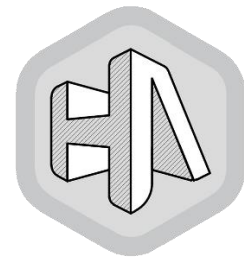


Written Representation



Hirst Architects
RIBA Chartered Practice

08th September 2022

Helen Willows BA (Hons) MRTPI (She/Her)
Planning Officer, Regeneration and Culture Service
Growth and Sustainability, Barnsley Council
PO Box 634, Barnsley, S70 9GG

Application Number: 2022/0107

Site Address: Vacant Site Off Beevor Street, Hoyle Mill, Barnsley, S71 1HN

Proposed Alterations: Erection of 2no industrial units intended for uses classes B2 (General Industrial), B8 (Storage and Distribution) or E (g) (Uses which can be carried out in a residential area without detriment to its amenity) purposes

Dear Helen,

Thank you for your recent correspondence regarding objections and considerations raised on application 2022/0107. Please see below our representation in response to each consideration.

Water Authority Comments

During the application process the water authority raised an objection based on the fact that the current easement right for sough dike was six meters and the combined sewer easement on site was five meters rather than the incorrectly shown three meters on the previous outline approval 2008/1544 as shown in **Appendix A**.

In order to address these comments, the applicant instructed a site survey including the location of both the sewer and dyke, legal boundary of the site and hereditaments on the ground.

This survey information along with the correct easements identified have informed a new revised site plan and smaller building being submitted that is outside of both easement zones.

The revised drawings have been sent directly to the water authority before re-submission to the planning officer. No further objection in regard to this matter is anticipated within the planning officers re-consultation per the water authority email shown in **Appendix B**.

All matters in relation to the Water Authority issues have been positively addressed.

Legal Ownership disputes

Legal issues are not material considerations when determining planning applications. The issues raised by the adjacent businesses within the objections received should not be considered by the planning officer in the determination of this application.

However, to act in good faith with a high level of professional due diligence, two meetings have been held on site with the lead objector to impartially review objection issues, ownership, and legal documents.

Within the first meeting the objectors were advised to seek appropriate professional advice to sufficiently represent any claims, upon which reasonable time was given and a second meeting was held.

At the second meeting the objectors expressed a clear interest to purchase the site pre-decision of this application. The objectors could not provide substantive evidence to support the claims made.

This applications ownership is conclusively correct.

All matters in relation to Legal Ownership Issues have been positively addressed.

Adjacent Application 2022/0717

During this application we have been made aware that an adjacent business has submitted an application which claims sole ownership of over 75% of the application site under Certificate A within the application forms as shown in **Appendix C**. Our applicant objected to this planning application and legal documents were provided proving that our application legal ownership is factually correct. The adjacent application has since amended the application to show correct ownership boundary.

All ownership issues have been addressed positively and should not be of any detriment to the support and determination of either application.

The revised plan submitted shows new parking and access arrangement with re-delineation to the southern carpark in place of the HGV delivery bays which the other agent on the application has stated within their response on the application to be justified by main deliveries going to another part of the site described as the Main Warehouse.

An objection was raised to the application as the new additional bays were shown as existing parking and not new parking as this is factually incorrect, these are new parking bays. **Appendix C.1**

For the purposes of this analysis the “EXISTING PARKING” shown in the revised plan **Appendix C.2** have been considered as new proposed parking bays.

As discussed in the highways section of this document, this new layout with additional spaces that were not already there has a positive affect for both developments by providing new additional

parking facilities for the warehouse to the north of our site thus relieving and further reducing the burden of unauthorized overflow parking from the centralized area's 14 existing spaces.

Our revised plan submitted also shows an area on this site where we suggest parking can also be added per outline approval 2008/1544 further reducing the need for this business to park on our site.

If the other agent revises the issued site plan to show "EXISTING SPACES" to show "POPOSED SPACES" to truly reflect what is actually there on the site we will remove our objection.

The issues in relation to the adjacent application have all been positively addressed.

Highways

During this application two objections were received in response to the proposed carparking arrangements on site. One from the Highways consultee and another from the adjacent businesses.

