

Detailed Planning Application, Listed Building Consent, Conservation Area Consent submitted to Barnsley Metropolitan Borough Council by Reliant Building Contractors Ltd.

Proposal : The conversion of the Coal Drops to Shops / Office falling within Use Classes A1 to A5 inclusive. Erection of Combined A1 Shop and A3 Cafe to the rear of the Coal drops. Conversion of Regency House to consulting rooms falling within Class D1, the demolition of the former workshop and erection of 13 dwellings and 2 live work units Use Class B1/C3 at the Former Coal Drops St. Mary's Street Penistone South Yorkshire S36 6DT

Planning Statement of

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1.0 Introduction

1.1 These applications seek planning permission, listed building consent and Conservation Area Consent for:

- The conversion of the Coal Drops to Shops / Office falling within Use Classes A1 to A5 inclusive.
- Erection of Combined A1 Shop and A3 Cafe to the rear of the Coal drops.
- Conversion of Regency House to consulting rooms falling within Class D1
- and the demolition of the former workshop and erection of 13 dwellings and 2 live work units falling within Use Class B1/C3.

1.2 The proposal seeks to secure planning permission, Conservation Area Consent and listed building consent in accordance with the adopted Core Strategy (CS) and the remaining saved policies of the Unitary Development Plan (UDP).

1.3 The site lies within the defined Shopping and Commercial Area, Policy S1, and the defined Town Centre Comprehensive Development area, Policy PE17, of the Saved policies of the UDP. The policies direct retail development, town centre business uses and housing to sites such as this. The proposal is fully in accordance with these adopted policies and

fundamental CS Policies relating to the location of growth, housing, economy, transport strategy, local character, town centre and green infrastructure.

1.4 On the 21st March 2012 applications were made for the redevelopment of the site. The applications were refused on the 30th May 2013. The application references are 2012/0312, 2012/0306 and 2012/0313. The following matters were raised in the Decision Notices / report to Members:

- Principle

The Principle of development is agreed by the Council. Page 42 of the Officer report refers.

- Design

The Council object to the dormers in the houses. The Council agree to rooflights. The Council would like the existing sleepers and buffers included in the scheme.

- Layout

The Council would like the dominance of car parking reduced, a service area for the commercial units shown and bin storage shown.

- More Evidence / Detail

The Council require further additional information relating mainly to the details of the conversion of the bunkers, details including a structural engineers report and Archaeological report.

- Phasing

The Council require that the the development is phased in such a way that the residential development helps fund the conversion and the conversion comes forward at the same time as the residential scheme.

- Parking

The Council will require a reduction in the car parking shown in the western courtyard but that the car parking in front of the houses is retained. Compliance with the new standards is required.

- Highways

The Highways Officer is concerned that the Applicant does not control the road to allow improvements to take place, that a parking area / service

area should be provided for the commercial element and a turning head shown.

- Ecology

Further information is required on Biodiversity.

- Archaeology

The Council would like to have completed an Archaeological Assessment and Building Appraisal.

- Illustrative Material

The Council require further visual representations from within the Conservation Area and cross sections to demonstrate that the development will make a positive contribution in the Conservation Area.

1.6 This Statement, the evidence submitted with these applications from the consultants and the revised plans will address these points.

2.0 Site Description and Planning History

2.1 The application site is situated on the north west of Penistone Town Centre. It is accessed from an unadopted and un-named private road which joins Stottercliffe Road leading from a new roundabout junction with the B6462 St Mary's Street. The road provides access to a further industrial / retail/ cafe uses to the west of the application site. The Applicant has a right of way over the access road. To the rear of the site is the Trans Pennine Trail (TPT) granted permission in November 1994. The site gradually drops from west to east, its lowest part being in front of the Coal drops. Adjoining the TPT is Talbot Road and detached houses backing on to the Trail. To the East is the Town Centre of Penistone. To the South is a Garage with terraced housing beyond. Within the site there are the listed grade II Coal Drops. The building was listed in November 1988. Planning and listed building consent was granted for conversion of the Coal Drops to shops and offices in June 1995. This permission was not implemented.

