
2022/0694

Applicant: Mr Andrew Barlo

Change of use of former public house to a Community Based Mental Health Recovery Support Centre for a maximum of 6 persons in residence and associated facilities including shared rooms and office accommodation

150 Pontefract Road, Barnsley, S71 1HU

Site Description

The application site relates to the former Hoyle Mill Inn pub located on Pontefract Road c.1km to the East of Barnsley Town Centre. Pontefract Road is the main road connecting the Town Centre to Hoyle Mill and other wards/settlements in the North-East of the Borough. The building is split level with parts of the building being two storey and the rear elevation being four-storey, however the basement level is not being used. It is attached to a row of terraced residential properties to the West, slightly set back from the road with a lean to canopy to the front, covering a hard surfaced former smoking area.

The site is located within the Urban Fabric and with Pontefract Road being diverse with a variety of different use classes. However, the immediate surrounding area is predominantly residential characterised by terraced properties. To the immediate Eastern side of the building is a hard surfaced access which provides vehicular access for the former pub and leads to a hard surfaced park which wraps around the side and rear of the building. To the rear of the site is an area of Green Space – Dearne Valley Park Central, with a public right of way running through the East of the site leading to the green space. The agent has submitted evidence which shows that the building has been used fleetingly as a pub since 2020 and was last used over 12 months ago in 2021. The pub was first marketed for sale in 2020 with little interest prior to going to auction in 2021. Companies House records show that Hoyle Mill Inn Ltd. Was dissolved over 4 years ago (July 2018).





Relevant Site History

B/80/0722/BA – Erection of external fire escape for public house (Historic)

B/82/0394/BA – Use of garage premises for general car repairs and paint spraying (Historic)

B/82/1496/BA – Erection of motor vehicles inspection and repair workshop (Historic)

2007/0410 – Erection of front covered beer garden (Approved with Conditions)

Proposed Development

The applicant is seeking approval for the change of use of the building from a pub (last known use) into a Community Based Mental Health Recovery Support Centre of a maximum of 6 guests/people. The business will offer 24-support to the guests/residents with the intended goal of helping individuals transition into independent living. Clients are accepted via direct referrals from professional colleagues who are working with people with an enduring mental illness. The ground floor of the building is a shared area, split between a recreational area, a communal/breakout room, office space and toilets. The first-floor features 3 x bedrooms, a kitchen, living room and toilets – one of which is an en-suite. The second-floor features 3 x bedrooms and a bathroom.

The business will support 30 full time employees, with 10 support and office staff on site at any time. The agent has submitted an amended Design & Access Statement which outlines how the business will be operated:

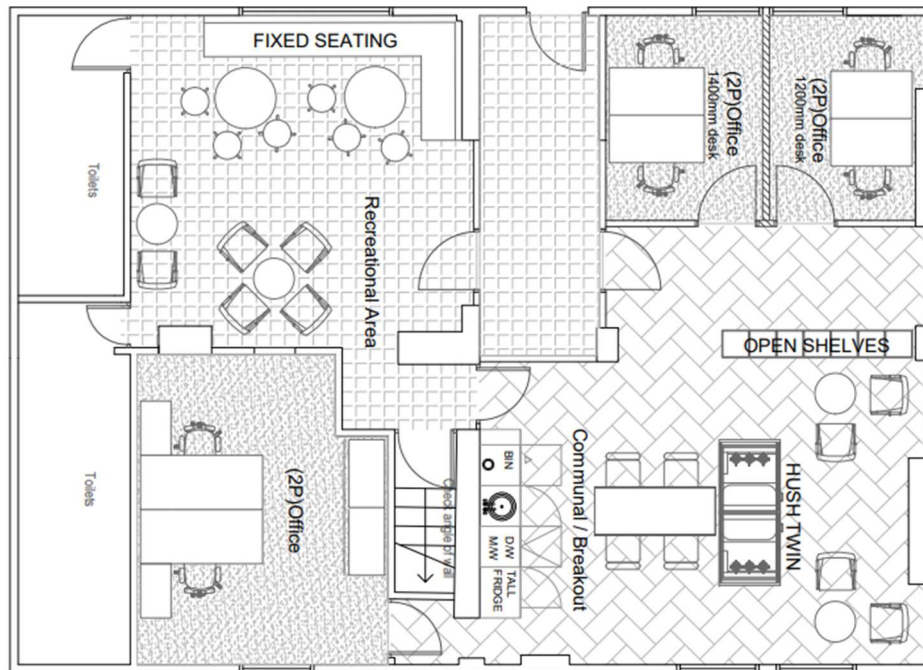
- The facility will be staffed on site at all times, with the ground floor from the front being staffed by the applicant's head office and will be staffed 8am-6pm Monday-Friday by the entire management team including company director.
- The other floors of the building will be staffed 24/7 with at least one member of the management team will be present at all times on the weekends.
- The staff will work in shift patterns with three handover times – 08:30; 14:30 and 20:30. Night shifts are 12 hours therefore no staff changeover will occur until the following morning.
- The business have a service user agreement and company policies which cover unacceptable behaviour and a complaints procedure for neighbouring residents.

