



Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 24 November 2015
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

SUPPLEMENTARY AGENDA

9. Town and Country Planning Act 1990 - Part III Applications (*Pages 3 - 86*)

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, M. Dyson, Franklin, Griffin, Gollick, Grundy, Hampson, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, Mathers (Mayor), Mitchell, Morgan, Noble, Richardson, Riggs, Spence, Stowe, Unsworth and R. Wraith

Matt Gladstone, Executive Director Place
David Shepherd, Service Director Economic Regeneration
Paul Castle, Service Director Environment and Transport
Joe Jenkinson, Head of Planning and Building Control
Matthew Smith, Group Leader, Development Control
Stuart Lumb, Senior Legal Officer (Planning)

Parish Councils

Please contact Elizabeth Barnard on (01226) 773420 or email governance@barnsley.gov.uk

17th November 2015

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Item 9

Report Précis

Report of the Head of Planning and Building Control to the Planning Regulatory Board

Date: 24/11/2015

Subject

Applications under Town and Country Planning Legislation.

Purpose of Report

This report presents for decision planning, listed building, advertisement, Council development applications and also proposals for works to or felling of trees covered by a Preservation Order and miscellaneous items.

Access for the Disabled Implications

Where there are any such implications they will be referred to within the individual report.

Financial Implications

None

Crime and Disorder Implications

Where there are any such implications they will be referred to within the individual reports.

Human Rights Act

The Council has considered the general implications of the Human Rights Act in this agenda report.

Representations

Where representations are received in respect of an application, a summary of those representations is provided in the application report which reflects the key points that have been expressed regarding the proposal.

Members are reminded that they have access to all documentation relating to the application, including the full text of any representations and any correspondence which has occurred between the Council and the applicant or any agent of the applicant.

Recommendation(s)

That the applications be determined in accordance with the recommendations set out in the main report which is attached. Full report attached for public and press copy (unless Confidential item).

Background Papers

These are contained within the application files listed in the following schedule of planning applications. They are available for inspection at the Civic Hall, Eldon Street, Barnsley, S70 2JL.

INDEX

2015/0779	Approval	Page 6
Removal of condition 1 of app 2011/1157 to allow permanent use of site for a gypsy family.		
Whitegate Stables, Common Road, Brierley, Barnsley, S72 9ES		
2015/0646	Approval	Page 17
Demolition of existing dwelling at 30 Cross Street and erection of 95no. dwellings.		
30 Cross Street, Monk Bretton, Barnsley, S71 2EP.		
2015/0911	Approval	Page 32
Erection of 10 no. detached dwelling houses with associated access and landscaping.		
Land at Cross Lane, Hoylandswaine, Sheffield		
2015/1015	Approval	Page 45
Reserved matters planning application for the construction of infrastructure works comprising entrance feature, provision of substation, drainage works, including an attenuation pond, footbridges and other landscaping associated with outline planning permission 2014/0452.		
Former North Gawber Colliery, Carr Green Lane, Mapplewell		
2015/1074	Refusal	Page 54
Erection of 2 no. detached dwellings (Outline)		
Land rear of 7-29 May Terrace, Barnsley, S70 6HS		
2015/1168	Approval	Page 61
Erection of extensions and refurbishment to Primary School including external works		
Thurlstone Primary School, Royd Moor Road, Thurlstone, Sheffield, S36 9RD		
2015/1081	Approval	Page 68
Erection of a double garage with habitable room above		
88 Wath Road, Elsecar, Barnsley, S74 8JF		
2015/1141	Approval	Page 74
Plot substitution on land allocated to plot 32 and additional strip of land located outside the land associated with planning application 2010/0413		

2015/1233

Approval

Page 79

Removal of condition 4 of app 2015/0040 - Change of use from shops (A1) to dwelling houses (C3) including window and door alterations, external finishes, hardstanding and boundary works

38-44 (evens) Derwent Road, Athersley South, Barnsley, S71 3QT

2015/1235

Approval

Page 83

Black Mulberry (T1) prune the lowest branches (crown lift) to give a 2 metre height clearance around the tree within TPO: 12/2006

51 Wooley Avenue, Wombwell, Barnsley, S73 8TH

Additional Reports

PLANNING APPLICATIONS – WITH REPORTS

2015/0779

Applicant: Kevin Rogers

Description: Removal of condition 1 of app 2011/1157 to allow permanent use of site for a gypsy family.

Address: Whitegate Stables, Common Road, Brierley, Barnsley, S72 9ES

The application was deferred from the last Planning Board at the request of Members who wished to carry out a site visit. Since the 1st November the applicant's temporary consent to reside at the site has expired.

**This application is a departure from the development plan
One letter of support and one of objection Brierley Town Council and Councillor Doyle also object to the proposals.**

Site Location and Description

The site is located to the east of Brierley within the open countryside. It is enclosed by hedges, walls and fences. The site is accessed off Common Road and there are dwellings to the south-west of the site off Common Road and north-west of the site along Park View. None of these directly border the site. The closest property is approximately 100 metres away.

Currently on the site are two mobile homes, three touring vans, a small amenity block and a storage building clad in corrugated iron sheeting

Site History

The Council served an Enforcement Notice on the applicant in May 2007 (Ref: MCS/04/2236). The alleged breach of control was the siting of caravans/sectional buildings on the site and the use of the land and those structures/buildings for residential purposes. The notice required the applicant to permanently cease the residential use of the land and to remove all associated structures.

The applicant appealed the notice and the Planning Inspectorate allowed the appeal. Planning permission was granted subject to five conditions. Condition 1 limited the life of the permission to a period of five years beginning from the date of the decision which was the 5th November 2007. Condition 3 limited the number of caravans allowed on the site to three only two of which could be static caravans or mobile homes. The remaining conditions limited those people who could occupy the site to those with gypsy status, prevented any commercial and storage uses on the site and provided some guidance with regard to the remediation of the site.

Prior to the expiry of the 5 years of that permission the applicants applied for the removal of condition 1 which would have made the permission permanent and removed the temporary period and for variation of condition 3 to allow stationing of 5 caravans (application reference 2011/1157). The application went before the Planning Regulatory Board however Members sought to only allow a further temporary permission expiring 1st November 2015. The permission also included restrictions to 5 caravans only with a maximum of 2 static, and no commercial activity on site.

The applicant appealed against the imposition of the temporary condition but the Secretary of State considered that the disputed condition should remain and dismissed the appeal. A High Court judgement in January 2015 did rule that the Secretary of State had breached the Equality Act 2010 by adopting a process of intervening in all planning appeals relating to traveller and gypsy sites in

the Green belt. Whilst the ruling did not look at the ultimate decision made on the appeals it did state that there was discrimination in the procedure by subjecting the appellants to a much lengthier process than was necessary.

Proposed Development

The current permission expired on the 1st November 2015. The applicant therefore seeks permission to remove condition 1 to allow the permanent use of site for a gypsy family.

A planning statement accompanies the application. This states that the family have become accepted members of the local community and that several of the younger members of the family still attend local schools. The statement claims that the continued occupation of the site is required to ensure that the family have a stable base.

A statement is also provided from families registered Social Worker which gives additional support to the applicants case to retain their family home.

Family Circumstances

The site is home to four families in total:-

- Kevin Rogers (senior) and his wife Roseanne and their five children
- Kevin Rogers (Junior) and his wife Lena and their son.
- Barry Blue Price and his wife Dilly and their two daughters.
- Mr and Mrs Rubin Rogers both 75 years old. Occupy the site in winter only, needed due to their age and vulnerability.

Mr Roger's (senior) son, Roman is 10 years old and has recently been diagnosed with Autistic Spectrum Disorder and the sub- category of Asperger Syndrome. Given Romans disability and the fact Whitegates has been his only home for 10 years and that he has built up a trusted peer group at the local School and in the surrounding community, the Social Worker is of the view that if the Rogers family were forced to move this would have a detrimental impact on the well-being of Roman.

Policy Context

Planning decision 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 development plan consists of the Core Strategy, saved Unitary Development Plan policies and the Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Core Strategy

CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

Sites will be allocated to meet the shortfall in provision of permanent sites. The following Criteria will be used in allocating sites and in determining planning applications for sites:-

In terms of their broad location sites will:

- Have good access to facilities
- Be primarily located within urban areas

In terms of their specific location the sites will:-

- Not be in an area of high flood risk
- Not be affected by contamination, unless the site can be adequately remediated
- Have adequate vehicular and pedestrian access from the highway
- Provide a good safe living environment with appropriate standards of residential amenity
- Have the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008)
- Have no other restrictive development constraints

CSP34 'Protection of the Green Belt'

In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

The Green belt boundaries will be subject to localised review only which may result in changes necessary to deliver the Borough's distribution of new employment sites set out in CSP12.

CSP29 sets out the overarching design principles for the borough to ensure that development is appropriate to its context.

South Yorkshire Gypsy and Traveller accommodation Needs Assessment – The updated figures published as recently as January 2012 identify an immediate shortfall of 28 pitches within Barnsley, this pitch requirement will rise to 37 by 2017.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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. 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.

In respect of this application, paragraphs 87 and 89 are relevant which state inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Planning Policy for Traveller Sites (PPTS)

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF.

Policy E: Traveller sites in the Green Belt

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

Policy H: Determining planning applications for traveller sites

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
 - that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
 - that they should determine applications for sites from any travellers and not just those with local connections

Ministerial Statement 31st August 2015 – Green Belt Protection and intentional unauthorised development.

Intentional unauthorised development should be treated as a material consideration to provide stronger protection for the Green Belt. The Government is concerned about the harm, that is caused where the development of land has been undertaken in advance of obtaining planning permission.

Consultations

Brierley Town Council – Object on the following grounds,

- 1) The site in question is Green Belt land and not appropriate to become a new permanent site. There is growing concern that as the children of the family get older, form relationships and have families of their own the site 'will just grow' in the same trend that the 2012 decision allowed additional caravans on the site.
- 2) Members of the public continue to maintain the intimidation felt from the roaming dogs of Whitegates Stables gypsy site, whilst trying to use the public right of way/footpath that goes past the site up to the Burntwood Court.
- 3) There is continued and growing concern that a scrap metal business is being run from this site and question whether or not the correct and required waste carrier licences and Hiab operating licences are in place.
- 4) There will be a substantial increase in vehicle activity if permanent residence is approved. This is not acceptable due to the location of the access to the site being on a sharp and somewhat blind bend on the outskirts of the village, and the already increase in vehicle activity.
- 5) Roaming horses belonging to the gypsy site continue to roam wild around the neighbouring streets and onto the main roads causing highways issues.

Yorkshire Water Services Limited – No comments

Environmental Health - No objections

Public Rights of Way – No comments

Policy – No objections

Ward Councillors – No comments

Gypsy Liaison Officer – No comments

Drainage – No objections

Brierley Town Council – Object to the application on grounds of inappropriate development in the Green Belt, raise concerns that the site may grow to accommodate future growth of the family. Members of the public using the nearby public footpath continue to feel intimidated by the family's dogs and there are also concerns that horses continue to roam the site. In addition to this concerns are also raised that a scrap metal business is being run from the site.

Representations

The application was advertised through neighbour letters and a site notice placed on Common Road adjacent the site. In total one letter of support has been received from the Social Worker for the aforementioned reasons in her statement. One letter of comment has also been received which gives the opinion that the inspectors decision should be upheld and permission only allowed until 1 November 2015.

Assessment

The site has already benefited from two consecutive temporary planning permissions which expired on the 1st November 2015 meaning the present residential occupation of the site is technically unauthorised. With regard to the Ministerial Statement on Green Belt Protection, the fact that applicant has repeatedly tried to obtain a lawful consent, and has complied with requirements of subsequent temporary permissions is considered a material consideration. Limited weight is therefore attached to the statement in the applicant circumstances. .

Notwithstanding the fact the site is within the Green Belt, it broadly complies with the criteria in CSP 18. There is no dispute that the proposal would be inappropriate development which is harmful to the Green Belt. The buildings and structures including the walls and driveway also have a detrimental impact on the character and appearance of the area in that they enclose space and give it a developed urban appearance which contrasts starkly with the surrounding open and undeveloped land. The site is not in an area of high flood risk or affected by contamination and has adequate vehicular and pedestrian access from the highway. It would also provide a good safe living environment with appropriate standards of residential amenity with the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008).

All parties acknowledge that the proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this case the applicant has put forward the following arguments in an attempt to demonstrate that, cumulatively, they represent very special circumstances capable of outweighing the harm to the Green Belt by inappropriateness:

- Unmet need for Gypsy and Traveller sites in Barnsley MBC
- Accommodation needs of the applicant
- Continuing uncertainty for the applicant with a temporary permission
- No other site for the family to go.
- Inspectors comments in dismissing the previous application
- Needs of a child with a disability.

As such, there are six main issues to consider.

- The effect of the development on the openness and visual amenity of the Green Belt.
- Whether there is any additional harm arising from the effect on gypsy policies in the Core Strategy 3 and the PPTS.
- Whether there are other considerations which favour the proposal including the general need for gypsy sites and future provision, the accommodation needs of the present occupiers and their personal circumstances.
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.
- Whether the needs of the disabled son of the applicant constitute substantial weight that outweighs harm to the Green Belt.

Openness and visual amenity

The site lies adjacent to the built up area of Brierley with residential properties to the west on Park View and to the south west on Common Road, however to the north and east lie open fields and the Brierley Common Flashes. The site lies off a track which runs to the north alongside adjacent fields and connects to an unmade footpath which runs to the rear of properties on Park View to the west. The authorised site comprises no more than 0.2 Ha of land set back from Common Road by approximately 90m. The nearest dwelling lies 100m from the site.

The site used to be used for stabling horses but by the time it was acquired by the appellant there was a considerable amount of tipped material and scrap which was cleared. Currently on the site are two mobile homes, three touring vans, a small amenity block and a storage building clad in corrugated iron sheeting. Whilst the previous use would have had some impact on openness the present use comprises more substantial structures and buildings which result in a significant loss of openness.

The site lies in relatively flat semi-rural setting slightly divorced from an adjacent bungalow marking the edge of the village. The cluster of development on the site, particularly the mobile homes, is clearly visible approaching the village from the south along Common Road. From here it appears out of keeping in the open agricultural landscape.

The site is however well set back from Common Road, and not of an isolated rural nature and moreover adjacent the urban fringe of the settlement of Brierley. Policy C of the PPTS states that when assessing sites of a rural or semi-rural setting, LPAs should ensure the scale of such sites does not dominate the nearest settled community. Given the site is no more than 0.2 Ha the site is

of a small scale. The set back from Common Road and the proximity to the fringe of the village lessen the perceived impact of the site visually and on the openness of the Green Belt, although the impact is still substantial.

Other harm

The LPA considers that there are no gypsy sites in Barnsley within the urban area, that the Council has not been able to identify any suitable sites to meet their objective of locating them there, and that the appeal site is in a reasonably sustainable location. The LPA agrees that the location of the site, although in open countryside, would not conflict with the PPTS policy in that regard. There is also no evidence to suggest that tension in community relations should count against the proposal, or that there would be any significant harm caused in relation to road safety.

Planning policies

Policy CSP18 sets out criteria for the identification of new gypsy and traveller sites and for determining planning applications. The appeal site satisfies the criteria with the exception of the requirement that in terms of their broad location, sites should be located primarily within urban areas. However, in practice there are no gypsy sites in Barnsley within the urban area. The policy is not prescriptive, there is no bar on sites outside the urban area and in this case in all other respects the site is in a sustainable location and would satisfy the sustainability criteria set out in the PPTS.

There is an acknowledgement in the PPTS that gypsy sites may be appropriate in rural areas although in the open countryside, away from existing settlements, new sites should be strictly controlled. In this case the site is not considered to be in the open countryside and there is no conflict with the PPTS.

Core Strategy Policy CS34 and the PPTS confirm that gypsy sites are inappropriate development in the Green Belt. Otherwise the proposal is generally in accordance with the development plan. It is not considered that any additional harm arises from the effect of the proposal on gypsy policies in the Core Strategy or in the PPTS.

General need

The South Yorkshire Gypsy and Traveller Accommodation Needs Assessment (2011) identified that 46% (64 households) of the current population of Gypsy and Travellers in Barnsley, were residing in caravans and trailers and 54% (76 households) in bricks and mortar housing. The 2014 Caravan Count identified, of the 64 households that live in caravans and trailers, 8 were on unauthorised encampments.

The estimated five year need from 2014 to 2019 is 47 pitches. These figures have taken into account the Smithies remodel which created an additional 2 pitches (28-30), the permission for 10 pitches at Burntwood Cottages/Victoria Gardens which was won on appeal and the permission for a single pitch at the Michaels Estate in Grimethorpe.

As such, it is acknowledged that there is a very significant existing shortfall in gypsy site provision at present.

Future provision

The consultation draft of the Local Plan Policies Map allocates sites to meet the unmet need. However, the documents are still at an early stage in their preparation and, as such, carry little weight. Furthermore, the policies do not cover issues such as ownership, scope to provide essential services and ground stability. Therefore, some of the sites, or full allocation of pitches on the sites,

may not come forward to meet the need, with the exception of the site subject to this application as that has been shown to be suitable for a number of years.

In addition, a site was recently approved and constructed off Grange Lane for an emergency stopping place to help better management of, and reduce the frequency of, illegal and unauthorised encampments which are symptomatic of the current shortfall in pitch provision. Unfortunately, due to enforcement issues the site is temporarily closed.

As outlined above, progress is being made regarding travellers sites; however, it has to be acknowledged that the current failure of the development plan process to bring forward sites in a timely fashion and the associated lack of available sites adds significant weight in favour of the proposal.

Accommodation needs of the appellant

The appellant and his sons and son in law work in the locality. Living as an extended family is part of the gypsy culture. The appeal site is a relatively narrow, tapering strip of land currently occupied by three households. It is approaching capacity. Nonetheless the family needs a settled base and at present the appeal site is their only option. This is a further significant consideration.

Personal circumstances

The appellant has two children who attend the village primary school and two grandchildren who are under school age. One of the children has a disability and is reliant on a settled and stable home life. The temporary consent allowed health and education services to be accessed although the present uncertainty could result to disturbance to this provision.

When the original temporary permission for five years was granted on appeal in 2007 it was on the understanding that an alternative site would become available through the development plan process. The previous permission extended the original temporary permission for another three years, and the situation is now thus that from the 1st November the family have been living on the site for over ten years, during this time they have been unable to secure an alternative site.

The stress to the family associated with an extended period of uncertainty together with the effect on the education and health care of the children at the end of this period adds some further weight to the case for the creation of a permanent permission.

Best interests of the child

Paragraph 16 of the revised Planning Policy for Traveller Sites 2015 states,

“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”

The inclusion of “subject to the interests of the child” has only this year been included into the policy as a 2015 amendment, and given that the applicants son has disability in the form of Autistic Spectrum Disorder and the sub- category of Asperger Syndrome can be considered to carry substantial weight. Given the child has lived on the site his entire life and is settled into the local community and attends the local school and health care facilities, any move or change would be unhealthy for his well-being. This is supported by the statement from the Rogers family social worker.

The LPA considers this to be a key overriding circumstance that, with the other circumstances detailed above, substantiates very special circumstances in favour of the scheme. The Council's Legal Advisor has also backed up this view.

Balancing harm against other considerations

Inappropriate development in the Green Belt is by definition harmful and must be given substantial weight. Added to this is the significant loss of openness and detriment to visual amenity. On the other side of the balance the general need for gypsy sites, future site provision, the accommodation needs of the appellant and his extended family all attract significant weight in support of the proposal and the continuing uncertainty associated with a further temporary permission adds some additional weight. Added to this case are the need to consider the best interests of the children on the site with 1 child in particularly reliant on stable surroundings.

