
August 2017



**PLANNING POLICY ANALYTICAL STATEMENT/
DESIGN & ACCESS STATEMENT**

The Cross Inn, 7 Summer Lane, Royston, S71 4SE

On behalf of

Admiral Taverns Limited
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Prepared by

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1.0 Introduction

- 1.1 This Planning Policy Analytical Statement and Design & Access Statement is prepared on behalf of Admiral Taverns Limited (“the Applicant”) in respect of land to the rear of The Cross Inn Public House, 7 Summer Lane, Royston, Barnsley and specifically relates to the retention of an existing beer garden which has been altered and amended since a similar application was made in September 2015 and subsequently refused on 17th November 2015 for a larger beer garden and which was the subject of a Section 78 planning appeal and enforcement notice appeal.
- 1.2 The planning application, as described above, was submitted to the Council on the 25th September 2015 and was subsequently refused on the 17th November 2015 for the following reasons:-
 - “1. In the opinion of the Local Planning Authority, the beer garden/patio area is materially detrimental to the amenities of the occupiers of the adjacent properties by reason of noise, nuisance and general disturbance. The development is therefore be (sic) contrary to UDP Policy ED4 “economic development and residential amenity”, Core Strategy Policy 40 “solution control and protection” and the National Planning Policy Framework.**
 - 2. The development has resulted in the loss of all off street customer parking facilities, servicing of the property will have to take place on street for larger vehicles, as smaller vehicles will be forced to reverse to/from the public highway in close proximity to a road junction to the detriment of the free and safe flow of traffic on the highway. As such, the development is contrary to Core Strategy Policy CSP26 “new development and highway improvement” and supplementary planning document “parking.”**
- 1.3 Following the refusal of planning permission on the 17th November 2015, an Enforcement Notice was issued by the Council on the 11th December 2015 alleging unauthorised development in the form of the erection of raised decking to facilitate a beer garden/patio to the former car parking area.
- 1.4 The Notice also set out the reasons for issuing the Notice being similar to the reasons identified on the refusal of planning permission referred to above, but stating the following:-
 - “1. The Council considers that the raised decking, which has been erected over the former car park area associated with the Cross Inn Public House (PH), is detrimental to the amenity of neighbouring residential properties due to its close proximity to neighbouring boundaries and increased levels of noise, nuisance and disturbance from the use of the decked area. The Council considers that the development is contrary to adopted planning policy, including Core Strategy Policy (CSP 40) ‘Pollution Control and Protection’, saved UDP**

policy ED4 'Economic Development and Residential Amenity' and the guidance contained within the National Planning Policy Framework (NPPF).

2. The erection of the raised decking over the existing car park associated with the PH has resulted in the removal of all off street customer parking facilities, resulting in customers visiting the PH parking on the adjacent residential streets. Vehicles undertaking servicing and deliveries to the PH will have to park on the street and likely undertake manoeuvres which adversely affect the free and safe flow of traffic on the highway. As such, the development is contrary to Core Strategy Policy CSP 29 'New Development and Highway Improvement' and the Councils Supplementary Planning Document (SPD) 'Parking'."

- 1.5 On the 15th December 2016 an Inspector appointed by the Planning Inspectorate dismissed the Section 78 planning appeal and upheld the enforcement notice issued by Barnsley Metropolitan Borough Council but the Inspector's decision was informative and did not suggest a beer garden was unacceptable on land to the rear of The Cross Inn but his decision was more in relation to the "**extent**" of the beer garden. The garden has now been amended through the removal of the upper decking to the boundary of the adjacent residential dwelling leaving significant space between the curtilage fence of the adjoining residential dwelling and the fence delineating the beer garden.
- 1.6 This revised planning application includes revised drawings, this updated planning and Design & Access Statement.
- 1.7 The Statement proceeds as follows:-
- Section 2 sets out the background and site description.
 - Section 3 provides a summary of relevant national planning guidance and development plan policy.
 - Section 4 sets out the case in support of the application.
 - Section 5 sets out our conclusions.

2.0 Background and Site Description

Background

- 2.1 Admiral Taverns Limited are the UK's leading community pub group actively supporting new tenants who wish to run and own their own pub business offering advice and marketing input for new tenants.
- 2.2 In 2014, a new Tenancy Agreement was entered into with Mr. Russell Smith who has significantly contributed to ensuring the pub maintains a viable business supporting the local community.
- 2.3 The public house has an excellent reputation for providing a high quality community facility and is maintained to exceptional standards. Admiral Taverns Limited and Mr. Smith have continued to invest in the public house, with the beer garden forming an integral part of the community pub offer in this regard.