The building will not be extended or significantly altered externally, with the majority of the works to the building being internal to create the required living and business accommodation. However, the statement also includes the following measures:

- Sound proofing/insulating all walls, windows and ceilings

- Removal of lean-to canopy to the front of the building to avoid previous issues with amplification of voice and noises from the building and passing traffic.

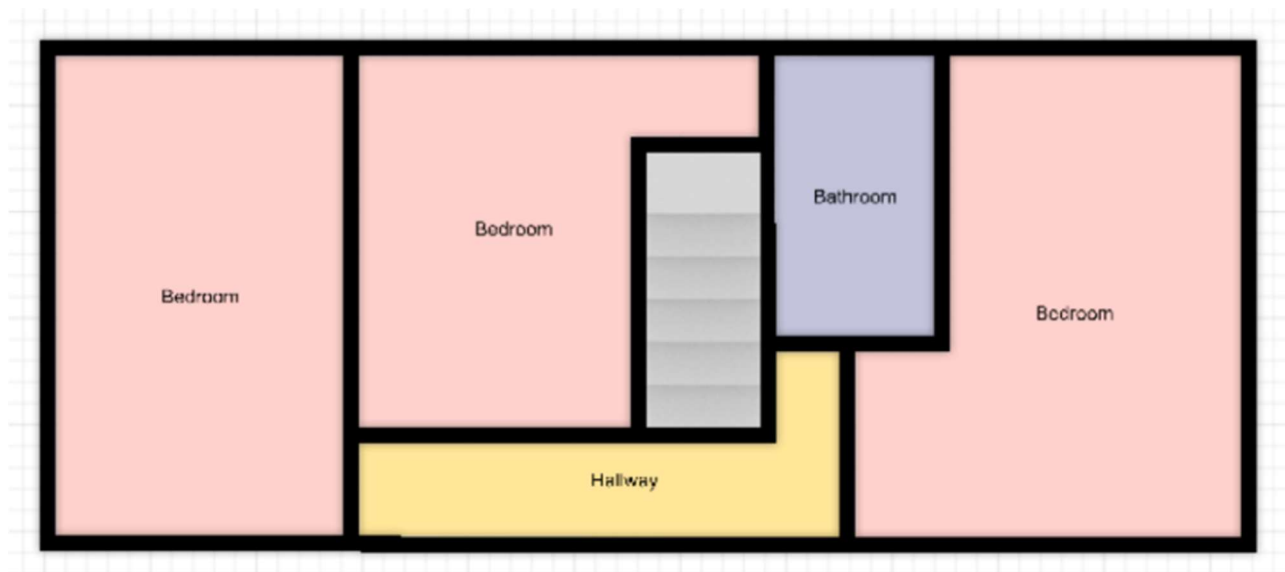
Proposed Ground Floor:



Proposed First Floor:



Proposed Second Floor:



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan (adopted January 2019), alongside the Joint Waste Plan and relevant neighbourhood plans, form the statutory development plan for Barnsley. It establishes policies and proposals for the development and use of land up to the year 2033 and will be used when considering planning applications and to coordinate investment decisions that affect the towns, villages and countryside of Barnsley. The Local Plan supersedes the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan

In reference to this application, the following policies are relevant:

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

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

T3: New Development and Sustainable Travel – New development will be expected to:

- Be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists;
- Provide at least the minimum levels of parking for cycles, motorbikes, scooters, mopeds and disabled people set out in the relevant Supplementary Planning Document;
- Provide a transport statement or assessment in line with guidance set out in the National Planning Policy Framework and guidance including where appropriate regard for cross boundary local authority impacts; and
- Provide a travel plan statement or a travel plan in accordance with guidance set out in the National Planning Policy Framework including where appropriate regard for cross boundary local authority impacts. Travel plans will be secured through a planning obligation or a planning condition.

