

Application Reference Number:	2026/0087
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Application Type:	Full
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Proposal Description:	Installation of a canopy for outside educational needs/play
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Location:	Nursery, Pitt Street, Barnsley, S70 1AL
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Applicant:	Mr Nick Porter
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Third-party representations:	None	Parish:	None
		Ward:	Central

Summary:

This planning application seeks full planning permission for the installation of a canopy at the nursery for the use of outside educational needs/play.

The site falls within Town Centre District 6 Southgate as allocated by the adopted Local Plan. Development comprising alterations and extensions to an existing building are considered acceptable in principle if proposals would not significantly adversely affect residential amenity, highway safety, and where satisfactory standards of design are achieved.

The proposal would have no adverse impact on highway safety, residential or visual amenity and is considered acceptable in policy terms. The proposal is therefore considered to be an acceptable and sustainable form of development in accordance with Section 2 of the National Planning Policy Framework (NPPF, 2024).

Recommendation:

Approve subject to conditions

Site Description

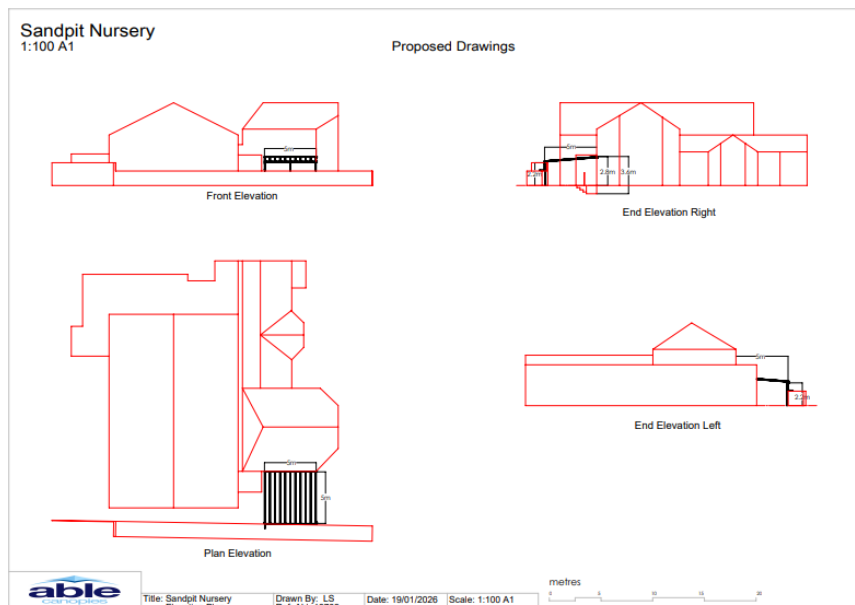
The application relates to a nursery which is located to the North of Pitt Street in Barnsley Town Centre. The nursery is a part single storey, part two-storey building constructed of red brick with pitched roofs. The site lies to the south of Che Bar and Cocos nightclub, to the east of Lidl and Home Bargains and to the west of Temperance House. To the front of the site is a large parking area.

1st Safari Day Nurseries, Nursery, Pitt Street, Barnsley, S70 1AL



Proposed Development

The applicant is seeking approval for the installation of a canopy at the nursery for the use of outside educational needs/play. The proposed canopy is attached to the existing building on the western elevation and has a projection of 5 metres and a width of 5 metres. The canopy will feature a mono-pitched roof with a height ranging from 2.2 metres to 3.6 metres. The materials used will be aluminium with integral guttering which will be powder coated white.



Relevant Policies

The Development Plan

Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires proposals to be determined in accordance with the development plan unless material considerations indicate otherwise. The development plan for Barnsley consists of the Barnsley Local Plan (adopted January 2019). The Local Plan review was approved at the full Council meeting on 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.

Local Plan Allocation – Town Centre District 6 Southgate

To the extent that development plan policies are material to an application for planning permission the decision on the application must be taken in accordance with the development plan unless there are material considerations that indicate otherwise (section 70(2) of the Town and Country Planning Act 1990 and section 38(6) of the Planning and Compulsory Purchase Act 2004).

In reference to this application, the following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – States that proposals for development will be approved where there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land. Policy GD1 below will be applied to all development.

Policy GD1: General Development – Development will be approved if there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents. Development will be expected to be compatible with neighbouring land and will not significantly prejudice the current or future use of neighbouring land.

Policy D1: High quality design and place making – Development is expected to be of a high-quality design and will be expected to respect, take advantage of and reinforce the distinctive, local character and other features of Barnsley.

Policy TC1: Town Centres – Support will be given to maintaining and enhancing the vitality and viability of the following hierarchy of centres:

Town: Barnsley Town Centre

District: Cudworth, Hoyland, Wombwell, Goldthorpe, Penistone, Royston

Local: Athersley, Bolton on Dearne (St Andrew's Square), Darfield, Darton, Dodworth, Grimethorpe, Hoyland Common, Lundwood, Mapplewell, Stairfoot, Thurnscoe (Houghton Road), Thurnscoe (Shepherd Lane)

Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfill its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.

Policy BTC17: Southgate – We will allow offices, residential development, assembly and leisure uses, hotel, food and drink uses and car parking within the Southgate District. Retail development will be allowed on Market Street, Pitt Street and as part of a mixed use development at the former Co-op Pioneer site on Peel Street.

Policy I2: Educational and Community Facilities – Development for the provision of schools, educational facilities and other community facilities will be supported. Such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing or an alternative community facility.

