

Application Reference Number:		2026/0387.	
Application Type:		Full.	
Proposal Description:		External alterations to existing workshop, storage and office building, including formation of first floor; installation of new windows; external materials; roller shutter door and associated works.	
Location:		Rear of 56 Hoyland Road, Hoyland Common, Barnsley, S74 0PB.	
Applicant:		Hirst Architects Ltd.	
Third-party representations:	X2 Objections and comments.	Parish:	
		Ward:	Rockingham.

Summary:	
This application seeks planning permission for external alterations to an existing workshop, storage, and office building, including the formation of a first floor; the installation of new windows; external materials; a roller shutter door and associated works. This proposal would make effective use of land by making better use of underutilised land and buildings; would maintain the premises for employment purposes by allowing businesses to invest, expand and/or adapt; and is located within an existing settlement and sustainable location, in accordance with NPPF Policies S3, S4, E2 and L2 and Local Plan Policies LG2 and E4. Substantial weight is attributed in favour of the principle of development in accordance with national decision-making policies. This proposal is considered acceptable in respect of its potential impacts on residential amenity, health and pollution control; highway safety; visual amenity; and biodiversity and geodiversity, in accordance with NPPF Policies P3, TR3, TR4 and DP3 and Local Plan Policies GD1, POLL1, T3, T4, D1 and BIO1, and is attributed substantial, significant and modest weight in favour, in accordance with national decision-making policies and planning judgement. The anticipated benefits of approving this development would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies, to otherwise justify a refusal in accordance with NPPF Policy S4. For the reasons given above, and taking all other matters into consideration, this proposal conforms with all relevant national and local planning policies and supplementary guidance. Planning permission should therefore be granted subject to the necessary condition(s) without delay in accordance with NPPF Policy S3(1)(c). Recommendation: APPROVE subject to conditions.	

Site Description

This application relates to an existing light industrial and workshop building within an associated office located within the Hoyland settlement, accessed off Hoyland Road, located to the east of the access onto The Old Smithy, and in an area that is principally residential alongside the King George's Field and Tinker Lane Recreation Ground to the north-west and several small-scale commercial premises within the local area. The Hoyland Common Local Centre is located to the south-west. The part of Hoyland Road providing access to the development site is protected by no waiting restrictions between 08:00am – 06:00pm.

The application building comprises single and two-storey elements with flat and mono-pitched roofs and is constructed of stone and brickwork and profile metal sheeting. The application building appears dilapidated. The application building is fronted by pedestrian and vehicular accesses which themselves are accessed off Hoyland Road to the south and in-between 54 and 56 Hoyland Road.



Planning History

2021/0013	External alterations to existing workshop/store/office building including replacement roof and re-modelling.	Approved.
2024/0246	Demolition of existing building and erection of single storey store and office.	Approved.