T4: New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Poll1: Pollution Control – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people. Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

I2: Educational and Community Facilities – The Council will support the provision of schools, educational facilities and other community facilities. New schools, educational and community facilities such as local shops, meeting places, sports centres, cultural buildings, public houses and places of worship should be located centrally to the communities they serve, in places where they will be accessible by walking, cycling or public transport.

Supplementary Planning Documents

- Parking
- Sustainable Travel

NPPF

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

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Consultations

Adult Care Homes – It is understood that there are objections, and the application has received both negative and positive comments. The applicants will use their current CQC restriction and plan to obtain nursing registration with 24-hour service providing 2:1 or 1:1 support and have a team of experienced staff. However, there is a plan to open up local employment opportunities to people interested in a career in supporting people with mental health. People with mental health will benefit from being in the community, being able to access the facilities and we should support this development.

Barnsley CAMRA – CAMRA is not objecting to the proposals. The premises were advertised for sale for a long time and at reducing times. Unlike *[redacted information – another site]*, CAMRA are not aware of any interest in purchase as a pub. The companies house records show that Hoyle Mill Inn Ltd. Was dissolved just over four years ago. Also, locals do not seem concerned about its probable loss and we accept, therefore, that this is a pub that finds itself in the wrong place at the wrong time and cannot realistically be saved.

Highways DC – Requested additional information including a parking layout plan and swept analysis which shows that a refuse and delivery vehicle can safely access and manoeuvre within the site. Upon receipt of this, highways did not object to the proposal subject to conditions.

NHS Barnsley Clinical Commissioning Group – No comments.

Pollution Control – No objections raised.

Public Rights of Way – No objection but referenced that there is a public footpath running along the Eastern boundary of the property. This should remain safely open for the public to use throughout any works on the site. If the application is acceptable, an informative should be added.

South Yorkshire Police – No comments

Representations

Neighbour notification letters were sent to surrounding residential properties and a site notice placed nearby. Six representations were received, five in objection to the application and one in support. The objections raised the following concerns:

1. Increase in noise and general disturbance
2. The close proximity to a nearby park which could present a danger to children
3. The potential for anti-social behaviour from future residents of the facility.
4. Health and safety risks to future users of the facility and neighbouring properties, especially with a very busy road nearby.

Other issues were raised which were not planning considerations such as impact on property values.

The one comment in support of the development raised the following points:

1. The location is ideally placed in the village, is close to public transport links and easy access to other recreational facilities.
2. Provision for mental health care is grossing lacking in Barnsley and would be welcomed.

Assessment

Principle of development

The application seeks to change the use of the building from a public house. Given that the building's use was a community facility, as outlined specifically within Local Plan Policy I2, compliance with this policy is necessary which seeks to protect such community uses (including public houses) from development unless it can be demonstrated that the sites and premises are no longer required by the existing or an alternative community facility. Despite the development having somewhat of a community use in that it serves the local and borough-wide residents, it does not fall within a community use for the purposes of Local Plan Policy I2 as it is not a building in which is inherent 'active' with the surrounding area, in the same manner that a public house or a local shop is. The agent has provided information which evidences that the building has not been used as a pub since at least early 2021 (over 18 months ago at the time of writing) with associated listings being presented as evidence (2020 onwards). Barnsley CAMRA have been consulted on the proposed development and have confirmed that the pub has not been open for some time and has been consistently listed at reduced asking prices. The listings provide evidence that the building has indeed been put up for sale as a pub at various points before finally being bought by the applicant in July 2021. There is also additional information which supports the claim that the pub is no longer required, such as companies house records which shows that Hoyle Mill Inn Ltd. Was dissolved over four years ago (July 2018).

It is felt that the requirements of Local Plan Policy I2 are therefore met as there is clearly little desire for potential proprietors to take the building on for the purposes of a pub, prior to the applicant purchasing the site. Additionally, the site is an edge of town centre area (1km to the East) with a public house nearby (The Corner Pocket) which is c.200m to the South-West, off Pontefract Road, which could cater for local residents.