The List Description reads:

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Coal drops. Mid C19 (date of line 1845). Rock-faced stone, ashlar impost cornice and blocking course. Six segmental-arched openings with raised keystones. Later boarded doors to 5th. Wooden supporting beams for shutters extant across each opening”.

2.2 Regency House falls immediately to the west of the Coal Drops. This is a two storey stone building. It is likely that in 1974, planning permission was granted for use of this building for offices. It is understood in recent times to have had a low key retail use. In pre application discussions Officers took the view that the building, by attachment with the Coal drops is listed. To the west is one empty stone workshop, formerly a railways authority storage unit, which appears to have had uses including the maintenance of motor vehicles, storage repair and retail of agricultural machinery. These permissions were granted between 1974 and 1995. This part of the site has also been used for the rental of machinery. All uses on the site have now ceased, and some of the most recent uses of the site have transferred, in part, to a new unit to the west.

3.0 Proposal

3.1 There are five parts to the development of the site. Firstly, the conversion of the Coal Drops to Shops Classes A1 to A5. Secondly erection of Combined A1 Shop and A3 Cafe to the rear of the Coal drops. Thirdly, conversion of Regency House to consulting rooms Class D1. Fourthly the demolition of the former workshop and erection of 13 dwellings and 2 live work units Use Class B1/C3. Associated with the proposals is the vehicle parking provision, including cars, bicycles, powered two wheel vehicles and disabled spaces. These are all fully dealt with in the Transport Statement along with the onsite and limited offsite highway works.

3.2 The Coal Drops are proposed to be converted to 5 units for commercial use as set out in the description. The sixth arch to the west is shown to be used as a refuse store. As well as being specifically listed, they fall within the Penistone Conservation Area. The Architect has provided detailed drawings of the layout and detailing of the proposed Coal Drops including how they will be accessed by vehicle and on foot. A separate plan also shows the proposed details of the shop front and a typical cross section through them.

3.3 Above and behind the Coal Drops, a single modern glazed building is proposed to be constructed of glass and stone with a green roof. Again this is within the Conservation Area. Access to the roofs and former railway line is available in front of this building and this area is proposed as a roof garden

associated with its use as a shop/cafe. The building, like the Coal Drops, will be serviced from the access and vehicle parking area immediately to the west.

3.4 Regency House, an impressive two storey high, former Station Manager's House, falls within the Conservation Area. The proposal is to convert this building from its former retail use to use as consulting rooms, non residential institution, falling within Class D1. The proposed works seek to return the building, as far as is possible, to its former state in terms of materials and detailing. These details are set out in drawing RBC02/09B.

3.5 To the west of Regency House is a low pitched stone former shed. This is proposed to be demolished. The Conservation Area Plan 2007 and UDP Proposals Map shows the former stone shed as falling within the Conservation Area, but it is not listed. The replacement buildings proposed are two terraces of traditional pitch roof stone cottages and at the end of the eastern terrace two live work units, plots 14 and 15, for a B1 office use at ground floor and residential use at first and second floor level.

3.6 The scheme is also described, within the submitted Design and Access Statement, Transport Statement, Ecological Assessment, Archaeological Assessment and Structural Survey.

3.7 Submitted with the application as evidence in support are reports from two commercial land and property advisors, contamination desk top study,

Acoustic report and update letter on the revised scheme, Design and Access Statement, Drainage Impact Assessment, Ecological Impact Assessment, Transport Statement, Site Survey, Structural Survey incorporating record of site inspection and Appraisal of Existing Structure, Archaeological Assessment and building appraisal, Visual Images of the proposed development and the submitted plans.

4.0 The legal framework

4.1 The application is required to be determined in accordance with the Development Plan. The legal position is set out in Section 38 of the Planning and Compulsory Purchase Act 2004 which requires “*if regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise*”.