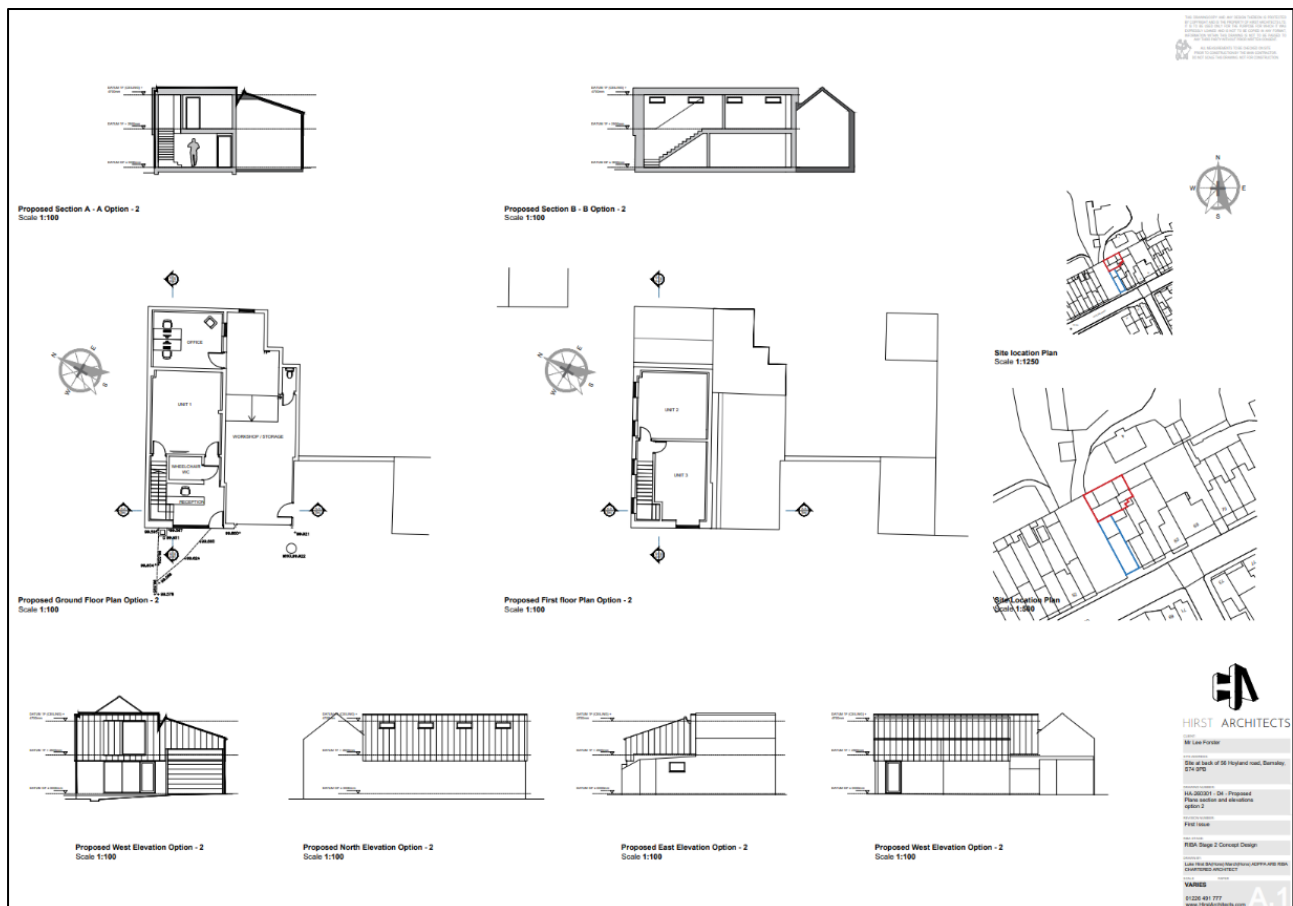
Proposed Development

This application seeks planning permission for external alterations to an existing workshop, storage, and office building, including the formation of a first floor; the installation of new windows; external materials; a roller shutter door and associated works.

The application building would benefit from continued uses under Class E, E(g)(i), E(g)(iii), Class B8, and Class B2.

The proposed first-floor extension would be erected atop an existing single storey flat roof element of the application building adjacent to the northern boundary of the development site. The proposed first-floor extension would measure approximately 5.5 metres (W) x 10.6 metres (D) x 3.0 metres (H) and would be finished with a dark-coloured cladding.

External alterations to the retained parts of the application building include replacement roofs, replacement cladding, a replacement roller shutter door, and the installation of new glazed apertures on the west (front) elevation.





Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires development 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 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 a full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering on 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, which is due to take place in 2027, or earlier, if circumstances require it.

Development plan policies (or parts of those policies) which are materially inconsistent with national decision-making policies in the NPPF should be given very limited weight. The only exception to this is where they have been examined and adopted or made against the NPPF (August 2026). Other development plan policies should not be given reduced weight simply because they were adopted prior to the publication of the NPPF (August 2026).

The development site is located within the Hoyland settlement and is allocated as Urban Fabric in the adopted Local Plan which has no specific allocation.

