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25/11/2024

Dear Jess,

2024/0621 – St Barnabas Church, Old Mill Lane, Barnsley

Thank you for your recent correspondence regarding the proposed conversion of the former St Barnabas Church into residential apartments. While as you are aware I have only just been appointed as agent for this application, myself, the architect and the applicant are appreciative of your willingness to engage in further discussion – in particular relating to the final outstanding point in contention.

I understand that you recognise the planning merits associated with the reuse of the building for the provision of new dwellings, however, we would like to address the concerns raised about parking provision and the potential impact on local parking capacity. Accordingly, this letter sets out a little more relevant background to the applicant, in addition to further evidence to establish their position with respect to the outstanding parking concern.

Kruidberg Capital

Kruidberg was established four years ago with the aim of improving the quality of rental housing to people in Barnsley. Today the company has 122 quality, refurbished units rented to local people and local families, with a further 32 in development.

Kruidberg employs ten people, all of whom live locally to the Barnsley area. In addition, they currently self-finance apprentice schemes for 3 young people, giving them confidence, practical skills and the motivation to establish successful careers.

Kruidberg's goal is to continue to improve the local area over the long term and they are sufficiently capitalised to make a very significant positive impact. They feel a strong working relationship with BMBC would help to deliver Barnsley's housing targets in the years ahead and – aside from this application process – would very much welcome the opportunity to discuss how that could be achieved.

Parking Survey and Local Car Ownership Levels

A Parking Survey was provided to the LPA which shows clear evidence that the local on street parking along Honeywell Street is not at capacity. A robust methodology was adopted which spread visits across an appropriate range of dates and times. At all times spaces were available with the statistical conclusion being drawn that the street is generally operating at between 61-76% of its capacity.

Furthermore, assessment of 2021 ONS census data identifies that within the Output Area in which the application site falls (E00037175), 50.7% of all households do not have any cars or vans. Directly to the north across Old Mill Lane, in separate Output Area (E00037562), this increases to 54.6%. Directly to the north-east across Old Mill Lane, in separate Output Area (E00037560), the figure is 54.1%.

With this being the case, it is evident that (even notwithstanding the LPA's consideration of the submitted Parking Survey) the character of housing stock in this central location and the demographics of residents are such that the level of ownership and use of private cars is substantially below typical levels. This reflects the fact that the Parking Survey consistently found there to be on street parking spaces available and broadly aligns with the level of use of the on street parking bays on Honeywell Street relative to the number of dwellings.

This information provides a more nuanced understanding of both the existing context and the actual parking demand likely to be generated by the proposed development. It is objective in nature specific to this precise locality and must help to inform decision-making above and beyond the broader-brush application of the Parking SPD.

In addition to this the existing use must also be given due regard within the overall consideration of the impact of the proposals on car parking. If parking were generated commensurate with the Parking SPD, then the existing use would have a requirement of 58 spaces. Though the former church is not currently in use, this use (or a suitably similar use) could recommence outside of the control of the LPA or Highways Authority. This is therefore the existing baseline situation that again must factor into the planning and highways judgement. Accordingly, the proposals represent a vast decrease in on street parking demand that might otherwise be imposed on the area without the need for any consent or planning permission.

It is therefore demonstrated that:

- The existing on street parking on Honeywell Street is below capacity.
- The potential demand created by the proposals is likely to be very low given the clearly evidence context.
- This potential demand represents a very substantial reduction compared to the existing baseline situation.

As such, considered within the context of this matter alone it is asserted that the proposals will not result in an unacceptable situation within the local highway network, and that they are therefore acceptable.

Housing Land Supply and Planning Balance

Beyond the above, it is also essential to consider the LPA's current housing land supply challenges, which are a very important factor in the overall planning balance. The Council has recently acknowledged a significant shortfall in housing land supply, which necessitates placing greater weight on the benefits of providing additional housing. The proposed development would contribute positively to addressing this shortfall by bringing a vacant building back into productive use and providing much-needed residential accommodation.

This is most recently evidenced within the appeal at Shaw Lane, Carlton, Planning Inspectorate reference APP/R4408/W/24/3341097. Consequently in any decision-making that considers the delivery of new dwellings the tilted balance is triggered and the LPA must place commensurately greater weight upon the benefits of the provision of new housing. As set out in the above discussion on the parking context, the applicant is firmly of the view that the proposals will have negligible impact and will in fact represent a reduction in demand against the existing baseline situation. Even if the LPA take issue with certain specific elements of this argument, it still remains the case that the actual weight that may be applied to the perceived 'harm' caused by the parking demand of the proposed dwellings is minor at most.

On the other hand, the wider planning context within which this decision must be made requires the LPA to place considerable weight on the benefits of the provision of the dwellings. While the number of dwellings proposed is relatively modest, it is considered that at least moderate weight in favour of the proposals must be applied, and this comfortably outweighs any perceived harm arising from parking

demand. It is not the case that there would be an unacceptable impact on highway safety or that the residual impacts on the road network would be severe.

Consequently, it is strongly considered that when viewed through the appropriate policy lens the planning balance should find the proposals to be acceptable.

Parking Permit Restrictions

Notwithstanding the above, it is understood that the Council's Parking Services have expressed concerns about the capacity of the surrounding streets, and that the LPA is minded being guided by this in reaching an overall determination.