5.0 Development Plan and Planning Considerations

5.1 In this case the Development Plan includes the adopted Core Strategy (CS) and the remaining saved policies of the Unitary Development Plan (UDP). The application should be considered on the basis of the following key CS policies:

CSP 8 The Location of Growth

CSP 9 New Homes to be Built

CSP 10 The Distribution of New Homes

CSP 14 Housing Mix and Efficient Use of Land

CSP 19 Protecting Existing Employment Land

CSP 20 Promoting Tourism and encouraging Cultural Provision

CSP 25 New Development and Sustainable Travel

CSP 26 New Development and Highway Improvement

CSP 29 Design

CSP 30 The Historic Environment

CSP 31 Town Centres

CSP 33 Green Infrastructure

CSP 36 Biodiversity and Geodiversity

Within the saved Policies of the UDP the following policies are relevant:

S1 Shopping/Commercial Centres

PE14 Conservation Areas

PE17 Penistone Town Centre Comprehensive Development Area

5.2 Having regard to the Development Plan, the Decisions made on the former applications and the pre application discussions the main issues to be addressed are the remaining issues set out in the Officer report, Decision Notices and summarized in paragraph 1.4 of this Statement.

5.3 Extensive pre application discussions have taken place with Barnsley Metropolitan Borough Council, Barnsley Urban Renaissance Design Advisory Panel and local residents and businesses and the Town Council on the previous planning applications.

5.4 Previously, leaflets were provided to residents and businesses during the latter part of 2011 and the plans have been adjusted following the receipt of these comments. In total, two businesses and one resident commented. The businesses were concerned about access and the effect of residential properties located close to their business operations. The one resident who commented was very supportive.

5.5 The application site falls within the Penistone Town Centre Comprehensive Development Area and the Shopping and Commercial Centre of the Barnsley Unitary Development Plan. The comprehensive development

area designation, saved policy PE 17, states that with regard to this site and other vacant town centre sites that the area is suitable for comprehensive development / refurbishment for shopping including small scale shops, businesses uses and housing subject to certain caveats. These cover the need to enhance the shopping environment, to improve off street car parking, to ensure access and environmental improvements are secured and the protection of existing residential amenity. This proposal fully accords with the objectives of this policy.

5.6 The Coal Drops will be converted to five thoroughly modern and attractive shops. The listed building will be repaired and restored and the details of its conversion have been very carefully executed so that the full historic merit of the arches and drops can be appreciated but executed with a very modern approach with fully glazed shop fronts. In front, facing the road, is a dedicated area for the public to safely access the shops and for cafe users to sit outside within the small courtyard. It is anticipated that around 10 people will be directly employed within the shop units, and additional people indirectly employed to support the businesses.

5.7 To the rear of the Coal Drops there is sufficient space to provide a modern green roofed, glass and stone building of 132 square metres floor space with associated seating area and curtilage. It is proposed to use this building as a combined shop, bicycle hire and cafe. The building adjoins the TPT which will provide excellent access for this use and will potentially be a real asset to the town supporting policy CSP 20 and CSP33 of the Core Strategy as well as supporting Policy CSP 19. If successful as a cafe / tea shop with bicycle hire

repair and retail use, the building has the potential of accommodating 8- 12 employees in a business use.

5.8 Regency House is proposed to be converted to consulting rooms. To the west of this building two new live work units are proposed to be situated within the area of the former stone workshop. Again the proposal is fully in accordance with the Council's Core Strategy of focussing economic prosperity within Penistone and supporting environmental improvements to historic buildings. These buildings are capable of continuing to provide employment and ensuring job creation. The modern approach of the commercial scheme will create an extremely attractive environment which will make them desirable for businesses to set up and employees to come and work in them. It is estimated that Regency House, restored and converted, and the Live Work Units will be capable of accommodating upwards of a further 10 directly employed people.

5.9 Therefore the commercial elements of the development could easily provide employment for 30 people directly from the uses proposed and more people will be employed indirectly to support these businesses, shops, cafes and consulting rooms.

5.10 The site is now vacant, and only Regency House and the former stone workshop remain as buildings recently used for employment opportunities.

5.11 To provide advice on the proposals, the applicants have sought the advice of Powells Commercial Property Consultants, Mr Alan J Powell and a local estate agency, Butcher Residential, Mr Ian Butcher. Provided with the application is a Strategic report by Mr Powell which guided the applicant on

the likely demand for different types of Commercial operations which assisted in the drafting of the original applications and proposed uses and aided in seeking to ensure that the scheme is deliverable and viable. Mr Powell attended a meeting with Officers in 2010 and presented his findings at the meeting. Officers expressed, at the meeting, that the applicant would need to demonstrate what opportunities there are for existing businesses to be relocated in the locality and the potential success of the development. The level of employment is estimated and is set out above in the preceding paragraphs.

