



**HIRST ARCHITECTS LTD**

First Floor Studio, Unit 10  
Maple Business Park  
Stocks Lane Barnsley  
S75 2BL  
01226 491 777  
Office@HirstArchitects.com

14<sup>th</sup> September 2023

To:

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

**RE: Planning Application 2022/0107 -Vacant Site Off Beevor Street, Hoyle Mill, Barnsley, S71 1HN**

Dear Helen,

Thank you for your recent correspondence providing your current position on this application.

Regarding comments made, please see our responses below:

**Ownership**

Details of ownership that have been contested by objectors on this application have been explored in detail and subsequently clarified. It has been confirmed that ownership details are correct in line with the application documents.

Legal ownership aspects have been dealt with by the client's legal advisor outside of this application. Objections claiming ownership etc. have been investigated and the following has been found:

- a. The applicant's title is correct and consistent with data shown on the applicant's deeds and the government's land registry.
- b. The applicant disputes any claims of ownership made within objections.
- c. No evidence has been provided by any of the objectors to support any claims, therefore comments should be disregarded.
- d. There are no claims of ownership from any of the other units registered.

More details to this effect can be found in the legal advisor's letter that accompanies this document.

**Parking**

It has been concluded that other units do not have any right to park on this site per the applicant's legal advisors letter dated 12.09.2023.

It is the applicants right to stop the other units from using this site for parking regardless of the determination of this application. Therefore, this application should be considered from a starting point where other unit's vehicles have already been removed from the site per the applicant's rights.



Vehicles currently parking on this site are doing so under trespass and this should not be supported by the Local Planning Authority (LPA) as a negative consideration against this application in any way.

The other units can accommodate for this parking on their own sites without any negative detriments if they need to, this is not the responsibility of this applicant to resolve their parking. Appendix C shows one overgrown area within the other unit's ownership where this parking may be accommodated. This is one of multiple areas within their site where this parking could be accommodated. This application should not be held responsible to prove how other units park their own vehicles so that they have no adverse effect in regard to highways considerations on this application.

It would be unreasonable for this application to be a mechanism for forcing this applicant to allow other units to park and store on his site.

It should be considered that vehicles will be required to stop parking on this site and be moved back onto the other unit's sites anyway regardless of this planning application.

This means that this planning application should not be viewed as a catalyst of any displacement of vehicles from the site as this may happen anyway now that the applicants' rights have been confirmed.

This site should be analysed per the existing rights, and the starting point for analysis should be that this application must only be required by the LPA to accommodate for the parking of the newly proposed unit per the existing rights that have now been confirmed. The LPA have stated that this new unit needs 9 spaces to meet SPD / Highways - Local Policy requirements.

The 9 spaces proposed for this new unit are adequate with stated requirements and can be accessed and egressed safely without any detriment to any of the other units or highway safety as previously evidenced by the submitted documents within this application.

## **Access**

The rights of the other units are established as access and egress to their units over the area deemed as the common yard.

As confirmed in the applicant's legal representative letter, the common yard is limited to areas commonly used for access and egress, this is clarified as only areas of the sites that are accessed and egressed by more than one unit to meet the term 'common'. Therefore, it is reasonable to state that these rights only apply to the areas which the units currently use to gain access and egress to their units in common with one or more other unit. Areas outside of this are therefore deemed as not common thus not part of the 'common yard' discussed.

Swept path analysis have been provided highlighting the areas that are required to access and egress the new (and other) units. These areas that more than one unit use to gain access to and egress from their unit can therefore be deemed as common.

As currently proposed this application does not have any detriment any of these areas in any way in terms of access and egress opportunities.

These units are intended to be serviced through a smaller vehicle in relation to the size of the units. Acceptable swept paths have been provided to support this.

As shown in Appendix A. the area of the site where the building is proposed cannot currently be used for access and has not been used for access for an extended period. Therefore, comments regarding the new building creating access issues should be disregarded.



No HGV's will service the proposed units therefore comments in regard to HGV should be disregarded.

It has been proven that HGV's can access and egress the unit to the north without interruptions from the proposed units. The unit to the north has shutters to the south of the building. These are not used and have not been used for an extended period as shown in Appendix B. This application has previously displayed that these shutters can still be accessed and egressed safely without interruption.

In terms of servicing the units, the units to the north do not use the roller shutters to the south of their building and due to the size of the proposed units, it is fair to consider that deliveries will be infrequent. This means the chance of both units having a 'clash of servicing vehicles in one particular area' on the site would be miniscule.

