

Planning Application 2022/0744 - Change of use of barn to Veterinary Surgery (Use Class E) including internal and external alterations, formation of parking and alterations to the access

Listed Building Consent 2022/0848 - Change of use of barn to Veterinary Surgery (Use Class E) including internal and external alterations (Listed Building Consent)

Donaldson's Vets Ltd

Nether Mill Barn, Barnsley Road, Penistone, Sheffield, S36 8AD

Background

B/84/0765/PU – Conversion of building to farm shop and form vehicular access and parking area - Approved

B/84/0768/PU/LB – Conversion of building to farm shop - Approved

2013/0597 - Residential development of 20 no. dwellings including 13 no. build properties with garages and the conversion/alteration of existing listed and non listed buildings into 7 no. dwellings. Members resolved to approve the application at the Planning Board meeting held 22nd October 2013, subject to the completion of a S106 Agreement requiring the provision of public open space and affordable provision. However no planning permission was subsequently issued as a S106 Agreement was never completed.

2015/1367 (planning permission) & 2015/1427 (listed building consent - Demolition of existing buildings and erection of 11 no detached dwellinghouses, access, landscaping, drainage and associated works – Approved with conditions

Description

Nether Mill Farm is a historic site located off the A628 Barnsley Road near to centre of Penistone and the junctions with Huddersfield Road and Bridge Street (B6462). The site is currently occupied by a number of listed and unlisted buildings associated with the former Nether Mill and Nether Mill Farm. The application site curtilage comprises an irregular shaped piece of land of approximately 880sqm and the building which is the subject of this application is known as Nether Mill Barn and is set back from Barnsley Road. The building is constructed from local grit stone.

The site is located to the north of Penistone town and within a cluster of buildings which have, until recently been used as an agricultural holding. A number of buildings on the Nether Mill Farm site have recently been split with some being marketed / sold individually including a house, farmhouse, traditional stone barns (including Nether Mill Barn) and associated outbuildings. The house, farmhouse, and Nether Mill Barn are all Grade II Listed buildings.

The site is not within a Conservation Area and is outside, but close to the boundary of the Green Belt. The site is considered to be located in a gateway position at the approach to the town of Penistone from the east and occupies an important frontage position to the A628 Barnsley Road. Vehicular access to the site is currently provided by an established junction with Barnsley Road in the south west corner of the site.





Proposed Development

The applicant is proposing a change of use of Nether Mill barn to a Veterinary Surgery (Use Class E) including internal and external alterations, formation of parking and alterations to the access. The external alterations include the formation of an entrance door opening to the frontage of the building and new rooflights and window openings. To the rear and side, existing openings are utilised. A new first floor is created internally with as many original features retained as possible.

Veterinary services would be offered from the site for domestic animals which would be brought to the surgery for examination and to receive any treatment which is required. Uses which are proposed to internal spaces at ground and first floor include:

- Reception / Waiting Space
- Accessible WC's
- Consulting Rooms (4 No)
- Dispensary
- Preparation
- Theatre
- Dental
- X-Ray
- Cat Ward
- Dog Ward
- Laundry
- Laboratory
- Morgue
- Office
- Staff Room
- Storage / Plant
- Circulation

It is proposed to utilise the existing site access that also serves other buildings within the complex as well as Nether Mill Fishery and 19 parking spaces are to be provided.

The applicant is proposing the following opening hours:-

Customer Opening Hours

07:30 to 19:30 Monday to Friday

07:30 to 19:30 Saturdays, Sundays & Bank Holidays

(It should be noted that in cases of emergency access may be required for individual cases outside these hours)

Staff Opening Hours

24 hour access is required, 7 days a week for staff to care for patients and to deal with emergency cases.

The works also involve the

The applicant has submitted the following documents in support of the application:-

- Flood Risk Assessment
- Bat Survey
- Sequential Assessment
- Transport Statement
- Written Scheme of Investigation – Level 3 Building Recording
- Design and Access Statement
- Heritage Statement



Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the 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 also now 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 and are a material consideration in the decision-making process.

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 allocated as Urban Fabric within the Local Plan Proposals Maps and therefore the following policies are relevant:

GD1 General Development
POLL1 Pollution Control and Protection
D1 High Quality Design and Place Making
SD1 Presumption in favour of Sustainable Development
TC1 Town Centres
TC3 Thresholds for Impact Assessments
T3 New Development and Sustainable Travel
T4 New development and Transport Safety
BIO1 'Biodiversity and Geodiversity' requires development to conserve and enhance biodiversity and geodiversity.
CC3 'Flood Risk'
CC4 'Sustainable Urban Drainage'
Poll1 'Pollution Control and Protection'
HE1 'The Historic Environment'
HE2 'Heritage Statements and general application procedures'
HE3 'Developments affecting Historic Buildings'

NPPF

The National Planning Policy Framework (NPPF) 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. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraph 86 of the NPPF states that local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town

centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered.