5.12 Mr Butcher assisted in providing an up to date assessment on the proposed uses and what availability existed in the town for potential occupiers of the stone workshop to relocate within the town. His letter, which again accompanies this application, advises that properties capable of accommodating similar industrial type activities to the stone workshop are available within the town. He remarks on available commercial properties at Mar Tree Business Park which have three separate warehouse / industrial units available for let. Mr Butcher advises that these are the most suitable and desirable units of their type within the locality.

5.13 Further, formerly on the site there was a more modern small warehouse building. This was occupied by 'Its for Hire'. This company has relocated to the site immediately to the west of the applicant's site, and has re erected a warehouse building and the proprietor's business now operates again from these premises.

5.14 This proposal has the capacity to significantly increase the direct and

indirect employment that the site is currently able to provide. The main business operator from the site has successfully relocated next door and there are suitable units within the town which have stood empty for a considerable period of time that could have been operated from. The two reports, and the evidence from agents active within Penistone, demonstrated that there is no material justification to retain the existing workshop, which would, if retained severely undermine the scheme and the viability of the overall scheme. The proposal therefore fully accords with the Council's policies relating to employment, comprehensive development and enhancement of the urban environment and the Council's shopping policies.

5.15 The scheme accords with the National Planning Policy Framework as it will help to build a strong, competitive economy and ensure the vitality of Penistone town centre. The Officers report to Members advised that the scheme was considered acceptable, but required significantly more information in order to make an adequate and informed decision on the details of the scheme. These are dealt with in the following sections.

Preservation and Enhancement of the Conservation Area and affect upon the setting and fabric of the Listed Building

5.16 The application site falls partly within the Penistone Conservation Area and contains the listed Coal Drops. The list description is set out above. The Framework advocates that local planning authorities should take account of "the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; the

wider social, cultural, economic and environmental benefits that conservation of the historic environment can bring; the desirability of new development making a positive contribution to local character and distinctiveness; and opportunities to draw on the contribution made by the historic environment to the character of a place". The Act defines Conservation Areas as an area of special architectural or historic interest, the character or appearance of which it is desirable to preserve or enhance.

5.17 I have set out in earlier paragraphs the discussions that have taken place with Officers and the Barnsley Urban Renaissance Design Advisory Panel. This involved the input of Conservation Advisors from the Council and the Panel, Urban Designers from the Panel and Architects all of whom provided opinion and advice on the scheme. The scheme which was developed following these meetings to include layout form and design is very similar to that presented with this application. Officers advised that when comparing the modern scheme with the traditional approach, that the more traditional residential and live work terraced scheme represented the best way forward for the site. It was considered by the Council Officers and Design Panel representative, that this approach would "best adapt to the constraints of the site whilst providing a strong visual frontage and a design that would likely appeal greater to residents and Members."

5.18 Officers further advised that materials are important and the approach to materials being taken by the scheme was "along the right lines to fit in with this location". Further Officers confirmed that the increase in greenery on the site was also welcome. Requests were also made to ensure safe access to

the TPT for the public and particularly school children who use it. The scheme has been amended to fully reflect the advice given.

5.19 There has therefore been a high level of expert advice sought and input into the scheme to ensure that the fabric and setting of the listed Coal Drops are preserved and that the remaining parts of the scheme are of the highest quality in terms of design, scale, massing and detailing to preserve and enhance the Conservation Area. Further consideration of this issue has been addressed in the Design and Access Statement.

5.20 Within the Officer report to Members on the earlier applications and within the Decision Notice, some details of the scheme were found to be unacceptable and additional information was requested to assess the design, visual and heritage impact.

