

Application Reference: 2025/0081

Site Address: Providence Baptist Chapel, Ingbirchworth Road, Thurlstone, Sheffield, S36 9QN

Proposal: Removal/variation of condition 2 (approved plans) and 3 (car park surfacing) relating to 2023/0961 (Widening the gateway and provision of car parking spaces with associated works to trees).

Introduction:

This application seeks the removal/variation of condition 2 (approved plans) and 3 (car park surfacing) relating to 2023/0961 (Widening the gateway and provision of car parking spaces with associated works to trees).

Condition 2 of permission 2023/0961 states:

The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos. Site and Location Plan Drawing 3A; Plan Revision Drawing 4B) and specifications as approved unless required by any other conditions in this permission.

Condition 3 of permission 2023/0961 permission states:

The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings but grasscrete would be acceptable) 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. Adequate measures shall be so designed into the proposed vehicular areas to avoid the discharge of surface water from the site on to the highway

Relevant Site Characteristics

Constructed in 1867, the stone-built chapel with a blue slate roof is located within its own enclosed grounds in the village of Thurlstone. The chapel itself is not a listed structure but in addition to being in Thurlstone Conservation area, it is also within the setting of the adjacent Grade II listed building at 9 Ingbirchworth Road. The grounds of the chapel, including the location of the previously approved works this application relates to feature several substantial sized trees. Whilst none of the trees are currently protected by a tree protection order, removal of trees within a conservation area also require local authority approval. Such approval was granted for the removal of three of four proposed trees in the previous planning application 2023/0961 (Widening the gateway and provision of car parking spaces with associated works to trees). The fourth tree, a substantial Sycamore tree considered to be a “significant and prominent specimen” by the council’s Forestry Officer was required to be retained. Additionally, to protect the tree, approval of low impact but solid bound materials, such as Grasscrete, and a specified method of installation was approved for the parking provision in condition 3 of that permission and shown on the approved plan.

Site History

Application Reference	Description	Status (Approved/Refused)
2023/0961	Widening the gateway and provision of car parking spaces with associated works to trees	Approved
B/00/0379/PU	Demolition of existing porch and external toilet block, form new porch with integral toilets	Approved

Detailed description of Proposed Works

The proposal seeks to vary or remove two condition 2 and condition 3 of approved planning application 2023/0961.

The application form states that condition 2 and 3 are requested to be varied in order to enable the removal of Tree T1 and installation of a material of their choice, such as tarmac for the car park/pedestrian access. In support of the application, the applicant provided a covering letter detailing their engagement with the planning department and Forestry Officer since an initial Town and Country Planning Act 1990, 211 Notice to remove trees within a conservation was submitted through Planning Portal on the 30th September 2023, through to the amalgamation with, and consequential approval with conditions of planning application 2023/0961 on 29th January 2024. Details of additional correspondence between the approval of the application and the formal submission of this variation of conditions application was also detailed.

Of note is that whilst the applicant highlights the initial Forestry Officer's opinion of 14th December 2024, which hopes tree T1 could be retained, and appears to be the basis for the request for variation of conditions 2 and 3. Also noted is that by the time of approval, and shown on the final approved plan is that the tree had been agreed to be retained, with the loss of three other trees agreed. Along with the misinterpretation of the initial and final decision over the retention of Tree T1, availability of suitable products for the approved surface material have been detailed as the reason for this request for the variation of conditions.

Relevant policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019).

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.

The following Local Plan policies are relevant in this case:

- Policy SD1: Presumption in favour of Sustainable Development.
- Policy D1: High Quality Design and Place Making.
- Policy GD1: General Development.
- Policy T4: New Development and Transport Safety
- Policy HE1: The Historic Environment
- Policy HE3: HE3 Developments affecting Historic Buildings
- Policy Bio 1: Biodiversity and Geodiversity

Penistone Neighbourhood Plan

A referendum took place on 11 July 2019. We resolved to make the Penistone Neighbourhood Development Plan on 27 August 2019. The plan now forms part of our statutory development plan.

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are now cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

Section 2 - Achieving sustainable development

Section 4 - Decision making

Section 12 - Achieving well-designed places

Section 16. Conserving and enhancing the historic environment

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Supplementary Planning Guidance

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Parking
- Trees and Hedgerow

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Any neighbour sharing a boundary with the site has been sent written notification and the application has been advertised on the Council website.

One representation has been received objecting to the potential removal of the tree on the grounds of visual and neighbouring amenity, with the tree proving shade in addition to its natural aesthetic amenity for the area. Concerns in relation to loss of wildlife.