It is considered that the case put forward by the applicant forms very special circumstances that balances the inappropriateness of the development and its impact on openness. In addition to this it is considered that the impact on visual amenity (which is significant) is countered by the other factors in favour such as the lack of available sites, uncertainty from temporary permission and the needs of the family.

On 3 July 2013, the latest appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for significant development in the Green Belt. It is noted that the Secretary of State considered that the disputed condition should be retained and dismissed the appeal

However, as alluded to above, Mr. Pickles, by 'calling in' applications, had breached the Equality Act 2010 by indirectly discriminating against Gypsies and Travellers through the policy. Furthermore, the Secretary of State's decision was partly based on the fact that the temporary permission would run out when the Local Plan was proposed to be adopted in 2015; therefore, there would have been a clearer indication of potential permanent locational opportunities. That is now not the case with the Local Plan adoption not likely until at least 2017.

Overall Conclusion

The site is relatively self-contained and partially screened from surrounding vistas to ensure that existing residents are not unacceptably affected or disturbed. The site is also well maintained and there is no evidence of any activities occurring which should upset residential amenity. The screening also ensures that the visual impact of the inappropriate structures on the amenity/local environment is reduced which is more favourable in terms of policy CSP34. The access arrangements are also acceptable to accommodate the demands of the application site. Given that the site is located on the periphery of Brierley and adjoins an existing residential area it is also well located in terms of accessibility to the town centre, bus routes and public facilities.

Given the above, it is concluded that the site is well integrated into the built up area of the village and into its social structure and generally accords with Core Strategy Policy CS18. As a consequence the proposal is of a balanced nature and it is considered that the circumstances in favour outweigh the harm caused both by inappropriateness of the development and its impact on openness and visual amenity. As such, this amounts to the very special circumstances necessary to justify the grant of a permanent permission.

Recommendation

Grant subject to:-

1 The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.

Reason: In accordance with advice in ODPM Circular 01/2006.

2 No more than five caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than two shall be static caravans) shall be stationed on the site at any time.

Reason: In the interests of the visual amenities of the Green Belt and in accordance with the NPPF and Barnsley Core Strategy Policy CSP 34, Green Belts.

3 No commercial activities shall take place on the land, including the storage of materials.

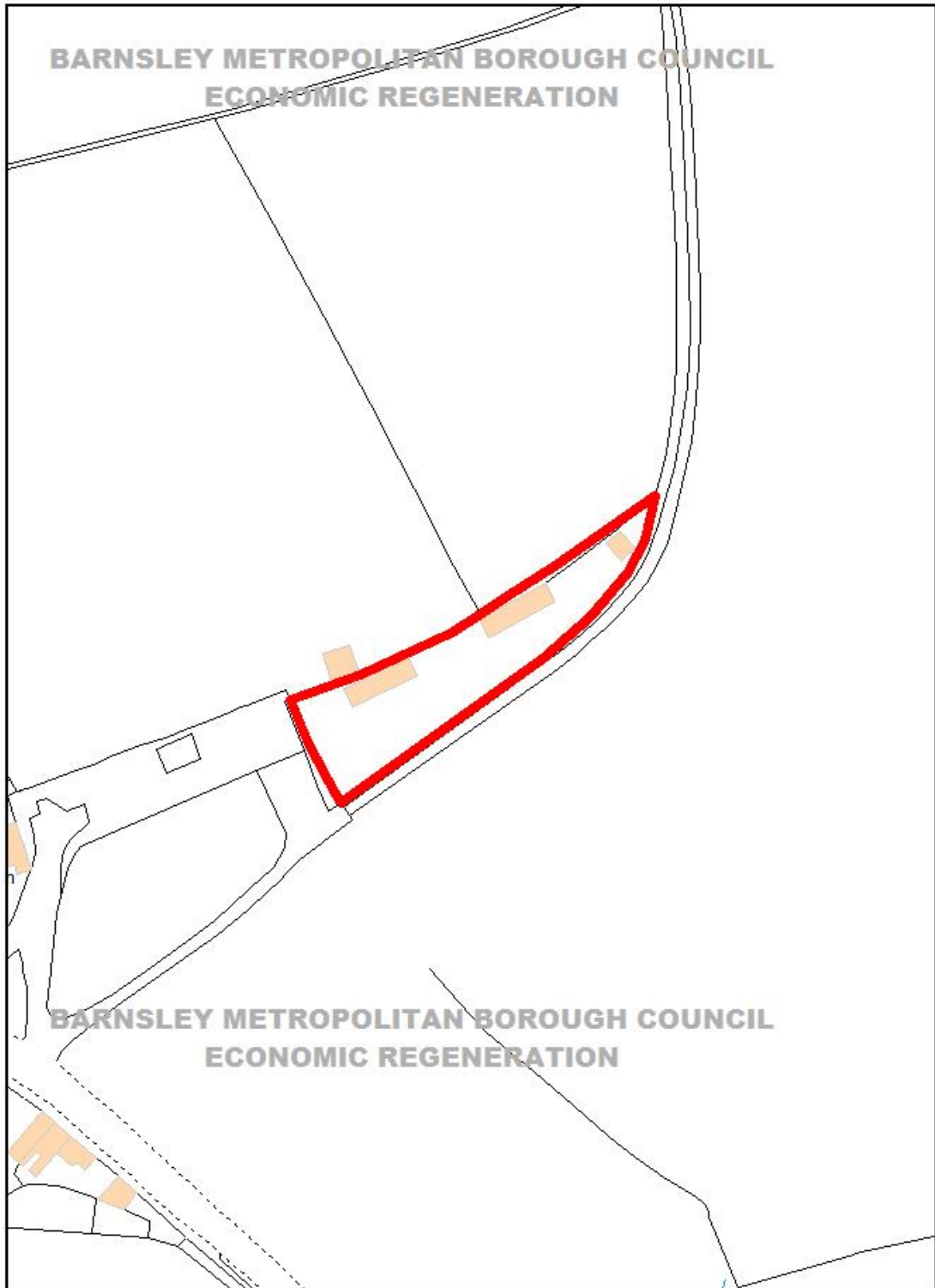
Reason: In the interests of the visual amenities of the Green Belt and in accordance with the NPPF and Barnsley Core Strategy Policy CSP 34, Green Belts.

PA reference :-

2015/0779

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BARNSELY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

Ref 2015/0646

Applicant: Bellway Homes LTD

Description: Demolition of existing dwelling at 30 Cross Street and erection of 95no. dwellings.

Site Address: 30 Cross Street, Monk Bretton, Barnsley, S71 2EP.

5 letters of objection received

Site Location & Description

The site incorporates the curtilage of no.30 Cross Street which is an interwar bungalow and agricultural land to the rear. It forms an 'L' shape that measures approximately 3.5 hectares in area, it occupies an elevated position with views looking west across Rotherham Road to the Town Centre.

The site currently consists of open uncultivated fields, Monk Bretton Cricket and a covered reservoir are located to the north east and northern boundaries. A public footpath runs along the northern edge of the site linking Cross Street to the residential areas to the west via an informal network of routes. The land falls away steeply to the west with an area of scrubland separating the site from the rear boundaries of adjacent residential homes fronting Wordsworth Road or Mayfield.

The ground slopes outward from the centre of the lower part of the site, and in a north to south direction. The southern edge of the site steps down to an adjacent uncultivated field across which there is St Pauls' cemetery at a lower level. There are limited trees and hedgerows located along the sites boundaries.

Residential properties located along Cross Street back onto the site on the eastern edge, this includes a number of detached bungalows, a pair of semi-detached homes and a row of terraced houses, where rear gardens form the boundary. A Grade II listed Dovecote belonging to the former Cricket Farm is located adjacent to the proposed access the gable of which is presented to the highway.

Proposed Development

The application seeks full planning permission for the erection of 95 dwellings and comprises of a broad mix of 12 different semi and detached house types. The density equates to approximately 27dph (30uph net) and the accommodation mix comprises of:

12 x 2 bed (affordable including 1no. bungalow)

34 x 3 bed (2no. affordable)

49 x 4 bed

With the exception of the single bungalow all properties within the development would be a traditional 2 storeys in height. All dwellings have a private enclosed rear garden and off street parking. Suitable access arrangements are also provided to ensure rear bin storage is provided. A varied material palette (details to be agreed) would be applied to the house types including the use of bricks, render and art-stone to openings.

Primary access would be taken from a central spine road leading from Cross Street and following the site's 'L' shape, a series of cul-de-sacs would be sited off this. Access roads are characterised by tree planting to front boundaries and cul-de-sacs within the layout would be defined by block paving.

The layout would respond positively to highway frontages with dwellings orientated to provide active street scene with dual aspect properties at key junctions. All properties which are 3 bed and above

would be served with 2 parking spaces, many also benefit from a private garage. Parking in the main has been accommodated to the side of dwellings to allow the provision of soft frontages and defined boundaries.

Two areas of public open space would be provided, the larger of which would be located centrally within the development, and the other on the western boundary. These areas would be landscaped with ornamental and native tree planting, a series of paths would lead to a central seating area.

A total of 14 affordable dwellings would be provided on site which equates to 15% of the development. This would be secured within a section 106 agreement along with contributions towards Education and Off Site POS.

To meet with the local and national validation requirements the application has been accompanied with the following reports:

- Planning, Design and Access Statement
- Transport Assessment
- Ecological Assessment
- Sustainability Statement
- Archaeology Report
- Geoenvironmental Appraisal
- Flood Risk Assessment & Drainage Strategy
- Statement of Community Involvement
- Travel Plan
- Phase 1 Habitat Survey
- Bat Survey
- Full Plans Package

The site has been screened against the Environment Impact Assessment regulations and it is not considered that it would constitute EIA development.

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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Core Strategy

- CSP1 Climate Change
- CSP2 Sustainable Construction
- CSP3 Sustainable Drainage Systems
- CSP 4 Flood Risk
- CSP5 Including Renewable Energy in Developments.
- CSP8 The Location of Growth
- CSP9 The Number of New Homes
- CSP10 The Distribution of New Homes
- CSP14 Housing Mix and Efficient Use of Land
- CSP15 Affordable Housing
- CSP25 New Development and Sustainable Travel
- CSP26 New Development and Highway Improvement
- CSP29 Design

CSP35 Green Space
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations
CSP43 Educational Facilities and Community Uses

The Development Sites and Places DPD

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Allocation: Housing

Policy H57 Monk Bretton Reservoir and Land to the East of Cross Street – This is part of a larger allocation (6.65ha) and identifies development of up to 213 dwellings.

Unitary Development Plan

The UDP designation in the main is Urban Green Space with the curtilage of the no. 30 Cross Street falling within a Housing Policy Area.

Saved UDP policies

H8A 'Existing Residential Areas'

Relevant Supplementary Planning Documents and Advice Notes

Designing New Housing
Open Space provision on New Housing Developments
Parking
PAN 30 Sustainable Location of Housing Sites
PAN 33 Financial contributions to School Places

NPPF

The 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.

Paragraphs of particular relevance to this application include:

Para 32 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'
Para 49 'Housing applications should be considered in the context of the presumption in favour of sustainable development.'
Para's 58 & 60 – Design considerations

Consultations

Affordable Housing Officer: The provision of 14 on site affordable units meets policy requirements.

Biodiversity Officer: No objections subject to recommendation condition securing overall biodiversity enhancement.

BMBC Drainage: No objections subject to recommended condition.

Conservation Officer: No objections setting of the Listed Dovecot adjacent to the entrance would not be adversely affected.

Coal Authority: The site falls within a defined Low Risk Area, no objections but recommend that the standing advice is included on the decision notice.

Contaminated Land officer: No objections.

Design: No objections to the amended proposals.

Education: Identify a shortage of local primary places. It has been requested that a contribution of is secured to fund the provision of a new classrooms where appropriate.

Environment Agency: No objections.

Forestry Officer: No objections subject to recommended conditions.

Highways DC: No objections subject to conditions.

PROW: No objections.

Regulatory Services: No objections subject the submission of a Construction Method Statement.

Sport England: No objections subject to a risk assessment being undertaken to identify the design of ball stop fencing to be erected along the cricket field boundary.

SYAAS: No objection to the archaeological report recommend a conditional approval.

SYMAS: Agree with the recommendations of the Geo-Environmental report.

SYPALO: No objections, the site can be designed to meet Secure By Design standards.

SYPTE: No objections, support the application and identify that the site is in a sustainable location within a short walking distance of bus stops and local services in the surrounding area.

Waste Management: No objections.

Yorkshire Water: Recommend a conditional approval which requires drainage details to be approved.

Representations

The application has been advertised as a major development, a site notice has been displayed and an advert placed in the local press. Nearby residents have been consulted in writing. A total of 5 letters have been received with no requests for a right to speak.

- Cross Street would not be able to accommodate the additional traffic safely
- The development would adversely impact upon the operation of the Cricket Club.
- The site is at the heart of Monk Bretton Village the development would spoil the heritage of the area.
- Residents within the properties on Wordsworth Road are subject to antisocial behaviour, the development would substantially increase the number of people in the area behind these houses potentially posing more problems.
- The proposed location of the dwellings are too close to the existing dwellings on Cross Street and will result in overshadowing, loss of privacy and additional noise.
- Disturbance during construction would impact upon existing residents.
- The site should be developed as bungalows

Assessment

Principle of Development

With the exception of the curtilage of no.30 Cross Street that falls within a Housing Policy area the remaining land (previously in agricultural use) is allocated as Urban Green Space in the adopted UDP. Core Strategy policy CSP35 'Green Space' states that development proposals that result in the loss of Green Space will only be tolerated where;

- An assessment shows that there is too much of that particular green space in the area which it serves and *its loss would not affect the existing and potential green space need of the Borough*
- An appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provided in the area which it serves.

In assessing the Current Green Space function it is clear that this is limited by virtue of its agricultural use. The site is not publically accessible and does not serve a formal recreation purpose, in addition the habitat survey confirms that it does not have any significant ecological value. Due to the early stage of preparation the emerging Local Plan carries little weight in the decision making process, it is should however, be acknowledged that the site has been identified as part of a larger housing allocation (ref M57). This adds weight to the conclusion that the site does not meet the intention of the UDP designation and its loss would not increase local deficiencies. The proposed layout would not be prejudicial to the delivery of the larger allocation.

The proposal does include two areas of open space that provide an informal recreation/amenity function. Given the proximity of Monk Bretton Park equipped play areas are not required on site and it is considered more desirable to upgrade existing off-site facilities. To satisfy the requirements of Policy CSP35 and SPD 'Open Space provision on New Housing Developments', an off-site contribution of £174,776,49 towards recreation/green space has been requested. Subject to the completion of the section 106 agreement the above is considered to represent an appropriate level of compensation in line with CSP35.

In terms of meeting spatial requirements the Core Strategy recognises Urban Barnsley (which Monk Bretton falls within) as a key focus for growth. The expectation is that 46% of new housing (approx. 9,800 dwellings) will be accommodated within Urban Barnsley which is well served with access to transport, employment, health and leisure services.

All developments must be considered in light of their sustainable credentials, which the NPPF identifies as having three dimensions (Economic, Social and Environmental). The development would contribute directly to the choice of housing which would also contribute to meeting

employment and servicing needs. There would also be direct economic gains associated with the construction phase of the development. The social role would be fulfilled with commitments to affordable housing, education and public open space. On the matter of the environmental impact and the sustainable credentials of the development appropriate ecological mitigation can be secured and the houses would be designed to reduce energy/CO2 emissions by 15% through the use of decentralised energy solutions, these matters will be discussed in more detail through the report, but to conclude the overall sustainable credentials are not questioned.

Design & Visual Amenity

Allowing for the onsite POS the net development area is approximately 3.1ha, the proposals therefore equate to a density of approximately 30uph which is reflective of the housing within the locality. A total of 12 house types are proposed which provides a good degree of variety and vibrancy to the design of the site. With the exception of a single bungalow all of the properties would be of a two storey height with traditional pitched roof. The principle materials would include red brick and render which is compatible with the local vernacular of the surrounding housing stock.

The broad mix of house types would appeal to a range of accommodation needs from family housing to older person's accommodation. The range of the accommodation meets the policy aspirations of CSP14.

Detailed negotiations on the housing layout have taken place aimed at creating welcoming family environment. The siting of the properties follows a structured hierarchy with good levels of surveillance across all public areas. A key feature is a central area of POS which would form a 'village green' due to the orientation of properties across its boundaries. The secondary area is located on the western boundary and would afford members of the public with elevated views towards the town centre, both these elements would have a positive influence on the overall character of the site.

With regard to parking arrangements the layout does not appear to be car dominated, parking areas are provided to the front and sides of the properties and their dominance/impact will be softened as a result of soft landscaped front gardens and landscaping within the highway. All of the properties are served with private front to rear access which allow for the storage of bins outside of the public domain.

Having full consideration to the design merits of the proposal and the layout of the scheme it is considered that the development would deliver an attractive residential environment which would enhance the existing area. The scale and density of the development is reflective to that of properties within the locality, and the traditional design would allow the developments to integrate successfully and promote the regeneration of the overall area. It is therefore considered that the proposal adheres to the objectives of CSP policies 14, 17, 29 which stress the importance of achieving high quality design.

Heritage

The archaeology/heritage statement identified 8 listed buildings within the area, only one of these is located within the immediate vicinity and would be directly visible from the site, this is a Grade II listed dovecot located on the northern boundary of what would become the sites entrance. The setting of this building would not be compromised by the development and plots 1 & 2 would occupy a similar footprint to that of the existing bungalow they replace. Responses from The Conservation Officer and SYAAS have identified that the site has potential to support archaeological remains which could be of importance. To investigate this further a condition is recommended requesting that a further scheme of investigation is undertaken prior to any development commencing.

Residential Amenity

The site abuts the boundary of 13 properties, these are generally located on the eastern boundary along Cross and Club Street with only two other properties (Mayfield) located over the western boundary. Representations have been limited but those received have raised amenity concerns with overlooking, disturbance and loss of outlook being the principle issues.

The layout demonstrates that all relevant spacing standards would be observed between proposed and existing properties. Levels fall significantly across the western boundary, the location of the secondary area of POS on the western boundary is to the rear of Mayfield properties which ensures no overlooking occurs, similarly the Wordsworth Road Properties are separated by virtue of a landscaped embankment (25m approx). The proposed bungalow has been purposely located on the eastern boundary to Cross Street, this affords a greater degree of openness to the these properties.

With regard to the amenity which will be afforded to the residents of the development it is of note that each of the properties meets with the standards of the SYRDG. The close proximity of the site to existing transport links, nearby local amenities and the town centre means that residents would also benefit from good access to local services.

In the interests of residential amenity and in response to representations received from the Cricket Club and Sport England Bellway have committed to the installation of ball stop fencing along the cricket ground boundaries. Exact details will be determined by a condition requiring an appropriate risk assessment to be undertaken. It is envisaged that the fencing will be in the region of 12m high, it will ultimately reduce the risk of ball strike impact upon gardens and windows of the proposed dwellings.

Other representations centred upon disturbance arising during the construction phase. To address these concerns relevant conditions can be employed restricting working hours, best practice guidelines to working practices can also be secured within a construction method statement, this would control noise and dust across the site. It also requested that a phasing plan is submitted so that the full extent of the works can be properly assessed.

