

Application reference number	2024/0676
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Application Type	Full planning permission
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Proposal Description:	Construction of building for social care providing supported employment
Location:	Land behind 5 and 6 Beacon Close, Silkstone Common, Barnsley, S75 4PY

Applicant	Mr Julian Senior
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Number of Third Party Reps	13	Parish:	Silkstone
		Ward:	Penistone East

SUMMARY

The proposal seeks full planning permission for the construction of a building for social care providing supported employment.

The proposal is not considered to be acceptable because the site does not have any established means of vehicular access for construction or use; and the use of the proposed building and outdoor areas risks causing unreasonable noise and disturbance to local residents to the detriment of residential amenity.

Recommendation: **REFUSE Planning Permission**

Introduction

- The application was originally presented as a proposal to erect a community hall. In response to requests for clarification regarding the proposal, the description has recently been changed to 'Construction of building for social care providing supported employment'.
- The site is designated as Urban Fabric reflecting its location within the village of Silkstone Common
- There was historically a building on the site which appears to have had a number of community uses, likely including use as a church hall and as a scout hut. The building was demolished around 2019.
- Planning permission has previously been granted in 2013, 2018 and 2019 for demolition of the existing building on the site and erection of single storey building.
- The application has been subject to several requests for additional information to support the proposal. Some additional information has been submitted but does not fully address the concerns expressed.

Site Description

The application site is a vacant piece of land, all evidence of the previous building on the site having been erased. At the time the application was submitted there were five trees on the site, but they have subsequently been felled. The site is bound on three side by footpaths, two of which are registered public rights of way, the third of which is not registered but appears to have been in unrestricted use for some considerable time. The site is bound on the fourth boundary by a variety of fencing defining the gardens to the bungalows at 5 and 6 Beacon Close. The fencing is predominantly hit and miss fencing and around 1 metre in height. The bungalows have habitable room windows facing the site and within 8 metres of the shared boundary.

Proposal

The proposal is for the construction of a single storey brick and tile building on the site. The application form states there are no existing or proposed parking spaces on the site.

The application form states the application site is 0.5 hectare. The site measures on the submitted site plan 0.06 hectare.

The proposed building measures 15 metres by 8 metres (50sqm) and is sited 19 metres from the bungalows on Beacon Close.

The exact nature of the use of the building required clarification. As originally proposed, it was described as a community hall although it became clear that the building would have no public or community access and recently the applicant has advised that the proposal should be described as 'Rebuilding of Existing Hall for Greenworks Ltd Hub for social care providing supported employment'. As there is no existing hall on the site, the application description has been amended to 'Construction of building for social care providing supported employment'. The applicant runs a business providing social care and work opportunities to adults with a range of learning disabilities, having secured planning permission for the use of an agricultural field near Cawthorne for horticulture in 2012.

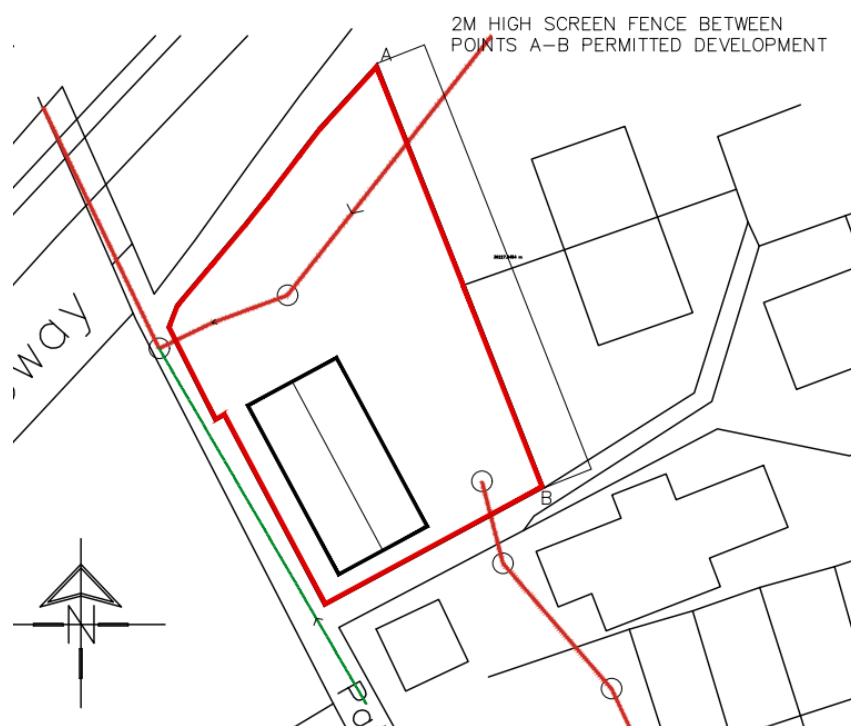
The application is supported by Ecology/BNG reports, an arboricultural report, a coal mining risk assessment and an amended construction method statement

The application has been amended/clarified by the submission of supporting emails, letters and statements, boundary treatment and sewer plans, and a solicitor's letter. In particular, recent submissions advise that:

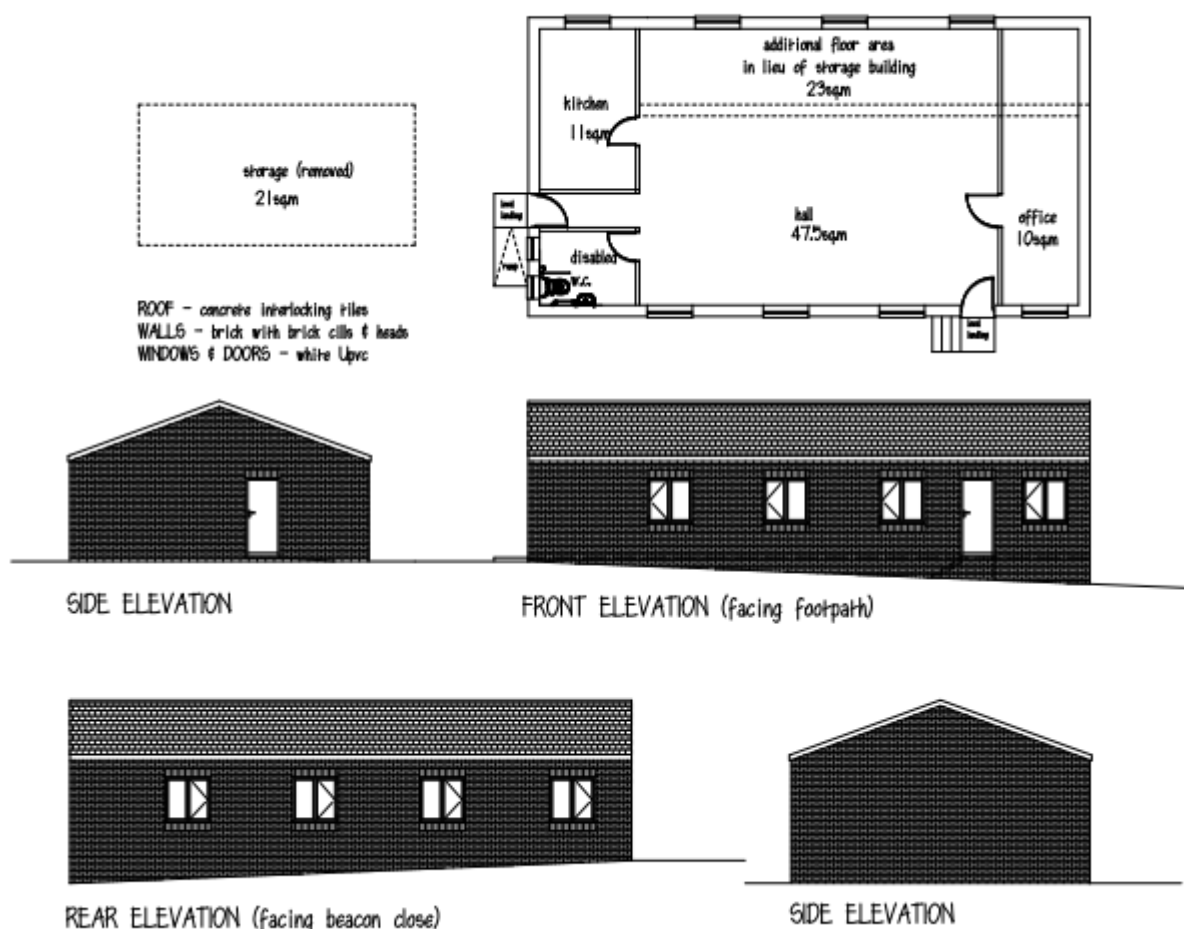
- The existing business 'Greenworks' has a workforce of 15 staff who care for up to 50 adults with learning and physical difficulties per day.
- 'Greenworks Plus' works with adults who are interested in pursuing a pathway towards employment. We estimate that there will be 8 people accessing the facility at Silkstone per day, including staff, and the building shall only be used for Greenworks Plus Team exclusively and not for community use.
- The group will use one Hyundai i800 which has a maximum capacity of 8 persons, including blue badge holders, and measures 1.9m wide by 5m long. As we will also take advantage of fantastic travel links including the bus and train station the development will not increase existing traffic on the surrounding roads.
- The building will be used for handicrafts, by hand, with not machines.
- Garden tools for horticulture use (a list of 21 items such as spades and forks) will be stored on site and will be used on sites around the borough.
- Teas, coffees and light refreshments will be made during times of rest
- The wildflower area (outdoor space) will require only a small amount of effort to maintain, only a few minutes a week.

