
2021/0636 – Delegated Report

Applicant – Mr Andrew Ivill

Address – Elsecar Cricket And Social Club, Armroyd Lane, Elsecar, Barnsley, S74 8ES

Description – Construction of freestanding steel balcony structure with frameless glass balustrade with black metal surrounding handrails and Bi-Folding door at first floor level

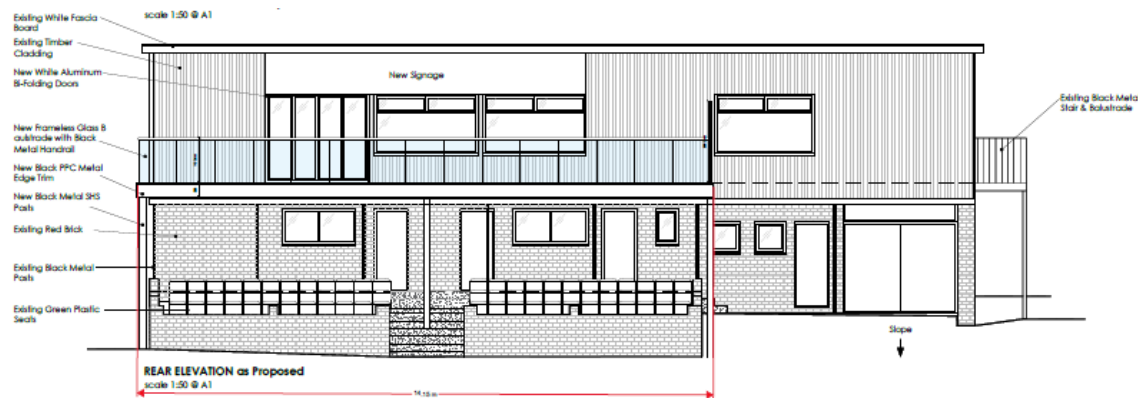
Site Description

The application relates to an existing cricket ground located to the south of Armroyd Lane in Elsecar and north of Elsecar Park. There are residential properties adjoining the site to the east of the redline boundary and north and east of the blue line boundary. The site slopes down from Armroyd Lane to the south where it flattens to form the cricket pitch. The club house is a two-storey structure with a flat roof, brick elevations at the ground floor, timber clad elevations at the first floor and white uPVC glazing. Across the western part of the southern elevation which faces onto the cricket pitch there are rows of seats for supporters outlooking toward the playing pitch as well as a single storey structure even further west which presumably acts as an ancillary building. To the east is a boundary shared with 10 Armroyd Lane, a dormer bungalow property. The boundary treatment is a combination of an existing evergreen tree and a wooden screen fence. The Elsecar conservation area borders the site further east from the rear of 8 Armroyd Lane



Proposed Development

The applicant seeks permission to erect a first floor balcony on the southern elevation of the main clubhouse. The (approx.) dimensions of the proposal are as follows: Width 14.15m, Depth 4m, Platform Height 4.15m, Balustrade Height 5m and Total Height 6.15m. The westernmost window at the first floor will be altered to form a bi-fold door to provide access to the balcony. When measured from the platform height, a 2m high obscure glazed screen will be installed on the eastern side of the balcony. The remainder of the balustrade will also be frameless glazing topped with a black handrail. The structural frame of the balcony is proposed with square hollow section posts (SHS) in black with similarly coloured cladding applied to the platform. A mix of silver birch and hawthorn trees in bell pits are proposed beside the eastern elevation of the clubhouse.



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The Local Plan is the borough's statutory development plan which is supported by a series of adopted Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Local Plan

The new Local Plan was adopted at the full Council meeting held 3rd January 2019 after it was found to be sound by the appointed Planning Inspector following the examination process. This means that it now takes on full weight for decision making process in planning law terms as the development plan for the Borough, superseding the remaining saved policies from the Unitary Development Plan (adopted in the year 2000) and the Core Strategy (adopted in 2011).

Local Plan policies map designations include:-

- Green Belt
- Greenspace – Outdoor Sports Facility

Other relevant Local Plan policies are as follows:-

GD1 – General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents.