Highways

It is proposed that the development will be accessed via a purpose built priority controlled T-junction provided onto Cross Street approximately 45m north of its junction with Hall Place. The speed restriction in force on Cross Street is 30 mph, and therefore in accordance with guidance provided with the Manual for Streets, visibility splays of 2.4 m by 47m would be achieved.

The planning layout shows a hierarchy of access roads throughout the site serving the residential units. The internal layout has been designed with a principal spine road running into the site from Cross Street, with a hierarchy of roads branching off the main spine road, providing access to properties across the site.

The internal access roads have been designed to achieve low vehicle speeds within the site, incorporating appropriate changes in the road alignment which assist in providing a safe environment for pedestrians and cyclists. The site layout proposals include a network of footways and footpaths across the site including a linkage across the northern boundary to existing footways.

Parking for the residential units has been provided in line with the Maximum Parking Standards of the SPD, with one parking space for dwellings with one or two bedrooms and two parking spaces for dwellings with three or more bedrooms. All garages are a minimum of 6.0m x 3.0m in accordance with SYRDG.

Highways have confirmed that they are satisfied with the proposed access arrangements. The TA has established that the highway has adequate capacity to accommodate the scale of development. Therefore subject to the recommended conditions, it is considered that the development adheres to the provisions of policy CSP25 and CSP26, in that it will not have an adverse impact upon highway safety.

Trees

As a reflection of the agricultural use the majority of the central areas of the site are void of any trees. Trees which are present are largely constrained to the sites boundaries with the majority located along the northern and eastern boundaries to the cricket club.

The tree survey revealed 14 items of vegetation, this comprised of 6 individual trees and 7 groups in addition to 1 hedge. Within these groups there were no retention category 'A' or 'B' trees and hedgerows falling within 'C' classification.

The layout plan clearly demonstrates which trees are to be removed and which are to be retained. The trees to be removed are all relatively poor and inconsequential specimens which can be relatively easily replaced with better specimens as part of the landscaping scheme. As some trees are to be retained within the site or are located just off site, tree protection measures will be required during the development to ensure they remain unaffected. It is expected that as trees are to be removed, suitable replacement planting will be provided details of which can be secured by way of a condition.

Education

The provision of primary school places within the area is a sensitive matter as local primary schools are already operating close to capacity. Discussions with Education identify a year on year growth on the demand for primary places over the next 4 years. The figures are taken from the number of children registered on the school roll and projections taken from the 2013 census. Fortunately the situation with secondary places is more favourable with current growth expectations having been accounted for within the building schools for the future programme.

In view of this, to mitigate against the pressure of the additional classroom places brought by the development a contribution of £140,480 is sought from the developer. This would either be used towards the construction of a new classroom or spent on refurbishment/remodelling of existing accommodation to provide additional classroom places. The contribution would have to be paid in full when work first commences on site.

Ecology

The application is supported by a detailed ecological assessment. The surveys undertaken indicate that much of the site is of low ecological value limited to boundary hedgerows and rough grassland areas.

Mitigation measures include recommendations for the timing of works, the methods of working, and the retention, maintenance and enhancement of existing habitats/habitat creation measures. It is recommended that the details of planting schemes, specifications and management and maintenance issues for the scheme should be conditioned. Collectively, as a result of the intervention of the mitigation measures, most of the negative ecological impacts predicted for the proposed residential development could be transformed in an overall positive outcome.

Coal Mining and Contaminated Land

The site is located within a defined low risk area and there are no concerns relevant to mining legacy issues. The submitted geo-investigation report has subsequently met with the approval of the Coal Authority and SYMAS.

Drainage

The main policy for assessing drainage/flood risk is CSP4 'Flood Risk'. The site is not in an area classed to be at risk of flooding and Yorkshire Water have confirmed that the foul water drainage flows from the development can be accommodated into the existing network. A sewer crosses the site and the layout ensures that a suitable easement is secured along its alignment.

Preliminary site investigation reports identify that soils are permeable which could support the use of infiltration systems (soakaways) which suggests that runoff can be controlled to achieve a 30% reduction via a SUDS system as per the requirements of CSP4.

The Council's Drainage Engineer, Yorkshire Water and the EA have raised no objections subject to the safeguarding of the recommended conditions which will address SUDS techniques.

Conclusion

The site is located within Urban Barnsley which has been prioritised to accommodate future growth; the development would therefore contribute to achieving housing objectives. The site is within an established residential area and the proposals would be readily compatible with adjoining uses.

Taking into account the relevant development plan policies and other material considerations, subject to the identified mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

Recommendation: Members resolve to grant subject to the completion of section 106 agreement securing on site affordable housing, commuted sum towards off site Public Open Space improvements and a financial contribution towards education places.

- 1 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.

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos. 1505.01, Planning Layout Rev C, 1505.02 Location plan, 1505.05 Street scenes, P - A2P, A2 2015 (T1), P - A2TS1. A2 2015 (T1) - Elevations - Plots 66-68, P - A2TS2, A2 2015 (T1) - Floor plans - Plots 66-68, P - A2QS1, A2 2015 (T1) - Elevations - Plots 69-72, P - A2QS2, A2 2015 (T1) - Floor plans - Plots 69-72, P - AcaciaT1 (as), Planning Drawing - Acacia 2015 (T1), P - AcaciaT2 (as), Planning Drawing - Acacia 2015 (T2), P - AcaciaT2 (op), Planning Drawing - Acacia 2015 (T2), Addingham 2015 (T1), P - Addingham 2015 (T1), Addingham 2015 (T2), Beswick 2015 (T1), Beswick 2015 (T2), Hambleton 2015 (T1) Rev A, Hambleton 2015 (T1), Hambleton 2015 (T2) Rev A, Hambleton 2015 (T3) Rev A, Hambleton 2015 (T3) Rev A, Ilkley 2015 (T1), Ilkley 2015 (T1), Ilkley 2015 (T2), Ilkley 2015 (T2), Ilkley 2015, Mulberry 2015 (T1), Saltaire 2015 (T1), Saltaire 2015 (T2), Shipley 2015 (T1), Shipley 2015 (T1), Embleton 2015 (T1) Rev A, Hambleton 2015 (T1), Hambleton 2015 (T2), Hambleton 2015 (T3), STEN_04 Boundary treatments (sheet 1), STEN_05 Boundary

treatments (sheet 2), T_DB1.C Double garage, T_SG1.B Single garage, T_TW1 .B, Twin garage.

Sustainability Statement May 2015, Statement of Community involvement (May 2015) Arboricultural Report ref 12103/AJB Archaeological Assessment Ref BEL01/01, Flood Risk Assessment Ref E14/6214FRA001, Travel Plan Ref 70009242-02, Design & Access Statement (May 2015), Planning Policy Statement (May 2015), Bat Survey Report ref 12017c/DR, Bat Emergence Report ref 12017b/DR) and specifications as approved unless required by any other conditions in this permission.

Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 5 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of _ with _, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 7 Within 3 months of the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

Measures to prevent parking at the junction of the site access with Cross Street.

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- Details of the sales cabin

- The parking of vehicles of site operatives and visitors
 - Details of the phasing of the development
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

9 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

10 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.

11 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

12 No development shall take place until a scheme for disposing of surface water by means of a sustainable drainage system is approved by the Local Lead Flooding Authority. The scheme shall include the following details:

- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- A timetable for its implementation; and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved

- management and maintenance plan.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
- 13 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 14 No development shall commence until details of the design and layout of ball stop netting or fencing including details of ongoing maintenance responsibilities in relation to the adjacent Cricket Field, have been submitted to and approved in writing by the Local Planning Authority. The ball stop netting or fencing will be designed to meet the requirements of a risk assessment undertaken by a suitably qualified consultant. The approved details of the ball stop netting or fencing will be constructed and completed before the first house is occupied.
Reason: To enable the cricket field to be used for sport without causing nuisance to the amenity of the occupants of the proposed residential development and to accord with Policy CSP35 'Greenspace' and the relevant provisions of the NPPF.
- 15 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
Tree protection plan
Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.
- 16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 18 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The

landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 19 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

The programme and method of site investigation and recording.
The requirement to seek preservation in situ of identified features of importance.
The programme for post-investigation assessment.
The provision to be made for analysis and reporting.
The provision to be made for publication and dissemination of the results.
The provision to be made for deposition of the archive created.
Nomination of a competent person/persons or organisation to undertake the works.
The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in accordance with Core Strategy Policy CSP 30.

- 20 Prior to commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.

- 21 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

- 22 The construction of all dwellings above ground level shall not take place until there has been submitted to and approved in writing by the Local Planning Authority a plan

indicating the position of boundary treatments to be erected across all areas of the site. The boundary treatments shall be completed in accordance with a time table / phasing plan to be agreed in writing with the Local Planning Authority. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.

23 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.

24 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place 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.

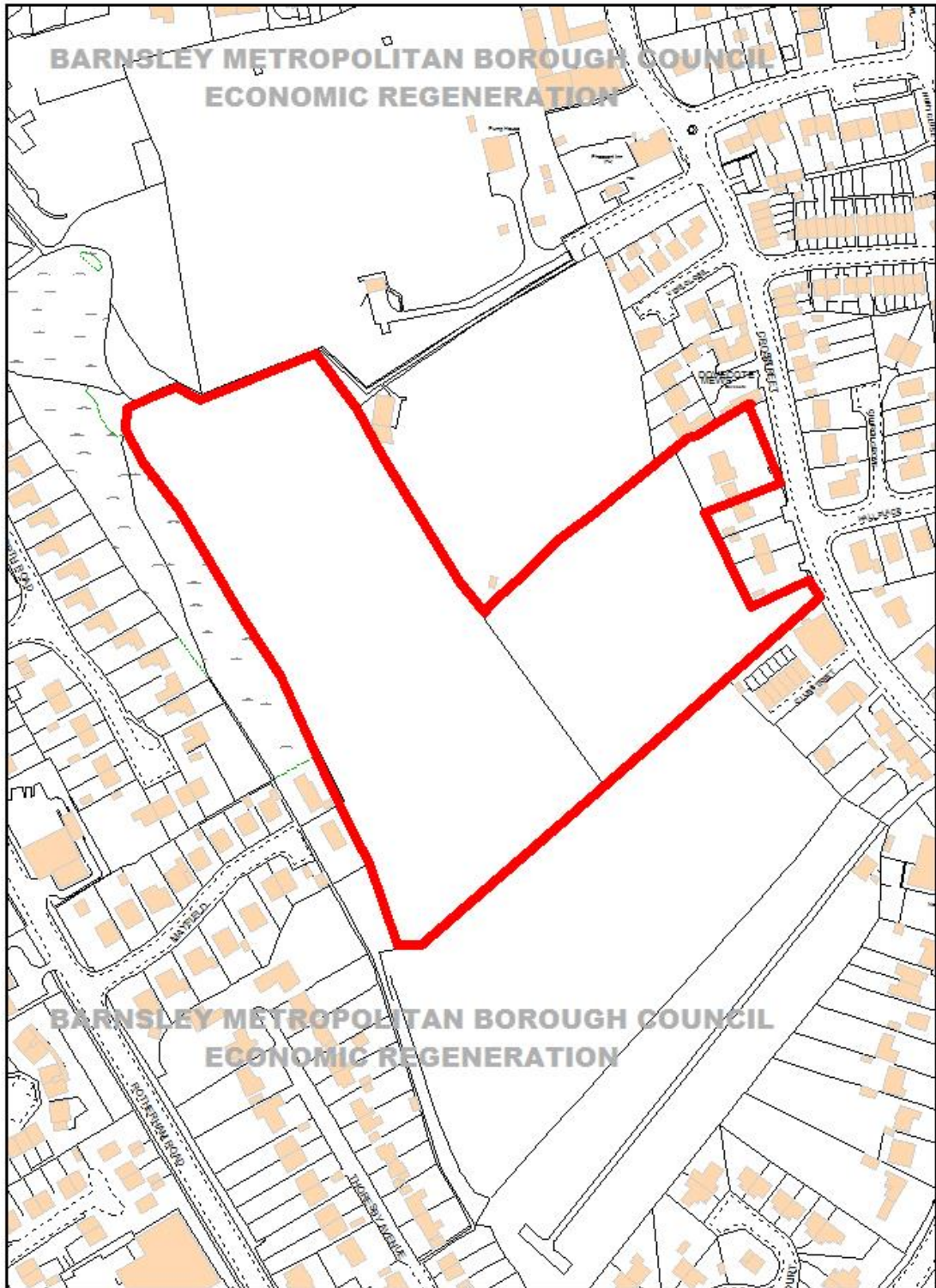
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

PA reference :-

2015/0646

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BARNSELY MBC - Economic Regeneration

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Tel: 01226 772621



Scale 1:2500

2015/0911

Applicant: Conroy Brook (Developments) Ltd

Description: Erection of 10 no. detached dwelling houses with associated access and landscaping.

Address: Land at Cross Lane, Hoylandswaine, Sheffield

Penistone Town Council object**3 Letters of objection have been received****Site Description**

The site comprises 0.68ha area of agricultural grazing land. The site is located on the north-western edge of the existing Hoylandswaine village settlement and set to the rear of Hoylandswaine Primary School. Cross Lane runs along the northern boundary. Site levels rise gently from the north-eastern corner to the north-western corner by approximately 5m.

In April this year planning permission was granted for 67 dwellings for the 3.4ha of land set immediately to the south, which is currently being developed by David Wilson Homes.

The remaining surrounding land use is predominantly open fields and agricultural use. The western and northern boundaries abut Green Belt land and are bounded by mature hedgerows. Access is currently provided from an agricultural style entrance point on the sites northern boundary to Cross Lane.

Proposed Development

The application proposes the development of 10 detached dwellings with associated access and landscaping. The proposed dwellings are two storey detached that would be constructed of coursed natural stone, natural stone heads and cills. The dwellings range between 4 and 5 bed in size and measure between 135 sqm to 229 sqm. Each dwelling is provided with private rear gardens, driveways and double garages (either detached or attached) and bin storage areas to the rear. The dwellings set along the northern boundary are orientated towards Cross Lane, to provide an active streetscene/frontage.

Access to the development would be via Cross Lane from a central access road. The proposed works also involve a number of off-site improvements to Cross Lane, in the form of an extension of the existing footpath and street lighting along, the relocation of the 30 mph speed limit west of its present position, the widening of part of the existing carriageway and the hardening of the north side junction radius of the Cross Lane junction.

The existing hedgerows along the eastern and southern boundaries are proposed to be retained and are proposed to be subject to light pruning. An existing dilapidated dry stone wall along the site's western boundary would be removed and replaced with a new post and rail fence to match that of the neighbouring development. A new hedgerow, which will include a number of native trees, will be introduced inside this new fence line. The hedgerow along the site's northern boundary will be removed and replaced with a new stone wall and a new low-lying native species hedgerow.

In support of the application, the following documents have been submitted:-

Design and access statement dated July 2015

Planning Statement dated July 2015 – including Community Consultation statement

Transport Statement dated July 2015

Ecological Appraisal dated July 2015

Tree Survey dated May 2015

Drainage Strategy

Planning Advice Note 30 checklist – Sustainable Location of Housing Sites

Section 106 Agreement - Prior to the submission of the application, consultation events were organised by the applicant with members of the public as well as the Head Teacher and Chair of the Governing Body for the Hoylandswaine Primary School. In support of the application, the applicant has proposed a Section 106 Agreement to provide £50,000 to the Primary School/Church Hall fund which intends to provide a new Community Room for Hoylandswaine Primary School and future improvement works at the nearby Church Hall. As the development proposes only 10 dwellings there is no requirement for the developer to provide affordable housing, public open space on the site, or a financial contribution for school places.

Policy Context

Planning decision 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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Local Plan Consultation Draft 2014, which shows possible allocations up to 2033 and associated policies. The site is shown to be allocated as Green Belt within the Consultation Draft 2014 proposals map. The site is not included in the Local Plan additional consultation 2015 which is currently taking place. The Local Plan Consultation document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Local Development Framework Core Strategy

CSP2 'Sustainable Construction'
CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP5 'Including Renewable Energy in Developments'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP34 'Protection of the Green Belt'
CSP36 'Biodiversity and Geodiversity'
CSP40 'Pollution Control and Protection'
CSP 43 'Education Facilities and Community Uses Existing Community Facility'

Saved UDP Policies

UDP designation: Community Facility and Green Belt in the case of the highway works along Cross Lane

Policies

GS6 'Extent of the Green Belt'

SPD's

-Designing New Residential Development

-Parking

Planning Advice Note's

PAN30 – Sustainable Location of Housing

Other

South Yorkshire Residential Design Guide

Emerging Development Sites and Places DPD

Proposed allocation: Proposed low density housing site. The area of land where it is proposed to construct the drainage outfall would remain in the Green Belt.

-SD1 Presumption in favour of Sustainable Development

-GD1 General Development Policy

Draft Local Plan

Proposed allocation: Safeguarded Land. The area of land where it is proposed to construct the drainage outfall would remain in the Green Belt.

NPPF

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. 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.

Paragraphs of particular relevance to this application include:

32 – 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.

49 – 'Housing applications should be considered in the context of the presumption in favour of sustainable development'.

58 & 60 – Design considerations.

100-104 – Flood risk.

Consultations

Penistone Town Council – Object strongly on the grounds of:-

- Inappropriate development in the Green Belt
- Highway Access is via a narrow lane
- The junction of Cross Lane and Haigh Lane is dangerous
- The increased traffic would impact upon the safety of pupils in the school
- The proposal would constrain any expansion of the school

Cllr Barnard objects due to:-

- Traffic and access problems on Cross Lane
- The draft Local Plan does not envisage development in the foreseeable future with land originally classified as 'safeguarded' in the UDP remaining unchanged.

Drainage – Do not object subject to the imposition of conditions.

Highways – No objections subject to conditions.

Regulatory Services – No objections subject to conditions.

Yorkshire Water – No objections subject to conditions.

Representations

The application was advertised by neighbour notification, site and press notice.

3 objections have been received as a result. In summary the main concerns expressed are as follows:-

- This is an example of a developer opportunistically taking advantage of the absence of a local plan for the Barnsley area to force through an unsuitable development. Were the new local plan approved then the land in question would likely be designated Green Belt where it would be much harder for the developer to get approval. The lack of a local plan risks irreversible long term damage to small communities like Hoylandswaine through overdevelopment.
- Under the current Unitary Development Plan (UDP) the land is classified as being 'Existing Community Facility'. If the current application is allowed, it would prevent future expansion of the school, in which case the Council would incur very significant costs in providing a new school elsewhere or necessitating many more car journeys for parents to take their children to schools outside the village.
- The new development would place more pressure on local school places and secondary school places. The Principal of Penistone Grammar School has stated publically that the school is full and cannot cope with the extra demand that new housing in the area will generate.
- Concerns raised with regard to the developments impact upon surface water drainage
- The recent developments will see the village population increase by 25%. This piecemeal approach to development in Hoylandswaine is not good for the village. The land should have been included in the David Wilson Homes development on Church Lane, where it could have provided the much needed second access point to the estate which would have alleviated many of the concerns of local residents about this previous development.
- The new houses will be isolated from the rest of the village. The development is set away from public transport and will increase traffic and CO2 emissions in this rural area considerably
- This is a development for large executive homes. This type of housing does not meet the needs of the local population. The village needs smaller affordable homes both to provide

young families from the area with somewhere to live and for older families to downsize without having to move away from the village

- Impact on Highway safety including:-

The developer proposes to upgrade a short section of Cross Lane between the entrance to the development and the junction with Haigh Lane. The junction at Haigh Lane suffers from limited visibility, with the school building on one corner and a hedge on the other corner. During school hours vehicles are often parked on Haigh Lane going uphill to the south, further compromising visibility and highway safety

Cross Lane meets Haigh at the base of a steep hill and is subject to a 30 miles per hour speed limit but less than 50 yards to the north the speed limit changes to 60 miles per hour and traffic coming into the village is often travelling well over 30 miles per hour when it passes Cross Lane and traffic leaving the village is often prematurely accelerating in anticipation of the National Speed Limit sign, making this a dangerous junction to pull out of.