When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre.

Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

Supplementary Planning Documents (SPD):

Parking

Barn Conversions

Penistone Neighbourhood Plan:

BE2: Protection and enhancement of local heritage assets

LE1: Increase the vitality of Penistone town centre - According to the PCLP, the required breakdown of businesses for Penistone is: • 1% Toys • 3% Homeware • 3% Books CDs and DVDs • 14% Shoes • 16% DIY 56 • 20% Clothing

LE2: Encouraging small businesses

Consultations

Penistone Town Council – No comments received

Highways DC – No objections

Pollution Control – No objections subject to condition

Drainage – No objection subject to conditions

Conservation Officer – No objections subject to conditions

Environment Agency – No objections subject to condition

Ward Councillors – No comments received

Ecology Officer – No objection subject to conditions/informatives

Representations

Neighbour notification letters were sent to surrounding properties and a site notice was posted adjacent to the site; the following comment have been received:-

- A query in relation to windows to the rear of the building

Assessment

Principle of Development

The proposal lies within an area of Urban Fabric (no specific allocation) on the Local Plan Proposals Map, where development may be considered acceptable where, there will be no significant adverse effect on the living conditions and residential amenity of existing and future residents and where they are compatible with neighbouring land and will not prejudice the current or future use of land. The site is also outside the District Centre of Penistone.

The Local Plan states that Penistone is one of the smaller district centres. Penistone is a historic market town which has its main retail and service offer concentrated on Market Street which is further enhanced by the new Market Hall and Tesco supermarket. The overall vitality and viability is much better than average. Penistone has many strengths including the availability of pubs, cafes and restaurants, the market, the availability of food shopping, the evidence of recent investment by retailers, the very low vacancy rates, good pedestrian flow and public transport access, a feeling of security and high quality of the open spaces and landscaping. Aims for the future of Penistone are to improve the availability of leisure, cultural and entertainment activities, and to improve car parking and movement for pedestrians, cyclists and the disabled. Since the potential for expansion in Penistone has already taken place with the recent Tesco supermarket, the strategic direction for Penistone is to intensify within its existing boundaries.

The proposal involves the change of use of the agricultural building to a veterinary surgery within use Class E. The NPPF defines town centre uses as leisure, entertainment and more intensive sport and recreation uses (including cinemas, restaurants, drive-through restaurants, bars and pubs, nightclubs, casinos, health and fitness centres, indoor bowling centres and bingo halls); offices; and arts, culture and tourism development (including theatres, museums, galleries and concert halls, hotels and conference facilities). Whilst the use is not strictly listed within the town centre uses, the use of this building for a class E use may have the potential to impact the viability of the town centre of Penistone.

The NPPF and Local Plan Policy TC1 requires that where development is proposed for a town centre use (as defined by the NPPF "main town centre uses" includes retail, leisure, entertainment, cinemas, restaurants, bars, pubs etc, offices, arts, culture and tourism development and located outside of the town centre) a sequential approach is required to ensure the maintenance and enhancement of the vitality and viability of the town centre. Policy TC3 also states that impact assessments are required for uses which are over 1000sqm outside of the District Centre, therefore the proposal does not require an impact assessment.

The NPPF states that 'Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre nor in accordance with an up-to-date plan. Main town centre uses should be located in town centres, then in edge of centre locations; and only if suitable sites are not available (or expected to become available within a reasonable period) should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites which are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale, so that opportunities to utilise suitable town centre or edge of centre sites are fully explored.

The sequential test guides main town centre uses towards town centre locations first, then, if no town centre locations are available, to edge of centre locations, and, if neither town centre locations nor edge of centre locations are available, to out of centre locations (with preference for accessible sites which are well connected to the town centre). It supports the viability and vitality of town centres by placing existing town centres foremost in both plan-making and decision-taking.

Use of the sequential test should recognise that certain main town centre uses have particular market and locational requirements which mean that they may only be accommodated in specific locations. Robust justification will need to be provided where this is the case, and land ownership does not provide such a justification.'