- Hours of use will be limited to 9am to 3pm Monday to Fridays with no weekend or bank holiday use and a timetable indicates that use would actually amount to between 13 and 19 hours a week (with nobody present on site for between 11-17 hours a week, between the hours of 9am and 3pm).
- Native hedging around the site will provide privacy for neighbours and a quiet environment for all our trainees who have autism
- We will be removing the windows which look onto Beacon Close bungalows to provide further privacy to the neighbours.
- The site is ugly, overgrown and in disuse and the on-site trees were removed because of concerns by neighbours that they could fall on their property.
- Foundations will be dug using mini diggers, not heavy (large) construction vehicles and construction machinery up to 1.9 width are listed, noting that the width of the path from Bank End Road is 3.8m wide.
- Public footpaths can be temporarily or permanently closed to allow for construction; this will be a short 6-8 week construction project and other paths near the site provide alternative pedestrian routes.
- We don't require a permanent parking space
- We will enhance the local biodiversity by our planting scheme, incorporating features on the building to encourage nesting of birds and bats and providing gaps in fencing for hedgehogs, frogs etc.
- The site will have a largely negative appearance and impact on local wildlife if left untouched and undeveloped.
- A timetable is submitted indicating that the use of the building between 9 and 3 Monday to Friday would include two hours for drink, prep and talk about daily tasks; two hours low noise hand crafts three times a week and projects off site twice a week, an hour for lunch, and a final hour for tidying the building and land.
- Regarding the accommodation, please bear in mind that the activities will require adequate working space with suitable internal storage
- The office space will be available for staff activities, lockers etc and private discussion and secure storage of paperwork etc.

Proposed site plan



Proposed plans and elevations



Relevant Site History

<i>Application Reference</i>	<i>Application description</i>	<i>Status</i>
2013/1198	Demolition of existing building and erection of a single storey building	Granted
Officer report: Existing single storey hall previously uses as a church hall and community (D1 use) in a poor state of repair. There is no vehicular access or parking to the site and the building is unused. Windows in the elevation facing Beacon Close. Highways DC – not ideal but almost a like for like replacement and can't sustain a highways reason for refusal. Principle accepted because the existing building could be used for D1 use. Relationship with Beacon Close acceptable because it's the same details as the existing. – no greater impact on amenity. Conditions include hours of use restricted to 7am to 11pm Monday to Sunday and limit use to D1.		
2018/0713	Demolition of existing building and erection of a single storey building (resubmission)	Granted
Officer report – building remains on site, windows broken, overgrown. Establish that prior approval needed for demolition – effectively is covered by planning application/permission. Notes refusal of residential on land opposite 2004/0808. HDC comments remain the same. Prev planning permission expired 2016 but is a material planning consideration.		

Conditions restrict hours even further; CMRA required; CMS (including measures to control emission of asbestos dust): and D1 use.		
2019/0723	Demolition of existing hall (retrospective) and erection of new hall (resubmission with amendments)	Granted
Agent confirmed that hall will be used as a community hall for village activities and associated events, hours approx. 9-5, Monday to Friday Officer report – notes that 2018/0713 is extant; and that 2013 was approved after highways objection removed because existing building could be used without requiring any further planning permission. The demolition of the building is permitted development and was carried out prior to the amendment to the GDPO which relaxed the requirements for which buildings were able to be removed without prior approval – but condition 10 of 2018 permission included reference to method of asbestos removal, and this element of the condition retained so the developer is held accountable. No objection in principle to replacement of building given extant pp. Conditions include restriction on hours of use to 8am to 8pm Mon to Sat and 9am to 6pm Sun.		

Policy Context

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise; the National Planning Policy Framework (NPPF) does not change the statutory status of the development plan as the starting point for decision making.

The Local Plan was adopted in January 2019 and is accompanied by seven masterplan frameworks which apply to the largest site allocations (housing, employment, and mixed-use sites). In addition, the Council has adopted a series of Supplementary Planning Documents and Neighbourhood Plans which provide supporting guidance and specific local policies which are a material consideration in the decision-making process. The application site is in the area covered by Silkstone Neighbourhood Development Plan, a plan that was made (adopted) in December 2023

The Local Plan review was approved at the full Council meeting held 24th November 2022. The review determined that the Local Plan remains fit for purpose and is adequately delivering its objectives. This means, no updates to the Local Plan, in whole or in part, are to be carried out ahead of a further review. The next review is due to take place in 2027, or earlier, if circumstances require it.

Local Plan

The site is identified as Urban Fabric within the Local Plan and as such the following policies are considered to be relevant to this application:

Policy GD1 General Development – sets a range of criteria to be applied to all proposals for development.

Policy E6 Rural Economy – sets a range of criteria to be applied to proposals for economic development in rural areas

Policy T3 New development and Sustainable Travel – expects new development to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cycles. Also sets criteria in relation to minimum levels of parking; provision of transport statements and of travel plans.

Policy T4 New development and Transport Safety – expects new development to be designed and built to provide safe secure and convenient access and to not cause or add to problems of highway safety or efficiency.

Policy D1 High Quality Design and Place Making – indicates that development is expected to be of high quality design and to reflect the distinctive, local character and features of Barnsley.

Policy GS2 Green Ways and Public Rights of Way – indicates that we will protect green ways and public rights of way from development that may affect their character or function.

Policy BIO1 Biodiversity and Geodiversity - Indicates that development will be expected to conserve and enhance the biodiversity and geodiversity features of the borough and that harmful development will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

Policy CL1 Contaminated and Unstable Land – requires the submission of a report where future users or occupiers of development would be affected by contamination or stability issues, to establish the extent of the issues and set out measures to remove, treat or protect from contamination; or address land stability issues.

Policy Poll1 Pollution Control and Protection – sets criteria to ensure that new development does not unacceptably affect or cause nuisance to the natural and built environment or to people; or suffer from unacceptable levels of pollution.