The following Local Plan policies are therefore relevant in this case:

- *Policy SD1: Presumption in favour of Sustainable Development.*
- *Policy LG2: The Location of Growth.*
- *Policy E4: Protecting Existing Employment Land.*
- *Policy GD1: General Development.*
- *Policy POLL1: Pollution Control and Protection.*
- *Policy T3: New Development and Sustainable Travel.*
- *Policy T4: New Development and Transport Safety.*
- *Policy D1: High Quality Design and Place Making.*
- *Policy BIO1: Biodiversity and Geodiversity.*

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 following SPDs are relevant in this case:

- *Biodiversity and geodiversity (Adopted March 2024).*
- *Parking (Adopted November 2019).*
- *Residential Amenity and the Siting of Buildings (Adopted May 2019).*

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

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

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The National Planning Policy Framework (NPPF, 2026) sets out the overarching planning framework for England. It has replaced the previous version published in December 2024 and introduced a revised structure comprising national decision-making policies organised by policy code rather than paragraph number in the main body of the NPPF. Paragraph 1 confirms that the NPPF is a material consideration of critical importance for making decisions on development proposals in England.

Paragraph 15 confirms that the purpose of the planning system is to contribute to the achievement of sustainable development, and NPPF Policy S3 sets out a presumption in favour of sustainable development, with paragraph 17 setting out the three overarching objectives of sustainable development: economic, social and environmental. Relevant policies have been taken into account throughout the assessment of this application according to the issues raised by the proposal.

The following NPPF sections and NPPF policies are relevant in this case:

Section 3: Decision-making policies

- *DM3: Determining development proposals.*
- *DM6: Use of planning conditions and obligations.*
- *DM7: Relationship with other regulatory regimes.*

Section 4: Achieving Sustainable development

- *S3: Presumption in favour of sustainable development.*
- *S4: Principle of development within settlements.*

Section 7: Building a strong, effective economy

- *E2: Meeting the need for business land and premises.*

Section 12: Making effective use of land

- *L2: Making effective use of land.*

Section 14: Achieving well-designed places

- *DP3: Key principles for well-designed places.*

Section 15: Promoting sustainable transport

- *TR3: Locating development in sustainable locations.*
- *TR4: Street design, access and parking.*
- *TR6: Assessing transport impacts.*

Section 17: Pollution, public protection and security

- *P3: Living conditions and pollution.*

Section 19: Conserving and enhancing the natural environment

- *N2: Improving the natural 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 this guidance into account when taking decisions.

Representations

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

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

A site notice was posted nearby which expired 7th August 2026.

Three representations were received from two addresses.

The concerns raised are summarised as follows:

- Impact in respect of potential overshadowing and loss of light.
- Impact in respect of potential overlooking and loss of privacy.
- Impact in respect of cladding colour on visual amenity.
- Impact in respect of vehicle parking on highway safety.
- Impact in respect of potential obstruction of accesses during works.
- Impact in respect of potential overhang and encroachment.
- Impact in respect of utilities and drainage.

Whilst all concerns raised are acknowledged, only those that are material planning considerations can be considered. Potential encroachment is not a material planning consideration and is a civil matter covered by other property legislation such as the Part Wall Act 1996.

Consultations

Highways Development Control	<i>No objection(s).</i>
Pollution Control	<i>No objection(s) subject to condition(s).</i>
Local Ward Councillors	<i>No comment(s) received.</i>

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 unless the NPPF establishes a specific weight:

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

Principle of Development

NPPF Policy S3(1): Presumption in favour of sustainable development establishes that decisions on development proposals should apply a presumption in favour of sustainable development. This means that NPPF Policy S4 should be applied when considering development proposals within

settlements; and in all locations, development proposals that accord with both an up-to-date development plan and the decision-making policies in the NPPF should be approved without delay.

In this instance, the development site is located within the Hoyland settlement, and therefore, NPPF Policy S4 is applicable.

NPPF Policy S4(1): Principle of development within settlements establishes: Development proposals within settlements should be approved unless the benefits of doing so would be substantially outweighed by any adverse effects, when assessed against the national decision-making policies in this Framework (NPPF).

NPPF Policy E2(1)(a): Meeting the need for business land and premises establishes that to support business growth, substantial weight should be given to: The economic benefits of proposals for commercial development which allow businesses to invest, expand and/or adapt.

NPPF Policy L2(1)(b): Making effective use of land states substantial weight should be given to the benefits where development proposals would achieve one or more of the following: Making better use of vacant and underutilised land and buildings.

Local Plan Policy LG2: The Location of Growth establishes that priority will be given to development in the Principal Town of Hoyland amongst others.

Local Plan Policy E4: Protecting Existing Employment Land establishes that land or premises currently or last used for employment purposes will be retained in order to safeguard existing or potential jobs.

