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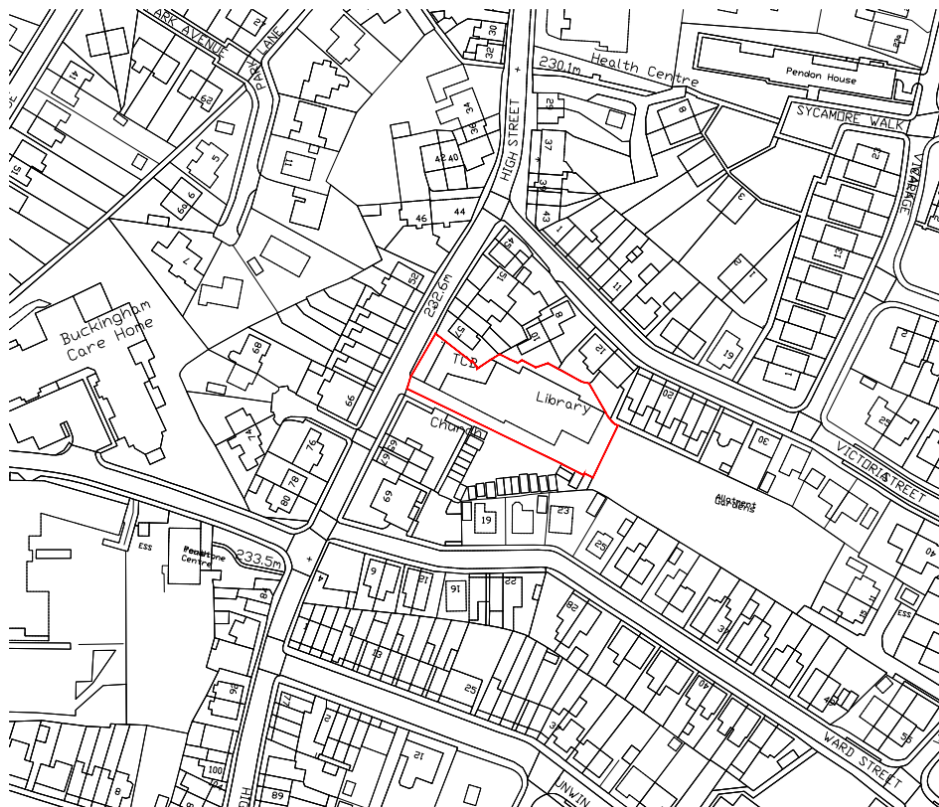
Barnsley MBC

Penistone Library, High Street, Penistone, Sheffield, S36 6BR

Demolition of garage, chimney stack and water tank (Prior Approval).

Site Description

The application relates to Penistone Library – a large post war building constructed of brickwork and UPVC panelling with a flat roof which is located on the east side of High Street and in an area that is principally residential with limited interspersed commercial uses. The development site is bounded by St Andrews Methodist Church and dwellings to the south, Allotments to the east and dwellings to the north. Penistone Library is located within the Penistone Conservation Area.



Planning History

There are two previous planning applications associated with the development site.

1. B/04/1537/PU – Alterations to entrance facade and erection of security fencing. – Approved.
2. 2022/1310 – Erection of 'Long bench sheep sculpture'. – Approved.

Proposed Development

This application has been submitted under Class B, Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO).

Any building operation consisting of the demolition of a building is permitted development under Class B, Part 11 of Schedule 2 of the GPDO subject to condition B.2(b), which requires the developer to apply to the Local Planning Authority for a determination as to whether prior approval is required where demolition is not urgently necessary in the interests of safety or health and is not excluded demolition.

Interpretation of Class B, paragraph B.3, states that “excluded demolition” means demolition—

- a) on land which is the subject of a planning permission, for the redevelopment of the land, granted on an application or deemed to be granted under Part 3 of the Act (control over development),
- b) permitted to be carried out by a consent under Part 1 of the Ancient Monuments and Archaeological Areas Act 1979 (scheduled monument consent)
- c) permitted to be carried out by a consent under Part 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (listed building consent),
- d) required or permitted to be carried out by or under any other enactment, or
- e) required to be carried out by virtue of a relevant obligation.

Interpretation of Class B, paragraph B.3, states that “relevant obligation” means—

- a) an obligation arising under an agreement made under section 106 of the Act, as originally enacted (agreements regulating development or use of land);
- b) a planning obligation entered into under section 106 of the Act, as substituted by section 12 of the Planning and Compensation Act 1991 (planning obligations), or under section 299A of the Act (Crown planning obligations);
- c) an obligation arising under, or under an agreement made under, any provision corresponding to section 106 of the Act, as originally enacted or as substituted by the Planning and Compensation Act 1991, or to section 299A of the Act.