The objections discussed concerns that the development would have a detrimental effect on the existing carparking arrangements on the adjacent sites.

The current application site has space for 14 vehicles within the red-line boundary of ownership for the sole use of the owner of the site.

It is worth stating that application site is privately owned and should not be used by the other units for parking or storage of materials. There is no communal parking area on this site, each business has their own parking on their own land.

However, some of the adjacent businesses have unlawfully parked some vehicles on the site against the applicants consent as the applicant only visits the site intermittently and cannot constantly monitor this. The adjacent units only benefit from a right of way to gain access to and egress from their units. This access is not impeded by the development.

The new revised plans submitted with this application take into account that the proposed development should not make the site function worse as a whole and should not have any detriment to the other businesses by offsetting the unlawful parking back onto their sites.

Within the revised plans submitted the 14 existing spaces have been retained on the site and arranged in such a way to benefit the adjacent businesses positively. Along with 9 new additional spaces for the new units.

The requirements set out in Barnsley's SPD for Parking state that a total of 6 spaces are required for two units of this size. This development adds an additional 9 spaces to the site which will be solely used by the units whilst re-positioning the other 14 existing spaces to other accessible areas of the site for general use.

The existing turning areas for all units around the development function satisfactorily, vehicles can enter and leave in a forwards gear.

Together with the adjacent application adding a significant amount of new parking to the site, there is no harm caused to the site as a whole by either of the developments.

The unit to the south corner of the site that raised the objection parks 6 vehicles in a banked configuration aside the canopy in front of the building. This unit has also intermittently and unlawfully uses the application site for storage of materials against the applicants wishes parking approximately 2-4 vehicles on the central area intermittently. The revised plan positions 5 of the 14 general spaces towards unit KM so that this unit can still use the spaces without any detrimental offset of vehicles. Sufficient access and maneuvering space has been provided. If this unit decides to bank park vehicles in this area they can fit yet more vehicles in the area without any detriment to how the site functions as a whole.

The existing car park as a whole has 58 existing delineated spaces including the existing 14 spaces in the center of the site. With our development the site has 69 spaces and with the adjacent development to the north has 94 spaces. This brings an extra 36 parking spaces to site without bringing any new significant traffic to site. Both proposals together will symbiotically ease the level of insufficient parking and reduce the amount of indiscriminate parking within the area creating an more uniformly organized and safe area.

Within the application we have also provided means to promote alternative means of sustainable travel to further reduce the requirements of vehicular traffic to the site.

There is no reduction in the parking provision for the existing units as a result of the proposed development.

The development does not adversely displace vehicles.

All other units can be satisfactorily accessed and egressed with consideration of parking on the site as a whole.

The issues in relation to highways have all been positively addressed.

Neighbor objection from the adjacent business's

Out of the issues raised within the neighbor's objection, four of the points are erroneous and are not material considerations which would affect this planning application. However, points raised by the objection commenting on the highway's considerations in relation to the development are relevant. This has been considered in the further information provided supporting this application and highways section of this representation.

The lead objector made two statements within the site meetings; "can we discuss a deal to buy the units [pre-approval]" and "we will object to anything on the site". It is anticipated that the adjacent

businesses are likely to object to this application again when re-consulted by the planning officer with the motive of purchasing the site pre-decision.

Fraud by False Representation within objections to planning applications are taken seriously. No further false statements of ownership etc. with the motive of personal gain will be tolerated by the applicant without further action.

If any further material considerations are raised during the re-consultation, we will proactively work to address any issues positively.

All material matters raised by neighbors' objections have been positively addressed.

Conclusion

All the above issues raised by the planning officer during this application have been positively addressed.

This application was founded upon a previous outline approval meaning that the principle of this development is acceptable.

This application has shown a willingness to revise proposals to take into consideration the many issues raised against it and has incorporate appropriate means to satisfy the comments made meaning that all issues have been addressed.

The significant benefits of this proposal strongly outweigh any negatives, it is considered that if a weighted decision is taken upon any relative harm of the application against the benefits of the application that the application should be strongly recommended for approval without any requirement to take this application to appeal.