Considering the above, this proposal would make effective use of land by making better use of underutilised land and buildings; would maintain the premises for employment purposes by allowing businesses to invest, expand and/or adapt; and is located within an existing settlement and sustainable location. As such, the principle of development is considered acceptable subject to an assessment of the following matters.

The principle of development is attributed substantial weight in accordance with national decision-making policies.

Impact on Residential Amenity, Health and Pollution Control

During the application process, concerns were raised in respect of potential overshadowing and loss of light and potential overlooking and loss of privacy.

NPPF Policy P3(1): Living conditions and pollution establishes: Development proposals should be appropriate for their location, taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, whether these effects are on or off-site; and whether this is as a result of the development itself or the product of preexisting conditions in its vicinity. Within this context development proposals should accord with NPPF Policy P3(2) (a-f) where applicable.

Local Plan Policy GD1: General Development, indicates that support will be given to development if there will be no significant adverse impact on the living conditions and residential amenity of existing and future residents, and the development would be compatible with neighbouring land and will not significantly prejudice the current or future use of the neighbouring land.

Local Plan Policy POLL1: Pollution Control and Protection, establishes that support will be given to development if it is demonstrated that proposals would not be 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 nuisance to the natural and built environment or to people.

This application relates to an existing light industrial and workshop building within an associated office located within the Hoyland settlement, accessed off Hoyland Road, located to the east of the access onto The Old Smithy, and in an area that is principally residential alongside the King George's Field and Tinker Lane Recreation Ground to the north-west and several small-scale commercial premises within the local area.

The application building would benefit from continued uses under Class E, E(g)(i), E(g)(iii), Class B8, and Class B2.

The existing single and two-storey elements of the application building adjacent to the boundaries shared with 60 Hoyland Road and 62 Hoyland Road would maintain their existing footprint, scale (including height) and massing, albeit with a replacement roofs.

The existing single storey element of the application building adjacent to the boundaries shared with 56 Hoyland Road and 58 Hoyland Road would maintain its existing footprint, scale (including height) and massing, albeit with a replacement roof and the installation of new external cladding.

The existing single storey elements of the application building adjacent to the boundary shared with 4 The Old Smithy would be more extensively altered. It is understood that most of the existing structure would be retained (where possible) and a new first-floor extension would be erected above. Whilst it is acknowledged that this proposed extension could contribute to potential additional overshadowing impacts given that it would be erected to the south of the curtilage of 4 The Old Smithy and on the shared boundary line, this proposed extension would adopt a modest scale and a restrained height that would not exceed the height of an existing adjoining two-storey element. This proposed extension would also result in a height less than that of an existing detached building within the curtilage of 62 Hoyland Road which is also located adjacent to and on the shared boundary line with 4 The Old Smithy. It is also noted that a similar scheme was previously approved under planning application 2021/0013. As such, it is not considered that this proposal would contribute to significant increased overshadowing and loss of light beyond existing levels that are likely to be experienced and tolerated.

New glazed apertures would be installed on the south-west (front) elevation and would face onto the adjacent highway and toward a small group of detached domestic garages and outbuildings. The proposed apertures would not face directly toward habitable room windows of the surrounding neighbouring properties or into their respective gardens.

New glazed apertures would be installed on the north-west (side) elevation and would face toward the adjacent residential development forming The Old Smithy. The proposed apertures would be small in size and positioned high on the wall lessening the potential for significant overlooking and loss of privacy impacts. A considerable distance of approximately 40 metres would also be maintained to the habitable room windows of 1 The Old Smithy opposite. Two of the proposed apertures would serve an internal staircase which would further lessen the potential for significant overlooking and loss of privacy impacts. No new apertures would be installed elsewhere on the application building or proposed extension.

It is also considered that this proposal would not contribute to significant reduced levels of outlook.

The proposed alterations and extension to the application building would not introduce a materially different land use, and any potential activity associated with the continued use of the premises is anticipated to be commensurate with the existing lawful use of the application building as an existing light industrial and workshop building within an associated office, and would unlikely result in materially greater impacts, specifically in respect of noise or disturbance. NPPF Policy DM7 establishes that development proposals should be assessed on the basis of whether they

represent an acceptable use of land and that separate regulatory regimes should be assumed to operate effectively unless there is clear evidence to the contrary. In this case, there is no evidence to indicate that this proposal would result in unacceptable levels of noise or disturbance that would warrant refusal of planning permission. It would also be reasonable to conclude that such matters would also be considered during future regulatory stages, such as Building Regulations approval, which considers resistance to the passage of sound under Approved Document E.

