



REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2023/0340

To Alder King Planning Consultants
Pembroke House
15 Pembroke Road
Bristol
BS8 3BA

Proposal Change of use from office use (Class E) to education use (Class F1) and associated external alterations to the curtilage including revised parking and access arrangements and formation of a playground to the rear of the building

At Enterprise House, 34 Victoria Road, Barnsley, S70 2BU

Permission is **refused** for the proposals which were the subject of the Application and Plans registered by the Council on 27/04/2023 and described above.

The reason(s) for the Council's decision to refuse planning permission is/are:

- 1 In the opinion of the Local Planning Authority, the applicants have failed to fully justify how the proposal would relate to the local educational needs or the needs of the community, contrary to the requirements of Local Plan Policy I2 'Educational and Community Facilities'. Furthermore, the applicants did not enter any pre-application discussions with the Authority or provide any evidence that they have fully engaged with the Councils Education department to provide a service that is required.
- 2 In the opinion of the Local Planning Authority, the loss of the greenspace and the front wall as a result of the proposed car park and access arrangements is harmful to the Conservation Area. The Conservation Area as a whole lacks greenspace and the adopted conservation area appraisal makes the point that the loss of gardens and front walls for parking denudes the character of the area. Consequently, the proposed development is contrary to Local Plan Policies HE1 and D1 and paragraphs 199-202 of the NPPF.
- 3 In the opinion of the Local Planning Authority, the proposed playground/outdoor space to the rear of the curtilage associated with 34 Victoria Road would, by reason of its close proximity to neighbouring residential private amenity spaces and habitable room windows, be detrimental to the residential amenity of neighbouring residents as a result of increased noise and disturbance. As such, the development would not be compatible with neighbouring land/uses contrary to Local Plan Policy GD1.

- 4 In the opinion of the Local Planning Authority, the applicant has not submitted sufficient details in terms of pupil drop-offs and pick-ups or what preventative measures are proposed. As such, the applicant has failed to demonstrate that the proposed development would not give rise to unacceptable harm to parking and highway safety contrary to Local Plan Policy T4 'New development and Transport Safety'.
- 5 In the opinion of the Local Planning Authority, the change of use would result in the loss of a potential 'larger dwelling' given the building was previously a larger dwelling and could be converted to a future larger dwelling without significant adaption. This would be contrary to Local Plan Policy H9 'Protection of Existing Larger Dwellings' , and Supplementary Planning Document 'Design of Housing Development', which seeks to protect and re-introduce this type of housing stock

Pursuant to article 35 (2) of the Town and Country Planning (Development Management Procedure) Order 2015 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, and otherwise actively engaged with the applicant in dealing with the application in a positive and proactive manner.

Please be aware that the Council monitors construction sites and open land within the vicinity of such sites in an attempt to prevent fly tipping (i.e. unauthorised deposit of waste on land), which is illegal under the Environmental Protection Act 1990. The penalties for fly-tipping can include:

- a fine of up to £50,000 and
- up to six months imprisonment on conviction.

Therefore, if necessary, please ensure that all demolition waste and waste associated with the construction of any development is disposed of via approved methods and that documents are retained to prove this.

Signed

Dated: 16 June 2023



Joe Jenkinson
Head of Planning, Policy and Building Control

NOTES:-

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority to refuse permission for the proposed development or to grant it subject to conditions, then you can appeal to the Secretary of State under section 78 of the Town and Country Planning Act 1990.

If you want to appeal against your local planning authority's decision, then you must do so within six months of the date of this notice.

Appeals can be made online at: <https://www.gov.uk/planning-inspectorate> If you are unable to access the online appeal form, please contact the Planning Inspectorate to obtain a paper copy of the appeal form on tel: 0303 444 5000.

The Secretary of State can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The Secretary of State need not consider an appeal if it seems to the Secretary of State that the local planning authority could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

If you intend to submit an appeal that you would like examined by inquiry then you must notify the Local Planning Authority and Planning Inspectorate (inquiryappeals@planninginspectorate.gov.uk) at least 10 days before submitting the appeal. Further details are on GOV.UK.

Purchase Notices

If either the Local Planning Authority or the Secretary of State for the Environment, Transport and Regions refuses permission to develop land or grants it subject to conditions, the owner may claim that he can neither put the land to a reasonably beneficial use in its existing state nor can he render the land capable of a reasonably beneficial use by the carrying out of any development which has been or would be permitted. In these circumstances, the owner may serve a purchase notice on the Council in whose area the land is situated. This notice will require the Council to purchase his interest in the land in accordance with the provisions of part VI of the Town and Country Planning Act 1990.

Compensation

In certain circumstances compensation may be claimed from the Local Planning Authority if permission is refused or granted subject to conditions by the Secretary of State on appeal or on reference to the application to him. These circumstances are set out in Sections 114 and related provisions of the Town and Country Planning Act 1990.