The site is located within the Urban Fabric with Local Plan Policy GD1 acting as a starting point for applications in such areas. Local Plan Policy GD1 requires development to ensure that there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. This will be covered in more detail in the below section in regard to residential amenity.

Residential amenity

The proposed development is for a community-based mental health facility with residential elements, with the building capable of serving up to 6 guests/residents at a time. This has the potential to bring increased noise and general disturbance to the residents in the surrounding area, with the immediate vicinity largely comprised of residential properties. That being said, Pontefract Road as a whole is mixed use with a variety of different use classes. These include, but are not exclusive to, a garage/outdoor showroom, a construction and engineering firm, offices, a variety of light industrial uses and an auto parts store. As such, despite the immediate surrounding area being largely residential, there is clearly a lot of diversity on Pontefract Road with all of these business uses impacting residents through their own noise and general disturbance.

Neighbouring residents have been consulted on the proposal with a wide range of concerns have been outlined to the LPA (outlined above). One letter of support has been made to the application stating support for this type of use which is lacking and is therefore required in the borough. The concerns raised by neighbouring properties have been acknowledged and can be understood, however close engagement and discussion has been made between the LPA, colleagues in Adult Care/Commissioning, the agent and the applicant to aid understanding of the background to the application and the business. An amended Design & Access Statement has been prepared and provided by the agent which outlines the improvements being made to the building such as insulation and removal of the canopy to the front which previously amplified noise from and to the building. A substantial business case has also been put forward which outlines the applicant having 30+ years of experience in this field, the staff operational hours, including changeover times which are not at unsociable hours, and parking layout. It is appreciated that the location of the development is not perfect, within what is a residential area, however it is considered that sufficient measures will be taken by the business practices to ensure that noise and disturbance is kept to a minimum. The existing/last known use of the building is a pub with a flat above, which will obviously have had some form of disturbance to neighbouring properties and when the proposed use is compared, it is felt that a significant increase to the noise or disturbance compared to what the building could be continued to be used for.

The building has an existing fire escape which leads directly onto the second floor of the building into an area which is outlined on the plans as 'living'. A planning condition will be attached to any forthcoming approval notice which restricts the fire escape to be used for emergency/escape purposes only, rather than as the regular access for residents/staff.

The proposed development is considered to be acceptable in terms of residential amenity, subject to planning conditions such as strict compliance with the amended Design & Access Statement supplied by the agent.

Visual Amenity

The proposed development is fundamentally for the change of use of the building and the external changes are relatively minor and seek to improve the external appearance, rather than make significant changes such as extensions or alterations to the external materials etc. The lean-to canopy at the front is no longer required as this previously served an outdoor seating/smoking area for the pub and will be removed. This is largely outdated and was in a relatively poor state so its removal is considered to be a positive. There are no other changes to the building and the proposed development is considered to be acceptable in terms of visual amenity.

Highway safety

The existing building and site have a parking area to the side and rear which will be retained and can cater for 16 vehicles, as well as 2 x cycle stores which can cater for 7 bicycles. The D&A statement indicates that the proposed use will support 30 full time employees and 10 support staff, but these will be on staggered working patterns.

Colleagues in Highways have been consulted on the proposal and initially requested further information, specifically a parking layout plan and swept path analysis showing access and turning for a 7.5t rigid delivery vehicle and a refuse vehicle. The Barnsley SPD requires that 1 long stay secure and covered space per 3 staff and 1 short stay space per 20 residents or visitors is provided. The submitted Parking Layout Plan shows that 16 parking spaces will be retained on site which is in compliance with the Parking SPD and is acceptable. Highways DC have not objected to the proposal.

Impact on Public Right of Way (PROW)

There is a public right of way running to the immediate East of the site. The proposed development does not include any extensions or significant alterations to the building and the existing car park is not being changed. The PROW officer has been consulted on the proposal and has not objected to the development subject to a standard informative.