There is no pedestrian footpath on Cross Lane and deep ditches either side of it; no plans have been outlined to upgrade the whole of Cross Lane to control the increased traffic patterns, at safe speeds, associated with both this prospective and the recent large housing development. Cross Lane however is an amenity for local dog owners to walk in peace, occasional riders to exercise their horses, and most importantly parents to walk with their children or teach them to ride their bikes and learn some basic roadcraft in safety. The proposed development would require the widening of the road to 2 lanes and turn Cross Lane from a slow, pastoral local access into just another high speed "cut through" with the attendant dangers and total loss of amenity value.

Assessment

Principle of Development

Within the UDP proposals maps, the site is allocated as a community facility. Core Strategy Policy CSP 43 is therefore of relevance in this case.

Core Strategy Policy CSP 43 states that:- We will support the provision of schools, educational facilities and other community facilities. Such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing use or an alternative community use.

In response to this, the applicant has stated:-

'Firstly, other than being adjacent to the Primary School, this site has no direct connection (either legally or physically) with this facility. It is physically separated from the School by a mature hedgerow and boundary fence and can only be accessed from an independent access point on its northern boundary.

As indicated above, the Council also recently acknowledged in the 2012

'Green Belt-Minor Changes to the Green Belt Boundary' review that this allocation was an anomaly in the UPD Proposals Map.

The application site has also been removed from the 'existing community facility' allocation under the Consultation Draft of the Local Plan implying the Council does not need this land to support community facility uses in the long term.

Looking next at whether this site is necessary to support an alternative community facility use in the long term. During discussions with the local community as part of the public consultation event,

none of the local residents identified the need for a new community facility or land for a new community facility. A number of residents did, however, identify the need for funding to support the expansion of existing community facilities such as the Church Hall.'

The applicant, Conroy Brook(Developments) Ltd has therefore shown that the site is no longer required as a community facility, and in consultation with Hoylandswaine Primary School the applicant has proposed a Section 106 Agreement provide £50,000 to the Primary School/Church Hall fund, towards a new Community Room at the Hoylandswaine Primary School and towards future improvement works at the nearby Church Hall. In addition to the above, the applicant is committed to hiring an apprentice from the Barnsley College apprenticeship programme.

Impact upon Green Belt

In terms of the Local Plan Consultation Draft 2014 the site is subject of a draft allocation policy as Green Belt. As part of the Local Plan Consultation Draft 2014, supporting documents and background papers have been produced and explain how and why sites have been identified and considered. These documents include a report and review of the Green Belt Boundaries. This review stated that this particular site was added as an 'existing community facility use' in error. As the Local Plan Consultation Draft is unadopted, this allocation has limited weight at this stage. Due to the location of the site adjacent to the approved David Wilson Homes development and as Cross Lane would now form a definitive Green Belt boundary, it is considered that the use of the site for residential purposes would not have a significant impact upon the openness or character of the existing allocated Green Belt, but would appear as a continuation of the residential development to the south. In addition it is of note that the landscaping that is proposed would define boundaries and provide screening to the Green Belt.

As part of the proposals the development also includes necessary highway works to Cross Lane which also falls within the Green Belt. In terms of whether the proposal is inappropriate development, these are defined in the NPPF. Exceptions to inappropriate development include engineering operations, where such works are undertaken in a way that preserve the openness of the Green Belt and do not conflict with the purposes including land within it. The proposed highway works are limited to a section of road from the sites entrance towards the junction with Haigh Lane. The works would encompass an area of existing verge along the highways southern boundary, the highway as widened would be accommodated between existing hedgerows.

Whilst the works include improvements to the highway within the Green Belt, they do not involve the erection of buildings and do not lead to any significant further encroachment into adjacent agricultural land. They would also provide an improvement of this section of Cross Lane, up to the Junction with the primary school which would be a benefit to users of this section of road. The proposal, on balance, would not have any significant impact upon the openness, character or visual amenity of the Green Belt and consequently would be in accordance with policy CSP34.

Sustainability

In addition to policy CSP 43, the site must be assessed against Planning Advice Note 30 – Sustainable Location of Housing Sites (Adopted July 2011). Current strategic planning in the Borough is set out in the 2011 adopted Core Strategy and the site is located outside the boundary of a Principal Town and is therefore not in a priority location for growth. The aim of PAN30 is to promote the development of sustainable, deliverable housing sites consistent with national planning policy, and the Local Development Framework (LDF) Core Strategy. The objective is to focus new housing development within the main settlements in the Borough and to ensure new development takes place in sustainable locations within them. A PAN30 assessment has taken place and shows that the development fails to achieve a score deemed to meet the requisite sustainable requirements of PAN30, this is attributed to the site's rural location.

PAN30, which applies to proposed housing sites references the now superseded Planning Policy Statements 1 and 3 and the Regional Spatial Strategy. Accordingly, the overriding consideration is the NPPF, which states that there are three dimensions of sustainable development: economic, social and environmental. This is the approach taken when considering the adjacent David Wilson Homes site.

The proposal is therefore assessed on the basis of the NPPF. In terms of the contribution the proposal makes to the economic role, the proposed 10 dwellings will deliver additional economic benefits in the form of job creation during the construction phase, including the apprenticeship scheme with Barnsley College and increased spending power in the locality.

In terms of the social aspect, as mentioned previously, in consultation with the school, the applicant has proposed a Section 106 Agreement to provide £50,000 to the Primary School/Church Hall fund, towards a new Community Room at the Hoylandswaine Primary School and towards future improvement works at the nearby Church Hall. In addition a new fence would be provided along the schools western boundary at the request of the school. The proposal also includes the improvement works to Cross Lane which will benefit all users of the highway, in particular the visitors to the school.

In terms of environmental credentials, the applicant has stated that the energy efficient design techniques will be used, and each dwelling will be equipped with PV panels. The energy efficiency design measures which will be incorporated into the dwellings will also ensure that the reduction in the developments carbon dioxide emissions by at least 15%.

The application is accompanied by an ecological assessment. This has concluded that the site has a low ecological value and recommends mitigation measures in accordance with CSP36 'Geodiversity and Biodiversity'. The applicant also proposed further planting and the retention of existing hedgerows.

Due to the location of the development, it is likely that there will be a reliance on the car as a method of transport; however the site is within walking distance of bus stops within the village and other local services. Whilst the assessment of the site shows that the site is not in a sustainable location as defined by PAN30, the applicant has demonstrated the three dimensions of sustainable development (social, economic and environmental) benefits of the scheme, which is in compliance with the NPPF. This conclusion is also consistent with the decision taken on the adjacent David Wilson Homes Development.

Visual Amenity

Construction is currently underway on the residential development site to the south. Once complete, this scheme will extend the urban fabric of Hoylandswaine to the application sites southern boundary. This small site, once constructed, would therefore appear as a continuation of the build development up to Cross Lane, which will provide a defined boundary to the Green Belt edge.

The site will have clearly defined boundaries by virtue of the retention of the existing hedgerows along the eastern and southern boundaries. The existing dilapidated dry stone wall along the site's western boundary would be removed and replaced with a new post and rail fence to match the recently approved fence line to the south of the site for the David Wilson Homes development. A new hedgerow of native species would also be introduced. The hedgerow along the site's northern boundary would be removed and replaced with a new stone wall complimented further by a new low-lying native species hedgerow.

Hoylandswaine Village is characterised by mainly two storey dwellings comprising of natural stone finishes. Dwellings are typically traditional in style with simple pitched roofs, chimneys and vertical

fenestration styles. The proposal has been designed in order to take into account the local architectural character. The proposed dwellings are of two storeys in height to match the adjacent dwellings as part of the David Wilson Homes scheme. The materials proposed are of a high quality and include natural stone, with design features seen in the locality such as stone heads and cills to openings.

Core Strategy Policy CSP14 Housing Mix and Efficient Use seeks a minimum of 40 dwelling per hectare. It states that lower densities will only be supported where it can be demonstrated that they are necessary for need, viability or sustainable design reasons. The proposal has a density of 14.7 dwellings per hectare. This is significantly lower than the minimum density specified in Policy CSP14 and is therefore contrary to policy. However, due to the rural village setting of the locality, a lower density is considered appropriate in this instance and would complement the recently approved development on the adjacent site to the south.

Objections have been raised with regard to the type of houses proposed and that it does not include many smaller affordable houses. The layout, density and design of the proposal is considered to be appropriate in context taking into account the existing development throughout the village, including the neighbouring David Wilson Homes development.

Residential Amenity

There are no existing dwellings set close to the site or have adjoining boundaries with the site. The approved layout of the David Wilson Homes scheme to the southern boundary shows that six of these dwellings would share a common boundary with the application site. These dwellings are set back from the application sites southern boundary and would ensure that relative separation standards are achieved between the proposed windows and garden areas. The proposed dwellings would be screened from view by a combination of the existing hedgerow on the southern boundary and new landscaping which is to be introduced in the rear gardens of these new properties.

The proposed layout has been designed to ensure that the standards for the spaces between dwellings and for garden sizes are met. Conditions should be applied would be required to minimise the effects of nuisance that would be caused during the construction phase to surrounding neighbours in line with CSP40.

Highway Safety

Highways have no objection to the proposal subject to the improvement works proposed to Cross Lane. Cross Lane is a two way single carriageway road, generally served without footways. It is the subject of a 30mph speed limit and has street lighting in the vicinity of the primary school, but heading west changes to the national speed limit and does not have street lighting.

Highway improvement works are required to mitigate the increase in both vehicular and pedestrian traffic. The details of the highway improvement works would be conditioned as part of any approval; in short they include the widening of Cross Lane between the sites entrance and the Haigh Lane junction to provide a 5.5m carriageway and 2m footway.

Overall the proposal would result in an improvement to Cross Lane for many highway users the additional traffic associated by the proposed 10 dwellings would not be significant, and subject to the above works there would be no compromise to highway safety. The proposal is therefore considered to be in compliance with policy CSP 26.

Drainage/Flood Risk

In accordance with CSP3 - Sustainable Drainage Systems and CSP4 - Flood Risk, the site is not at risk of flooding. The Drainage section and Yorkshire Water have raised no objections to the

proposals. Surface water would be controlled via a SUDS attenuation system from which there are options to discharge either to a nearby watercourse or combined public sewer. The exact methodology would be addressed via a condition which meets with the approval of the drainage authorities.

Conclusion

In summary, whilst the site is allocated as a Community Facility within the UDP Proposals Maps, the applicant has demonstrated that the site is no longer required to meet the needs of a community facility.

The proposals are considered to be sustainable taking into account the three dimensions of sustainable development (economic, social and environmental) referred to in the NPPF. Accordingly, the NPPF Presumption in Favour of Sustainable Development applies. Having thoroughly assessed the proposals against other relevant development plan policies and taking into account other material considerations, including those raised in representations, it is not considered that there are adverse impacts which significantly and demonstrably outweigh the benefits (subject to securing the necessary mitigation sought by the S106 agreement and recommended planning conditions). On this basis, the proposals are considered acceptable.

Recommendation

Members resolve to grant subject to the completion of a section 106 agreement securing a contribution to the Hoylandswaine Primary School/Church Hall fund of £50,000.

- 1 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.

- 2 The development hereby approved shall be carried out strictly in accordance with the plans:
15/156-P01
15/156-P102B
15/156-P103
15/156-P104
15/156-P201A
15/156-P202A
15/156-P204A
15/156-P205A
15/156-P206A
15/156-P207B
15/156-P208
SH11568-002
L6147/01
Planning Statement dated July 2015
Transport Statement dated July 2015
Ecological Appraisal dated July 2015
Tree Survey dated May 2015
Energy Statement dated June 2015
Drainage Strategy
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 LDF Core Strategy Policy CSP 29, Design.

- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place 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: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- 2.0m footway link and on the site side of Cross Lane and widening of the associated carriageway to 5.5m between junction with Haigh Lane and the development site access.
 - Provision of 2.0m footway/verge and 5.5m carriageway to entire site frontage on Cross Lane.
 - Measures to modify the speed limits on Cross Lane.
 - Provision of improvements at Cross Lane/Haigh Lane junction
 - Any necessary signing/lining
 - Provision of/any necessary alterations to street lighting;
 - Provision of/any necessary alterations to highway drainage;
 - Provision of a 2.4m x 43m visibility splay at the Haigh Lane/Cross Lane junction;
 - Construction/reconstruction/resurfacing of highway as necessary
- Reason: In the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement
- 7 Visibility splays, having the dimensions 2.4m x 70m, shall be safeguarded at the junction of the access road with Cross Lane, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 8 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP

26, New Development and Highway Improvement.

- 9 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 10 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
-The parking of vehicles of site operatives and visitors
- Phasing of the development
-Means of access for construction traffic
-Loading and unloading of plant and materials
-Storage of plant and materials used in constructing the development
-The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
-details of the siting of the sales cabin, and parking for staff and customers visiting the site
-Wheel washing facilities
-Measures to control the emission of dust and dirt during construction
-Measures to control noise levels during construction
Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.
- 11 No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority

Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 12 No development shall take place until a scheme for disposing of surface water by means of a sustainable drainage system is approved by the Local Lead Flooding Authority. The scheme shall include the following details:
- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- A timetable for its implementation; and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.

Reason: To ensure proper drainage of the area in accordance with Core Strategy

Policy CSP 40, Pollution Control and Protection.

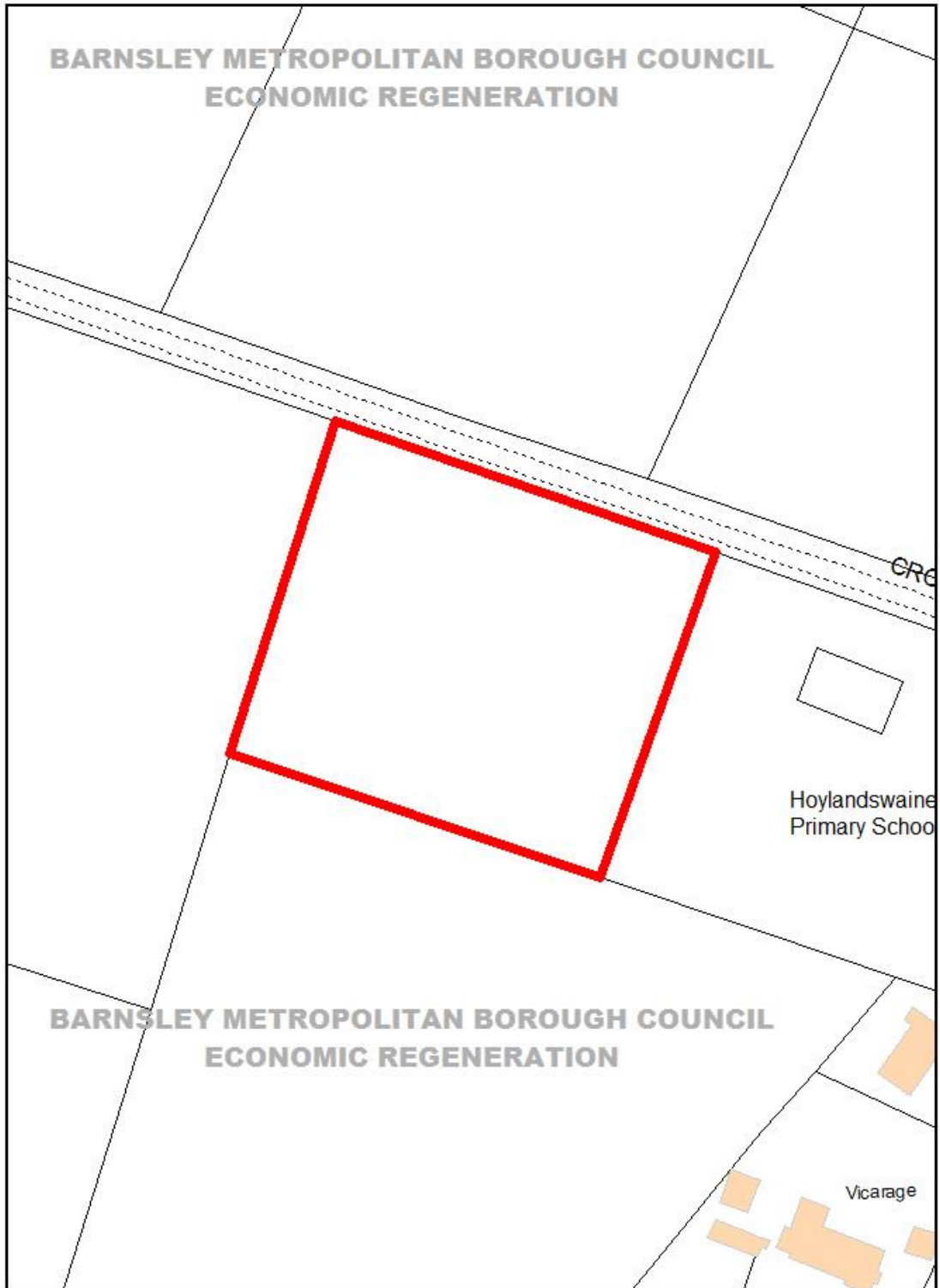
- 13 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 15 Vehicular and pedestrian gradients within the site shall not exceed 1:12
Reason:
To ensure safe and adequate access in the interests of policy CSP26.
- 16 The development's carbon dioxide emissions shall be reduced by at least 15% by incorporating the measures identified Energy Statement produced by Energy Test dated 26th June 2015. Upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.

PA reference :-

2015/0911

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BARNESLEY MBC - Economic Regeneration

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Scale 1:1250

Ref 2015/1015

Applicant: Harworth Estates

Description: Reserved matters planning application for the construction of infrastructure works comprising entrance feature, provision of substation, drainage works, including an attenuation pond, footbridges and other landscaping associated with outline planning permission 2014/0452.

Site Address: Former North Gawber Colliery, Carr Green Lane, Mapplewell

Representations from 3 residents. Contained within this are the results of a survey which it is stated contains responses from 67 residents. In addition a letter of objection has been received from Northern Powergrid.

Background

Members may recall affording consideration to planning application 2014/0452 21st October 2014 where the Planning Board resolved to grant full planning permission for a remediation scheme of the former colliery site to prepare it for housing development. In addition outline planning permission was granted at the same time for a development of up to 325 dwellings with access from Carr Green Lane.

Previous to that the Council had refused outline planning application 2009/1277 for a larger development of up to 420 houses. However, this decision was subsequently overturned by the Secretary of State on appeal.

The site owner (Harworth Estates), intention is develop the site across three phases, this would comprise of essential infrastructure works and two separate housing developments. This application relates to the infrastructure works (only) that would serve the intended housing developments.

Site Description

The site comprises of the former North Gawber Colliery in Mapplewell. The plans accompanying the application demark an unusual red line boundary, this has been drawn around the infrastructure works phase of the development and not any of the proposed housing development sites.

