

**Application under S.73 for the Variation of Condition 1
Attached to Conservation Area Consent 2012/0244,
Bollingbroke House, Brierley, Barnsley.
S72 9EA**

1. Introduction

- 1.1 Conservation area consent for the demolition of Bollingbroke House was first granted by the Local Planning Authority in April 2009 under reference 2009/0073. The life of that approval was subsequently extended on 18/05/12 under reference 2012/0244 such that the consent remains valid until 17/05/15.

Condition 1 of both 2009/0073 and 2012/0244 reads as follows:

“ The proposed demolition shall only be carried out prior to and in connection with the facilitating of the construction of the new Care Home facility approved under planning application referenced 2012/0243”

The reason for that condition was as follows:-

‘To ensure the redevelopment of the site and enhancement of the Conservation Area’.

- 1.2 The purpose of this submission is to seek consent for the variation of this condition such that the existing building, known as Bollingbroke House can be retained in use until such time that ‘Phase 1’ of the new build proposal, which occupies the rear of the site, is complete.

2. Background

- 2.1 Planning permission, originally granted in May 2009 (2009/0024) and extended in May 2012 (2012/0243) provides for the erection of a 60 bed nursing home at the site of Bollingbroke House in the village of Brierley. The site area is 0.54 hectares and is located on the southerly fringe of the village. The site is quite mature with a boundary wall separating it from Common Road and with dense planting both along this frontage as well as the western and eastern boundaries. As such views from Common Road into the site are at best fragmented. The existing Bollingbroke building thus has only a limited impact upon the character of Brierley village. The site both falls within the village conservation area as well as falling within the Green Belt. The need for conservation area consent for the demolition of Bollingbroke House thus arose and the desirability

of ‘preserving or enhancing’ the character of Brierley Conservation Area explains the reason behind the condition.

- 2.2 The proposed care home would be part 2/part 3 storeys in height with the 2 storey element drawn forward to face Common Road. The steeply sloping nature of the site provides the opportunity to create a building which steps down the hillside with the 3 storey element exploiting views over the open countryside to the south. At the time of the original consent in 2009 the intention was to build out the 60 bed care home in one single phase following the demolition of the mid twentieth century Bollingbroke House. The condition the subject of this application would have ensured that the demolition of Bollingbroke House would have been quickly followed by the erection of the new care home.

Indeed the Council’s thinking in attaching the condition in 2009 would have been influenced by the then extant advice from PPG15 at paragraph 4.29:

“It will often be appropriate to impose on the grant of consent for demolition a condition under section 17(3) of the Act as applied by section 74(3) to provide that demolition shall not take place until a contract for the carrying out of works of redevelopment has been made and planning permission for those works has been granted. In the past ugly gaps have sometimes appeared in conservation areas as a result of demolition far in advance of redevelopment”.

- 2.3 Sadly the credit crunch impacted on confidence in both the construction industry and the care sector affecting the ability of our clients to implement the 2009 consent. However at the time of writing in 2015 the intention remains to construct the new care home but this time on a phased basis. Drawing reference F1905/901/A illustrates the footprint of the proposed new care home at the ground floor, with the outline of the existing care home just visible towards Common Road. What this plan also shows is the comparative ease of building out the three storey element towards the southern end of the site (identified as ‘Phase 1, 12 Beds”) without affecting the integrity of the existing home.

The purpose of phasing the redevelopment of this site would thus be to maintain the operation of Bollingbroke House whilst building the Phase 1 element providing 36 beds over 3 floors.

On the completion of the 3 storey element of the new proposal, it would be intended to demolish Bollingbroke House.

3. Conclusion

- 3.1 The purpose of the subject condition is to seek to protect the character of the conservation area. This intention is broadly consistent with advice contained within PPG15 which clearly sought to avoid unnecessary ‘gaps’ within conservation area streetscapes. Whilst the

condition as drafted would have achieved that objective, it would also be possible, in our view, to achieve the same aim (that is the preservation of the conservation area) whilst retaining Bollingbroke House in the interim. As a consequence of this revised approach to the redevelopment of this site the character of the conservation area will, we would argue, be protected. There would be no 'gap' within the Common Road frontage and thus the S.72 obligation to either 'preserve or enhance' the character of the conservation area would be preserved.

Our recommendation therefore is that instead of the existing wording to condition 1, the following be inserted:

"The existing care home known as Bollingbroke House shall only be demolished following the completion of "Phase 1" of the new care home development approved under 2012/0243 and identified under drawing reference F1905/901/A"

The reason for that condition could be as follows:

"In order to protect the character of the Brierley Conservation Area".