In this respect, if this remains the opinion of Officers, *the applicant in turn remains open to being bound by a condition or legal agreement to restrict future residents from being able to apply for or receive a parking permit.*

While you mentioned that conditioning to restrict future residents from obtaining parking permits is not feasible, we would like to highlight that other local planning authorities continue to successfully utilise this option. Copied below is an example of a Directive attached to a major application (23/01746/OUT) granted recently by Sheffield City Council:

"This development has been granted permission on the basis that it is designated as a car/permit-free development. Residents of car/permit-free developments will not be issued with residents parking permits or business parking permits (for businesses registered at the car/permit-free address) in the local area where there is a permit scheme in place. Residents may be eligible for other types of parking permit (carer, visitor, Blue Badge) in the usual way according to the relevant criteria. This applies in respect of future parking permit schemes in the surrounding streets as well as in relation to current permit parking schemes."

The restriction of resident parking permits is also frequently sought through Section 106 agreements. Appended to this letter is an example of the relevant schedule extracted from a S106 agreement recently agreed with the Royal Borough of Kingston upon Thames.

It is therefore again asserted by the applicant that, if considered necessary, the LPA is able to reliably impose this restriction and therefore secure the benefits of the proposals while avoiding the perceived downsides.

Conclusions

In light of the above points, I provide the following summary of the applicant's position on this particular matter within this application:

- The current context of on street parking presented in the area around the site has been found by the evidence provided to not be at capacity.
- Based on evidence provided, the likely impact of the proposals in terms of the additional on street parking demand is likely to be negligible. In fact, the baseline condition of the existing lawful use of the site has vastly greater parking demand.
- This negligible impact must be considered in the planning balance, in which the following benefits are emphasised:
 - o Effective and sensitive reuse of an existing building for which an alternative non-residential use is unlikely to come forward or be viable.
 - o Provision of nine new dwellings in an extremely sustainable brownfield location.
 - o Further social and economic benefits arising from the construction works by a locally owned developer employing individuals solely from the local labour market.
- All of the above must be considered within the context of the titled balance given BMBC's substantial shortfall from being able to demonstrate a five year housing land supply. As such, all other considerations being equal, the benefits far outweigh the harm.
- Notwithstanding the above, if the LPA consider it necessary then it is definitively possible through multiple means to restrict the ability of futures residents apply for and/or receive parking permits.

Accordingly, there is a compelling case for granting planning permission for the proposed development and it is considered that this should be done without delay.

We would welcome the opportunity to discuss this matter further and explore other potential solutions that align with both the Council's objectives and the benefits of the proposed development.

Yours Sincerely,

Charles Dunn MPlan MRTPI
Director, Urbana Town Planning

Extract from S106 agreement with RB Kingston upon Thames:

2. Parking Permits

2.1 Not to make an application for a Parking Permit in respect of a Residential Unit or knowingly permit any owner or occupier of the Residential Unit to make such an application and further not to make an application to the Council to enter into a contract (other than individual contracts for one occasion) to park a Motor Vehicle in any car park controlled by the Council Provided that the provisions of this paragraph shall not apply to a person who is the holder of a Disabled Persons Badge

2.2 In any case where an application is made as aforesaid and a Parking Permit is issued or contract entered into then to surrender such Parking Permit to the Council or terminate such contract with the Council within 7 days of written demand by the Council.

2.3 Not to occupy (or dispose of any interest in) the S106 Land or cause or permit any person to occupy (or dispose of any interest in) the S106 Land unless and until a notice in writing has been served on such person to the effect that such person shall not:

- (a) be entitled (unless such person is or becomes entitled to be a holder of a disabled person's badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970) to be granted a Parking Permit in respect of the Residential Unit; or
- (b) be entitled to enter into a contract (other than individual contracts for one occasion) with the Council to park a Motor Vehicle in any car park controlled by the Council

2.4 That all material used for advertising or marketing the Residential Units for letting or sale will notify prospective owners and occupiers that they will not be entitled to apply for a Parking Permit or buy a contract to park within a car park owned or controlled by the Council.

2.5 That in respect of every lease tenancy agreement assignment licence or other disposition proposed to be granted assigned or otherwise created or transferred in respect of a Residential Unit and which would entitle any person to occupy the Residential Unit the Owner shall impose the following covenant (or a covenant of substantially the same nature) on the lessee tenant assignee licensee or other disponent in every lease tenancy agreement assignment licence or other disposition namely:

"the lessee for himself and his successors in title being the owner for the time being of the terms of years hereby granted hereby covenants with the lessor and separately with the Mayor and Burgesses of the Royal Borough of Kingston Upon Thames ("the Council") not to apply for or knowingly permit an application to be made by any person residing in the premises to the Royal Borough of Kingston Upon Thames for a Parking Permit in respect of such premises and if a Parking Permit is issued then it shall be surrendered within 7 days of written request to do so from the Council and this covenant shall be enforceable by the Council under the Contracts (Rights of Third Parties) Act 1999" Provided always that these provisions shall not apply to a person who is a holder of a disabled persons badge issued pursuant to section 21 of the Chronically Sick and

Disabled Person Act 1970 (or such other legislation as may supersede it and provide for the issue of disabled persons parking badges/permits

2.6 Upon receipt of a written request from the Council to provide to the Council such information as the Council may reasonably require to enable it to be satisfied as to compliance with the provisions of this Schedule.