The boundary has been drawn in a linear form that extends south from the sites access from Carr Green Lane, it includes a drain and restored former colliery spoil heap (now a grassed over field). In addition two small separate areas have been included where footbridges are proposed to cross open watercourses. These bridges are required to accommodate the permanent diversion of a public right of way, one would be located in an area adjacent to Malin Croft with the other in the southern area of the site.

The site has few remaining features having been cleared of vegetation to enable the remediation work to take place.

Proposed Development

The application seeks reserved matters approval for the on-site infrastructure phase which can be summarised as follows:-

- Construction of a new entrance feature from Carr Green Lane into the site including associated landscaping
- Construction of an attenuation pond to accommodate surface water runoff across the overall intended future housing site
- Provision of a new substation to serve the wider development proposals.
- Construction of two new footbridges to serve the re-aligned public right of way

The works around the entrance adjacent to Carr Green Lane would comprise of a mixture of hard and soft landscaping works. The hard landscaping would be made up of footpaths, stone and slate feature walls and sculpture to be positioned on either side of the entrance. The soft landscaping would consist of a mixture of grass, trees, shrubs and hedgerows.

The above ground drainage attenuation pond would be located in the southern part of the site. It would be considerable in size measuring approximately 70m x 18m in area, its capacity has been designed to accommodate surface water from the intended future housing development.

The substation would be located to the north west of the access from Carr Green Lane in a position that would be within the housing development on the northern phase. Dimensions would be approx. 4m² x 4m in height it would be faced with brickwork supporting a tiled roof.

The two footbridges would be located in 2 separate positions with one being located adjacent to the western boundary adjacent to Malin Croft and the other in the southern area of the site. These would be 8m x 3m in size having a concrete base and timber guard rails.

Relevant Planning History

2008/1555 - Re-grading of former colliery site for Residential Development (Outline) and relocation of existing sports pitch. Withdrawn by applicant 16/12/2009.

2009/1277 - Residential development to include means of access, re-grading of the site, retirement homes, public open space and relocation of existing sports pitch - resubmission of planning application 2008/1555 (Outline) (Amended Scheme). Refused permission by the Council but allowed on appeal by the Secretary of State 18/01/2012 with conditions and a S106 Agreement covering provisions relating to education, public open space, affordable housing and public transport.

2014/0452 - Remediation and restoration of site (Full permission) and erection of up to 325 dwellings, associated infrastructure and open space (Outline with all Matters Reserved Except Access). Granted full and outline planning permission 17/02/2015 with conditions and S106 Agreement covering provisions relating to education, public open space, affordable housing and public transport.

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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems

CSP4 'Flood Risk'

CSP8 'The Location of Growth'

CSP9 'The Number of New Homes to be Built'

CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation of the former colliery site: Urban Land to Remain Undeveloped

Policies DT7/2 & GS11 state that 'In areas shown as Urban Land to Remain Undeveloped on the proposals maps existing uses will normally remain during the plan period and development will be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development will only be granted following a review of the UDP which proposes that development on the land in question'.

The temporary construction access which has been indicated between the south west corner of the site and Spark Lane would pass through Green Belt land. Relevant UDP policies are GS6/DT5 'Extent of the Green Belt'

Local Plan Consultation Draft

Housing Allocation/Green Way

NPPF

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. 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.

Consultations

Biodiversity Officer – No objections.

Coal Authority – No objections.

Contaminated Land – No objections subject to conditions

Drainage – No objections/Is satisfied with the proposed drainage proposals

Highways – No objections

Northern Powergrid – Express concerns that the application is being manipulated to enhance a claim for compensation based upon the following:-

- The layout facing the powerline is at its highest density facing the pylon tower and powerline.

- The applicant has assumed with no justification that there is a corridor in excess of 60m where new dwellings could be located.
- The proposed affordable dwellings are not pepper potted throughout the site but have been positioned to face the pylon and powerline.

Based upon this Northern Powergrid request that the layout is redesigned to show mitigation against the impact of the retained electricity apparatus in accordance with the 'Sense of Place' guidance.

PROW – No objections.

Tree Officer – No objections/Is satisfied with the proposed soft landscaping proposals

SYMAS – No objections.

Yorkshire Water – No objections.

Representations

The application was advertised by notices in the press and erected on site and by individual neighbour notification. 3 objections have been received. Contained within this are the results of a survey which is stated to contain responses from 67 residents. In summary the main concerns expressed are as follows:-

Residential amenity – Concerns that the location of the access would be located immediately opposite a number of existing houses and would give rise to the following problems:-

- Noise, dust and traffic fume pollution
- Light pollution from car headlights during hours of darkness

Highway safety concerns are raised regarding potential conflict between cars that are parked on street and residents manoeuvring into and out of their driveways.

Concerns are also raised about the gradient of Carr Green Lane during winter road conditions when the road is not on a gritting route.

The access should be relocated north where there is an area of open land located opposite.

One of the residents has requested that Planning Board Councillors visit the site to view the situation.

Concerns that the attenuation pond would be a health and safety hazard, a breeding ground for midges and flies, a dumping ground and a burden for Council tax payers.

The results of the survey can be summarised as follows:-

Consultation/notification relating to the original outline application - Concerns about a lack of feedback from Officers, Councillors and the applicants in response to the objections made by residents to the outline planning application and that residents did not receive notification of the decision. Furthermore concerns are expressed that publicity requirements set out in planning legislation are unfairly limited and that the planning process does not allow for sufficient community engagement.

It is asserted that the amount of traffic generated by the development and using Carr Green Lane shall be greater than is indicated in the applicants own assessments, this would increase the harm caused to residential amenity and the highway safety risks.

Highway safety – It is stated that 85% of the respondents experience problems using Carr Green Lane due to the alignment of the road and parked cars causing obstructions and poor visibility/blind spots.

Problems with speeding traffic.

Winter road conditions – Concerns that the stretch of road between numbers 25-47 Carr Green Lane become impassable in winter snow and ice conditions.

It is not considered that Carr Green Lane is suitable as a single means of access to serve the development without highway safety being severely compromised.

Alternative options – Respondents consider that a more suitable alternative would be from the industrial estate to the north of the site or Spark Lane to the west.

Additional concerns were about light and air pollution affecting the residential amenity, child safety and that Swallow Hill Road is unsuitable to accommodate additional traffic flows because of its narrow width and poor surface including pot holes.

Assessment

Principle of development

The decision to allow the site to be re-developed for residential purposes was established by the approval of outline planning permission (2014/0452). This established the principle of the site supporting up to 325 houses.

The works which are subject of this application would provide necessary infrastructure to facilitate the delivery of the housing development, this is wholly compatible with the outline permission and does not raise any additional land use planning policy considerations above those previously considered.

Visual amenity

The main amenity considerations relate to the work around the proposed entrance, the SUDS pond, the proposed footbridges and the substation.

The works around the entrance would contain a mixture of hard and soft landscaping. The hard landscaping would be made up of footpaths, stone and slate feature walls and 2 x 2.4m high x 1m wide steel sculptures positioned on either side of the entrance. The soft landscaping would consist of a mixture of grass, trees, shrubs and hedges specifications which meet with the approval of the Council's Tree and Landscaping Officer. This would help create a sense of place and accord with the objectives of CSP29 and the NPPF.

The above ground drainage attenuation pond would be considerable in size measuring approximately 70m x 18m in area, the design has been dictated by the capacity requirements from the future housing development. The pond and its surroundings would be landscaped to provide a natural appearance, with no hard materials on show. Such a feature, is in accordance with national and local policies regarding sustainable drainage systems, when complete, the works would provide an attractive amenity and ecological feature of the development site.

The footbridges would have a concrete base and timber guardrails, their appearance is one of function. This is also the case for the proposed substation, which would be located well within the development in a non-prominent location.

Residential amenity

The proposals should not give rise to any new issues affecting the residential amenity of existing dwellings that were not considered at the outline application stage.

The siting of the substation within the development is a considerable distance from existing residential boundaries. The relationship of this structure, from an amenity perspective, would therefore be more pertinent on the future housing applications.

The concern raised by the resident about the potential for malodour and flies from the attenuation pond has been discussed with Pollution Control who do not identify that this would be a credible source of nuisance.

More generally, it should be noted that conditions are already imposed on the outline planning permission to protect residential amenity. These conditions require the submission of a construction method statement and restrict hours of construction works.

Highway Safety

The majority of objections are focused upon the location of the access onto Carr Green Lane. Whilst these concerns are acknowledged, the details of the access location and junction design were approved in detail on the outline application. As such it falls outside the scope of this application to carry out a new assessment of this detail. As a reminder, the outline planning permission does already include mitigation in the form of highway improvement works in the village centre, widening of Swallow Hill Lane and a travel plan.

Other considerations

Trees/vegetation & biodiversity

All of the vegetation which had colonised the site has been removed as part of the remediation works, this has addressed issues associated with the sites mining legacy. The landscaping proposals are proportionate to the works being carried out, which include a balanced mix between native and ornamental species to the approval of the Tree Officer.

In terms of biodiversity, the attenuation pond has received positive support from the Biodiversity Officer. As well providing a functional drainage solution it will also provide valued habitat, this will (in part) compensate for that lost from the sites remediation works.

Dealing with unstable/contaminated land

Pollution Control, SYMAS and the Coal Authority have assessed the proposed remediation strategy and are content that the risks associated with shafts, adits and contaminated land, have been assessed appropriately. Conditions would be required to ensure that the recommendations are followed.

Drainage/Flood Risk

The attenuation pond has been designed to accommodate surface water flows from the overall housing development. It would contribute positively towards reducing off site flood risk by limiting existing surface water run off rates by 30%. The future maintenance of the facility has yet to be determined, options available include; adoption by the Council or the responsibility being transferred to a private company.

A condition is proposed to address this issue.

Northern Powergrid

The objection raised is not considered relevant to this particular application, it specifically relates to housing layout, as opposed to the setting and design of the infrastructure that is proposed on this application.

Public rights of way

The re-aligned public right of way is the subject of separate legal order, the alignment of which would be accommodated by the proposed pedestrian bridges. The location and design of the bridges has been met with approval from the Rights of Way Officer.

Conclusion

The principle of the sites development for residential purposes, including the location of the means of access, have been, established by the granting of the outline planning application 2014/0452.

The submitted Reserved Matters conforms to the parameters established within the outline consent, the works will provide the necessary infrastructure required to deliver the proposed housing site. These works are judged acceptable with regard to visual, residential, environmental and highway considerations, accordingly it is considered that the works adhere with the relevant policies of the Development Plan as well as the provisions of the NPPF.

Recommendation

Grant subject to the recommended conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved unless required by any other conditions in this permission:-
 - RSK plan 41-06 Rev P2 'Highway Drainage PDS Manhole Schedule
 - RSK plan 42-05-01 Rev P2 Typical Drainage Construction Details Hydrobrake Chamber
 - RSK plan 42-05-02 Rev P2 'Typical Drainage Construction Details Hydrobrake Chamber
 - RSK Plan 43-02-01 Rev P1 Watercourse Long Section 43-02-01 Rev P1
 - RSK Plan 43-02-02 Rev P1 Watercourse Long Section 43-02-01 Rev P1
 - RSK Plan 43-04-01 Rev P2 Pond General Arrangement & Sections
 - RSK Plan SKC011 Drainage Arrangements
 - RSK plan 60-02 rev P2 Footbridge Foundations and Details
 - CTS Bridges - Steel Beams & Parapet data sheet
 - DLA Landscape & Urban Design plan 9015-012/301 Rev B 'Landscape Plan'
 - DLA Landscape & Urban Design plan 9015-012/302 Rev B 'Planting Plan'
 - DLA Landscape & Urban Design plan 9015-012/303 Rev B 'Ground Preparation Plan'
 - DLA Landscape & Urban Design plan 9015-012/304 Rev B 'Entrance Feature Design Intent'
 - DLA Landscape & Urban Design plan 9015-012/305 Rev B 'Tree Planting, Levels and Drainage Sections'
 - DLA Landscape & Urban Design plan 9015-012/306 Rev B 'Typical Tree Planting

Detail'

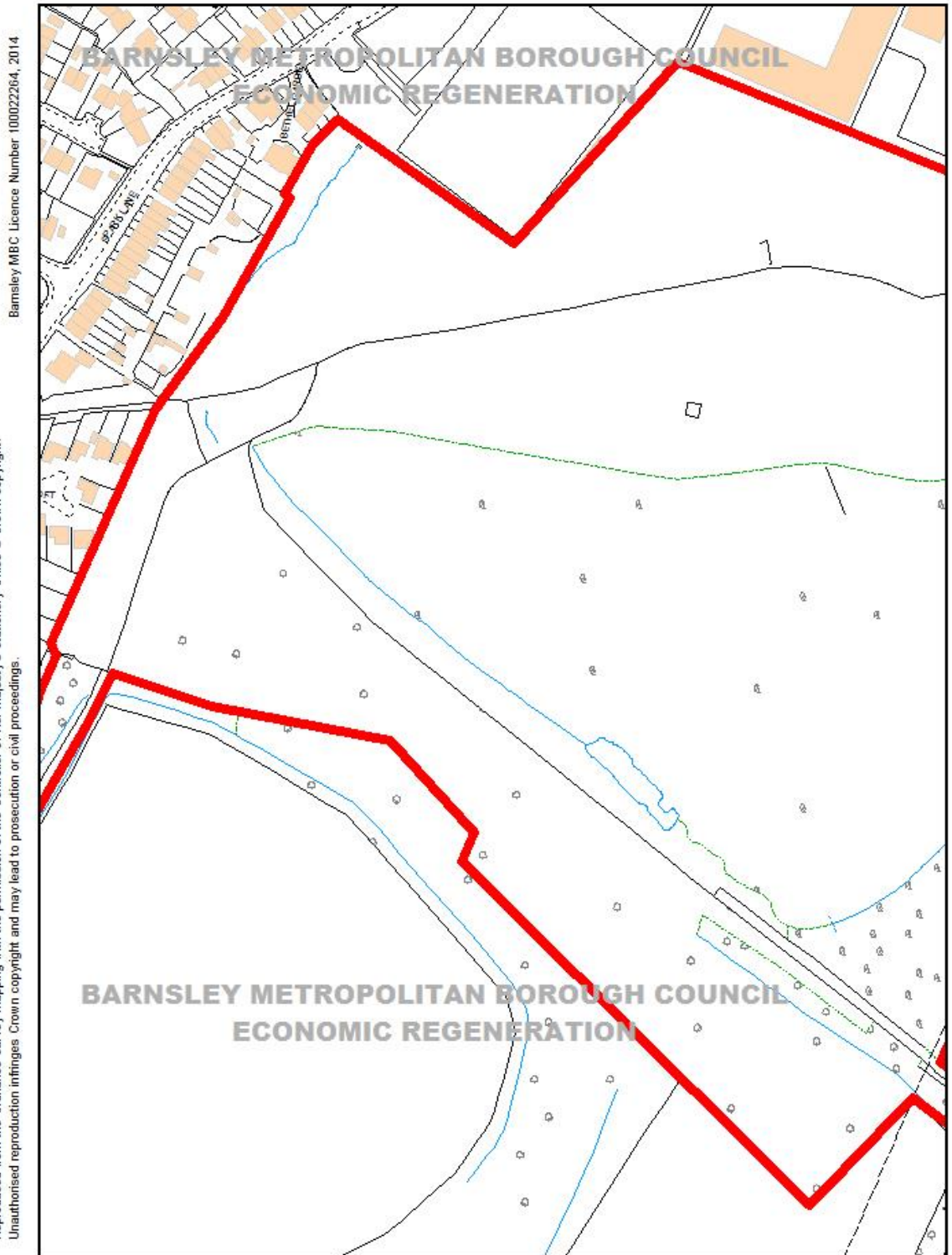
- DLA Landscape & Urban Design plan 9015-012/307 'Double Hedgerow Fence Detail'
- DLA Landscape & Urban Design 9015-012/SP2 'Landscape Maintenance Schedule'
- GTC plan GE-TGI-IG-0032 'Substation Specification'
- GTC plan & Urban Design GTC-E-EA-0001_R7-6 GTC 'Substation Earthing Layout'
- GTC plan GTC-E-EA-0003_R1-2 'Reinforcing Mesh Earth Connection Bar Layout'
- Harworth Estates plan 34-h1-028 'Substation Location'
- GTC plan GTC-E-SS-0012_R1-8_1_of_1 'Close Coupled Substation Pyramid Roof Detail General Arrangement'

Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design

- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 4 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 5 A management plan, including long term management responsibilities and maintenance schedules for the surface water attenuation pond shall be submitted to and approved by the Local Planning Authority prior to the commencement of development. Thereafter approved management plan shall be implemented in accordance with the approved details and responsibilities. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected for the area located around the attenuation pond. The boundary treatment shall be completed before the pond is brought into operation or in accordance with a timescale to be agreed. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.

PA reference :-

2015/1015



BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621


Scale 1:2500

2015/1074

Applicant: Mr David Oliver

Description: Erection of 2 no. detached dwellings (Outline)

Address: Land rear of 7-29 May Terrace, Barnsley, S70 6HS

8 letters of objection received and 2 requests to speak. Cllr Riggs supports the application and requested it go to PRB.

Site Description

The site is rectangular in shape and measures approximately 850m². It sits to the East of the access road serving the rear of several properties fronting May Terrace and to the North of the rear garden areas of the properties fronting Dodworth Road. The land is currently disused, overgrown and has a number of trees across it. At the time of writing some clearance works have taken place, including the removal of some trees. In the North East corner of the site there is some evidence of former outbuildings.

The surrounding area is predominantly residential with terraces and semis to the West on May Terrace, detached and semi-detached to the South on Dodworth Road and private amenity spaces associated with properties fronting Dodworth Road to the East. To the North of the site is a railway line with associated banking.

Proposed Development

The applicant has applied for Outline Permission including details of access for 2no. detached dwellings with associated parking and gardens. There are also 5no. parking spaces proposed which could be rented/sold to the neighbouring residents on May Terrace.

No design details of the proposed dwellings have been submitted but an indicative layout drawing has been supplied.

Policy Context

Planning decision 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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

UDP Saved Policies

Policy H8 (Existing Residential Areas) – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use.

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy, landscaping and access arrangements.

H8D – Planning permission for infill, backland or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

Core Strategy

CSP 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

SPD's

SPD 'Designing New Housing Development'

SPD 'Parking'

NPPF

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. 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.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

Yorkshire Water Services Limited – No objection subject to conditions

Highways DC – object and recommend refusal

Drainage – No objections subject to conditions

Ward Councillors – Cllr Riggs supports the application

Representations

8 Letters of objection have been received. The main points of concern are;

- Reduced highway safety
- Inadequate access for residents and emergency vehicles
- Inaccuracies on the application form
- Loss of trees
- Out of character with the area
- Loss of privacy/increased overlooking
- Difficult with bin/refuse collections
- Proposed parking spaces difficult to manoeuvre into and out of
- Drainage has lack of capacity for additional properties
- Covenant on the land restricting buildings and its use

Assessment

Principle of development

All new dwellings proposed within existing residential areas must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, infill development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

It appears as though the land is subject to a legal covenant which restricts the previous owner, and any successor, in terms of what the land can be used for or built upon it. The covenant states 'the purchaser and his successors in title will not erect on the said plot of land hereby conveyed any buildings other than greenhouses and garden sheds...and will not use the land for any purpose other than that of an allotment garden'. However, it should be acknowledged that this is a legal issue which needs to be considered separate of the planning process.