The sites accessibility has been thoroughly analysed and has proven all units can be accessed and egressed safely without any detriment to the access opportunities to the other units. Swept path analysis have been provided in addition to prove this in detail to the LPA.

### **Consultation**

This applicant has displayed throughout this application the willingness to accommodate the other units through multiple consultations where comments have been considered, the proposals have been amended to include comments then subsequently objected to by the same units making the comments.

During these consultations the applicant agreed to give the other units the option to still park on the site or use the site (other than the space occupied by the new unit and 9 delineated spaces) for circulation if they preferred. Proposals on this application have been revised according to objectors' preferences and comments then subsequently objected to.

The current proposal gives 9 spaces for this unit and leaves other spaces un-delineated for access.

This means that the other units can operate their sites safely without any detriments to access, parking or operations.

The other spaces identified as spaces 10 to 18 and 19 to 23 which are intended to be used on the applicant's site by the other units are still left on the development proposals regardless of the rights that have been previously confirmed in this document.

The spaces are identified on the plan to be un-delineated, this is intended to give the other units flexibility of how they use the spaces for access or parking however they want.

As previously discussed in this document the applicant has no legal requirement to allow any parking on this site by the other units. This new arrangement which will be created through this development is intended as a goodwill gesture to get along with the other units as agreed during the numerous consultations.

The application still proposes these 'flexible' spaces for parking or access by the other units therefore it is more than reasonable that the applicant has been reasonably accommodating above what the other units have the rights to do on this site.



### **Determination**

Legal rights discussed in this application should not be any detriment to the determination of the application. Any legal negatives are to be dealt with outside of the application.

It is not the new developments burden to accommodate for vehicles trespassing (via parking etc.) on this site. Vehicles parking under trespass should not be supported in any way by the LPA and should indubitably not be seen as a detriment to this application in any way.

The applicant has '*gone above and beyond*' to accommodate some of this parking onto his site even though he does not have to. If approved, this application allows for a betterment of the current parking arrangements through the creation of new areas where it is accepted that the other units can park on this site or use the area for access, which ever they deem necessary. The applicant cannot '*bend over backwards*' to help the other units more than this. The applicant did not have to do this, his rights allow him to remove all vehicles currently parking on his site off the site regardless of this application.

This applicant has provided extensive evidence in support of the proposals. The application has been through significant consultations with the planning officer, highways and the other Objectors, subsequently amended to take into account comments made. The resulting proposals offer the other units better parking opportunities than the existing rights which is an improvement on the current arrangements.

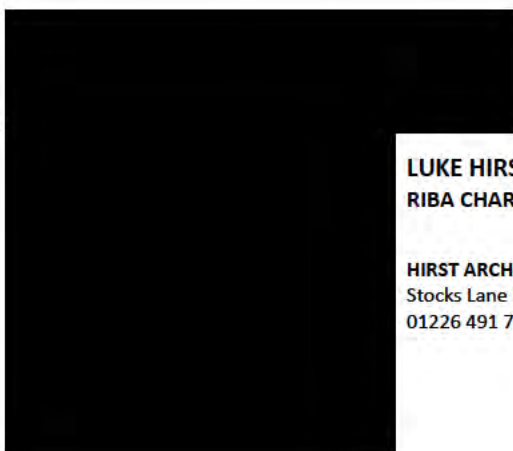
Access rights of the other units are not affected. Other units can freely and safely access and egress as the site currently exists.

In summary:

1. This unit meets parking requirements of 9 spaces.
2. The proposals offer a solution to the highlighted trespass parking issue to help the other units with their parking 'above and beyond' the rights detailed on the site.
3. The proposed units can be accessed and egressed safely.
4. Other units on site can be accessed and egressed safely.

**Due to all the reasons mentioned in this response and all the justifications mentioned in this application's supporting documents which are extensive, it is concluded that this application should be supported for approval.**

Signed:



**LUKE HIRST** BA(Hons)Architecture MArch ADPPA ARB RIBA  
**RIBA CHARTERED ARCHITECT**

**HIRST ARCHITECTS LTD** First Floor Studio Offices, Unit 10, Maple Business Park,  
Stocks Lane Barnsley S75 2BL  
01226 491 777 | [Office@HirstArchitects.com](mailto:Office@HirstArchitects.com) | [www.HirstArchitects.com](http://www.HirstArchitects.com)



## Appendix

### Appendix A.



### Appendix B.



### Appendix C.