In this case the proposed development is for the conversion of an existing barn to provide a veterinary surgery with a floor space of 311sqm however, as the proposal seeks to provide a potential town centre use in what is an 'out of centre' location around 615m from the defined

boundary of Penistone District Centre, a Sequential Assessment has been undertaken. The assessment has concluded that there are no suitable or available sequentially preferable sites either within or at the edge of Penistone District Centre to accommodate the proposed development. This has been assessed and it is considered that the assessment has demonstrated that there are no suitable vacant units of a similar size which could potentially accommodate the use proposed. It is also noted that a veterinary clinic is not one of the types of business identified as needed within Penistone Town Centre as identified in the Neighbourhood Plan. Based on the assessment and given that the site is well connected to the existing centre it is agreed that the proposal would not significantly harm the vitality or viability of the Local Centre and is considered acceptable and justified when measured against policies TC1 and TC3.

A condition should be applied which states that no change of use to other uses within Class E (otherwise be permitted by Part 3 of Schedule 2 to that Order shall be carried out, in order to protect the vitality and viability of Penistone District Centre from other potential retail development located outside of the District Centre, in accordance with Policy TC1 of the Local Plan.

Residential Amenity

Due to the proximity of surrounding residential properties, the impact of the change of use upon residential amenity is an important consideration. The Council's Regulatory Services team have been consulted and have no objection to the proposal.

It is acknowledged that there are some residential properties within the vicinity of the site and some of the barns have potential to be converted into residential units, however it is considered that the proposed use and the opening hours proposed would not have a significant detrimental impact on amenity of the adjacent residential property by way of noise/disturbance, given the nature of the use.

The proposal is considered to be acceptable when measured against policy GD1 of the Local Plan and Poll1, subject to conditions.

Impact on Listed Building

Nether Mill Barn is Grade II Listed and the Conservation Officer has been consulted as part of this proposal.

The Conservation Officer states that 'the complex of listed and unlisted buildings at Nether Mill includes Nether Mill House which dates from 1636, the cottage, which is C18 to C19, the unlisted C19 barn range at the north end of the site and the listed barn this enquiry is the focus of. The name Nether Mill relates to the wider mill complex that developed in the C19 that once existed to the southwest (this part of the site has been recently redeveloped). However, the barn this application relates to is early and includes fabric that includes at least 2x cruck frames and other items thought to be of C16 origin. The barn also includes later phases of alteration during the C17-18 and the later C19 with an aisled outshut with its catslide roof over. Internally, there are C19 animal pens, and concrete flooring plus a later timber first floor at the northern end of the building. Physically, the barn is a significant building with visual mass due to its wide roof span (later – repaired / under-felted) and its catslide roof covered in stone slates. Overall, it has a robust vernacular appearance typical of historic upland farm buildings of the Pennine fringe area. The building is also very visible from the roadside (a gateway area into Penistone) and has an important group value with the other historic buildings at Nether Mill

Farm. In terms of the heritage significance, the building is listed and despite having undergone (historic) alteration including re-roofing (underfelt is modern), it is relatively original. However, I note that the cruck blades mentioned in the list description are not all complete. I also note the building has been extended during the C19 (possibly earlier) to the east with the addition of the aisled extension punctuated by later C19 openings.

The proposal seeks support for a change of use and conversion to a vets practice with all facilities this would require. In principle I see no issue with that and would support both the change of use and (broadly speaking) the conversion which is relatively sympathetic to the original use of the building. However, the proposal will require a number of interventions to provide warm and habitable spaces within. Additionally, some areas will also need to be designed so they are clean / sterile enough for veterinary procedures. This inevitably means that the fit out and alterations to the interior (in part) will result in physical interventions with historic fabric and a degree of covering up of features within the building. I also note plans to remove a number of internal structures that includes the concrete animal pens and the ground floor - the bulk of which (although possibly not all) I believe to be later C19 / C20. I also note that externally there is a proposal to alter the south-eastern corner of the building. This originally (at pre-app) included a glazed modern atrium that followed the form of the existing building. I advised I would not support this, and this has now been amended to include a reduced horizontal window opening on the south eastern corner. Further external alterations of note include the new glazed doorway with a zinc surround within the recessed area currently occupied by a window and a single doorway. Currently, this includes a concrete head and is likely an area of historic re-building and infill that was once occupied by a cart entrance. Three rooflights are also proposed to the roof to improve light ingress and serve three lightwells below. Internally, there are split levels proposed with the Lower GF devoted to public facing areas, consulting and treatment rooms, and the upper level for offices and staff areas. Generally, the intention appears to be to work with and around the historic fabric and I would obviously support this approach. I would also advocate that the maximum of historic fabric is retained (including later phases) and that where alteration or removal is proposed this is fully justified.

In relation to the treatment of the new doorway I do not object as this area appears quite altered already and is a worthy compromise to allow easy access for customers. In terms of the site layout, I support the retention of the existing cobbles, supplementing these with new where required and the use of cellular grass to retain the green area to the frontage. As I stated at pre-app, a detailed understanding of the building is required, and I think at this point (determination) it is reasonable to request a historic building recording exercise. This is important before any works commence to provide a permanent record of the building at this point in time. This will need to be to a minimum of Historic England's analytical level 3 and carried out by competent / qualified individuals.'



