounding properties and a site notice was placed nearby.

No representations were received.

### **Assessment**

The main issues for consideration are as follows:

- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

### **Principle of development**

The site is located just off Dodworth Road which is a principal route linking Barnsley Town centre with junction 37 of the M1. It also sits to the West of Barnsley Town Centre itself with good access to facilities, services and public transport. Local Plan Policy LG2 'The Location of Growth' states priority will be given to development in Urban Barnsley as it is the most sustainable location in spatial policy terms. Given the proximity to Barnsley town Centre and Dodworth Road, the site is located immediately adjacent to existing infrastructure and is within a well-positioned sustainable location.

The site is located within a predominantly residential area and adjoins existing residential dwellings. Local Plan Policy GD1 'General Development' requires that there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

The principle of the development was established under application 2023/0587. In terms of the parking spaces subject to this application, they would utilize an existing dropped kerb off Springfield Street and an area previously used for parking.

### **Residential Amenity**

The proposed parking spaces would be located in-between 2 existing residential properties and would create some noise and disturbance through the coming and going of vehicles. These spaces are also for staff so could be used during unsociable hours due to shift patterns. However, the application is only for 4no. spaces and they utilise an existing dropped kerb and area previous used for parking.

The proposed parking spaces would only be a relatively minor change to the approved scheme and the increase in noise and disturbance would only cause limited harm.

There would be a small loss of amenity space for the future residents of the care home due to the inclusion of the parking spaces. However, this area is an infill between 2 existing residential properties and is not immediately adjacent to the building or the doorways into the garden area. The main secure garden area immediately adjacent to the building would be retained, as such, the amenity of the future residents would not be significantly impacted.

As a result of the comments above residential amenity levels would be maintained to a reasonable degree, in accordance with Local Policy GD1.

#### Visual amenity

On the originally approved plans, the area subject to this application contained a garden area and was separated from Springfield Street by boundary treatments. The proposed parking spaces would be located in an area previously used for parking and contained an area of hardstanding, as such, would not appear out of character with the streetscene. Furthermore, the adjacent property also has a parking area immediately adjacent with access onto Springfield Street.

In addition, although the parking spaces would be visible from public vantage points, views would be limited due to the solid boundary treatments of the residential properties either side.

As such, little to no weight is attributed to the proposed changes and visual amenity would be maintained in accordance with Local Plan Policy D1.

#### Impact on Trees

There is no additional impact to the trees or hedges in the area compared with the currently approved scheme. As such, this carries little to no weight.

#### Highway Safety

As outlined above, the parking spaces would utilise an existing dropped kerb off Springfield Street which is protected by double yellow lines. The proposal is to provide 4 spaces in a tandem parking arrangement, which will be utilised by staff who will be able to manage the parking to reduce the need for swapping cars back and forth.

Given the above, Highways have raised no objections to the scheme subject to relevant conditions and informatives this carries significant weight in favour of the application. As such, highway safety would be maintained, in accordance with Local Plan Policy T4.

### **PLANNING BALANCE & CONCLUSION**

In accordance with Paragraph 11 of the NPPF (2023) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within a sustainable location on a site suitable for residential development in the Local Plan and this weighs considerably in favour of the application. In addition, the amendments that have been undertaken have shown that a suitable layout can be achieved that would be reflective of the character of the area, safeguard neighbouring properties and maintain highway safety and this weighs significantly in favour of the application.

All other material planning considerations have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions and informatives.

Limited weight in favour of the application has been afforded to the potential economic benefits generated by the proposal.

Having balanced all material planning considerations, the positive aspects of the proposal outlined above are not outweighed by any other material planning considerations.

The proposal is therefore, on balance, recommended for approval subject to conditions and informatives.

## **RECCOMENDATION**

### **GRANT PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT SUBJECT TO THE CONDITIONS BELOW;**

1. The development hereby approved shall be carried out strictly in accordance with the amended plans (listed below) and specifications as approved unless required by any other conditions in this permission.