Having had regard to the above interpretation, the demolition is not considered to be urgently necessary in the interests of safety or health and is not excluded demolition nor required to be carried out by virtue of a relevant obligation, and therefore, the developer is required to apply to the Local Planning Authority for a determination as to whether prior approval is required.

The application shows that an existing single storey attached garage located on the east elevation of the building would be demolished down to the level of an existing concrete slab which would be retained, an existing chimney stack would be reduced in height and an existing water tank would be removed.

Policy Context

Permitted development rights have not been removed, but the development site is located within the Penistone Conservation Area.

Class B, Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) order 2015 (as amended) (GPDO), permits any building operation consisting of the demolition of a building, subject to compliance with the relevant criteria and conditions.

Permitted development

B. Any building operation consisting of the demolition of a building.

Under the interpretation section of the GPDO, and in relation to Class B, Part 11, “building” includes any structure or erection, and “erection”, in relation to buildings, includes extension, alteration, or re-erection.

Development not permitted

B.1 Development is not permitted by Class B if –

- a) the building has been rendered unsafe or otherwise uninhabitable by the action or inaction of any person having an interest in the land on which the building stands and it is practicable to secure safety or health by works of repair or works for affording temporary support;*
- b) the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area)*
- c) the building is used, or was last used, for a purpose falling within—*
 - i. article 3(6)(p) (drinking establishments etc.) of the Use Classes Order; or*
 - ii. article 3(6)(q) (drinking establishments with expanded food provision) of that Order;*
- d) the building is used, or was last used, for the purpose of—*
 - i. a concert hall;*
 - ii. a venue for live music performance; or*
 - iii. a theatre; or*
- e) the demolition relates to a statue, memorial or monument (“a commemorative structure”) in place for a period of at least 10 years on the date of any proposed demolition, other than a commemorative structure—*
 - i. that is a listed building;*
 - ii. that is a scheduled monument;*
 - iii. within a cemetery, on consecrated land, or within the curtilage of a place of public worship;*
 - iv. within the grounds of a museum or art gallery; or*

- v. *within the curtilage of a dwellinghouse.*

Conditions

B.2 Development is permitted by Class B subject to the following conditions—

- a) *where demolition is urgently necessary in the interests of safety or health and the measures immediately necessary in such interests are the demolition of the building the developer must, as soon as reasonably practicable, give the local planning authority a written justification of the demolition;*
- b) *where the demolition does not fall within paragraph (a) and is not excluded demolition—*
 - i. *the developer must, before beginning the development, apply to the local planning authority for a determination as to whether the prior approval of the authority will be required as to the method of demolition and any proposed restoration of the site;*
 - ii. *an application described in (b)(i) must be accompanied by a written description of the proposed development, a statement that a notice has been posted in accordance with paragraph (b)(iv) and any fee required to be paid;*
 - iii. *.*
 - iv. *subject to paragraph (b)(v), the applicant must display a site notice by site display on or near the land on which the building to be demolished is sited and must leave the notice in place for not less than 21 days in the period of 28 days beginning with the date on which the application was submitted to the local planning authority;*
 - v. *where the site notice is, without any fault or intention of the applicant, removed, obscured or defaced before the period of 21 days referred to in paragraph (b)(iv) has elapsed, the applicant is treated as having complied with the requirements of that paragraph if the applicant has taken reasonable steps for protection of the notice and, if need be, its replacement;*
 - vi. *.*
- vii. *the development must not begin before the occurrence of one of the following—*
 - (aa) *the receipt by the applicant from the local planning authority of a written notice of their determination that such prior approval is not required;*
 - (bb) *where the local planning authority give the applicant notice within 28 days following the date of receiving the application of their determination that such prior approval is required, the giving of such approval; or*
 - (cc) *the expiry of 28 days following the date on which the application was received by the local planning authority without the local planning authority making any determination as to whether such approval is required or notifying the applicant of their determination;*
- viii. *the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out—*
 - (aa) *where prior approval is required, in accordance with the details approved;*
 - (bb) *where prior approval is not required, in accordance with the details submitted with the application;*

ix. the development must be carried out—

(aa) where approval has been given by the local planning authority, within a period of 5 years from the date on which approval was given;

(bb) in any other case, within a period of 5 years from the date on which the local planning authority were given the information referred to in paragraph (b)(ii); and

x.

Consultations

Conservation Officer	<i>No objections.</i>
Forestry Officer	<i>No objections.</i>
Highways Development Control	<i>No objections subject to conditions.</i>
Pollution Control	<i>No objections subject to conditions.</i>
Demolition	<i>No comments.</i>
Local Ward Councillors	<i>No comments.</i>

Representations

Neighbour notification letters were sent to surrounding properties. The applicant placed a site notice nearby in accordance with the prior approval procedure. Two representations were received.