Silkstone Neighbourhood Development Plan

Policy NE1 Protecting and Enhancing Local Landscape Character – Development proposals should protect and enhance local landscape character by using locally appropriate materials and suitable landscaping schemes and boundary treatments

Policy NE2 Wildlife – Development proposals should conserve and enhance biodiversity in Silkstone Parish and opportunities to incorporate biodiversity improvements are encouraged. There should be measurable net gain enhancement of biodiversity assets wherever possible, with an aim of achieving a biodiversity net gain of 10% as a minimum requirement which should be provided on site unless not technically possible. Developers should incorporate wildlife friendly measures into buildings.

Policy D2 High Quality Design and Responding to Local Character – All development should be sympathetic to the distinctive character of the relevant Character Areas as defined - Hall Royd Lane and Beacon Close character area – a mixture of bungalows and terraces, with a variety of materials from red brick and stone with tile and slate roofs. Beacon Close in particular is stone built with slate roofs, minimal gardens but some communal green space.

Policy RD1 Supporting Rural Diversification and Tourism – Development proposals which promote rural diversification and provide local employment opportunities will be supported in accordance with Barnsley Local Plan Policy E6. All development proposals should demonstrate sufficient parking provision for visitors and employees and safe access to and from existing rural roads.

Policy T1 Improving Access and Sustainable Travel – Developments close to public rights of way including public footpaths and multi-use bridleways and cycleways should include a suitable buffer zone of landscaping and screening.

Adopted Supplementary Planning Documents relevant to this application:

Trees and hedgerows
Biodiversity and Geodiversity
Residential Amenity and the Siting of Buildings
Parking
Biodiversity and Geodiversity

NPPE

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. NPPF policy of relevance to this application includes:

Paragraph 85 Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.

Paragraph 115 – In assessing specific application for development, it should be ensured that sustainable transport modes are prioritised taking into account the type of development and its location; safe and suitable access to the site can be achieved for all users; and any significant impacts from the development on the transport network (in terms of capacity or congestion) , or on highway safety, can be cost effectively mitigated to an acceptable degree through a vision-led approach.

Paragraph 116 - Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Paragraph 124 Planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Paragraph 135 Planning decisions should ensure that developments function well, add to the overall quality of the area, are visually attractive as a result of good architecture, layout and appropriate and effective landscaping, are sympathetic to local character, establish a strong sense of place, optimise the potential of the site and create safe, inclusive and accessible places that promote health and well-being.

Paragraph 136 Trees make an important contribution to the character and quality of urban environments. Planning policies and decisions should ensure that opportunities are taken to incorporate trees in developments and that existing trees are retained wherever possible.

Paragraph 187. Planning policies and decisions should contribute to and enhance the natural and local environment including by (amongst other things) providing net gains for biodiversity including by incorporating features which support priority or threatened species such as swifts, bats and hedgehogs.

Paragraphs 196 and 197 Planning policies and decisions should take account of ground conditions and any risks arising from land instability and ensure that adequate site investigation information is available to inform assessment. Responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 198 Planning decisions should ensure that new development is appropriate for its location taking into account the likely effects of pollution on health, living conditions and the natural environment.

Relevant Consultations:

Silkstone Parish Council – Initial comments - object; ask that the Neighbourhood Development plan forms part of the planning decision; raise serious concerns about pedestrian safety caused by motor vehicle use of the public footpath both during construction and use; note that the public right of way varies in width between 2.16m and 2.36m and that a Ford Transit is 2.11m; query whether there has been a Network Rail consultation; question the biodiversity net gain statement which was dependent on retention of trees that have since been removed from the site; question the 'Community use' of the proposed building and indicate the building will be used for commercial purposes; express concern that the proposal is on a busy main road where parking is currently at a premium and question if a traffic assessment has been carried out by Highways.

- Further comments – strong objection noting the application is presented as a community hall but the legal submission clearly states this will be a commercial enterprise; pedestrian safety on the public footpath from use by substantial sized

motor vehicles and dispute that the public footpath is wide enough for commercial vehicles, minibuses and emergency vehicles; major disruption and road safety concerns during proposed building works; ask if the Public Rights of Way Officer, Network Rail and South Yorkshire Fire and Rescue have been consulted; the scope and commercial use of the building is contrary to the Neighbourhood Development Plan and ask that the NDP forms part of the planning decision.

Biodiversity- Initial comments - recommended that the application be deferred until further information was provided to clarify details that were not clear in the submission.

- Further comments in response to amended ecology reports: the updated ecology information has addressed previous comments. The report indicates 100% loss of habitats on site which will have to be addressed through the statutory biodiversity net gain condition. A further condition is recommended relating to on-site biodiversity enhancement.

Highways DC – Initial comments objected to the scheme as there is no vehicular access to the site, the submitted construction method statement lacked detail and no parking provision was made in circumstances where the Parking SPD requires between 2 and 5 off street parking spaces for the proposal.