Residential Amenity

In terms of separation distances the indicative site plan illustrates that 2 no. dwellings could be accommodated on the site which would observe the relevant separation distances set out in Supplementary Planning Document 'Designing New Housing Development'.

As the application is only an outline, no details of the internal floor layouts have been supplied, as such, room sizes in comparison to the technical guidelines set out in the South Yorkshire Residential Design Guide would have to take place under a reserved matters application. Based on the indicative layout it is acknowledged that adequate garden spaces could be achieved for the proposed dwellings.

The development of the plot for residential properties would inevitably result in noise and disturbance, associated with residential activity and vehicular movements. The site has been used as a garden/orchard/allotment for a number of years and there is evidence of a covenant restricting use and development on the site, as such, it is an area residents could reasonably expect to remain undeveloped and quiet. The noise and disturbance generated may not be significant for the 2no. detached properties, however, the introduction of 5no. parking spaces for neighbouring residents would intensify this.

The development would not only cause noise and disturbance issues for the existing residents, giving the proximity of the site to rear elevations and rear private amenity spaces, but would also be an issue for the future residents of one of the plots. There would be 5no. parking spaces immediately adjacent to the proposed side elevation and rear amenity space which, with the noise associated with the coming and going of neighbouring residents vehicles would potentially be annoying.

Visual Amenity

Supplementary Planning Document 'Designing New Housing Development' states that dwellings should be orientated to have a frontage to the existing public highway, however, the proposed dwellings would front a newly created private access. Furthermore it recommends that the space between the proposed dwellings and adjacent dwellings should reflect the prevailing character of the street. In this case, May Terrace is made up of dense arranged semi-detached and terraced dwellings; whereas the indicative plan illustrates 2 no. detached dwellings. As such, the proposal would contribute little to the streetscene and would be contrary to the development pattern of the area, resulting in an 'ad-hoc' development, detrimental to visual amenity and policies H8D, CSP29 and the aforementioned SPD.

The applicant has cited a number of garage sites which have been developed and do not front highways. However, each case should be assessed on its own merit, and, the SPD states development may be more acceptable in circumstances where there is an existing use at the rear of dwellings and where residential development would benefit the amenity of existing residents and the character and appearance of the locality. This is often true with former garage sites but is not the case with this garden/allotment site.

The SPD states that parking provision should be accommodated in a similar manner to how it is accommodated elsewhere on the street. The dwellings on May Terrace either have on street parking or have spaces to the sides of the dwellings. The indicative layout illustrates that parking would be to the front not sides, of the proposed dwellings. There is also a parking court proposed for 5no. spaces to be used by neighbouring dwellings, this would result in a large area of hardstanding which would be highly visible from the rear of the existing properties as well as from the adopted access road. In comparison it is considered that the dwellings would be out of character with the development pattern and parking arrangements in the area, to the detriment of visual amenity and contrary to policies H8D, CSP 29 and SPD 'Designing New Housing Development'.

The SPD makes it clear in several sections that infill development should not be piecemeal so as to prejudice potential comprehensive development of a larger area of land. The site formerly was incorporated within the garden area of properties fronting Dodworth Road until it was sold off. The land to the East of the site, upto Rosedale Gardens, still forms part of the rear gardens of properties fronting Dodworth Road, some of which are in excess of 80m in length. As such there is potential for the site, together with neighbouring garden land, to form a larger development site with access options. It is acknowledged that several land owners would be involved; however, if the application site was developed it would prejudice the potential comprehensive development of a larger site, contrary to the SPD and policy H8D.

As the application is an outline with only access applied for, limited details with regards to the design, scale and appearance of the properties has been submitted. This would be assessed further under a reserved matters application if outline approval was given.

Highway Safety

The application states that the site formerly had vehicular access to serve a garage, however, several residents who have resided on May Terrace for a number of years refute that claim. Furthermore, a legal document dated 31/12/1952 outlines a covenant stating that the purchaser and his successors in title will not erect on the said plot of land... any buildings other than greenhouses and garden sheds.

May Terrace itself, together with the rear access roads, are adopted highways, however, the section adjacent to the side elevation of 29 May Terrace from which access would be taken is not adopted.

Given the width of the access to the rear of 1-29 May Terrace, the site could not be accessed entirely from the adopted highway. It is not clear whether the applicant has an access right over the unadopted section, however, that is a private matter.

The application states that the 2 properties would have at least 4 bedrooms, the parking requirement would be 2 no. parking spaces per property. No parking layouts have been shown on the indicative layout and it is unclear whether integral garages would be included. As such, if outline approval was given, the parking layout would have to be assessed under the reserved matters application.

Details of the 5 parking spaces, intended to provide off street parking for existing residents of May Terrace, have been shown on the layout plan. It is acknowledged that the spaces may alleviate some of the parking pressures on May Terrace and the spaces proposed meet the sizing requirements. However, parking spaces generally require an aisle width of 6m but only 3.5m has been proposed between the spaces and that of the rear boundaries serving the properties on May Terrace. This would make entering and exiting the spaces very difficult and would not be acceptable. In addition, to even get to the spaces from May Terrace, 2no. right angled turns would be required, the second of which would be very tight and relatively unsighted, as such, the proposed maneuvers would be very difficult and impractical.

Access to the properties would not be possible for emergency vehicles, such as fire appliances, and refuse vehicles. It is acknowledged that alternative arrangements through Building Regulations could be introduced to mitigate fire appliance access; however, there would be no alternative for bin collection. Currently refuse vehicles only enter the very top of May Terrace therefore, the future occupants would have a long man carry distance to take the bins to the collection point which would be inconvenient for future occupants (especially on recycling days when 2no. wheelie bins are collected) and would undermine the proper planning of the area.

For the above reasons it is concluded that the development would not provide a safe and convenient access and would therefore conflict with Policies CPS 26 and CPS 29 of the Core Strategy and the principles of the Supplementary Planning Document "Designing New Housing Development", March 2012, and the National Planning Policy Framework.

Drainage

Some of the neighbouring residents raised concerns regarding past flooding and sewer issues. The Councils Drainage Officer and Yorkshire Water have been consulted and raised no objections in principle. However, if the application was supported full details regarding the drainage of the site would be required.

Trees

There are a number of trees on the site and also adjacent to the site. None of them are protected under preservation orders and it is acknowledged a number have been removed during the application process. The tree Officer has raised no objections in principle but would require further details.

Summary

The development of the plot for residential properties and a parking court represents a significant departure from the current arrangement. The associated residential activity and vehicular movements would inevitably result in noise and disturbance to the rear boundaries of existing dwelling in an area that residents should reasonably expect to remain undeveloped and quiet.

The development would not only cause noise and disturbance issues for the existing residents, giving the proximity of the site to rear elevations and rear private amenity spaces, but would also be an issue for the future residents of one of the plots. There would be 5no. parking spaces immediately adjacent to the proposed side elevation and rear amenity space which, with the noise associated with the coming and going of neighbouring residents vehicles would potentially be annoying, contrary to Policy H8D, SPD 'Designing New housing Development' and the NPPF.

The proposal would contribute little to the streetscene and would be contrary to the development pattern of the area, resulting in an 'ad-hoc' development, detrimental to visual amenity and policies H8D, CSP29, SPD 'Designing New Housing Development' and the NPPF. Furthermore, the SPD makes it clear in several sections that infill development should not be piecemeal so as to prejudice potential comprehensive development of a larger area of land. In this case there is potential for the site, together with neighbouring garden land, to form a larger development site with access options.

Parking spaces generally require an aisle width of 6m but only 3.5m has been proposed between the spaces and the rear boundaries serving the properties on May Terrace. This would make entering and exiting the spaces very difficult and would not be acceptable. In addition, to even get to the spaces from May Terrace, 2no. right angled turns would be required, the second of which would be very tight and relatively unsighted, as such the proposed maneuvers would be very difficult and impractical. It is not considered that a safe and convenient access can be achieved and this conflicts with Policies CPS 26 and CPS 29 of the Core Strategy and the principles of the Supplementary Planning Document "Designing New Housing Development", and the NPPF.

Recommendation

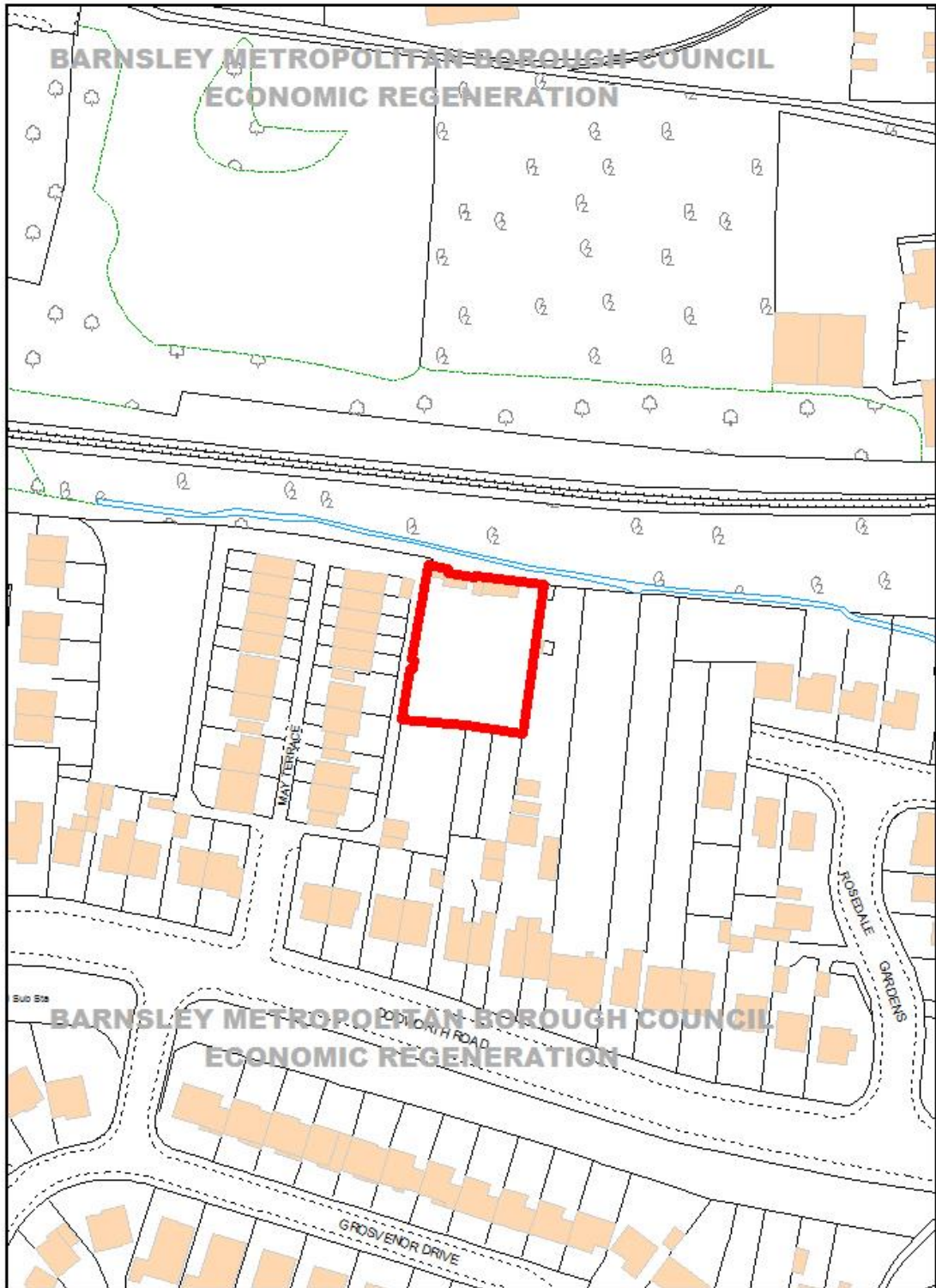
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PA reference :-

2015/1074

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BARNSELY MBC - Economic Regeneration

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Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

2015/1168

Applicant: BMBC Education

Description: Erection of extensions and refurbishment to Primary School including external works

Address: Thurlstone Primary School, Royd Moor Road, Thurlstone, Sheffield, S36 9RD

Penistone Town Council have not commented**2 letters of objection received****2 letters of support received****Description**

Thurlstone Primary School is situated to the west of the centre of Thurlstone and is located off Royd Moor Road. The building has been used as a Primary School for over a century. The school was re-organised in 1988 and 2006 involving several alterations and extensions to the west of the original building and north elevation.

The development site is surrounded by residential properties set along each boundary. The semi-detached properties along Westfield Avenue bound the east, south and west of the site, with number 12 Royd Moor Road, a large detached dwelling set to the north. Thurlstone Nursery is set adjacent to the Primary School, opposite Royd Moor Road.

The school building is of traditional stone construction with later felt flat roof extensions formed of stone and pebble dash render. The original roof coverings are of natural slate and the existing windows are predominantly white UPVC. The Primary school has a car parking/delivery area to the frontage, with play areas set to the south and a grassed playing field set to the west of the building.

The site is situated just outside of the Thurlstone Conservation Area.

Proposed Development

Permission is sought for extensions to the north and west of the existing building which will create in total an additional 382 square metres of usable space. The extension provides additional classrooms, improved office and wc facilities, library and resource rooms.

A new pond area and external play areas are proposed to the south and west of the extension. The existing West Riding Block will be demolished as part of the proposals. A new parking area would be formed within the tarmacked area set at the front of the existing building, which would provide 9 parking spaces. This area is also to be used for deliveries and servicing. The existing access track along the northern boundary will be resurfaced.

The proposed extensions would be constructed of stone, render and hipped slate roofs are to compliment and improve the existing building.

The following statement of justification has been provided in support of the application:-

'Areas within Barnsley encompassing the Thurlstone and Millhouse wards are predicted to have a shortage in capacity at the start of the 2016-17 Academic years, which is predicted to continue in the following years. Thurlstone Primary has been identified as having suitable grounds to allow a significant new extension that will help the Authority in dealing with the shortfall of pupil places.

In September 2014 the school increased their admission numbers from 16 to 25 in order to meet the forecast shortfall of pupil places in the Thurlstone/Millhouse area. From September 2015 the school took an additional 9 pupils to their reception class. The permanent increase to 25 will take place in

September 2016. This increase in pupil places will increase the schools capacity from 112 to 175 by September 2022.'

Policy Context

UDP – Housing Policy Area/ Existing Community facility

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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Core Strategy

Core Strategy Policy 29: Design Principles – sets out the overarching design principles for the Borough to ensure that development is appropriate to its context. High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley, and contributes towards creating attractive, sustainable and successful neighbourhoods. The Council will seek to ensure that development improves what needs improving, whilst protecting what is good about what we have. Design that reflects the character of areas will help to strengthen their distinctiveness, identity and people's sense of belonging to them. This policy is to be applied to new development and to the extension and conversion of existing buildings.

Core Strategy Policy 43: Educational Facilities and Community Uses – sets out the criteria for educational and community facilities within the Barnsley Borough. The Council will support the provision of schools, educational facilities and other community facilities

Core Strategy Policy 26: New Development and Highway Improvement – Seeks to ensure that new development will be expected to be designed to provide safe, secure and convenient access for all road users.

NPPF

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. 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.

In respect of this application, relevant policies include:

Core Principle 7: Requiring good design - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Consultations

Penistone Town Council – No comments received

Cllr Millner – No objections

Highways DC – No objections subject to conditions

Drainage – No objections

Regulatory Services – No objections subject to conditions

Conservation Officer – No objection subject to the submission of material samples

Representations

2 objections have been raised with regard to the impact of the proposal upon highway safety, the concerns raised are as follows:-

- Towngate, a steep, narrow road with a hairpin bend at its junction with Manchester road is already difficult to navigate at the best of times, the frequency of the pedestrian 'barrier' needing straightening being proof of this.
- Concerns regarding construction traffic
- Concerns regarding additional school traffic
- Towngate and the roads it supplies are unable to cope with any more traffic. Service and delivery vehicles already experience difficulty accessing customers
- Residents have been unable to drive up to their houses because of parked vehicles.
- The problem is exacerbated by nearby residents parking outside their homes thus blocking the pavements and making the road single width only. This also makes it very hazardous for children and parents with pushchairs to access the school safely.
- Some sort of protocol with regard to parents parking further away from the school and walking the children via the footpaths above the school would alleviate this situation.
- There will be total grid lock if more cars try to access the school via Towngate on a regular basis.
- Highways Department need to consider traffic flow and child safety around Thurlstone village. Signposting is also currently poor. A one way system designed to allow access to the school but also to enhance visibility at the 3 road junction would improve entry into and exit from the village. Flashing lights outside school (such as at Thurgoland and Hoylandswaine Schools) would also alert drivers to the presence of the school.
- It is hoped that keeping the extended places open for local residents will reduce traffic problems

2 letters of support have been received which in summary state:-

- I am generally pleased that this application shows a commitment to expanding local school places in light of the increased housing being built / proposed for our area.
- The school layout will be much improved, especially as it will have purpose built classrooms for early years with direct access to an external area. Furthermore the outside space overall is not compromised as the current West Riding building is to be removed which will release additional space on the playground. It is also reassuring that the build will be sympathetic to

the history and style of the current building. There is an undoubted local demand for additional school places and as a parent of children attending Thurlstone Primary school, moving towards a school with a class for each year group is ideal.

- The current school facilities are not fit for purpose in the 21st century. This small increase in pupil numbers will safeguard this valued community facility for the future and will enhance the learning environment for all pupils in the school. I believe the small school ethos can be maintained even with a minor increase in numbers.

Assessment

Material Consideration

Principle of development
Residential Amenity
Visual Amenity
Highway Safety

Principle of development

The building is an existing community facility where alterations are acceptable in principle where they achieve good standards of design and reflect the character of the existing building and surrounding area.

Residential Amenity

The extension projects to the western and northern side of the existing building and is located approximately 7 metres from the northern boundary of the site with number 12 Royd Moor Road, the property closest to the proposed extensions. There are a number of trees along this boundary which will screen the proposal from this dwelling. There would be no significant overlooking or overshadowing of existing properties due to the position and scale of the proposed development and its proximity to neighbouring properties.

Regulatory Services raise no objections to the proposals subject to conditions and as such it is considered that the proposals are acceptable from a residential amenity perspective.

Visual Amenity

The extension, whilst it is large has been sympathetically designed to match the traditional elements of the existing building. The proposed material choices of stone, render and hipped slate roofs will compliment and improve the existing building and considered acceptable in terms of policy CSP29. Whilst the site is situated just outside the Conservation Area, the Conservation Officer has no objection subject to the submission of material samples prior to commencement.

Highway Safety

Vehicles currently access the site from the north east entrance off Royd Moor Road. There are currently 2 locations for staff parking within site (6 at the top of the access road and 3 at the bottom) holding approximately 9 vehicles spaces. The current pedestrian access to the school is via the main building entrance on Royd Moor Road. The development proposes to rearrange the current parking provision with 9 replacement spaces, within close proximity to the site entrance and improve access routes for pedestrians.

Objections have been raised with regard to the potential increase in traffic as a result of the increased facilities and parking problems currently experienced by local residents. Unfortunately the existing on street parking is limited due to the narrow roads surrounding the site. It is accepted that

the school has very limited off street parking at present which does mean that all parking and pick up and drop off journeys take place on the surrounding roads. Highways have considered the proposal and have raised no objections to the proposals put forward as there would be no loss in parking spaces and an improved location for the parking adjacent to the entrance of the site.