It is acknowledged that there could be some disruption and nuisance caused to people in the locality during demolition and/or construction works. However, any impact is anticipated to only be temporary and construction hours could be controlled by condition.

Environmental Health (Pollution Control) colleagues were consulted; and no objections were received subject to condition(s).

Considering the above, it is not considered that this proposal would contribute to significant increased overshadowing, overlooking and loss of privacy, or reduced outlook impacts which would otherwise adversely affect the amenity of the occupants of the application or adjacent neighbouring properties in accordance with national and local planning policies and guidance, including the Residential Amenity and the Siting of Buildings SPD which seeks to prevent or mitigate against close overlooking of the windows in any existing dwelling or its garden from the proposed development and the overbearing or overshadowing effect of new buildings on an existing dwelling or its garden amongst other things. On balance, this is considered to weigh significantly in favour of this proposal and its approval.

This proposal is therefore considered to comply with NPPF Policy P3: Living conditions and pollution and Local Plan Policies GD1: General Development and POLL1: Pollution Control and Protection and is considered acceptable regarding its impact on residential amenity, health and pollution control.

Impact on Highways

During the application process, concerns were raised in respect of vehicle parking on highway safety.

NPPF Policy TR3: Locating development in sustainable locations supports development that is located where it can support sustainable patterns of movement, enable good accessibility for different users and make the most of existing and proposed transport infrastructure.

NPPF Policy TR4: Street design, access and parking establishes that to contribute to creating well-designed places, transport considerations should be integral to the design of development, proposals for which should: give priority first to walking, wheeling and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating easy access to high quality public transport, with layouts and densities which maximise the catchments for bus or other public transport services. Proposals should also provide a suitable number of parking spaces for a range of transport modes where appropriate, reflecting the location and nature of the development (including its connectivity), any locally-set standards in the development plan.

NPPF Policy TR6(4): Assessing transport impacts establishes that development proposals should be refused if they would have a severe adverse impact on the transport network (in terms of capacity and congestion, including cumulative impacts), or an unacceptable impact on highway safety; taking into account any mitigation measures proposed as well as any wider network improvements, including measures to support sustainable patterns of movement. This applies both during the construction phase and following completion.

This application relates to an existing light industrial and workshop building within an associated office located within the Hoyland settlement, accessed off Hoyland Road, located to the east of the access onto The Old Smithy, and in an area that is principally residential alongside the King George's Field and Tinker Lane Recreation Ground to the north-west and several small-scale commercial premises within the local area. The Hoyland Common Local Centre is located to the south-west. The part of Hoyland Road providing access to the development site is protected by no waiting restrictions between 08:00am – 06:00pm.

Highways Development Control colleagues were consulted; and initial comments suggested that the proposed increase in floor space (approximately 37m²) would result in a requirement to provide one additional off-street car parking space. It was noted that the submitted information indicates that the development site benefits from one existing car parking space and that no additional spaces would be provided. It was also noted that the submitted information indicates that the premises has no employees and that none are proposed. As such, further details were requested.

The Agent acting on behalf of the Applicant provided a response acknowledging that there would ordinarily be a requirement to provide one additional car parking space. However, the case was made that this proposal would not result in corresponding operational intensification of the premises and that there are no additional employees or users proposed. It is also stated that this proposal would not introduce a retail, trade-counter or other customer-facing use that would generate additional traffic. The proposed increase in floorspace would not, in itself, result in additional people attending the premises. Vehicle movements associated with the premises are extremely limited and are anticipated to remain consistent with the existing operation.

Highways Development Control colleagues were re-consulted; and the comments provided acknowledged the case made by the Applicant. It was noted that little specific detail had been provided, particularly with regard to the operation of the premises and the total number of people that could be within the premises at any given time. However, it was stated that the primary concern from a highway safety point of view would be the parking of vehicles in and around the access road junction with Hoyland Road. The part of Hoyland Road providing access to the development site is protected by no waiting restrictions between 08:00am – 06:00pm and would act to deter the parking of vehicles in this location. As such, it was accepted that it would be difficult to maintain an objection against a minor shortfall in parking provision in respect of it having an unacceptable impact on highway safety or that the residual cumulative impact on the road network would be severe. Consequently, no objection(s) were raised.