Comments were received welcoming proposed additional parking but identified that the application does not include details of this. The issue of an established right of way and easement was raised, and that any re-configuration of the parking area should include dedicated spaces for allotment plot holders. Whilst these comments are acknowledged, this application relates purely to the demolition of part of the existing building and the proposed site plan indicates that following demolition, the area will be earmarked for car parking under a future project to be considered under a separate planning application. Issues pertaining to established rights of way and easements are a separate legal matter and not a material planning consideration. A response has been issued regarding dedicated spaces for allotment plot holders.

Other concerns raised relate to potential increased noise from existing heating and air conditioning units which it is stated are partially concealed by the part of the building to be demolished. Moreover, it was raised whether the fence line would be secured along the rear of properties on Victoria Street and whether residents would be informed of the commencement and duration of the works to plan to protect their properties in respect of dust and noise which may occur. Anti-social behaviour was also raised as a concern. The applicant has advised that the configuration of existing heating and air conditioning units is likely to be altered as part of future works to be considered under a separate, future planning application, and comments made regarding noise will be considered. The applicant has advised that there is an intention to install a fence in parallel to the stone wall which separates the development site from the domestic gardens subject to consideration as part of a future planning application. The applicant has advised that anti-social behaviour has not been previously brought to attention, but it is the intention to install CCTV cameras around the perimeter of the development site subject to consideration as part of a future planning application. The applicant has also advised that letters will be issued to occupants of adjacent buildings upon obtaining approval and confirming exact dates and expected duration for works with the contractor.

Assessment

Paragraphs B.1(a), (c), (d) and (e) are not relevant in this instance.

Paragraph B.1(b) states development is not permitted by Class B if the demolition is “relevant demolition” for the purposes of section 196D of the Act (demolition of an unlisted etc building in a conservation area).

Section 196D of the Town and Country Planning Act 1990 (as amended) relates to the offence of failing to obtain planning permission for demolition of unlisted etc buildings in conservation areas in England

Section 196D, paragraph 3, states that “relevant demolition” means the demolition of a building that —

- a) is situated in a conservation area in England; and
- b) is not a building to which section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply by virtue of section 75 of that Act (listed buildings, certain ecclesiastical buildings, scheduled monuments and buildings described in a direction of the Secretary of State under that section).

Section 75(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply to —

- a) listed buildings;
- b) ecclesiastical buildings which are for the time being used for ecclesiastical purposes;
- c) buildings for the time being included in the schedule of monuments compiled and maintained under section 1 of the Ancient Monuments and Archaeological Areas Act 1979; or
- d) buildings in relation to which a direction under subsection (2) is for the time being in force.

Section 75(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that the Secretary of State may direct that section 74 shall not apply to any description of buildings specified in the direction.

The Conservation Areas (Application of Section 74 of the Planning (Listed buildings and Conservation Areas) Act 1990) Direction 2015 sets out further instances of buildings to which section 74 of the Planning (Listed Buildings and Conservation Areas) Act 1990 does not apply, which includes:

- a) any building with a total cubic content not exceeding 115 cubic metres (as ascertained by external measurement) or any part of such a building, other than a pre-1925 tomb;
- b) any gate, wall, fence or means of enclosure which is less than one metre high which abuts on a highway (including a public footpath or bridleway), waterway or open space, or less than two metres high in any other case;
- c) any building erected since 1 January 1914 and in use, or last used, for the purposes of agriculture or forestry;

- d) any building required to be demolished by virtue of an order made under section 102 of the principal Act;
- e) any building required to be demolished by virtue of any provision of an agreement made under section 106 of the principal Act;
- f) any building in respect of which the provisions of an enforcement notice issued under section 172 of the principal Act or sections 38 or 46 of the Act require its demolition, in whole or part, however expressed;
- g) any building required to be demolished by virtue of a condition of a planning permission granted under section 70 or section 177(1) of the principal Act;
- h) any building required to be demolished by virtue of a notice served under section 215 of the principal Act;
- i) any building to which a demolition order made under Part 9 of the Housing Act 1985 applies;
- j) any building included in a compulsory purchase order made under the provisions of Part 9 of the Housing Act 1985 and confirmed by the Secretary of State;
- k) a building closed for regular public worship (within the meaning of the Mission and Pastoral Measure 2011) where demolition is in pursuance of a pastoral scheme (within the meaning of that Measure) or other scheme made under Part 6 of that Measure.

Paragraphs B-K of the Conservation Areas (Application of Section 74 of the Planning (Listed buildings and Conservation Areas) Act 1990) Direction 2015 are not relevant in this instance.