D1 – High Quality Design and Place Making – Development is expected to be of a high quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

GB2 – Replacement, Extension and Alterations of Existing Buildings within the Green Belt – Provided it will not have a harmful impact on the appearance or character and will preserve the openness of the Green Belt, we will allow the following development in the Green Belt – Replacement buildings where the new building is in the same use and is not materially larger than that which it replaces.

GS1 – Green Space – We will work with partners to improve existing greenspace to meet standards in our Green Space Strategy.

T4 – New Development and Transport Safety – New development will be expected to be designed and built to provide all transport users within and surrounding the development with safe, secure and convenient access and movement.

Supplementary Planning Documents

Residential Amenity and Siting of Buildings

Green Space Assessment 2016 (Update)

Elsecar Cricket Ground – Quality = Good and Stable, Value = High

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, the policies above are considered to reflect the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 124 (general design considerations) and paragraph 130, which state that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

The relevant paragraphs within the NPPF will be observed with respect of this application, those being Chapters 13 (Protecting Green Belt Land).

Consultations

Ward Councillors – No comments

Pollution Control – (Verbal Consultation) – Discussion of conditions relating to amplified music, open doors and closure times.

SYMAS – The proposal is sited in a High Risk Coal Mining Area and a suitably worded condition requiring submission of a Coal Mining Risk Assessment is required.

Representations

The application was publicised in accordance with requirements of the Development Management Procedure Order whereby neighbour notification letters were sent to adjoining and adjacent properties alongside a site notice erected near to the site. 2no. objections have been received from 1no. representor. The representor cited the following issues based upon material planning considerations (those comments not relating to material planning matters are omitted from the summary below):

- 1/. Increased noise levels from the balcony
- 2/. Loss of privacy due to lack of screening from the balcony (since amended)
- 3/. The development is unnecessary as the Cricket Club has sufficient outdoor seating under the current layout.
- 4/. Issues pertaining to the amendment of the scheme, specifically in relation to a request to plant the trees within the representor's garden, the size of the trees upon planting, maintenance costs and future liability.

The above will be reviewed in the assessment section below.

Assessment

Principle of development

The site is located within the Green Belt where the construction of new buildings or structures is regarded as inappropriate. As with previous Green Belt Policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. New facilities associated with outdoor sport are usually exempt from this definition through clause (b) of para 149. However, this clause requires that new sports facility buildings preserve the openness of the Green Belt to meet the exemption test. Unfortunately, as the balcony both visually and spatially increases the size of the building, it is the LPA's view that the proposal does not benefit from clause (b) of para 149 in this instance as the openness of the Green Belt shall not be preserved by the increased size of the structure .