Potential ground movement was also raised should the tree be removed and potential impact on property value was also raised. However, whilst noted these matters are not material planning considerations and cannot be taken into account.

Consultations

Penistone Town Council: No comments have been received.

Conservation Officer: No objection to the installation of an alternative material for parking provision.

Highways DC: No objection to the use of an alternative material to Grasscrete but the materials used should otherwise be compliant with condition 3.

Forestry Officer: Objects as no justification has been provided as to why the scheme as approved cannot be implemented allowing the tree to be safely retained and remain largely unaffected.

Planning Assessment

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

The site falls within the Thurlstone Conservation Area. Whilst the principal of the development has been established as acceptable, this was subject to certain conditions. Section 73 of the Town and Country Planning Act 1990 allow applicants to seek variation or removal of such conditions attached to a previously approved planning application.

Impact On Trees

The most significant impact of the proposed variation of condition 2 would be in regard to the removal of the mature sycamore tree, identified as T1 on the approved plan under permission 2023/0961 (condition 2). The original submitted plans of application 2023/0961 were amended to incorporate the use of Grasscrete or a similar generic material, in agreement with the Forestry Officer to restrict the impact of the parking surface on the rooting area of Tree T1. Approval for the removal of three less significant trees was agreed. With the tree being described as a 'significant and prominent specimen' in the original application, and with a suitable material agreed, its retention was ultimately considered to be key to the acceptability of the application 2023/0961.

The applicant states that they are unable to comply with both condition 2 and 3 in sourcing grasscrete or other suitable surface and instead, proposes to remove the tree and use tarmac instead. However, in applying to vary the conditions, the supporting information submitted by the applicant indicates that only two potential suppliers have been approached to provide a suitable surface which would comply with conditions 2 and 3.

In reviewing the current proposal, the Forestry Officer objects to the proposal and considers that as the tree is a large prominent specimen it is worthy of protection and as such must be retained as was achieved as part of the current approval. Given the lack of justification and an already existing scheme allowing access and parking for the site and considers that the applicant has not provided sufficient justification for the removal of the tree and installation of tarmac, instead of Grasscrete or a similar generic material. The retention of the 'significant and prominent specimen' is considered to be key to the acceptability of the proposal. As the proposed amendments are to specifically allow for its removal, this would render the proposed changes unacceptable. This carries substantial weight against the proposal

Highways

As with the original application, Highways have no objection to the use of any material for the parking provision, as long as it meets their standard requirements as outlined in Condition 3 of the original decision notice, which broadly requires a solid bound surface to be installed with adequate on-site drainage provision. As such the removal of condition 3 would be unacceptable and have the potential to have a substantial impact on the quality of parking provision installed and potentially allow surface water to escape on to the public highway.

Visual Amenity & Impact on Conservation Area

The removal of the tree would have an irreparable impact on the visual amenity of the area due to the tree's maturity and stature. In line with the Forestry Officers recommendation, it would be considered that a variation of condition 2 would have considerable harm to the visual amenity of the area. In addition, there would be potential harm upon the visual amenity of the area due to a large area of tarmac which would be created by the proposed amendment to condition 3. This carries significant weight against the proposal. Whilst the Conservation Officer had no objection to the use of Tarmac in the original permission, its use would result in the loss of tree T1 which would have a significant negative impact and cause visual harm to the character of the Conservation Area.

Impact on Neighbouring Amenity

If the tree was to be removed there would be a loss of aesthetic value and shade, which the tree offers for neighbouring dwellings. However, there is unlikely to be any impact on neighbouring amenity through the installation or use of an alternative parking surface material. It would therefore be considered that the impact on neighbouring amenity would be moderate.

Planning Balance and Conclusion

For the reasons given above and taking all other matters into consideration insufficient justification has been provided for the amendment of conditions 2 and 3 which would result in the removal of the significant and prominent tree, the loss of which would cause harm to the visual amenity of the local area. Therefore, the proposed variation of condition 2 & 3 of approved application 2023/0961 cannot be supported.

Other Matters

One representation raised concerns over loss of wildlife should the tree be removed. It is acknowledged a tree of this size and maturity has the potential to provide habitat for protected species such as bats. However, no bat surveys have been submitted to demonstrate that there are no bat species using this tree. This weighs substantially against the proposal. However, it would be the applicants responsibility to ensure that any appropriate surveys for bats or other protected species was undertaken prior to carrying out any works to the tree and ensure that and that no works were undertaken during bird nesting season, in accordance with the Wildlife and Countryside Act 1981, as amended.

RECOMMENDATION: Refuse

Justification

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as the decision provided within the original application remains valid.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. it is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.