Site Description

- 2.4 The Cross Inn is located around 1 kilometre west of the principal high street of Royston and is situated at the junction of Back Lane West and Summer Lane, centrally located within Royston. Directly to the north of the subject site is a row of residential dwellings, to the east, Summer Lane beyond which are residential dwellings, to the south Back Lane West and to the rear of the property, to the west, residential properties. The Cross Inn is, as referred to in the background section, a small community led public house that is extremely well managed and a highly regarded community facility. The area to the rear of the public house is wholly within the curtilage of the public house and has a functional relationship with the pub itself. Patrons of the licensed premises have always used this rear area as an external drinking area for many years.

3.0 Planning Policy

Development Plan

- 3.1 The Development Plan for the area comprises the adopted Barnsley Core Strategy, the saved policies of the adopted Barnsley Unitary Development Plan and National Guidance in the form of the National Planning Policy Framework.
- 3.2 The reason for refusal as set out in the refusal of planning permission and in the enforcement notice referred to earlier in this statement referred to Core Strategy Policy 40, Core Strategy Policy 26 and saved UDP Policy ED4. Further reference is made to the Council's Supplementary Planning Document on 'Parking' and the National Planning Policy Framework.
- 3.3 Both refer to saved Policy ED4 of the Barnsley Unitary Development Plan entitled "Economic Development and Residential Amenity".
- 3.4 The policy states: -
- "Proposals for economic development adjoining or close to housing will be assessed with particular regard to the likely impact on residential amenity in terms of:**
- a) Air pollution including smell, fumes, smoke, soot, ash, dust or grit**
 - b) Noise from operations on, or traffic entering or leaving the site**
 - c) Visually intrusive buildings, plant, fencing, lighting or outside storage."**
- 3.5 Policy CSP40 is entitled "Pollution Control and Protection" and essentially reiterates the considerations of Policy ED4 stating: -
- "Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and ground water, 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.**
- We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigate against.**
- Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate."**
- 3.6 Core Strategy Policy 26 is entitled "New Development and Highway Improvement".

3.7 The policy states; -

“New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

If a development is not suitably served by the existing highway, or would create or add to highway safety problems or the efficiency of the highway for all road users, we will expect developers to take mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition.”

3.8 All of the policies referred to above allow for development subject to ensuring residential amenity and highway safety is not compromised.

National Planning Guidance

3.9 The National Planning Policy Framework was published in March 2012 and sets out the government's overall and overarching aim of the planning system which includes, inter alia, delivering sustainable development through building a strong, competitive economy.

3.10 Paragraph 18 states: -

“The government is committed to securing economic growth in order to create jobs and prosperity, building on the country's inherent strengths, and to meeting the twin challenges of global competition and of a low carbon future.”

3.11 Paragraph 19 stipulates: -

“The government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system.”

3.12 Paragraph 21 stipulates planning policy should recognise and seek to address potential barriers to investment and Local Planning Authorities should: -

- **“Set out a clear economic vision and strategy for their area which positively and proactively encourages sustainable economic growth;**
- **Set criteria, or identify strategic sites, for local and inward investment to match the strategy and to meet anticipated needs over the plan period;**
- **Support existing business sectors, taking account of whether they are expanding or contracting and, where possible, identify and plan for new or emerging sectors likely to locate in their area. Policies should be flexible enough to accommodate needs**

not anticipated in the plan and to allow a rapid response to changes in economic circumstances” (our emphasis)

3.13 Section 8 of the NPPF is entitled **“Promoting Healthy Communities”**.

3.14 Paragraph 70 states: -

“To deliver the social, recreational and cultural facilities and services the community needs, planning policies and decisions should:

- **Plan positively for the provision and use of shared space, community facilities (such as local shops, meeting places, sports venues, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments;**
- **Guard against the unnecessary loss of valued facilities and services, particularly where this would reduce the community’s ability to meet its day to day needs;**
- **Ensure that established shops, facilities and services are able to develop and modernise in a way that is sustainable, and retain for the benefit of the community; and**
- **Ensure an integrated approach to considering the location of housing, economic uses and community facilities and services.”**