The LPA has no reason to disagree with the professional opinions of Highways Development Control colleagues in this instance. It is not considered that this proposal would have a severe impact on the transport network (in terms of capacity and congestion, including cumulative impacts) or an unacceptable impact on highway safety to otherwise justify a refusal in accordance with NPPF Policy TR6.

Considering the above, on balance, this is considered to weigh significantly in favour of this proposal and its approval.

This proposal is therefore considered to comply with NPPF Policies TR3: Location development in sustainable locations and TR4: Street design, access and parking, and Local Plan Policies T3: New Development and Sustainable Travel and T4: New Development and Transport Safety and is considered acceptable regarding its impact on highway safety.

Impact on Visual Amenity

During the application process, concerns were raised in respect of the cladding colour on visual amenity.

NPPF Policy DP3(1): Key principles for well-designed places establishes that development proposals should respond to their context so that they integrate with and enhance their surroundings. This should not preclude innovation or change where appropriate.

NPPF Policy DP3(3) establishes that substantial weight should be given to compliance with relevant development plan policies when assessing the design quality of proposals.

Local Plan Policy D1: High Quality Design and Placemaking, establishes support would be given to development if proposals would achieve a high quality of design and would respect, take advantage of, and reinforce the distinctive local character and features of Barnsley.

The application building comprises single and two-storey elements with flat and mono-pitched roofs and is constructed of stone and brickwork and profile metal sheeting. The application building appears somewhat dilapidated with a diminished character and an unappealing influence on the character of the street scene.

It is understood that most of the existing structure would be retained (where possible) and a new first-floor extension would be erected above part of the building with associated alterations elsewhere, including replacement roofs, the installation of apertures, the installation of a roller shutter door and external material treatment.

The proposed works (taken together) would introduce a stronger sense of character reflective of the building's light industrial use through an appropriate use of scale and massing and proposed external materials that would offer a pleasant contrasting element between the retained stonework and proposed dark-coloured cladding without appearing too ominous. The proposed cladding would offer a clean, contemporary finish that would accentuate the organic, irregular, and granular surface of the stonework, whilst the deep, solid darkness of the cladding would ground the structure, allowing the variation and tonal shifts of the stone to act as a vibrant focal point.

Notwithstanding the above, the principle of the use of cladding was established under the approval of planning application 2021/0013.

This current proposal would reinvigorate a dilapidated building and offer a much stronger sense of character and place through an improved and more positive contribution to the character of the street scene and the local area. In this instance, it is considered that the anticipated benefits in respect of improvements to the external appearance of the application building would far outweigh any potential harms that could be perceived from the proposed colour of the cladding or prominent flat roof elements.

Notwithstanding the submitted details, and whilst the use of cladding is acceptable in principle, a condition could be used to secure further specification details.

Considering the above, there is no evidence to indicate that this proposal would result in unacceptable levels of impact in respect of visual amenity that would warrant refusal of planning permission. Substantial weight should therefore be given to compliance with relevant development plan policies when assessing the design quality of proposals in accordance with NPPF Policy DP3.

Considering the above, on balance, this is considered to weigh substantially in favour of this proposal and its approval.

This proposal is therefore considered to comply with NPPF Policy DP3: Key principles for well-designed places and Local Plan Policy D1: High Quality Design and Placemaking and is considered acceptable regarding its impacts on visual amenity.

Impact on Biodiversity and Geodiversity

In England, Biodiversity Net Gain (BNG) became mandatory from 12 February 2024 under Schedule 7A of the Town and Country Planning Act 1990 (as inserted by Schedule 14 of the Environment Act 2021) and means developers must deliver a BNG of 10%. This proposal is not subject to the BNG requirement and falls within one of the listed exemptions.

Considering the above, this is considered to weigh modestly in favour of this proposal and its approval.

This proposal is therefore considered to comply with Local Plan Policy BIO1: Biodiversity and Geodiversity and is considered acceptable regarding its impacts on biodiversity and geodiversity.