The external alterations include the formation of an entrance door opening to the frontage of the building and new rooflights and window openings. To the rear and side, existing openings are utilised. A new first floor is created internally with as many original features retained as possible. The proposed alterations and materials are considered to be acceptable and will improve/preserve the appearance of the building. Any separate signage, subject to the size and illumination, may require separate consent. The proposal is therefore considered to be acceptable in terms of visual amenity and would preserve the character of the Listed Building and would secure its future use, in accordance with policies D1, HE1 and HE3 of the Local Plan.

Highway Safety

The Highways Officer has been consulted as part of the application and has provided the following comments: 'The proposals seek to convert Nether Mill Farm barn, located off the A628 Barnsley Road in Penistone, into a veterinary surgery. It is proposed to utilise the existing site access that also serves other buildings within the complex as well as Nether Mill Fishery.'

The supporting information identifies that 19 parking spaces are required within the site and this is the number of spaces shown on the site layout plan. Some of these spaces do appear to be a little awkward to manoeuvre to/from but swept path analyses show that the spaces can indeed be satisfactorily accessed/egressed. Swept path analyses show that an 8.4m long rigid vehicle can manoeuvre from the parking space and satisfactorily turn within the site.

A swept path manoeuvre has now also been provided for the left turn out of the site; although the rigid vehicle can be seen to encroach into the proposed right turn lane it does so only marginally and as such this is not considered to be of detriment to highway safety.'

In view of the above, the proposals are considered acceptable from a highways perspective and are therefore considered acceptable from a highways point of view in accordance with policy T4 of the Local Plan, subject to conditions and informatives.

Drainage/Flood Risk

The Council's Drainage Officer has no objections to the proposal subject to a condition.

In terms of Flood Risk, The site is shown to be located within Flood Zone 3 (High Probability) and Flood Zone 2 (Medium Probability). Therefore, the site is considered to be high risk of flooding. Flood Zone 3 is defined as land assessed as having an annual probability of flooding from fluvial and tidal sources greater than 1%. Flood Zone 2 is defined as land assessed as having an annual probability of flooding from fluvial and tidal sources between 0.1% and 1%. A Flood Risk Assessment has been submitted with the application. The Environment Agency have reviewed the information submitted and consider that the information submitted is appropriate to the scale and nature of the development and that they have no objection to the proposed development, however they have recommended that finished floor levels are as recommended within the FRA report and should be conditioned.

The Environment Agency have states that 'although the finished floor levels within the Northern building have not been raised to levels, we would usually request we have accepted that, due to site constraints and the listed status of the building, finished floor levels cannot be raised above existing. Given the nature of the proposed usage, the inclusion of resistance and resilience measures and a willingness to sign up to receive flood alerts/warnings; we have removed our objection. These mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the scheme's timing/ phasing arrangements. The measures detailed above shall be retained and maintained thereafter throughout the lifetime of the development.'

The proposal is therefore acceptable in terms of Flood Risk in accordance with the NPPF and policy CC3 of the Local Plan.

Ecology

A Bat Survey has been submitted with the application. The Ecology Officer has been consulted and is satisfied with the findings of the report and recommend the following conditions be secured as part of the planning permission:

'Due to the identification of a bat roost during the surveys carried out a protected species license from Natural England will be required to allow proposed works to commence. A copy of the license once obtained should be submitted to the LPA prior to works commencing on site.

Recommendations made within the ecology report includes the incorporation of a bat roosting feature within the building and the adoption of a sympathetic lighting scheme on site in the interest of bats. In addition to these recommendations, a starling nest box should be incorporated within the building, with starling noted as potentially nesting on site and being a red list species of conservation concern; this would aim to mitigate the loss of a potential nesting site for this species. The above recommendations should be detailed in a protected species scheme to be conditioned, which would indicate the proposed location and type of bat and bird features on the building and detail a sympathetic lighting scheme to ensure the site and adjacent areas remain attractive to roosting, foraging and commuting bats.

As starling were noted as probably nesting within the building, proposed renovation works should commence outside the nesting bird season (March – August inclusive) or following checks made by an appropriate qualified ecologist where active nests have been noted as absent. This should be added as an informative to a planning decision.

Conclusion

In conclusion, the proposal is considered to be acceptable when measured against policies GD1, HE1 and TC1 of the Local Plan and would not have a significant detrimental impact on the existing Local Centre, wider street scene, Listed Building, highway safety or residential amenity and as such is acceptable, subject to conditions.

Recommendation

Approve subject to conditions