BARNSLEY
Metropolitan Borough Council

**Place Directorate**
**Economic Regeneration**
**Planning and Building Control**
Head of Service: Joe Jenkinson

# REFUSAL OF PLANNING PERMISSION

TOWN AND COUNTRY PLANNING ACT 1990

APPLICATION NO. 2014/1570

**To** Max Design Consultancy
1 Sunny view
High Street
Austerfield
Doncaster
DN10 6QS

**Proposal: Demolition of existing bakery and erection of 23 no. dwellings.**

**At: A & E White Bakers, Charles Street, Worsbrough Bridge, Barnsley, S70 5AF**

Permission is refused for the proposals which were the subject of the Application and Plans registered by the Council on 10 March 2015 and described above.

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

*Pursuant to article 31(1)(cc) of the Town and Country Planning (Development Management Procedure) Order 2010 (as amended), the Local Planning Authority have, where possible, made a pre-application advice service available, complied with our Planning Service Charter for Business and otherwise actively engaged with the applicant in dealing with the application.*

1 The Local Planning Authority considers that the proposed development would result in an unacceptable level of overlooking and loss of privacy to properties located across the northern boundary on Charles Street by virtue of the height, design and orientation of plots 1-10 and the inability to achieve the desired separation distances required within the SPD. In addition it is considered that the outlook of the Charles Street properties would be completely dominated by virtue of the collective mass and elevation of the proposed dwellings. For these reasons it is considered that the relationship to adjacent properties would be unacceptable and contrary to the objectives of UDP Saved Policy H8a, Core Strategy Policy CSP29 and the guidance contained within Supplementary Planning Document "Designing New Housing Development".

2 In the opinion of the Local Planning Authority, the proposed layout and design of the development is at odds with the form and layout of properties within the locality. The design, scale and layout of the properties would create a very car dominated environment and substandard levels of amenity for future residents, this does not accord with the principle of good design and fails to take the opportunities available to improve the character and quality of the area and the way it functions. As such the proposal is considered contrary to the NPPF, Core Strategy policy CSP29, and the Councils Supplementary Planning Document "Designing New Housing".

3 The application has failed to demonstrate that a suitable drainage strategy for the site can be acheived. In the opinion of the Local Planning Authority proposals to culvert a section of Snape Syke could create a legacy of flood risk problems due sections of the culvert falling within the riparian ownership of different properties which would compromise the ability coordinate maintenance. In addition to this the design and layout fails to demonstrate that surface water flows could be suitably controlled within the site. Consequently it is considered that the proposals are contrary to the requirements of polices CSP3 Sustainable Drainage Systems and CSP 4 Flood Risk.

4 The application has failed to provide sufficient public open space and affordable housing provisions necessary to mitigate the impact of the development and satisfy the NPPF, Core Strategy policies CSP15 "Affordable Housing", CSP35 "Green Space", along with "Open Space Provision on New Housing Developments" SPD.

Signed  Dated 04 October 2016
Joe Jenkinson
Head of Planning and Building Control

*Please be aware that the Council monitors construction sites and open land within the vicinity 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*

**NOTES:-**

**Appeals to the Secretary of State**

If you are aggrieved by the decision of the Council to grant permission for the proposed development subject to conditions then you can appeal to the Secretary of State for the Environment, Transport and Regions under Section 78 of the Town and Country Planning Act. If you want to appeal, then you must do so within six months of the date of this notice, using a form which you can get from The Planning Inspectorate, Room 3/24 Hawk Wing, Temple Quay House, 2 The Square, Temple Quay, Bristol, BS1 6PN.

The Secretary of State can allow a longer period for giving notice of an appeal, but he 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 him that the Local Planning Authority could not have granted planning permission for the proposed development or could not have granted it without the conditions it imposed, having regard to the statutory requirements, to the provisions of the development order and to any directions giving under the order. In practice, the Secretary of State does not refuse to consider appeals solely because the Local Planning Authority based its decision on a direction given by him.

**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.