- Further comments objected advising that the amended construction traffic management plan lacks sufficient details and repeating the previous comments.
- Further comments confirm that the objection is maintained on highway safety grounds due to the introduction of vehicles on the public footpath (which is subject to a banning order preventing motorised vehicles) to access the application site and the increase in on-street parking on nearby streets.
- Final comments in response to the applicant's supporting letter note the change of description and use; that a single vehicle would be used to transport attendees to and from site and that only smaller vehicles would be used for construction. However, the basic principles of the development remain unacceptable that there is no vehicular access to the site; the footpath is not as wide as the applicant indicates; the site is under provided in terms of off street parking and the distance from the site to the road is further than the recommended distances set out in the Building Regulations for refuse distances.

Legal Services – Advised on the solicitors letter submitted in support of the application and in particular vehicular rights of way and access to the site; and the status of previous planning permissions. Confirms that the submission does not provide sufficient evidence to demonstrate that the applicant/application site has vehicular rights of access over the public right of way. Advises that access is a valid material planning consideration and that if there is no lawful or practical access, the planning authority can consider this in terms of deliverability, highway safety and impact on PROW and amenity. Further advises that the submission does not provide sufficient evidence that any of the previous planning permissions on the site are still extant. Concludes that they are not material considerations.

Drainage – no objections, happy for details to be checked by building control.

Yorkshire Water – no objections subject to conditions

Pollution control – Initial comments requested information about any external plant or lighting associated with the development.

- Final comments recommended conditions to secure prior approval for any fixed plant; to restrict hours of construction and to prevent any burning on site during construction.

Forestry Officer – Recommended the application is deferred to require details of the proposed foundations to be supplied, since the building is proposed to be sited in close proximity to mature trees.

Public Rights of Way – Initial comments advised that a public right of way (Public Footpath Silkstone 8) runs adjacent to the site and shares the potential private vehicular access to the site and welcomed discussions with the developer given concerns about the movement of construction traffic along this narrow and well used route.

- Subsequent comments advised that the applicant had been informed that unless it states in his deeds that the applications site has private vehicular access rights along Public Footpath Silkstone 8, he will not be able to use it for vehicular access.
- Further comments advised that the developer must be responsible for the repair and replacement of the footpath surface and any subsequent damage to that or the utilities beneath it. Express concern at the lack of detail in the CTMP
- Final comments advise that if the works are approved and go ahead and it is discovered that the public are being put at risk due to the movement of vehicles, the footpath will be temporarily closed and the developer will have to stand the cost of closure and notice checks

The Coal Authority – no objection subject to conditions

South Yorkshire Mining Advisory Service – no objection subject to conditions

Network Rail – no comments received.

Ward Councillors – no comments received.

Representations

Neighbour notification letters were sent to ten surrounding properties, and a site notice was placed nearby.

Thirteen representations were received. Eleven representations received from 10 local residents objected raising the following material planning issues:

Comments received in response to original consultation October 2024

- **No parking** anywhere on the streets around especially Beacon Close where there isn't spare capacity and access is regularly required for emergency ambulance and Ben Bank Road which is heavily congested with residents' vehicles and customers of the village bakery.
- There is **no access** to the land for a car or any other vehicle including the construction vehicles required to build the proposal.
- Concern that **use of Ben Bank Road** which is subject to heavy fast traffic would be unsuitable for construction traffic; and that road works associated with any utility services would be a hazard.
- **Previous planning permissions** on the land haven't granted permission for access or parking.
- There is a **Methodist Chapel** on the main road which could meet community needs
- Concerned about the types of **functions** that will be held and at what times – expressly request no weekend/bank holiday/evening activities/noise; will these involve noise enough to cause disturbance to residents nearby including to the bungalows directly behind the proposed community hall
- Will the building attract **unwanted attention** from persons hanging around
- Don't support **Silkstone NDP policy** in relation to promoting and maintaining existing community facilities.

- Concerned at **overlooking** into kitchens/bedrooms.
- Express concern regarding experience with construction traffic and previous community hall **users blocking and parking on neighbours' driveways and otherwise parking inconsiderately**
- Concerns that the applicants have indicated that the **Council had some involvement** and **were in favour of the project**
- Questions the adequacy of the **publicity** for the application
- References to **previous applications** on the site for residential development and a play school/children's centre being **refused**.
- The previous building on the site was constructed from **asbestos**, but it was not demolished with proper care and there is undoubtedly asbestos pollution on the site in small pieces.

Comments received in response to second and third consultations April and August 2025 (amended documentation)