5.21 The Officer report states that the proposed terrace includes dormer windows. These have been excluded in the revised plans and some of the roofs are instead punctuated with rooflights. Officers were also concerned that the parking court between the two terraces of housing was too dominant and spaces to the side and front of houses. In this revised proposal the central car park has had nine of the sixteen spaces removed and the gap between the terraces considerably narrowed. Some of these spaces have been relocated to the west adjacent to plot 1 and the commercial units. This has improved the street scene.

5.22 The report and decision also called for evidence in the form of visual representation to demonstrate that the scheme has taken account of the Conservation Area. Two principle views, within the Conservation Area, have been taken and CGI visual representations of the scheme produced. Submitted also are cross sections through the ramp at the eastern end of the site and the coal drops. These demonstrate that the proposal is entirely suitable and accords with CSP30 of the Core Strategy and the Framework.

5.23 Concern was also raised in the report and Decisions as to whether the Coal Drops are suitable for conversion as a Structural report had not been provided. Submissions had in fact been made from a Structural Engineer, and indeed planning permission had previously been granted by the Council for the conversion of the coal drops for shop / office units in 1995. However, enclosed with the application is a record of Site Inspection and appraisal of the Existing Structure by King Shaw Associates Structural Engineers. They conclude that the structure is generally in a sound condition structurally, apart from the front section of the east arch which springs off the east abutment and that having regard to the proposed development, they confirm that the existing structure is capable of repair and conversion. It is concluded therefore that the proposal would accord with Core Strategy policy CSP 30 and the framework and the integrity of the coal drops would be retained.

5.24 Reason 3 of planning Decision Notice objects to the proposal on highway safety grounds. The refusal notice refers to a lack of pedestrian facilities.

However a pedestrian footway is proposed for the full length of the site with two links to the Trans Pennine Trail and a separate dedicated footway from the coal drops to the commercial unit to the rear. There is a representation that there is no appropriate servicing area. Information is provided in the Transport Statement that shows track swept paths which demonstrate that they are sufficient. The report states that the development will not require articulated lorries to turn in this location and that the proposals provide adequate turning facilities for all vehicle sizes generated by the development. The development also includes demarcation for Loading Bay Parking just to the west of the commercial proposal in front of the live work units. The Decision Notice also refers to the latest Council Parking Standards and the maximum parking standard for this mixed use development suggests 36 no. parking spaces. The development includes a total of 35 car parking spaces for the development. The development now accords with the adopted standards and Core Strategy CSP26.

5.25 The Decision Notice and Officer Committee report, under "Other Issues", also raises concern that further evidence is required to demonstrate that biodiversity will be adequately protected. A new ecological Impact Assessment has been undertaken in consultation with the Councils Biodiversity officer. In particular, attention was taken to address issues relating to protected species including birds, bats and reptiles.

5.26 The study advisers that there are no sites protected by a statutory designation within 1.5km of the proposed development site. The development

site is not covered by any non-statutory nature conservation designations. The desktop study did not reveal any protected species or Local Biodiversity Action Plan Priority Species records relating to the study area. Large parts of the site comprise of bare ground and hard standing used for parking. The main habitat within the proposed development site comprises of very small areas of grassland. A strip of mown amenity grassland runs along the southern boundary of the Trans Pennine Trail. At the eastern end of the site an area of Silver Birch and Goat Willow scrub and Hawthorn has self-seeded adjacent to and above the former coal drops. Three buildings were assessed as suitable for bats. These are the stone shed with a corrugated steel roof, the adjacent Regency House and the coal drops. No evidence of roosting bat activity was recorded any of the buildings. The development site does not contain any mature trees of value to roosting bats with those present being too young and having no recognised features of value to roosting bats. No bats were recorded emerging from the buildings during the emergence surveys. No reptiles were seen during the field survey although a number of pieces of steel corrugated roof material discarded on site were examined for any resting reptiles. During the field survey incidental records of birds were made which found Wren, Robin, Blackbird and Blue Tit.

5.27 Overall the habitats present with the site are assessed to be of value at the Parish/neighbourhood level. No notable or protected species were recorded during the field survey and the desktop study and data search did not reveal any protected species records for the proposed the site which has low potential for supporting protected species.

