

Application for Permission to Extend the Extant Consents

Reference 2009/0024; 2009/0073

**Proposed Care Home Redevelopment at Bollingbroke House
Common Road, Brierley, Barnsley S72 9EA**

Planning Statement

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Prepared by

**Ward Associates Planning Consultants
39 Blossom Street
York
North Yorkshire
YO24 1AQ**

Tel: 01904 544401

Introduction

This planning statement is produced in support of the application to extend the time limits for implementing extant planning consent. This proposal is prepared in accord with new Section 96A of the Town and Country Planning Act 1990, which was brought into force on 1 October 2009 via Section 190 of the Planning Act 2008. This change to the planning legislation allows the applicant to apply to their local planning authority for a new planning permission to replace an existing permission which is in danger of lapsing. As long as the criteria are met, there is no longer a need to submit a further full application.

In order to be eligible for this new procedure, an application to extend the time limits for implementation can only be made if the relevant time limit has not expired on both 1st October 2009 and the date of the application, and if the development has not yet been commenced. All size and types of scheme are eligible to make an application as long as these requirements are met. The detailed information regarding this new procedure is contained within the DCLG document 'Greater Flexibility for Planning Permissions Guidance'. The relevant statutory instrument is the Town and Country Planning Order (General Development Procedure) Amendments No.3 of 2009.

Eligibility

In this instance, the original planning application of the development of a 60-bed nursing home at the site of Bollingbroke House (formerly the Coppins) was approved by the Local Planning Authority on 13/05/2009 (Application Ref: 2009/0024). The conservation area consent for the demolition of the existing care home building within the site was also granted by the Council in April 2009 (ref: 2009/0073). As the both the planning and conservation area consents are still valid on both 1st October 2009 and the date of this submission, it is considered that both applications are eligible for this procedure.

Via this application, we would request that the time limit for the implementation of the extant planning and conservation area consents (Reference: 2009/0024; 2009/0073) to be extended by a further period of 3 years from the date of the original decision in April and May 2009.

The proposal

The site of former Bollingbroke House occupies a large plot of land on the outskirts of the village Brierley near Barnsley. The site extends to 0.54-hectare being bounded by Common Road to the north, countryside to the east and south, and a large residential property to the west. The site is also located within the Brierley Conservation area and designated greenbelt.

The development proposal involves the demolition of the existing Bollingbroke House and its replacement with a new 60-bed residential care home. This proposal now put forward is of course identical to the approved scheme in 2009. The new build care home would be of part 2 / part 3 storeys structure, with 2-storey to its frontage facing Common Road. The steeply sloping nature of the site provides the opportunity of creating a building which steps down the hillside to create a building which is nowhere higher than 3 storeys and predominately appears outwardly as two storeys.

The actual design of the new care home has been influenced both by the existing Bollingbroke House, its neighbouring properties along Common Road, and the prevailing character of the Brierley Village Conservation Area and openness of the designated greenbelt. As viewed from Common Road, the proposed new care home would not appear to be materially bigger or visual more dominating than the original building. There are significant number of trees along with other vegetation occupying the site and providing a natural screening to the site from the views of Common Road to the south and adjoining land to other directions. Therefore, the proposal would impose limited very impact on the open character of the designated greenbelt.

In relation to design, it is considered that the site lends itself to the creation of a building which stands out on its own merits utilising a modern and contemporary contribution to the area.

The design nevertheless utilises a range of materials which draw their inspiration from pattern of buildings within the core of the conservation area.

The sloping site nevertheless makes it difficult to create readily usable gardens. This has been overcome by creating a courtyard garden enclosed on 3 sides at the lowest level of the site, a series of small gardens immediately around the outside and adjacent to the building plus protected balconies at the lower ground floor and ground floor level, and creating roof garden and terraces at the upper level which are also more readily and directly accessible from the rooms on the upper floors rather than having to use lifts and stairs.

As a part of the proposal, overall 18 parking spaces and a number of cycle storage spaces are to be provided within the site. This level of parking provision is in line with the Council's parking standards set out within the Transport Assessment and Travel Plans SPD (adopted in 2005).

In terms of site access, the driveway and footpath running from Common Road to the car parking area provides a level surface for pedestrian access giving level construction from this area to the entrance via the public footpath or direct into the building. The existing site access taken from Common Road would continue to be used to provide vehicular access to the site.

Relevant Planning Policies and Guidance

Since the determination of the planning and conservation area consents in 2009, the Council adopted a Core Strategy in September 2011. Therefore, Barnsley's current statutory Development Plan consists of Core Strategy, the Barnsley Education Sites DPD, the remaining saved policies of Unitary Development Plan and the Regional Spatial Strategy. As the planning policy background against which this application for extending the time limit of extant planning consent is partly different from that of the approved scheme in May 2009, it is considered necessary to assess the proposal against the policies of the adopted Core Strategy.

With regard to this particular development, two key issues have been identified – development within greenbelt and impact on the character/appearance of conservation area. In relation to protection of Green Belt, Core Strategy Policy CSP34 (Protection of the Green Belt) is set to supersede relevant UDP Policy GS7 & GS8 (Development with the Green Belt) and Policy GS9 (Visual Amenity). For the development within the Green Belt locations, Policy CSP34 of Core Strategy notes that the Council will not allow development proposals for the other types of development unless it can be shown that there are very special circumstances that justify setting aside local and national policy; and the Council will weigh up the harm that would be caused by allowing development that would not normally be allowed in the countryside against any potential benefits. It is considered that the contents of Core Strategy Policy CSP34 and its requirements for demonstration of 'very special circumstances' are considered echo its predecessor UDP policies GS7, GS8 and GS9, and principle of the national guidance PPG2.