- Remain concerned at the prospect of evening **use**
- The **building seems larger than necessary** for the proposed use, concern that it will become subject to an application for **change of use to a dwelling** and note that it is approximately the combined size of 5 and 6 Beacon Close bungalows.
- Another **community hall not required** as the former Methodist Chapel is going to become a Community Hub
- Upset at removal of many mature **trees** even though they did not interfere with the project
- **No vehicle access** to the site only foot via public footpath which are heavily used, vehicular use would be a danger (and note one of the plans states the access is suitable for cars and vans)
- **Notes five foot high wall topped with a three foot high fence to the left hand of the path and 5ft high hedge to the right hand side of the path.**
- Lack of access for **emergency vehicles** – fire engines are 2.55 metres and 5 metre width required to allow access to equipment in side locker; ambulances are 2.7 metres by 6.5 metres. The submission states the **public footpath** is 3 metres or 3.8 metres wide. This is incorrect, it is no wider than 2.5 metres at the entrance and elsewhere no wider than 2.9 metres.
- **Loss of privacy** for adjacent dwellings due to overlooking windows
- **Loss of light and aspect** to adjacent dwellings due to proposed six foot fence on boundary
- Construction **materials will have to be unloaded on the highway** already heavily parked and taken to site by fork lift or dumper; and the same method for removal of rubbish to skips – will this be safe. Concern that while use of banksmen and timed deliveries may be appropriate, in general use there will be not such protection for the many **users of the footpath** for whom the construction period will be hazardous.
- Owners have already been **using private land** adjacent to the public footpath (at the entrance off Ben Bank Road) to get access to the site and it is anticipated that users of the building will do the same
- Understand the intention is to park cars on the site, concern that **overspill parking** will occur on Ben Bank Road and Beacon Close, in conflict with residents parking and compromising safety and the peaceful character of Beacon Close
- Applicants have been overheard discussing **relocating the lamp** on the public footpath because the path is narrow at this point, but it is needed for illumination in its current location.
- Continue to question the **adequacy of the publicity**
- Continue to be concerned that the applicants have given the impression that this **project is a foregone conclusion**.
- Concern at the proximity of the proposed building to a **sewer** and its location under the **public footpath** which may need strengthening for heavy plant required for

construction and for emergency vehicles such as fire engine (18 tonnes) and ambulance (3.5 tonnes)

- The issue of **coal** close to the surface (including a drift mine under the adjacent bungalows) and the need for **foundation details** to show that the building will be safe, but also to appreciate how much material may need to be removed and replaced (based on experience of building a garage adjacent to the application site). Note that the **previous building** on the site was a pre-fab building of wood, asbestos and alloy sheeting and constructed on brick pillars for foundations.
- Previous owners of land opposite the site were **refused permission for a dwelling**, the local authority stating the access was unsuitable and would be required to be a minimum of 4.1 metres.
- Planning permission previously **refused for a clergy dwelling** on the application site due to access (*there are no planning records of this*)
- **No history of cars accessing** the site when the former building on the site was in use, either as a church hall or as a scout hut.
- Concern at the prospect of **security fencing**
- Concern at dust during construction

Two representations were submitted in support of the application (from the Council's Senior Commissioning Manager for Adult Commissioning, Improvement and Assurance and submitted by the agent from the Council's Head of Service for Adult Joint Commissioning, Place Health and Adult Social Care) and making the following comments:

- The proposal will be supplementing the employment service the applicant currently delivers in Barnsley.
- Adult Social Care commission Greenworks Barnsley to support currently 38 people with a learning disability to attend the farm to learn new skills and undertake work tasks such as grounds maintenance, growing and selling produce and caring for livestock.
- Greenworks will help people with a learning disability/autism move onto paid employment.
- I understand the new development will be used to accommodate an existing group of 8 trainees with Autism
- This development is in line with our strategic plan
- We are currently looking at the care market in relation to activities for people during the day and how we can develop the market to offer more choice and creativity.
- The proposal will fit with one of our key performance targets which is around getting people with a learning disability into employment.

The following matters were also raised, however these are not material planning considerations and as such are afforded no weight:

- Suggestion that the proposed use functions on grants which is not a very secure base and that the applicants had been using facilities at Broad Close Farm Silkstone and left without paying

Assessment

The main issues for consideration are as follows:

- The acceptability of the proposed development in principle
- The impact on highway safety and the public right of way.
- The impact on neighbouring residential properties
- The impact on existing trees
- The impact on the ecology of the site
- The impact on the character of the area
- Drainage issues

- Stability/Coal Mining issues
- Economy/business issues

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale unless the NPPF establishes a specific weight:

- Substantial
- Considerable
- Significant
- Moderate
- Modest
- Limited
- Little or no

Principle of development

The application site is in a location which is designated as Urban Fabric in the Barnsley Local Plan reflecting the location in the village of Silkstone Common. Local Plan policy GD1 is the starting point for making decisions on proposals in Urban Fabric. The policy sets criteria to be applied to all developments, including that new developments should have appropriate access; and that they will not have a significant adverse impact on living conditions and residential amenity. The following assessment concludes that the development does not have appropriate access and would be likely have a significant adverse impact on residential amenity of existing residents.

The originally submitted application was for a Community Hall. This has recently been amended by reference to a 'building for social care providing supported employment'. Notwithstanding the change in description, the scale of the building remains the same, 120sqm. It is uncertain why a building of this size is still required for use by only 8 people, the agent advising that 'regarding the building, please bear in mind that the activities will require adequate working space with suitable internal storage', and that 'the office space will be available for staff activities, lockers etc., private discussion and secure storage of paperwork'.

In a number of submissions, it is indicated that one or more of the previous permissions on the site has been lawfully commenced. However, reflecting the advice of Legal Services, the submissions do not provide sufficient evidence that any of the previous planning permissions on site are still extant. While the planning history is a material consideration, the change in circumstances (the removal of the building on the site; and the lack of any fallback position allowing the applicant to implement a previous permission on the site) means that the weight given to the planning history is significantly diminished.

Accordingly, it is concluded that the principle of development is not acceptable.