If there are any further material issues raised during consultation of the revised drawings issued, please do not hesitate to contact me so they can be addressed promptly by us.

Regards,

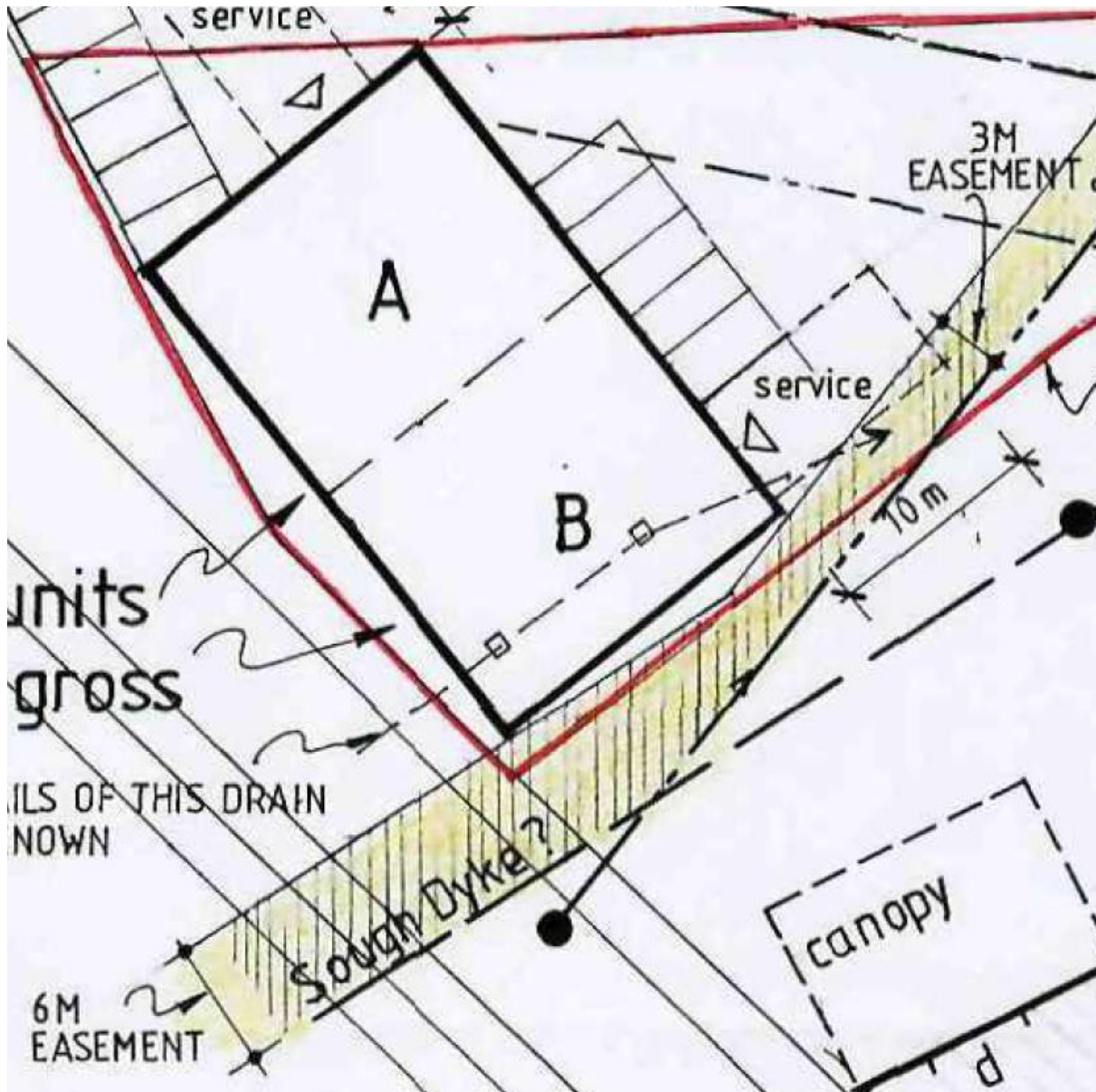


LUKE HIRST BA(Hons)Arch MArch ADPPA ARB **RIBA CHARTERED ARCHITECT**
HIRST ARCHITECTS LTD. RIBA CHARTERED PRACTICE

[W] www.HirstArchitects.com

Appendix A

Approved drawing showing three-meter and six-meter easements that have been accepted.
Reference drawing: 2008_1544 Existing and Proposed Site Layout on Outline Approval 2008/1544.