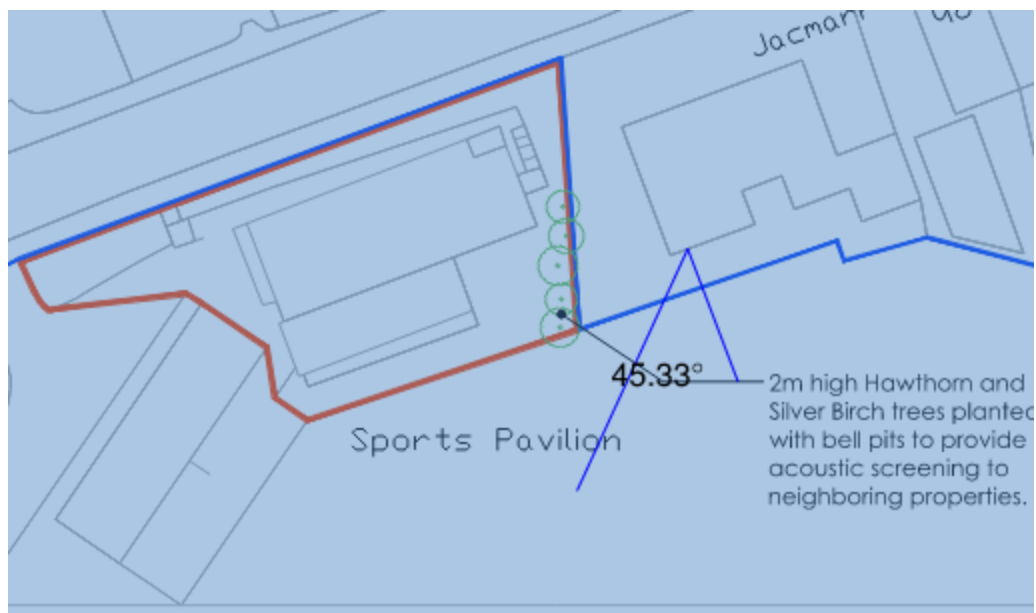
The clubhouse is located directly upon the boundary between the Urban Fabric designation of Elsecar and the Greenbelt which surrounds this Principal Town. However there is no distinguishable change or break in the continuation of the built environment and the clubhouse appears as a contingent part of the urban area. Consequently the harm to the setting and openness of the Green Belt, though not preserved, is determined as low. Nevertheless, it is the determination of the LPA that the proposal benefits from very special circumstances by virtue of its contribution to the continued operation of the Cricket Club which has significant communal value and importance to the local area. The development will aid the viability of the facility to continue to generate and increase its income and operate as a cricket ground. It is therefore felt that the size of the development, though fundamentally increasing the floorspace of the clubhouse within the Green Belt, is in-keeping with the vernacular associated with a Cricket Pavilion i.e an outdoor raised platform. The balcony will allow a greater number of supporters to watch matches from an alternative vista, while allowing the club to presumably host functions on the balcony when matches are on as well as at other times to generate income from other events when hired by local patrons. The resultant outcome of an approval of this development would mean that the club is able to update the appearance of their clubhouse with a modern addition while aiding the financial security of this community asset through the introduction of an attractive outdoor space. Very special circumstances is applied here as the balance of the negative harm to the Green Belt from the balcony in respect of setting and openness is 'low', on account of its location immediately adjacent to a continuous urban area. Meanwhile the communal benefit of the development through increased outdoor recreational provision for the sports facility is determined to be 'moderate' which, despite being inappropriate within the Green Belt, outweighs the 'low' level of harm perceived of the setting and openness of the Green Belt in this relatively urban location.

The site is also allocated as Green Space. Policy GS1 'Green Space' states that in some circumstances development proposals would be allowed that result in the loss of green space where the development is for small scale facilities needed to support or improve the proper function of the green space. In this case the proposed balcony is to be developed to support the site's function as a cricket ground. The level of development proportionate to the size of the greenspace is marginal and, as stated previously, will benefit the primary use of the greenspace.

Overall the principle of development is determined as being acceptable by virtue of very special circumstances required by the NPPF Para 148 and in line with LP Policy GS1.

Residential Amenity

The proposal is within the building line of 10 Armroyd Lane and, as evidenced in the image below, is significantly outside the 45 degree angle from that property's western most window – the proposal is therefore considered to comply with the separation distance and angle requirements set out in the SPD Residential Amenity and Siting of Buildings. The 45 degree angle is determined to be pertinent in this instance as the 25m rule is not relevant given that the balcony does not sit opposite of habitable room windows and is located closer to that dwelling's side elevation than its rear elevation.



In respect of the privacy issues cited by the representor outlined in point 2 of the previous section, the screen applied to the eastern balustrade of the platform is to be 2m high across the balcony's full depth and is to be composed of opaque glass. This arrangement is considered to be sufficient in the context of the existing conifer tree located in the south western corner of No.10's curtilage, the combination of the glazed screen and the tree should prevent both views from upon the balcony and from those who may lean over the balustrade towards No.10 Armroyd's curtilage.