PERSE-WBA-SI-ZZ-DR-A-PL-500-P2 – Proposed Ground Floor Plan

PERSE-WBA-SI-ZZ-DR-A-PL-501-P2 – Proposed First Floor Plan

PERSE-WBA-SI-ZZ-DR-A-PL-502-P2 – Proposed Second Floor Plan

PERSE-WBA-SI-ZZ-DR-A-PL-503-P2 – Proposed Elevations

PERSE-WBA-SI-ZZ-DR-A-PL-504-P1 – Proposed Site Sections

PERSE-WBA-SI-ZZ-DR-A-PL-600-P4 – Proposed Site Plan

**Reason: In the interests of the visual amenities of the locality in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

2. The development shall be carried out in accordance with the approved materials details set out on the materials schedule (Ref: PERSE-WBA-NB-XX-SH-A-PL\_Materials) dated 4<sup>th</sup> November 2024.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.**

3. The boundary treatment shall be carried out in accordance with drawing PERSE-WBA-SI-ZZ-DR-A-PL\_550\_P2\_Fence Details, completed before the development is occupied 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. 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.**

5. The hard and soft landscaping details shall be carried out in accordance with the 'Hardworks and Boundary Treatments' drawing (Ref: AT.23.1253.100.r7), and the Soft Landscaping details set out on the 'Softworks – Planting Plan' drawing (Ref:

AT.23.1253.101.r7). The approved hard landscaping details shall be implemented prior to the occupation of the building.

**Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy BIO1 Biodiversity.**

6. All in curtilage planting, seeding or turfing comprised in the approved details of landscaping shall be carried out no later than the first planting and seeding season following the occupation of the building; and any trees or plants which die within a period of 5 years from first being planted, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

**Reason: In the interests of the visual amenities of the locality, in accordance with Local Plan policies GD1 'General Development' and D1 'High Quality Design and Place Making'.**

7. The development hereby approved shall be carried out in accordance with the Construction Method Statement by Walter Thompson (Contractors) Ltd. The approved statement shall be adhered to throughout the construction period.

**Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Local Plan Policy T4 New Development and Transport Safety and Local Plan Policy D1 High Quality Design and Place Making.**

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. All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.

**Reason: In the interests of highway safety in accordance with Local Plan Policies T4 New Development and Transport Safety and POLL1 Pollution Control and Protection.**

10. All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.

**Reason: In the interests of road safety in accordance with Local Plan Policy T4 New Development and Transport Safety**

11. Prior to the commencement of the use hereby permitted a vehicular access shall be provided and thereafter retained in at the position shown on the approved plan and constructed in accordance with the BMBC highway specification. Arrangement shall be made for surface water drainage to be intercepted and disposed of separately so that it does not discharge from or onto the highway carriageway.

**Reason: To ensure satisfactory access into the site and avoid the carriage of extraneous material or surface water from or onto the highway and in the interests of highway safety.**

12. On completion of the development, a second condition survey of the adopted highway shall be carried out to identify defects attributable to the traffic associated with the development. It shall be submitted for the written approval of the Local Planning Authority. 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: To ensure that any damage to the adopted highway sustained throughout the development process is identified and subsequently remedied at the expense of the developer in interests of highway safety.**

13. The development shall be completed in line with the recommendations in the Assessment of Biodiversity Report, the Phase 1 survey report and the conditions of the planning permission. All the recommendations shall be implemented in full according to the timescales laid out, unless otherwise agreed in writing by the Local Planning Authority, and thereafter permanently maintained for the stated purposes of biodiversity conservation.

**Reason: In the interests of Biodiversity and in accordance with Local Plan Policy BIO1 and SPD 'Biodiversity and Geodiversity'.**

14. The development shall be carried out in accordance with the Precautionary Working Method Statement (PWMS) by Amenity Tree Care Ltd. The approved PWMS shall be implemented in full according to the specified timescales.

**Reason: In the interests of Biodiversity and in accordance with Local Plan Policy BIO1 and SPD 'Biodiversity and Geodiversity'.**

15. Notwithstanding the submitted details, prior to first occupation of the site, details of external/internal lighting shall be submitted to and approved in writing by the Local Planning Authority. The details shall be reviewed and produced by a suitably qualified ecologist and clearly demonstrate that lighting will not adversely impact wildlife using key corridors, foraging and commuting features and roosting sites. The approved details shall be retained as such thereafter.

**Reason: In the interests of Biodiversity and in accordance with Local Plan Policy BIO1 and SPD 'Biodiversity and Geodiversity'.**

16. The development shall be carried out in accordance with the following additional biodiversity mitigation and enhancement measures. The measures listed below shall be implemented in full, prior to first occupation of the site, the features shall thereafter be permanently retained. - Use of native species within landscaping schemes; - At least 4 no. integrated bat roosting boxes and integrated swift boxes to be installed in suitable locations within the new building; and - Hedgehog highways to be installed in all boundary fencing. The hedgehog highways will be signposted to prevent the blocking of gaps.