Other Matters

During the application process, concerns were raised in respect of the potential impact on utilities and drainage and in respect of maintain access during works.

This proposal would not introduce a materially different land use and would unlikely result in materially greater impacts. NPPF Policy DM7 establishes that development proposals should be assessed on the basis of whether they represent an acceptable use of land and that separate regulatory regimes should be assumed to operate effectively unless there is clear evidence to the contrary. In this case, there is no evidence to indicate that this proposal would result in unacceptable impacts on utilities and drainage that would warrant refusal of planning permission. It would also be reasonable to conclude that such matters would also be considered during future regulatory stages, such as Building Regulations approval.

Maintaining access to adjacent sites during construction is regulated by a combination of statutory health and safety laws and property legislation.

Planning Balance and Conclusion

In accordance with the provisions of NPPF Policy S3 and Local Plan Policy SD1 this proposal is considered within the context of the presumption in favour of sustainable development.

This application seeks planning permission for external alterations to an existing workshop, storage, and office building, including the formation of a first floor; the installation of new windows; external materials; roller shutter door and associated works.

This proposal would make effective use of land by making better use of underutilised land and buildings; would maintain the premises for employment purposes by allowing businesses to invest, expand and/or adapt; and is located within an existing settlement and sustainable location, in accordance with NPPF Policies S3, S4, E2 and L2 and Local Plan Policies LG2 and E4. Substantial weight is attributed in favour of the principle of development in accordance with national decision-making policies.

This proposal is considered acceptable in respect of its potential impacts on residential amenity, health and pollution control; highway safety; visual amenity; and biodiversity and geodiversity, in accordance with NPPF Policies P3, TR3, TR4 and DP3 and Local Plan Policies GD1, POLL1, T3, T4, D1 and BIO1, and is attributed substantial, significant and modest weight in favour, in accordance with national decision-making policies and planning judgement.

The anticipated benefits of approving this development would not be substantially outweighed by any adverse effects, when assessed against the national decision-making policies, to otherwise justify a refusal in accordance with NPPF Policy S4.

For the reasons given above, and taking all other matters into consideration, this proposal conforms with all relevant national and local planning policies and supplementary guidance.

Planning permission should therefore be granted subject to the necessary condition(s) without delay in accordance with NPPF Policy S3(1)(c).

RECOMMENDATION: Approve subject to conditions.

Justification

Statement of compliance with Article 35 of the Town and Country Development Management Procedure Order 2015.

In dealing with the application, the Local Planning Authority has worked with the applicant to find solutions to the following issues that arose whilst dealing with the planning application:

- *Clarification sought regarding the intended use of the premises and off-street parking arrangements.*
- *Clarification sought regarding potential demolition and retained elements of the existing structure.*
- *Clarification sought regarding cladding colour options considered.*

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 representations, 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.

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 approved plans:

HA-260301-D4 Proposed Plans, Section and Elevations.

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

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

3. Notwithstanding the submitted details, upon commencement of development full details of the proposed external materials shall be submitted for approval in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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.

4. Construction or demolition-related activity shall only take place between the hours of 08:00am – 18:00pm Monday to Fridays, 09:00am – 14:00pm Saturdays and at no time on Sundays and Bank Holidays.

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

5. The hours of operation shall be limited to 08:00am – 18:00pm Monday to Friday and 09:00am – 14:00pm on Saturdays and at no time on Sundays or Bank Holidays.

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

6. There shall be no burning of any material within the development site during any demolition and/or construction phases.

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

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 applicant is advised to investigate whether owners of adjoining property need to be consulted under the Party Wall Act 1996.

3. 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.
4. If a protected species (such as any bat, great crested newt, dormouse, badger, water vole, otter, white clawed crayfish, reptile, barn owl 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.
5. It is recommended that measures are taken to prevent a nuisance/ or effect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke or dust. No waste should be burnt. If a statutory nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, dust or smoke nuisance from being created.
6. The applicant/contractor should note that to deposit mud/debris on the public highway, or anything which may cause a nuisance or possible danger to road users, is an offence under provisions of the Highways Act 1980.
7. Under the Building Act 1984, the Council is required to be notified of any demolition exceeding 50 cubic metres carried out within the Borough. This can be done by contacting us via email at demolition@barnsley.gov.uk or by telephone on 01226 773555.