The applicant states that in September 2014 the school increased their admission numbers from 16 to 25 in order to meet the forecast shortfall of pupil places in the Thurlstone/Millhouse area. From September 2015 the school took an additional 9 pupils to their reception class. The permanent increase to 25 will take place in September 2016. In the short term the increased numbers are not considered to be a significant amount, and due to the existing layout of the site, it would be very difficult to increase the parking spaces without re configuring the site and the loss of essential play areas for the children. The highways section have requested a condition which prior to the occupation of the extension, a draft Travel Plan shall be submitted to and approved in writing. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the extension becoming operational, a detailed travel plan shall be submitted and once approved shall be fully implemented which may help to alleviate some of the issues experienced by neighbouring residents. Given the above it is not felt that the proposal could be refused on Highway Safety grounds.

Conclusion

The design and scale of the extension would sit comfortably in the context of the site and also complement the appearance of the existing school premises. The extension will provide a cost effective means of increasing primary places within a recognised area of need.

Recommendation

Grant subject to conditions

- 1 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.

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

NPS-DR-A-(90)-010 P1
NPS-DR-A-(90)-011 P1
NPS-DR-A-(21)-020 P1
NPS-DR-A-(21)-021 P1
NPS-DR-A-(90)-022 P2
NPS-DR-A-(21)-023 P2

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 LDF Core Strategy Policy CSP 29, Design.

- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place 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: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

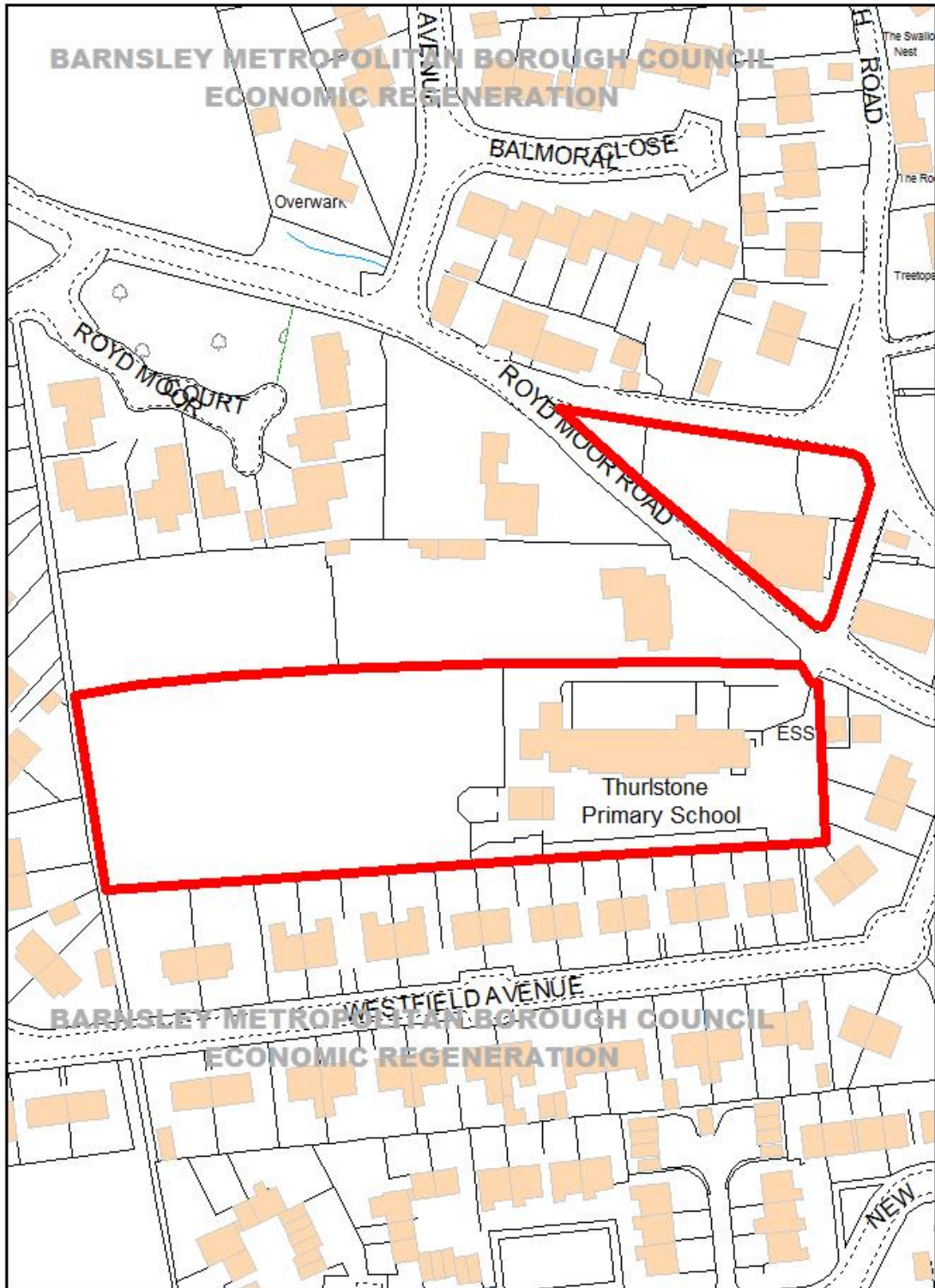
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 Prior to the occupation of the extension a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.

Reason: In the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-
-The parking of vehicles of site operatives and visitors;
-Means of access for construction traffic;
-Loading and unloading of plant and materials;
-Storage of plant and materials used in constructing the development;
-Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 8 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

PA reference :-

2015/1168



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BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

2015/1081

Applicant: Mr Jason Bland

Description: Erection of a double garage with habitable room above.

Address: 88 Wath Road, Elsecar, Barnsley, S74 8JF

No Objections. Cllr Shepherd requested the application go to PRB.

Site Description

The application relates to a detached former pub which has recently been converted into a single residential property. The conversion works are complete and the external alterations to the front of the property are almost complete, however, the demolition of the outbuilding to the rear and the erection of the detached garage (approved under application 2012/0763) have not been started.

The existing outbuilding is located to the North West of the building in the rear garden area of the converted pub. It is a detached two storey structure with a pitched roof which potentially dates back to the Victorian era.

The surrounding area is predominantly residential in nature, although there is a mill and coach depot opposite. To the South of the site is Holy Trinity Church and Holy Trinity Primary School. Running along the north of the site is a footpath which links Wath Road with the Church and grave yard.

The site is located within the Elsecar Conservation Area and is within close proximity to a number of listed buildings including Holy Trinity Church, Elsecar Mill and a number of stone built terraced dwellings (excluding those immediately adjacent to the site).

Proposed Development

The applicant seeks permission to erect a detached double garage with room above. The garage would be 7m wide by 8.5m long with an eaves height of 2.2m and ridge height of 5.3m. The garage would have space for 2 vehicles on the ground floor with a staircase, utility area and WC to the rear. A leisure room would be accommodated within the roof space.

The garage would have a natural coursed sandstone front with facing brickwork to the sides and rear. The roof would have natural slate or plain grey tiles to match the existing dwelling.

Policy Context

Planning decision 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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Core Strategy

Core Strategy Policy CSP 29 sets out the overarching design principles for the borough to ensure that development is appropriate to its context. The policy is to be applied to new development and to the extension and conversion of existing buildings.

CSP 30 'The Historic Environment' states that the Council will positively encourage the management, conservation and enjoyment of Barnsley's historic environment. Development which affects the historic environment and Barnsley's heritage assets and their settings will be expected to protect or improve the character and/or appearance

Saved UDP Policies

Policy H8F – In the interests of visual amenity and highway safety, proposals for private garages should be constructed to a design to respect the character, appearance and building materials of the dwelling, be located and designed so that the amenity of the locality or neighbouring properties is not adversely affected and be provided with an appropriately surfaced driveway of at least 6m in length.

SPDs/SPGs

SPD 'House Extensions' provides guidance on internal and external spacing requirements and refers to the requirements for detached garages/outbuildings.

NPPF

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. 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.

In respect of this application, these policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Paragraph 132 of the NPPF relates to 'Conserving and Enhancing the Historic Environment' and states 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

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Consultations

The Civic Trust – No comments

Conservation – No objections.

Regulatory Services – No objections

Highways DC – no objections subject to conditions

Ward Councillors – Cllr Shepherd requested the application go to PRB given the recent footpath issues adjacent to the site

Representations

None

Assessment

Principle of development

In accordance with SPD 'House Extensions', Detached garages should relate sympathetically to the main dwelling in style, proportions and external finishes. In most cases, it will not be appropriate for a garage to be sited between the house and the road.

Detached garages should be single storey structures and the eaves height should not normally exceed 2.5m from ground level, in some circumstances (e.g. where the garage is set within a large curtilage) it may be possible to utilise the roof space for ancillary accommodation/storage but not as an annex/granny annex.

The demolition of the outbuilding and erection of a detached garage, in a similar location as that proposed, was approved under application 2012/0763.

Residential Amenity

Due to the shape and levels of the plot, the proposed detached garage would be to the rear of 90 and 92 Wath Road and on a higher level. However, the garage would be located on a similar footprint, and a similar height, as the existing outbuilding and would be located some 21m from the rear elevations of the dwellings. In addition the garage would be located to the West of the properties; it would incorporate a modest eaves height of 2.2m and would not be significantly larger than the extant garage permission (2012/0763)

The proposed garage would be directly to the South of Saxon House and be less than 10m from the neighbouring dwelling. However, it would be adjacent to the side elevation, which is generally not protected and as mentioned above, it would have a modest eaves height, a roof which slopes away from the boundary and would be located where there are existing/approved outbuildings/garage. As such, the proposed garage would not be an overbearing feature or increase overshadowing to an unreasonable degree to neighbouring properties.

Access to the garage would be close to the side elevation and boundary of number 90 Wath Road. However, the access already exists and has previously been approved to accommodate a detached garage and associated parking area. Furthermore, Highways DC have raised no objections to the proposal.

Visual Amenity

The proposed garage would be located to the rear of the host property and the terraced row fronting Wath Road; therefore, it would not be in a prominent position and there would be limited views from the highway. As such, it would not have a significant impact on the visual amenity of the streetscene or the Conservation Area from which it would be seen. In addition the design and scale is such that it would not detract from the setting of neighbouring listed buildings (church & mill), in accordance with CSP 29 and 30.

The garage would sit in a similar position as the existing outbuilding and also the detached garage approved under application 2012/0763. The proposed roof height will be no higher than the existing

outbuilding and would only be 600mm higher than the roof of the previously approved garage. In terms of footprint, the proposal garage would be 59.5m² whereas the previous approval was 52m², a modest increase of 14%.

It is acknowledged that the previous garage had a hipped roof to match the host property and did not have any accommodation within the roof space, whereas the proposed garage has gables and a leisure room on the first floor. However, gables are a prevalent feature of buildings within the area including that of the existing outbuilding that it would replace, no issues are therefore taken with this aspect of the design.

The proposal complies with SPD 'House Extensions' which states that a detached garage should not normally have an eaves height which exceeds 2.5m, they are 2.3m in this case, and in some circumstances (e.g. where the garage is set within a large curtilage, as is the case in this instance) it may be possible to utilise the roof space for ancillary accommodation.

The existing outbuilding does have some age and merit, however, it is in a poor state of repair and its demolition was approved as part of the previous application for the change of use of the pub and associated works.

Highway Safety

The size of the garage conforms to the guidance set out in the South Yorkshire Residential Design Guide. It would be accessed via an existing driveway which has an existing access point onto Wath Road. As such, highway safety would be maintained to a reasonable degree.

Footpath

There is a footpath which runs along the northern boundary of the site which links Wath Road with Holy Trinity Church and the graveyard beyond. The footpath is currently unadopted, and despite interest and opposition from local residents and members regarding access restrictions to the path, no applications for adoption have been received by the Public Rights of Way Team.

In any case, the proposed garage is on a similar footprint to the existing buildings, and previously approved garage, and would not impede on the alignment of the route.

Summary

The proposed garage accords with CSP 29 & 30 and SPD 'House Extensions' in that it relates sympathetically to the main dwelling and surrounding area in style, proportions and external finishes. Given its position and design it would maintain the character and appearance of the Conservation area and neighbouring listed buildings.

Recommendation

Grant subject to conditions

- 1 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.

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

LDF Core Strategy Policy CSP 29, Design.

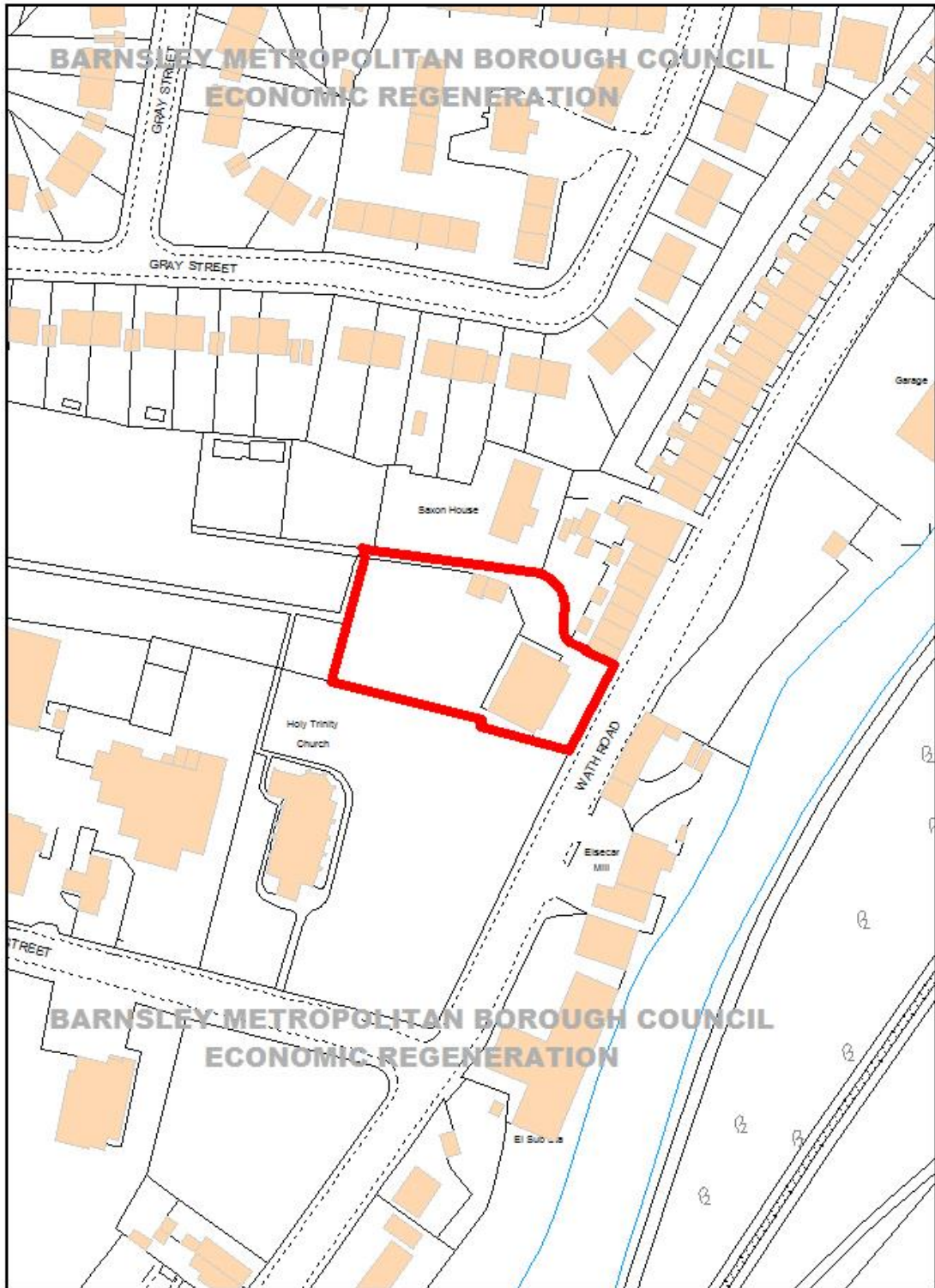
- 3 The natural coursed sandstone to the front of the garage shall match the stonework to the front of the adjacent terraced row 990-104 Wath Road) and the brickwork and roof tiles shall match those of the host property (88 Wath Road).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design and CSP 30, The Historic Environment.

PA reference :-

2015/1081

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BARNSELY MBC - Economic Regeneration

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Scale 1:1250

Ref 2015/1141

Applicant: Saul Construction

Description: Plot substitution on land allocated to plot 32 and additional strip of land located outside the land associated with planning application 2010/0413

Site Address: Former plot 32 former Brierley Hall, Church Street, Brierley

No representations.

Site Description

The application concerns land part of and immediately adjacent to the existing development of 32 dwellings by Saul Construction on the Brierley Hall site, Church Street which is within the Conservation Area.

The development approved under planning permission 2010/0413 approved the conversion of Brierley Hall (a grade II Listed Building) into 3no dwellings and the erection of 29 new build properties within its grounds.

Proposed Development

The proposal is to enlarge the site by adding an additional strip of land into the site to enable a different house type to be constructed on plot 32 of the development.

The proposed new house would be detached in contrast to the existing version of the approved plans whereby plots 30-32 formed a small terrace. The dwelling would be a traditional two storey 3 bed property served by two parking.

The land on which it would be sited measures approximately 26m x 2.5m, it currently serves as incidental greenspace to a larger area of open space.

Relevant Site History

Planning application 2010/0413 was approved 29th May 2012. This was subject to conditions and a S106 Agreement relating to the provision of community facilities, affordable housing, public open space and a commitment to deliver the conversion of the hall as a listed building.

Policy Context

Planning decision 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 development plan consists of the Core Strategy and the saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Local Plan Consultation Draft, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems

CSP8 'The Location of Growth'

CSP9 'The Number of New Homes to be Built'

CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Housing Policy Area/Conservation Area & Urban Greenspace

SPD's

-Designing New Residential Development
-Parking

Other

South Yorkshire Residential Design Guide

Draft Local Plan

Proposed allocation: Urban Fabric/Green Space

NPPF

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. 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.

Consultations

Brierley Town Council – No comments received.

Highways – No objections

Ward Councillors – No comments received.

Representations

The application was publicised by notices in the press and on site and by notification letter. No representations have been received.

Assessment

Principle of development

The main issue to consider is the proposed annexation of the strip of land which is currently designated as greenspace. Core Strategy policy CSP35 'Green Space' states that development proposals that result in the loss of Green Space will only be tolerated where;

- An assessment shows that there is too much of that particular green space in the area which it serves and its loss would not be affect the existing and potential green space need of the Borough'
- An appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provided in the area which is serves.

The impacts would be relatively small, due in large to the modest size of the strip of land concerned, in comparison to the size of the larger area of functioning greenspace it adjoins. It therefore serves a limited greenspace function. However, to address the requirements of the above policy compensation would be required in the form of a commuted sum commensurate with the loss of the size of the greenspace. This has been calculated at £2,500 and would be secured via a S106 Agreement.

Visual amenity

The loss of the strip of land from the area of greenspace would not be significant from a visual amenity perspective for the reasons summarised above.

The property itself adopts a traditional design which references the architectural style and materials of the approved properties of the wider site. The siting also observes building lines already established by adjacent plots.

Overall the alterations are considered to be modest in scale, the proposal would successfully assimilate with the established development of the estate and consequently no concerns are raised on design grounds including consideration to the setting of the Listed Building and Conservation Area.

Residential Amenity

The development would not give rise to any impacts affecting the residential amenity of existing properties. The orientation of the property is akin to that previously approved with all relevant spacing standards being observed.