Highway Safety and Public Rights of Way

The submitted application site does not include within the red outline the means of vehicular access to the site. In a number of submissions, it is indicated that the application site has the benefit of vehicular rights of access over a public right of way. However, insufficient evidence has been submitted to demonstrate that there is a lawful vehicular right of access to the application site. This raises concerns both in relation to the deliverability of the proposed development and the likelihood of highway safety conflicts during construction and use of the building. The applicant has submitted two versions of a construction traffic management plan but neither of these include sufficient detail to indicate how the building could be safely constructed. The applicant contends that the public footpath is 3.8m in width but this is not

true for a significant length of path between the site and Ben Bank Road. There is no provision for emergency, delivery or service vehicles and the suggested construction vehicles would not get to the site while leaving a 0.5metre clearance on either side of the path. No swept path analysis has been submitted to show how vehicles would safely enter and exit the site in a forward gear or without causing a safety issue on a public footpath.

A recent submission indicates that the building, during use, would attract only one vehicle visiting the site twice a day. However, there are reservations that this could be controlled, especially given the scale of the building (120sq m) and that the limited vehicular use is based on only 8 people using the building a day. The submission does not take into account visitors, deliveries, or any change of vehicle or increase in the use of the site. It would not be possible to control by condition the use of a single vehicle, or to ban visitors or deliveries, to ensure that any granted permission would not cause traffic issues in the future.

The proposal does not adequately demonstrate how waste will be dealt with and in particular does not address the significant distance that any bins would have to be moved in order for them to be presented for emptying, which is in excess of the recommended maximum distances set out in the Building Regulations.

It is concluded that the lack of vehicular access to the site, the introduction of vehicles onto a public footpath which would be too narrow for safe access including by vehicles; intensification of use of the access onto Ben Bank Road; the lack of satisfactory construction traffic management plan proposals would be likely to lead to conflicts between pedestrians and vehicles, during construction and use of the building. Together with the likely increase in on street parking resulting from the use and the lack of safe and adequate bin provision, it is concluded that the proposal is not satisfactory on highway safety grounds and is contrary to Local Plan policies T3 and T4 and government policy in NPPF paragraphs 115 and 116. Considerable weight against the proposal attaches to this material consideration.

Residential Amenity

Reflecting the advice of the Pollution Control Officer, the use of conditions to control external plant, hours of construction and burning on site would address a number of the concerns regarding residential amenity arising from the construction and use of the site.

However, there are concerns about the proposed use of the building that indicate that the impact on residential amenity arising from use would be likely to result in significant adverse effects on the living conditions and residential amenity of existing residents. The proposal indicates a very limited use of the building, amounting to no more than 8 people at any one time, and planned to be used for between only 13 and 19 hours in total between 9am and 3pm on Mondays to Fridays. However, the proposal does not clarify why a building of 120 square metres is required for use by only 8 people. It is not clear that the use of conditions could reasonably be expected to control the use of a building which appears to be larger than necessary for the number of people indicated.

In addition, the relationship with the neighbouring dwellings has been raised with the applicant. Original plans for the outside areas of the site to be used as an allotment with additional buildings such as greenhouses planned to be erected have been withdrawn but more recently a reference to a greenhouse has been re-introduced at a late stage. Prior to this, the proposal indicated that use of the outside areas would be limited to maintenance of wildflower gardens, hedgerows and trees which is unlikely to cause any unreasonable disturbance to neighbours. The impact of overlooking from the building has been raised and the applicant has confirmed that the windows facing the nearest dwellings will be removed from proposal, but no amended plans have been submitted. The submission of an amended site plan has clarified that the proposed building would be sited 19 metres from the nearby bungalows to the east, which is considered acceptable. There would be approximately a 9

metre distance between the proposed building and the bungalow to the south-east, but as the buildings are sited at right angles to each other and the bungalow has significant hedgerow screening on its boundary, it is not considered that there would be any unreasonable overlooking or overshadowing of the existing dwelling.

It is concluded that the use of the building would be contrary to Local Plan policies GD1 and Poll1 as the proposal would be likely to result in significant adverse effects on the living conditions and residential amenity of existing residents by reason of disturbance/noise pollution. Considerable weight against the proposal is attached to this material consideration.

Impact on Trees

The advice of the Forestry Officer regarding the need for details of the proposed foundations to be provided has been overcome by events, since the applicant has in the meantime felled the trees on site which could otherwise have precluded the construction of the building as proposed.

Impact on Geodiversity and Biodiversity

The application is supported by amended BNG Assessment, Biodiversity Metric Calculation and Biodiversity Metric Condition Assessment.

The amended BNG Assessment is considered to be acceptable and reflecting the advice of the Council's Ecologist, the statutory biodiversity net gain condition and a further condition requiring on-site biodiversity enhancement would ensure that the scheme adequately addresses national and local biodiversity policy. Significant weight in favour of the proposal attaches to this material consideration.

Visual amenity

Subject to clarification regarding the size and siting of the building, and a condition requiring the proposed facing and roofing materials to be agreed, the building would be of an acceptable appearance. Conditions requiring details of landscaping and boundary treatment would also ensure that the finished appearance of the development would be acceptable. These conditions would reflect Neighbourhood Development Plan policies which require development to be sympathetic to the distinctive character of the relevant Character Area, the use of locally appropriate materials and suitable landscaping schemes and boundary treatments, and the provision of suitable buffer zone of landscaping and screening for developments close to public rights of way. Significant weight in favour of the proposal attaches to this material consideration.