Policy Poll1: Pollution Control and Protection – Development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

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

National Planning Policy Framework (NPPF) and the National Planning Practice Guidance

In December 2024, The Government published a revised National Planning Policy Framework ("NPPF") which is the most recent revision of the original Framework, published first in 2012 and updated a number of times, providing the overarching planning framework for England. It sets out the Government's planning policies for England and how they are expected to be applied. The NPPF must be taken into account in the preparation of local and neighbourhood plans and is a material consideration in planning decisions. This revised document has replaced the earlier planning policy statements, planning policy guidance and various policy letters and circulars, which are cancelled.

Central to the NPPF is a presumption in favour of sustainable development which is at the heart of the framework (paragraph 10) and plans and decisions should apply this presumption in favour of sustainable development (paragraph 11). The NPPF confirms that there are three dimensions to sustainable development: economic, social and environmental; each of these aspects are mutually dependent. The most relevant sections are:

- Section 2 - Achieving sustainable development
- Section 4 - Decision making
- Section 9 - Promoting sustainable transport
- Section 12 - Achieving well-designed places

The National Design Guidance (2019) is a material consideration and sets out ten characteristics of well-designed places based on planning policy expectations. A written ministerial statement states that local planning authorities should take it into account when taking decisions.

Supplementary Planning Documents:

In line with the Town and Country Planning (Local Planning) (England) Regulations 2012, Barnsley has adopted twenty eight Supplementary Planning Documents (SPDs) following the adoption of the Local Plan in January 2019. The most pertinent SPD's in this case are:

- Parking
- Sustainable Travel

The adopted SPDs should be treated as material considerations in decision making and are afforded full weight.

Consultations

Central Ward Councillors - No objections

Representations

The application has been advertised in accordance with Article 15 of the Town and Country Planning Development Management Procedure (England) Order 2015.

Neighbour notification letters were sent to surrounding properties, and a site notice erected at the site, no comments were received.

Assessment

The main issues for consideration are as follows:

- The acceptability of alterations
- The impact on the character of the area
- The impact on neighbouring residential properties
- The impact on the highway network and highways standards

For the purposes of considering the balance in this application the following planning weight is referred to in this report using the following scale:

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

Principle of Development

Local Plan Policies GD1 'General Development' and I2 'Educational and Community Facilities' require that development should be compatible with its surroundings which is the case with the addition to the nursery. The proposed development is to upgrade the existing facility for the benefit of the nursery as such the proposal is therefore also acceptable in terms of Local Plan Policy I2.

The authority will support the provision of schools, educational facilities, and other community facilities. The addition of the canopy to the nursery is acceptable in principle where there is no significant adverse effect on residential amenity, where satisfactory standards of design are achieved, and there is no detrimental impact on highway safety.

Design, and Visual Amenity

The proposed canopy and works are deemed acceptable in terms of materials for the nursery setting. The proposed mono-pitched roof is in keeping with the character of the existing school nursery which is predominantly pitch roofed. The use of white matches the guttering on the gable and existing signage. This weighs significantly in favour of the proposal.

The canopy and proposed works are considered to have a minimal impact on the appearance or character of the area. The proposed development is therefore not considered to be contrary to Local Plan Policy D1: High Quality Design and Place Making and is considered acceptable in terms of visual amenity.

Residential Amenity

The closest residential properties are a significant distance away from the site of the proposed canopy and therefore they will not be significantly affected by the proposal. This weighs significantly in favour of the proposal.

The proposed works whilst having the possibly to cause disturbance during building works are set within the grounds of an existing nursery and expected to be minimal. The proposal is considered to be in compliance with Local Plan Policy GD1: General Development and is acceptable in terms of residential amenity.

Highways Safety

There will be no impact upon highway safety. The proposed alterations would not affect the access, parking, or servicing at the nursery. The proposal is deemed acceptable in terms of highways safety. This weighs significantly in favour of the proposal.

Planning Balance and Conclusion

For the reasons given above, and taking all other matters into consideration, the proposal complies with the relevant plan policies and planning permission should be granted subject to necessary conditions. Under the provisions of the NPPF, the application is considered to be a sustainable form of development and is therefore recommended for approval.

Recommendation

Approve subject to conditions

Justification

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

It has not been necessary to make contact with the applicant to request amendments to the proposal during the consideration of the application, as it was deemed acceptable.

Due regard has been given to Article 8 and Protocol 1 of Article 1 of the European Convention for Human Rights Act 1998 when considering objections, the determination of the application and the resulting recommendation. It is considered that the recommendation will not interfere with the applicant's and/or any objector's right to respect for his private and family life, his home and his correspondence.

Conditions

The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

The development hereby approved shall be carried out strictly in accordance with the approved plans:

Block Plan Able10706
Elevation Plan Able10708
Sandpit Nursery

and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1 High Quality Design and Place Making.

The external materials shall match those specified within the application and the plans outlined above.

Reason: In the interests of the visual amenities of the locality and in accordance with Local Plan Policy D1.

During works, construction or demolition related activity shall only take place onsite between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

Reason: To reduce or remove adverse impacts on health and the quality of life, especially for people living and/or working nearby, in accordance with Local Plan Policy POLL1.

Informatives

The granting of planning permission does not in any way infer that consent of the landowner is given. Therefore, the consent of all relevant landowners is required before proceeding with any development, including that of the Council as landowner. If it should transpire that the applicant does not own any of the land included in this consent, then it is the responsibility of the applicant to seek all necessary consents and approvals of the landowner.

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It is recommended that measures are taken to prevent a nuisance/ or effect the quality of life of local residents. Please note that the Council's Pollution Control Team have a legal duty to investigate any complaints about noise, smoke or dust. No waste should be burnt. If a statutory nuisance is found to exist, they must serve an Abatement Notice under the Environmental Protection Act 1990. Failure to comply with the requirements of an Abatement Notice may result in a fine of up to £20,000 upon conviction in Magistrates' Court. It is therefore recommended that you give serious consideration to the steps that may be required to prevent a noise, dust or smoke nuisance from being created.