In relation to paragraph A of the Conservation Areas (Application of Section 74 of the Planning (Listed buildings and Conservation Areas) Act 1990) Direction 2015, the proposed development would result in the demolition of more than 115 cubic metres (approx. 493 cubic metres) of a building, or any part of such building. The building is also located within the Penistone Conservation Area. As such, it is considered that the application building does constitute a building to which section 74 of the Planning (Listed buildings and Conservation Areas) Act 1990 does apply and is “relevant demolition” as set out by section 196D of the Town and Country Planning Act 1990 (as amended). Consequently, the proposed demolition, in this instance, is not permitted by Class B, Part 11 of Schedule 2 of the GPDO, in accordance with paragraph B.1(b). Nevertheless, an assessment has been made regarding the potential impact of the development on amenity and highway safety.

Impact on Residential Amenity

During the process, concerns were raised regarding potential increased noise from existing heating and air conditioning units which it is stated are currently partially concealed by the part of the building to be demolished. Moreover, other concerns were raised regarding potential noise and dust impacts from the proposed works.

The applicant has advised that the configuration of existing heating and air conditioning units is likely to be altered as part of future works to be considered under a separate, future planning application, and comments made regarding noise will be considered. Moreover, the applicant has advised that there is an intention to install a fence parallel to the stone wall which separates the development site from adjacent domestic gardens and to install CCTV around the site perimeter which will be subject to consideration as part of a future planning application. In addition, the applicant has advised letters will be issued to occupants of adjacent buildings upon obtaining approval and confirming exact dates and expected duration for works with the contractor.

Notwithstanding the above, it is acknowledged that there could be some potential disturbance and disruption because of works, and whilst any potential impact is anticipated to be temporary, should this application be approved, a condition could be used to control construction and demolition hours.

Considering the above, and subject to conditions, the proposal is considered acceptable regarding residential amenity, in accordance with Local Plan Policies GD1 and POLL1.

Impact on Design, Heritage and Visual Amenity

Sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving conservation areas or their setting or any features of special architectural or historic interest which they possess.

The Council's Conservation Officer was consulted, and no objections were received because it was considered that Penistone Library is an entirely modern structure that contributes little to the historic built environment and group value of positive elements within the Penistone Conservation Area.

Additionally, it is not considered that the demolition of a garage, chimney stack and water tank would adversely affect the external appearance of Penistone Library with a limited impact on the character of the street scene.

Considering the above, the proposal is considered acceptable regarding design, heritage and visual amenity, in accordance with Local Plan Policies HE1, HE4 and D1.

Impact on Highway Safety

Highways Development Control were consulted, and no objections were received. It was stated that this is because the proposed demolition of redundant elements of the building is intended to improve off-street parking provision on the site. Whilst no details of how the additional parking will be set out have been submitted, it is acknowledged that the scheme would create more space for vehicles to park, and the proposal is therefore likely to improve the layout from a highway's development control perspective. It was recommended that a condition be included regarding surfacing materials.

Whilst these comments and recommended condition are noted, this application relates purely to the demolition of parts of Penistone Library, and the proposed site plan indicates that a raised concrete slab would remain in situ following the demolition and a new planning application would be submitted for car parking as part of a future project. It is therefore not considered necessary or reasonable to include the recommended condition at this stage.

The proposal is therefore considered acceptable regarding highway safety, in accordance with Local Plan Policy T4.

Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal constitutes acceptable development in respect of highway safety and residential and visual amenity and would comply with national and local planning policies and guidance. It is therefore recommended that prior approval be granted subject to conditions.

Recommendation -

Prior Approval Required – Granted subject to conditions.

Conditions –

1. The development hereby permitted must be carried out within a period of 5 years from the date on which approval was given.
Reason: In order to comply with the provision of condition B.2 (b)(ix)(aa) of Part 11 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
2. The development hereby approved shall be carried out strictly in accordance with the plans:

Proposed Site Plan P04 Rev. P1
Proposed Floor Plan and Elevations P05 Rev. P1

and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.
3. Construction and demolition-related activities shall only take place between the hours of 08:00 to 18:00 Monday to Friday and 09:00 to 14:00 on Saturdays and at no time on Sundays or bank holidays.
Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1 Pollution Control and Protection.

Informative(s) –

4. The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner.
5. The development hereby approved includes the demolition of existing buildings. You are advised that before undertaking any demolition, you may require a demolition licence from the Highway Authority. Please be aware that works shall be to the specification and satisfaction of the Highways Authority and you must give 6 weeks' notice of demolition. If you start demolition work without the appropriate licence, you may be prosecuted. Fees are payable for the approval of demolition, and you will be issued with a Section 81 notice prior to commencing work. or you may be prosecuted. Further information and an application form are available on the BMBC website at <https://www.barnsley.gov.uk/services/planning-and-buildings/building-control/get-permission-to-demolish-a-building/> or please contact via email demolition@barnsley.gov.uk