Highway Safety

Parking provision for the property would remain 2 spaces which is in accordance with the requirements of the SPD.

Conclusion

The proposals would result in the loss of a modest area of greenspace which has been adequately compensated for. The land is of a sufficient size to accommodate the revised house type and the design will complement the adjacent housing estate. Accordingly the proposal is considered acceptable in relation to UDP policies H8, CSP29/30 and the Designing New Residential Development and Parking SPD's.

Recommendation – Grant planning permission subject to conditions and a S106 Agreement (compensation for loss of greenspace)

- 1 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.

2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:-

-SH/Br/33-01 rev A 'Red line boundary plan'

-SH/Br/33 rev A Amended site layout plan to plots 30-32 Rev A

-SH-Br/35 House Type Swalne Detached Plot 32 Ground and First Floor Plans Elevations and Section A-A

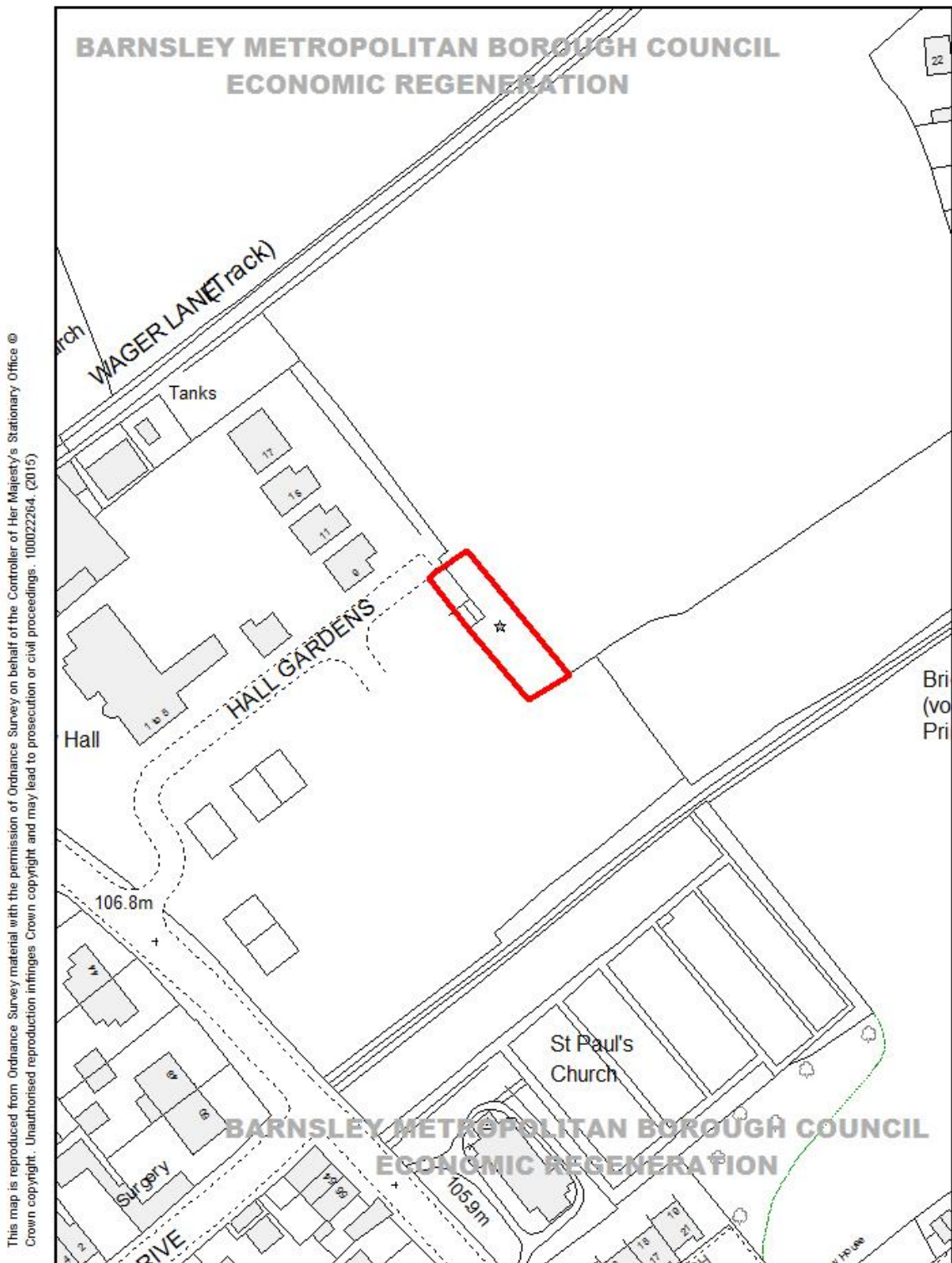
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

3 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

4 The boundary treatment indicated on plan ref SH/Br/33 rev A shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.

Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.



BARNESLEY MBC - Economic Regeneration



Scale 1: _____

2015/1233

Applicant: Mr Ron Brannon (Berneslai Homes)

Description: Removal of condition 4 of app 2015/0040 - Change of use from shops (A1) to dwelling houses (C3) including window and door alterations, external finishes, hardstanding and boundary works

Address: 38-44 (evens) Derwent Road, Athersley South, Barnsley, S71 3QT

No Objections received.

Site Description

The application relates to 2 no. 2 storey mid terraced properties located on a crescent of mixed residential and commercial/retail units. The left hand property (no. 38/40) previously accommodated a vacant tanning/beauty salon on the ground floor and a 1 bedroom flat on the first floor. The right hand property (No. 42/44) previously accommodated a charity shop on the ground floor and a 1 bedroom flat on the first floor. To the front of the properties is a hardstanding/forecourt area and to the rear are enclosed gardens.

The application properties are adjoined by 2 storey residential dwellings and form part of a crescent which accommodates a mixture of residential and commercial/retail properties. To the front of the site, beyond the road, is an area of open green space.

Site History

2010/1051 – 38 Derwent Road – Change of use from tanning salon to retail (class A1) – approved

2015/0040 - Change of use from shops (A1) to dwelling houses (C3) including window and door alterations, external finishes, hardstanding and boundary works approved by Committee 17th February 2015.

Proposed Development

Application 2015/0040 was approved for the change of use of the ground floor units from a beauty salon and shop to residential (C3). The ground floor of each unit would be combined with the existing residential unit above to create a 3 bedroom property with accommodation over 2 floors.

Externally there was a driveway for each property to the front, which would be enclosed by a 1m high dwarf wall with associated 1m high metal vehicular and pedestrian gates. To the rear the garden areas would be enclosed by 1.8m high timber fencing.

Application 2015/0040 was approved subject to a condition requiring the following;

The dwellings shall achieve Code Level 3, in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been submitted to the Local Planning Authority certifying that Code Level 3 has been achieved.

Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2

Since the condition was imposed it has been discovered that the requirements could not be feasibly achieved, furthermore, there has been amendments to legislation. As such, the applicant now seeks to remove this condition.

Policy Context

Planning decision 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 development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

UDP Saved Policies

Policy H8 (Existing Residential Areas) – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use.

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy, landscaping and access arrangements.

H8D – Planning permission for infill, backland or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

Core Strategy

CSP 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

National

National Planning Policy Framework (NPPF) promotes sustainable development. Relevant paragraphs to this application are as follows:

Para 49 – Sustainable Development
Para 50 – Mix of housing types

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

Highways DC – No objections

Representations

None

Assessment

Principle of development

On 25 March 2015 Government issued a Written Ministerial Statement setting out the conclusion of the Housing Standards Review. The statement sets out a new policy on the application of technical housing standards that applied immediately to all local planning authorities and qualifying bodies.

Following consultation in 2014 the Government elected to remove the Code for Sustainable Homes and incorporate new additional optional Building Regulations on water and access, and a new national space standard. The aim is to boost industry activity through reduced regulatory and financial burdens. The new national technical standards are expected to come into force in late 2015.

It is acknowledged that in respect of cases such as where developments are legally contracted to apply a Code policy or where a case has been granted permission subject to condition stipulating discharge of a Code level, legacy arrangements will apply. However, the code condition is no longer applied to residential applications and, if the original application was resubmitted the condition in question would not be imposed.

Therefore, it would be unreasonable to request the requirements of the condition are adhered to and, as such, the removal of the condition is recommended for approval. All the other elements of the previous application would remain as approved.

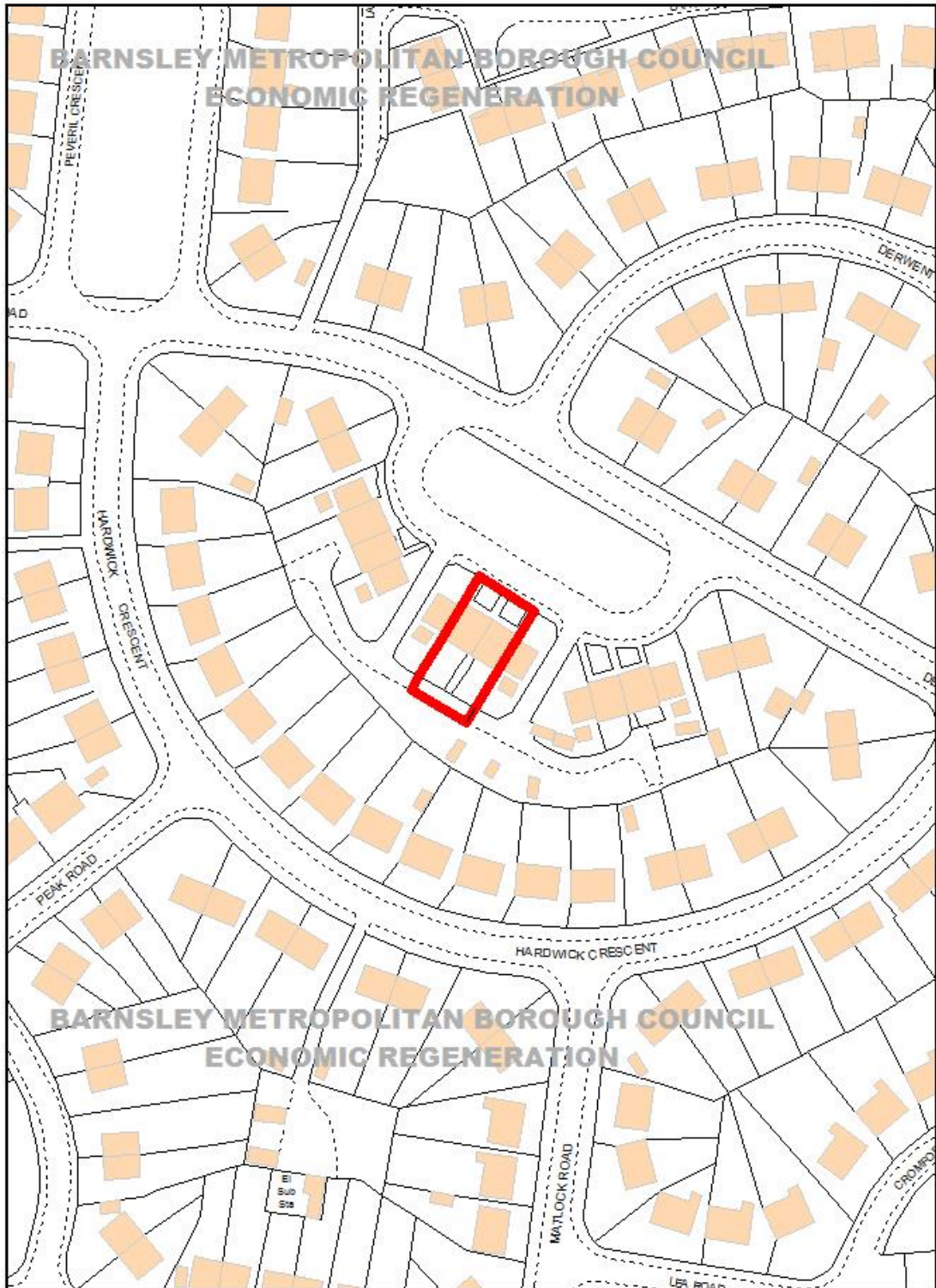
Recommendation - Grant subject to conditions

- 1 The development hereby permitted shall be begun before 18/02/2018.

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990 and in accordance with condition 1 of application 2015/0040.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos. NPS-00-00-DR-A-010-A & NPS-00-00-DR-A-031-A) 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 LDF Core Strategy Policy CSP 29, Design.
- 3 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

PA reference :-

2015/1233



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BARNESLEY MBC - Economic Regeneration

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Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

Ref: 2015/1235

Applicant: Mr Andie Nixon

Description: Black Mulberry (T1) prune the lowest branches (crown lift) to give a 2 metre height clearance around the tree within TPO: 12/2006

Site Address: 51 Wooley Avenue, Wombwell, Barnsley

Site Description

This application relates to a mature tree in the front garden of a semi-detached house on the corner of Wooley Avenue and Bondfield Crescent. The tree is actually fronting onto Bondfield Crescent and occupies a prominent position in this street scene.

The tree is a large mature Black Mulberry which is a rarity in this area. The tree is a good specimen and has very high amenity value.

Proposed Development

The canopy of the tree hangs very low over the garden and fence of the property and as such the works are to ensure that the tenant can use the garden without coming into contact with or being impeded by the tree.

The works proposed are to crown lift the tree to 2m and the works will be limited to what can be undertaken with hand tools from the ground without aerially accessing the tree. As such the works will have as little impact on the tree as is possible when undertaking a pruning operation.

The works proposed are both necessary and appropriate and as such there is no objection to the proposal from an arboricultural perspective.

Policy Context

The statute law on TPO's is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 1999.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. LPAs may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g. road or footpath for a TPO to be made but the courts have decided that trees should be protected for "pleasure, protection and shade they provide". Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is:- 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

The guidance states that 'LPAs must include in their plans land use and development policies designed to secure the conservation of natural beauty and amenity of the land. Plans should not, however, include policies which are unrelated to the development or use of land. They should not therefore include the LPA's policies for deciding applications for consent under a TPO; but they should include policies on measures that the LPA will take, when dealing with applications to

develop land, to protect trees and other natural features and provide for new tree planting and landscaping.’

In deciding an application the LPA’s are not required to have regard to the development plan. Section 54A of the Act, 88 therefore, does not apply to the LPA’s decision, which means that there is no general duty on the LPA to indicate otherwise.

Consultations

Trees- No objections subject to conditions

Representations

None received

Assessment

Principle of development

In line with good practice, primarily the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The application is as described above. The works applied for are in accordance with good practice and British Standards and are considered to be acceptable and justified.

Visual Amenity

This is a large mature Black Mulberry which is a rarity in this area. The tree is a good specimen and has very high amenity value. It occupies a prominent position in the street scene. Its retention is clearly important and the works proposed are both necessary and appropriate and will not prejudice the trees long term health.

Recommendation

Grant subject to conditions

- 1 The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure the work accords with good arboricultural practice in accordance with Core Strategy policy CSP36.

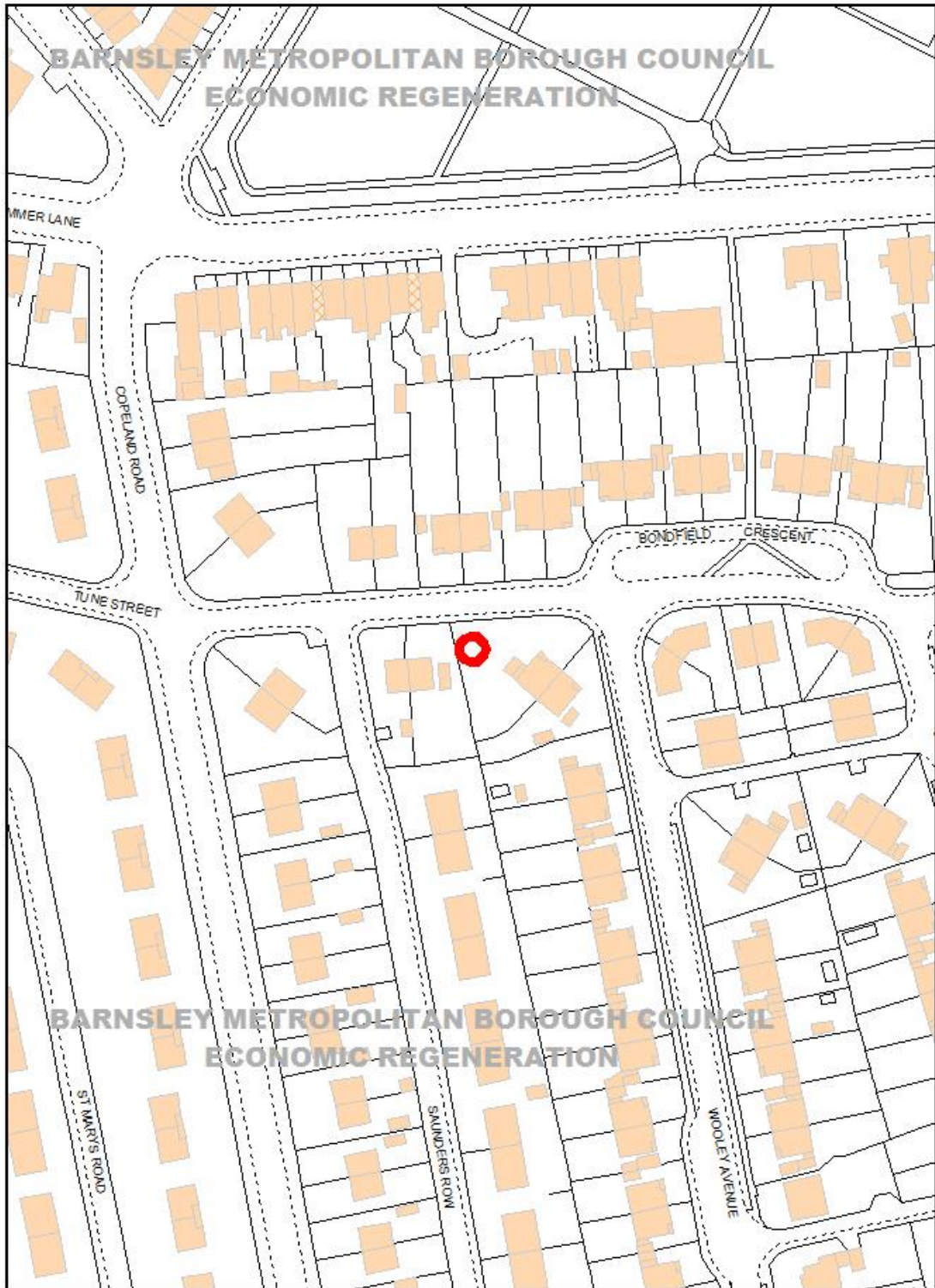
- 2 Not less than five working days notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.
Reason: To ensure the work accords with good arboricultural practice in accordance with Core Strategy policy CSP36.

PA reference :-

2015/1235

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BARNESLEY MBC - Economic Regeneration

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Scale 1:1250

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 October 2015 to 31 October 2015

APPEALS RECEIVED

No appeals were received during October 2015.

APPEALS WITHDRAWN

No appeals were withdrawn in October 2015.

APPEALS DECIDED

No appeals were decided in October 2015.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>	<u>Decision</u>

2015/2016 Cumulative Appeal Totals

- 12 appeals decided since 01 April 2015;
- 10 appeals (83%) dismissed since 01 April 2015;
- 2 appeals (17%) allowed since 01 April 2015