Conclusion

The agent has evidenced that there are no realistic proprietors who have been willing to take the pub on, with evidence from the agent that shows that the pub has been closed and has been for sale for at least 18

months, which is a claim supported by a Barnsley CAMRA representative. Other evidence is publicly available online such as the fact that the companies house records show that Hoyle Mill Inn Ltd. was dissolved in July 2018 (over 4 years ago). It is felt therefore that there is no realistic interest in the use of the building as a pub continuing and the loss of this particular community facility in this location is in compliance with Local Plan Policy I2 and is acceptable in principle.

Pontefract Road is mixed use with a diverse array of use classes nearby, including auto repair shops/garages, offices, light industrial and offices which all bring an array of noise and general disturbance to the nearby area. There is also a public house 200m to the South-West. The existing use of the public house (with flat above) will also result in noise and general disturbance to neighbouring properties. The agent and applicant has provided an updated Design & Access Statement which gives substantial information to the applicant's background and experience in this field, as well as details regarding the business model and procedures. The information includes staff presence on site, management, changeover times and how complaints or antisocial behaviour will be dealt with. The amended design and access statement will allow the LPA to place a planning condition which will ensure strict compliance with this document.

Colleagues in Highways requested further information in the shape of a parking layout plan and swept analysis which shows how a 7.5t delivery vehicle and refuse vehicle will access and manoeuvre within the site. The parking layout plan shows that 16 parking spaces will be retained on site as well as 2 x cycle sheds which can serve 7 bicycles. Upon receipt of this information, highways did not object to the proposal.

The proposed development is considered to be acceptable and is recommended for approval.

Recommendation

Approve subject to conditions

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 following amended plans:

- Location Plan (Dwg. No. 2014-00-ZZ-00-B-10101)
- Proposed Site Layout Plan including parking (Dwg. No. JG01)
- Swept Path analysis - Refuse vehicle (Dwg. No. JG02)
- Swept Path Analysis - 7.5t delivery (Dwg. No. JG03)
- Proposed Ground floor Layout (Dwg. No. 2214-01)
- Proposed First floor layout (no. dwg. ref.)
- Proposed Second floor layout (no. dwg. ref.)
- Planning, Design & Access Statement (Ref. C/0097/1 - Dated December 2022)

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

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

- 3 The proposed development hereby approved will be operated in strict adherence to the operational matters including client management outlined in sections 3.3.9-3.3.12 in the Amended Planning, Design & Access Statement (Dated December 2022).
Reason: To protect the amenity of neighbouring residential properties, in compliance with Local Plan Policy GD1.

- 4 The fire escape to the rear of the building shall only be used for emergency/evacuation purposes and shall not be used for regular access/egress purposes for the residents, members of staff or visitors.
Reason: To protect the amenity of neighbouring residential properties, in compliance with Local Plan Policy GD1.
- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Local Plan Policies GD1 General Development Policy and POLL1 Pollution Control and Protection.
- 6 Prior to the first occupation of the development hereby permitted, the proposed access, on-site car and cycle parking and turning shall be laid out in accordance with the approved plans. Access and vehicle parking areas must be properly consolidated and hard surfaced and drained into the site and subsequently maintained in good working order at all times thereafter for the lifetime of the development.
Reason: To ensure that there are adequate parking facilities to serve the development which are constructed to an acceptable standard.
- 7 The premises shall be used as a hospital for the provision of Adult Mental Health Services and no other purpose, including any other purposes within Use Class C2 of the Town and Country Planning Act Use Classes Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
Reason: To protect the amenity of neighbouring residential properties, in compliance with Local Plan Policy GD1.

Informative(s):

- 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

Standing Advice valid from 1st January 2021 until 31st December 2022

- 3 The granting of planning permission does not affect the status of species such as owls and bats, which have protection under other legislation. These may be present and it is the applicant's responsibility to seek advice on how to avoid damaging operations. Further advice can be obtained from the Countryside Unit in the Planning

& Transportation Services, on 01226-772576, or directly from www.naturalengland.org.uk

- 4 A public right of way runs alongside the proposed development site. Safe public access on the right of way should remain available whenever possible, with no obstruction of or encroachment onto the width of the path and no building debris, storage of materials or parked vehicles limiting access at any time. Appropriate measures should be taken to protect the public, including fencing if necessary. If safe public access is not possible at any time then a temporary closure must be arranged, providing at least 4 weeks' notice and details of how public access will be managed. For further information contact publicrightsofway@barnsley.gov.uk.