Appendix B

Email received 30.08.2022 from the Local Water Authority confirming issues have been addressed.

RE: FAO Joe Summers RE: Y001838 Vacant Land Off Beevor Street Hoyle Mill



Technical Sewerage
30/08/2022 12:42

To: luke@lhadesign.com

Good Afternoon Luke,

Thank you for your email. From the submitted plan, I can see that the building is outside of the stand-off distance; however, no distance appears to have been specified.

If you could confirm this as 5 (five) metres on an updated drawing, I can confirm that we will remove our objections when re-consulted via the planning process.

Kind regards



Joe Summers
Development Control Technician
Customer Experience

yorkshirewater.com/developers

My normal working days are Monday, Tuesday, Thursday & Friday

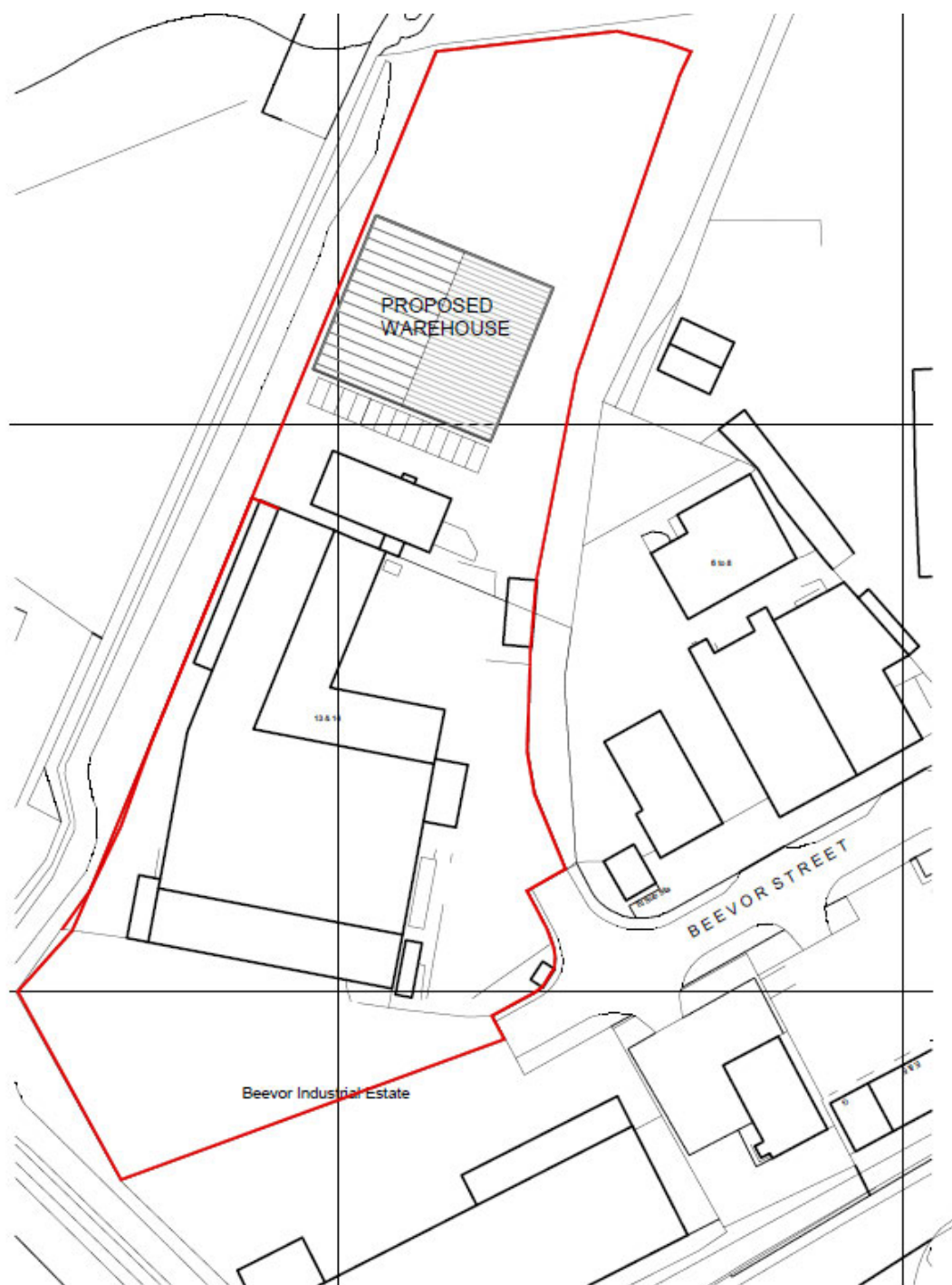
Did I WOW you today?