5.28 The evaluation summary found that the only habitat areas of potential value to reptiles are the margins of the site outside of the development footprint alongside the Trans Pennine Trail and the small area of scrub on top of the coal drops. In terms of mitigation the development will result in the loss of the very limited semi-natural habitats within the development footprint, however areas of grassland and woodland outside of the development footprint would be retained. Suitable mitigation measures are set out in paragraph 6.4.1.4 of the ecology report.

5.29 Officers in the Committee report under 'Other Issues', and in the second reason for refusal of the planning decision, the Council also seek to have the development phased so the repair and conversion of the listed coal drops comes forward at the same time as the residential proposal. Included with the planning and listed building application is a Unilateral Undertaking under S106 of the Act such that the owner covenants with the Council not to permit occupation of any of the 13 residential units comprised within the Development until the Coal Drops have been converted and repaired so as to be fit for retail / office use and occupation. The Council is invited to comment on and approve the terms of the S106 and then the undertaking will be signed prior to the issuing of any permission.

5.30 In the Officer report and in reason for refusal 2 of the planning decision notice, the South Yorkshire Archaeological Services and Council has raised

concern that no account was taken of the coal drops heritage assets including a Archaeological and Building Appraisal. It is not accepted that no account was taken of the Heritage Asset, however the applicant has now instructed and has been guided by Durham University Archaeological Services and enclosed with the applications is the archaeological desk-based assessment and building appraisal which has helped inform the scheme and particularly the Structural Survey.

5.31 In discussions with Officers some detailed points on the plans were made. A request was made to see if it was feasible to retain the existing sleepers and buffer. These are in very poor condition as flagged up in the Structural Survey; however, new sleepers are in the design. A detail of the shutter on the building above the coal drop was requested and this is mainly shown in the green roof detail. The Officers requested that timber windows should be provided and the Council is invited to impose a condition requiring window details, including materials, to be submitted and approved in writing. Officers also requested that refuse storage details are shown. These are depicted in the floor plan and garden plan details of the houses and live work units. All of the commercial units will have a dedicated storage space in the repaired and converted eastern coal drop.

5.32 Given the submission of these revised plans and evidence, I am of the view that the scheme fully accords with Core Strategy Policies CSP26, CSP 29, CSP 30, CSP 31, CSP 33, CSP36 and the Framework.

6.0 Conclusion

6.1 The proposal is contained in three applications. A detailed planning application, listed building Consent application and Conservation Area Consent Application.

6.2 The proposed mixed use development is fully in accordance with the area specific policy Penistone Town Centre Comprehensive Development Area PE 17. The scheme is also fully in accordance with Policy S1 Shopping/ Commercial Centres. The details of the scheme positively square with the Development Plan and its objectives. The proposal is fully in line with Core Strategy and the Framework policies dealing with the location of growth, the building of new homes and efficient use of land as well as promoting economic growth and prosperity and job creation in the town.

6.3 Environmental Impact and the need to preserve and enhance the Conservation Area and the listed building are fully addressed by careful development of a scheme that in scale, massing, detail and appearance accords with the provisions of the Act, the Framework and Core Strategy Policies CSP 26, CSP 29, CSP 30, CSP 33 and CSP36.

6.4 Previous extensive pre application discussions have been undertaken with Officers of the Local Planning Authority and the experts of the Urban Renaissance Panel, allowing the proposal to develop and evolve whilst ensuring that the development is viable and the heritage asset retained in an

appropriate form that ensures its long term retention as a public asset. The impact upon the setting and fabric of the listed building has also been tested to ensure that the proposed changes are appropriate and respectful of the building's heritage.

6.5 On the basis of the technical evidence presented, the positive pre application process, the consultation with the general public and the planning and architectural evidence presented with these applications, the Authority is respectfully asked to find that the proposals fully accords with the Development Plan and no material harm to interests of acknowledged importance will be caused and therefore Planning Permission, Listed Building Consent and Conservation Area consent be granted, subject to the imposition of appropriate conditions and S106 agreement.

6.6 The evidence which I have prepared and provide for the applications in this statement is true to the best of my knowledge and belief and has been prepared and is given in accordance with the guidance of my professional institution and I confirm that the opinions expressed are my true and professional opinions.

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9 May 2013

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