In respect of the proposed trees south of the eastern elevation of the clubhouse, the assertions made by the representor are correct in that a birch and hawthorn screen will not be large enough by themselves to adequately mitigate for overlooking from the balcony and will take too long to grow to provide a sufficient screen. Nevertheless, as mentioned above, the opaque glazed screen applied to the eastern balustrade alongside the existing tree are determined to be sufficient to minimise overlooking from the balcony. Irrespectively an amendment has subsequently been sought and included which alters the trees to evergreen with an installation height of 3m which is broadly in line with the request of the representor. A condition will be applied which shall limit the height of these trees to grow no more than 4m to protect the amenity of No.10's curtilage in

respect of light loss. The requests by the representor in respect of tree-siting on their property and ongoing maintenance liability are not able to be negotiated via the planning process as the representor's land is not under the control of the applicant. Regardless, the new tree planting should reduce some of the noise from the balcony once it reaches its full height.

Conditions will be applied to the decision which, following consultation with Pollution Control, should adequately mitigate for noise nuisances being created as cited under point 1 raised by the representor. Access to the balcony will be restricted between 10pm and 8am with no access onto the balcony between these times on any day of the week. No amplified music is to be played on the balcony and no external doors are to be open when music is playing. These restrictions are determined to be reasonable given that the opaque screen should also somewhat reduce sound travelling from the balcony towards 10 Armroyd Lane. Likewise the restrictions are proportionate to the practices ongoing at the cricket club and to ensure that noise is not incurred at inhospitable times of day for residential properties adjacent to the site. Contextually it should be noted that some noise should be expected by residents adjacent to a sports facility such as Elsecar Cricket Club, the Case Officer has studied historic OS plans and can confirm that the Pavillion pre-dates the adjoining property at 10 Armroyd Lane in that the former appears on the 1948 OS Maps while the latter has not been constructed until the 1960 OS Map.

In respect of the third point made by the objector in relation to the volume of existing outdoor seating and the development not being necessary, it is not a requirement for the proposal to be justified on capacity grounds or for evidence to be submitted setting out why the space is required.

The proposal is consequently determined to be in line with the SPD Residential Amenity and Siting of Buildings as well as LP Policy GD1 – General Development.

Visual Amenity

The balcony shall be constructed of a powdercoated steel frame coloured black with the balustrade composed of modern frameless glazing with topped with a matching black balustrade the view of the balcony will be limited to those approaching Elsecar eastbound on Armroyd Lane whereby the western side of the balcony will be obliquely visible. Some views will also be possible from dwellinghouses further east on Fitzwilliam Street while distant views are also possible from Elsecar Park. Overall the arrangement will not affect a streetscene, mostly the views within the cricket ground itself, given its size. The opinion of the LPA is that the addition will prove an attractive modern addition to what is otherwise a careworn mid-century building that is otherwise at odds with the prevailing historic character of Elsecar.

As mentioned above, the site is within the Green Belt and there are some long distance views from the south and east. However, the proposed structure will update a tired facade located within close proximity to the adjacent built up area and would be viewed against the backdrop of Elsecar's urban fabric, as such, the impact upon the openness of the Green Belt would be adverse, albeit minimally adverse, given that the balcony is a modern structure attached to a modern building. Irrespectively, the issue of openness is overcome by the very special circumstances from which the proposal benefits i.e. its contribution to the viability of this community facility and the maintenance of the greenspace into the future.

To conclude, the proposal is deemed to be an acceptable impact on the visual appearance of the area in accordance with LP Policies D1 – High Quality Design and Placemaking.

Other Considerations

High Risk Coal Mining Area: A suitably worded condition is to be attached to the decision notice to ensure that the development is able to be designed to take account of any ground instability factors arising from the presence of unknown coal mining legacy issues.

Conclusion

When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. The benefits of this proposal, i.e. its positive impact on the viability of the outdoor sports venue and the improved facilities it will create for the local community, outweigh the minor harm inflicted to the Green Belt in respect of the development's inappropriateness and its impact on the Green Belt's openness. Likewise, the improvement to the visual appearance of the Green Belt in contrast to the existing building further serves to reinforce the weight of Very Special Circumstances in this instance.

To conclude, the proposal benefits from Very Special Circumstances given the positive impact it shall have on this community facility and Greenspace through its increased capacity and improved visual appearance while maintaining the level of amenity that neighbouring uses experience in accordance with LP Policies GD1, D1, GB2 and GS1.

Recommendation

Grant – Subject to conditions