4.0 Case in Support of the Planning Application

- 4.1 The key planning consideration in relation to the retention of the beer garden now applied for is the Inspector's decision dated 15th December 2016 which dismissed an appeal for the retention of a larger beer garden than that currently in situ at The Cross Inn.
- 4.2 It is considered appropriate to analyse the Inspector's decision based on his findings particularly paragraphs 13 and 14.
- 4.3 Paragraphs 13 and 14 as set out below, state the following:-
- “13. On the boundary to 2 Back Lane West is a timber panel fence about 1.8 metres high. However, given the proximity of the raised seating area to the boundary and the overall extent of the outdoor seating area, the fence is not likely to prevent noise and disturbance being caused to the amenities of the residents of this property. This loss of amenity is only likely to occur during Summer months but will occur when residents of the adjoining property, and for other nearby properties, are also likely to be seeking to enjoy their outdoor amenity spaces. Disturbance caused, even if it were only to occur up to 2200 hours, is likely to have a significant adverse effect on residential amenity at neighbouring properties.**
- 14. The extent of the outdoor seating area that has been created at The Cross Inn is incompatible with the residential area that surrounds the public house. Given the proximity of residential properties, the noise generated and disturbance caused by the use of the beer garden/patio area is likely to have a significant adverse effect on residential amenity in the area, which could not be controlled by imposition of conditions to require on-site management procedures. The unauthorised development thus conflicts with Saved Policy ED4 of the Barnsley Unitary Development Plan (UDP) and Police CSP40 of the Council's Core Strategy.” (our emphasis)**
- 4.4 As is evident from the revised submission drawings, there is now a significant separation distance between the boundary to 2 Back Lane West and the beer garden. This is by virtue of the raised seating to the boundary having been removed and the area now dedicated to external drinking has been agreed with planning officers at Barnsley Council following meetings on site taking it even further towards the existing public house.
- 4.5 It is also the case the Applicant would accept a condition in relation to the requirement to submit a “Management Plan” to ensure the beer garden is closed at 2130 hours, is monitored regularly and retain the signs which are already in situ advising customers to be courteous to neighbours and respect those neighbours when leaving the premises.
- 4.6 As a result of the removal of the upper decking, this has resulted in the loss of a significant number of tables thus resulting in a much reduced usable area.

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- 4.7 As discussed with the Planning Officer on site, there are hundreds of public houses up and down the country, in residential areas, which have ancillary beer gardens associated with them and are controlled by conditions set out on the planning permission and in any Management Plan.
- 4.8 To that end, it is maintained the revised, reduced beer garden complies with Saved Policy ED4 of the Barnsley Unitary Development Plan and Core Strategy Policy 40 on “pollution control and protection”.
- 4.9 In relation to the second reason for refusal on the previous planning application relating to loss of car parking, the appeal submission documents included a Highway Statement which undertook a parking survey and concluded that there is ample on street parking available within 50 metres of the public house to accommodate the limited demand by customers who chose to drive to the public house.
- 4.10 This is a community led public house where the overwhelming majority of customers visit the premises on foot. There were only 4 car parking spaces which were not well used. Any other customers visiting the premises by car would have had to have parked on nearby roads in any event. The Inspector noted that whilst losing the 4 car parking spaces was an adverse effect, it is not sufficient in itself to warrant dismissal of the appeal.
- 4.11 Nonetheless, 4 car parking spaces have been provided following discussions with the planning officer accordingly.

5.0 Conclusion

- 5.1 Having due regard to the planning history of the land to the rear of The Cross Inn, Royston, it is maintained this reduced beer garden is compatible in terms of providing an ancillary facility for the public house, which is a community led public house and one which is extremely well managed.
- 5.2 Due regard has been had to the Inspector's decision which did not suggest in any way shape or form there should be no beer garden associated with the pub, more the "extent" of that beer garden. As a result of the removal of the decked area adjoining 2 Back Lane West, it is maintained there is significant separation distance such that residential amenity will not be compromised through retaining this reduced beer garden area.
- 5.3 Beer gardens are common place with community public houses in residential areas and it is maintained a Management Plan can be conditioned with a suggested closing hour of 2130.
- 5.4 In this regard, it is maintained this revised proposal satisfies the requirements of the Statutory Development Plan and therefore a presumption in favour of development can be maintained in this particular case.