If you've been happy with your service,
please nominate me for a WOW! Award.

[CLICK HERE](#)



Appendix C

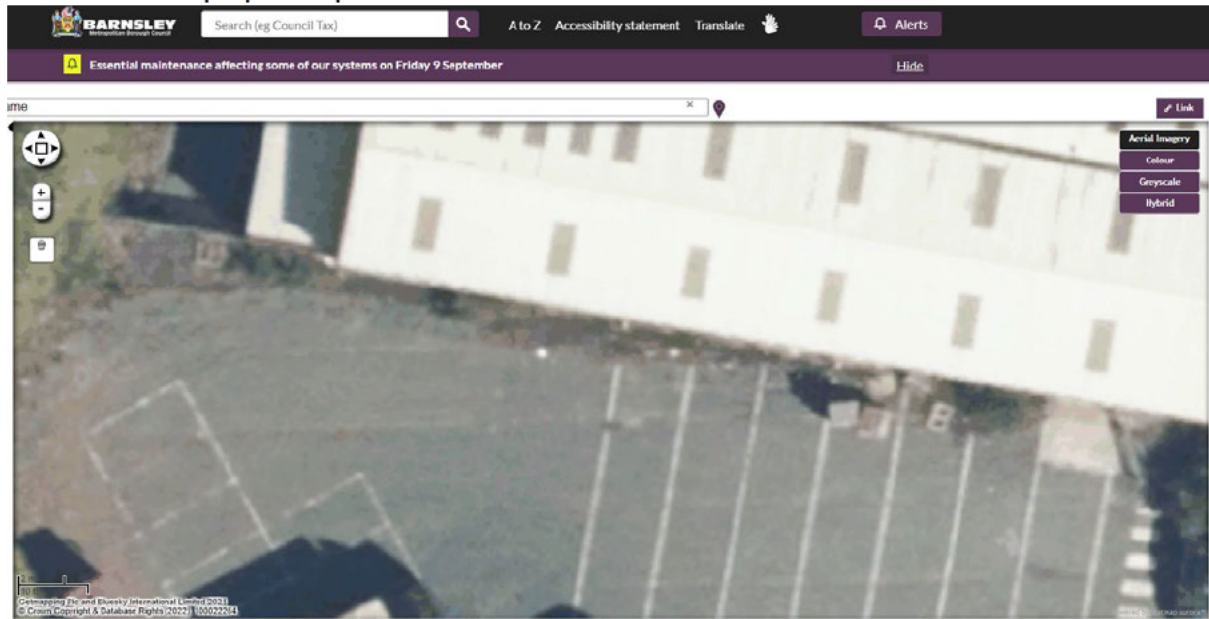


LOCATION PLAN

SCALE 1:1250

Appendix C.1

Existing image showing that the area where “Existing Parking” is shown but does not currently exist. This area is clearly used for circulation and has become overgrown. These new spaces should be considered new proposed spaces.



Appendix C.2

Revised plan “20220717 Amended Site and Location Plans” showing new proposed bays as “EXISTING PARKING” and the new intended loading area to the existing warehouse.