Drainage

A combined sewer is recorded as crossing the site. The applicant has submitted a plan showing that the proposed building would be sited 6.6 and 7.7 metres from the sewers that cross the application site; and 3.3 metres from a sewer that appears to run down the length of the adjacent public footpath. Yorkshire Water has confirmed that they were happy for this matter to be controlled through Building Regulations.

Reflecting the advice of Yorkshire Water that if planning permission is to be granted conditions should be attached to secure separate systems of foul and surface water drainage; and no piped discharge of surface water before detail have been submitted and agreed, it is considered that subject to these conditions the drainage issue has been adequately addressed and moderate weight in favour of the proposal is given to this material consideration.

Site Stability/Coal Mining Legacy

A coal mining risk assessment was submitted with the application which concludes that intrusive site investigations should be carried out to establish the risks posed to the development from past coal mining activity, what if any remediation is required and to require any such remediation to be completed. This conclusion has been accepted by the Mining Remediation Authority (Coal Authority) and the South Yorkshire Mining Advisory Service who recommend a condition to secure this. Subject to the imposition of this condition it is considered that the impact of the risk of instability has been adequately addressed in compliance with the requirements of Local Plan Policy CI1 Contaminated and Unstable Land and moderate weight is given to this material consideration.

Economy/business

Local Plan policy E6 indicates that we will encourage a viable rural economy subject to criteria including it is results in the growth of existing business. Neighbourhood Development Plan policy RD1 indicates that development proposals which promoted local employment opportunities will be supported in accordance with Barnsley Local Plan policy E6 and that all development proposals should demonstrate sufficient parking provision and safe access. While national planning policy indicates that significant weight should be placed on the need to support economic growth and productivity, this weight is moderated by the fact that the proposal does not provide safe access and parking as required by NDP policy RD1 and that the proposal indicates that it would result in the employment of only one person. Accordingly moderate weight in favour of the proposal is given to this material consideration.

PLANNING BALANCE & CONCLUSION

In accordance with Paragraph 11 of the NPPF (2024) the proposal is considered in the context of the presumption in favour of sustainable development. The proposal is considered to be located within an unsustainable location on a site that is not suitable for the proposed development because of the lack of vehicular access and conflict with users of the public right of way which is proposed to be used as vehicular access, and this weighs considerably against the application. In addition, conflict with local planning policy in relation to the impact of the development on local residents weighs considerably against the proposal.

Other material planning considerations including biodiversity/ecology, drainage, business, site stability and visual amenity have been fully explored by the appropriate consultees who have raised no objections to the proposal subject to conditions and holistically this weighs in favour of the application.

The noise and smells associated with equipment used during the construction of the site can be mitigated and controlled by condition and the short term noise and disturbance associated with implementing the planning permission is considered to carry limited weight against the proposal.

Having balanced all material planning considerations, it is concluded that the benefits of the proposal do not outweigh its negative impacts and that the proposal conflicts with development plan as a whole

The proposal is therefore, on balance, recommended for refusal.

RECOMMENDATION

REFUSE PLANNING PERMISSION FOR THE PROPOSED DEVELOPMENT FOR THE FOLLOWING REASONS

REASONS

01. Highway and pedestrian safety

The application states the intention to secure access for construction and use of the proposed building via a public right of way. The applicant has failed to submit evidence that they have any private legal user rights to secure vehicular access via the public right of way. The proposed use of the public right of way by construction vehicles and by vehicles during use of the building will be likely to result in conflict with pedestrian users of the public right of way. This concern is amplified by the lack of satisfactory construction traffic management plan proposals. In addition, the public right of way is not wide enough for safe access by vehicles including construction, user, service, emergency and waste management vehicles and together with the lack of provision for off street parking or suitable bin storage and collection areas for the proposed development means that the proposal is likely to lead to highway safety conflicts contrary to national policy at paragraphs 115 and 116 of the NPPF and Local Plan policies T3 and T4.

02. Residential amenity

The use of the proposed building and outdoor areas risks causing unreasonable noise and disturbance to local residents. The proposal conflicts with Local Plan policies GD1 and Poll1 by reason of the significant adverse effects on the living conditions and residential amenity of existing residents and the likely disturbance and noise pollution that would have an unacceptable impact on local residents.

STATEMENT OF COMPLIANCE WITH ARTICLE 35 OF THE TOWN AND COUNTRY DEVELOPMENT MANAGEMENT PROCEDURE ORDER 2015

The above objections, consideration and resulting recommendation have had due regard to Article 8 and Article 1 of the First Protocol of the European Convention for Human Rights Act 1998. The recommendation will not interfere with the applicant's and/or objector's right to respect for his private and family life, his home and his correspondence.

1. Refusal

In dealing with the application referred to above, despite the Local Planning Authority wanting to work with the applicant in a positive and proactive manner based on seeking solutions to problems arising in relation to dealing with the planning application, in this instance this has not been possible due to the reasons mentioned above.