Core Strategy Policy CSP30 (Historic Environment) provide detailed planning guidance on protection of conservation areas, listed building, archaeological sites, historic townscape and settlements, etc. In relation to the conservation areas, policy CSP30 is set to supersede UDP policies BE1 & BE1A, however, relevant policy from both the UDP and the Core Strategy adopts much the same approach towards the developments within designated conservation areas.

So far as national planning guidance is concerned, Planning Policy Statement 5 (PPS5 – Planning for the Historic Environment) was adopted in April 2011 to replace its predecessor PPG15.

PPS5 Policy HE7 is concerned with policy principles guiding the determination of application for consent relating to all heritage assets.

The policy requires that there is sufficient information to enable a thorough assessment of the proposal. It states that the Local Planning Authority should seek to identify and assess the

particular significance of any element of the historic environment that maybe affected by the proposal. HE7.2 says that the Council should take into account the significance of the heritage asset and the value it holds.

HE7.5 says that Councils should take into account the desirability of new development making a positive contribution to the character and local distinctiveness of the historic environment. The consideration of design should include scale, height, massing, alignment, materials and use. HE7.7 which deals with the loss of an asset, justified on the basis of new development, says that Councils should ensure that new development proceeds through the application of appropriate conditions.

Very Special Circumstances

By reference both to PPG2 and then UDP Policy GS7 & GS8, it is recognised that the proposal for care home development within the greenbelt, represent inappropriate development, and it is essential to demonstrate the presence of very special circumstances as justification for such development. Although the Council has adopted LDF Core Strategy and Policy CSP34 is set to supersede UDP Policy GS7 & GS8, the principle towards inappropriate development within the green belt location and the 'very special circumstance' (VSC) approach still remain the same. In the 2009 submission, the applicant presented to the very special circumstances in four categories:

- 1) The extent to which any harm is outweighed by the proposals, contribution to the character of the conservation area.
- 2) How the site has been exploited to minimise impact upon openness – the degree of harm.
- 3) The contribution the development would make to local employment within an area of relative deprivation.
- 4) The level of demand for specialist facilities on offer.

In this instance, nearly 3 years after the planning and conservation area consent were granted, the above described categories of VSC are still considered appropriate. So far as the first criteria is concerned, it had been established by the applicant in 2009 that the appearance and character of the existing Bollingbroke House and the two storey extension to the rear makes little contribution to the character of the conservation area, and the building's architecture is restrained and sober such that it could hardly be said to enhance the area. Therefore, the loss of the existing Bollingbroke House is unlikely to detract from the character of the area. The design of the replacement new care home is considered to be 'of its time' and reflecting the architectural confidence of this contemporary period. It has been established by the applicant and accepted by the LPA that the proposed new care home building is of appropriate proportion and of a scale which sits easily in relation to its context, and will clearly enhance the character of the conservation area.

Turning to the category 2, whilst there has never been any dispute that a replacement care home with a larger building footprint within the green belt would comprise 'inappropriate' development within the meaning of PPG2 and relevant UDP and Core Strategy policies, we nevertheless consider it is a material consideration as to the degree to which the proposal would maintain openness. We consider that in any assessment of harm to the green belt as required by PPG2, there must be an appraisal of how the openness would be affected in each instance. With regard to this proposal, we would argue that the level of harm is very limited, given the presence of the existing trees and other vegetations providing sufficient screening to the site, the member of public would struggle from the only obvious vantage point (Common Road) to establish that the proposed new care home building is larger than the existing. Therefore, we believe this issue of limited harm to be a further special circumstance which needs to be weighed in the decision making balance.

In relation to the category 3 and 4, the proposed new care home is expected to generate 59 employment opportunities to the local community, which would make a positive contribution to the economy within the relatively deprived area. Once built, the new care home will not only provide high quality care facilities to the local community (CQC compliant accommodation),

but also meet the increasing local demand from the specialist care facilities within the Local Authority area due to significant increase in 65+ and 75+ age groups of the local population (higher increase rate than the national average of 60%).

Whilst acknowledging that the site falls within statutory green belt, the applicant successfully demonstrated to the LPA in 2009 that the presence of very special circumstances, which outweighs the limited harm resulting from the proposal. Even now, these very special circumstances are still considered relevant and appropriate to justify the proposed development within the greenbelt.

It had been the applicant's intention to implement the planning and conservation consent site soon after the planning and conservation area consent were granted in April/May 2009. However, due to the economic downturn and significant level of difficulty to secure funding from the bank to finance the building and construction works, the implementation of the project has been put on hold. The applicant is committed to development of this site, and will start commencing the construction work once the financial situation is conducive.

Conclusion

Given the above information, it is considered that the extant planning permission and conservation area consents 2009/0024 and 2009/0073 are eligible for the new procedure under S.96A of the Town and Country Planning Act 1990, and the principle of the development is still considered acceptable although there have been some material changes in national planning guidance and local development plan policies.

With reference to the above, please find the enclosed documentations to support the application for extending the time limit of the extant consent:

- Four copies of the completed forms and certificates
- A copy of site location plan
- A copy of following drawings

Existing site plan (F1905-900)

Proposed site plan -showing ground floor plan (F1905-901)

Proposed site sections (F1905-902)

Existing and proposed site sections (F1905-903)

Topographical survey (F1905-904)

Proposed lower lower ground & lower ground plans (F1905-01)

Ground and first floor plans (F1905-02)

Proposed elevations (F1905-03)

Proposed colour elevations (F1905-05)

Proposed colour elevations (F1905-06)

- A copy of Design and Access Statement

Further, to complete this application, a cheque of £500 payable to Barnsley Metropolitan Borough Council is also enclosed to cover the application fee. In this light of reasons provided within this statement and given that there are no other material consideration suggesting otherwise, we believe permission for extending the time limit of the extant consent should be granted.