**Reason: In the interests of Biodiversity and in accordance with Local Plan Policy BIO1 and SPD 'Biodiversity and Geodiversity'.**

17. The drainage for the site shall be in accordance with the Drainage Strategy (Ref: 48063-ECE-XX-XX-RP-C-0005 (Rev B) dated September 2024 and prepared by Eastwood Consulting Engineers. 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**

18. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 6 metres of the sewer/watercourse shown on the approved plan.

**Reason: To prevent damage to the existing sewer, watercourse or culvert**

19. The cumulative noise rating level associated with fixed installations of mechanical and electrical plant items shall not exceed the appropriate background noise level at the nearest existing residential dwelling.

**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1**

20. All habitable rooms (and noise-sensitive ancillary spaces) shall be fitted with glazing rated at least 28 dB Rw+C (such as 4 mm glass / 12 mm cavity / 4 mm glass).

**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1**

21. All trickle vents in rooms requiring enhanced glazing should be rated at least 37 dB Dn,e,w per 5000 mm<sup>2</sup> EA (vent open)

**Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1**

22. The development shall be carried out in accordance with the recommendations and mitigation measures set out in Tree Survey and Constraints Report (Version one. 23.05.2023) and the Arboricultural Impact Assessment (AIA) version 2. The measures shall be retained as such thereafter.

**Reason: In accordance with Local Plan BIO 1 'Biodiversity and Geodiversity' and SPD 'Trees and Hedgerows'.**

## **Informatives**

1 The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner. If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

2 The proposed development lies within a coal mining area which may contain unrecorded coal mining related hazards. If any coal mining feature is encountered during development, this should be reported immediately to the Coal Authority on 0345 762 6848. Further information is also available on the Coal Authority website at: [www.gov.uk/government/organisations/the-coal-authority](http://www.gov.uk/government/organisations/the-coal-authority)

3 The development hereby approved includes the carrying out of work on the adopted highway. You are advised that before undertaking this work you must enter into a highway agreement with the Council under S278 of the Highways Act, 1980, specifying the extent of works, the works, and the terms and conditions under which these are carried out. Fees are payable for the drafting of the agreement, approval of the highway details and inspection of the works. For more information or to apply, please contact Highways Development Control at email [HighwaysDC@barnsley.gov.uk](mailto:HighwaysDC@barnsley.gov.uk) or call to 01226 773555 .

4 Fees associated with the required condition survey together with any necessary remedial works and any relevant s278 agreement are to be borne by the developer. The applicant should make contact with Highways Development Control, Tel. 01226 772033/772170. Email. [HighwaysDC@barnsley.gov.uk](mailto:HighwaysDC@barnsley.gov.uk) for further information prior to commencement.

5 You are advised that the development hereby permitted requires you to dig up a road, pavement, or grass verge to install or replace service apparatus (gas pipes, electricity cables, sewers), or to place any equipment, materials in , on, above or abutting a highway requires you to have a licence. Further details are available on the BMBC website at: <https://www.barnsley.gov.uk/services/roads-travel-and-parking/road-licences/> or my contacting [Streetworks@barnsley.gov.uk](mailto:Streetworks@barnsley.gov.uk)

6 The works should be undertaken outside of the bird nesting season (March-August inclusive). Should this not be possible then a suitably qualified ecologist should undertake a nesting bird check no more than 48 hours prior to the start of works. Should active nests be found, works should cease until the nests are no longer active and the chicks have fledged and the ecologist has deemed the area to be free of nesting birds.

7 If a protected species (such as any bat, great crested newt, badger or any nesting bird) is discovered using a feature on site that would be affected by the development or related works all activity which might affect the species at the locality should cease. You should then seek the advice of a suitably qualified and experienced ecologist and consider the need for a licence from Natural England prior to commencing works. This action is necessary to avoid possible prosecution and ensure compliance with the Wildlife & Countryside Act 1981 (as amended), the Conservation of Habitats and Species Regulations 2017 (as amended), the Protection of Badgers Act 1992 and the Wild Mammals Act 1996. This advice note should be passed on to any persons or contractors carrying out the development/works.