

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 22 December 2015
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS: - Leave Barnsley Town Hall at 11.30am

1. Planning Application 2015/1070
Residential development of 278 dwellings with public open space and landscaping at Land off Summerdale Drive and Carrs Lane, Cudworth

Approximate time of arrival – 11.45am

2. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members in respect of the under mentioned planning application/s which is/are subject of a site visit.

Local Members are invited to attend in respect of those visits within their ward.

MEETING: - to commence at 2.00pm

3. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 24th November, 2015.

4. Town and Country Planning Act 1990 - Part III Applications - Speakers/Site Visits

To consider applications whereby speakers have indicated a desire to address the Regulatory Board (*if any*).

5. Town and Country Planning Act 1990 - Part III Applications (*Pages 7 - 70*)

The Head of Planning and Building Control will submit a report on applications received for consideration.

6. Boulder Bridge Certificate of Appropriate Alternative Development - Section 18 Appeal Report (*To Follow*)

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, M. Dyson, Franklin, Gollick, Griffin, 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
Steve Kirkham, Planning Officer Group Leader (Inner Area)
Jason Field, Interim Senior Lawyer (Planning)

Parish Councils

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

Monday, 14 December 2015

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

MINUTES

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

In attendance at site visit Councillors D. Birkinshaw, G. Carr, Cherryholme, Hand-Davis, Higginbottom, Noble and R. Wraith

In attendance as Ward Member Councillor Ennis

29. Declarations of Interest

Councillor Riggs declared a Non-Pecuniary interest in **Planning Application No 2015/1074** – erection of two detached dwellings (outline) at Land to the rear of 7-29 May Terrace, Barnsley S70 6HS as he has had contact with the applicant. Councillor Riggs left the meeting during the discussion and voting on this item.

30. Minutes

The minutes of the meeting held on 27th October were taken as read and signed by the Chair as a correct record.

31. Code of Planning Conduct and Guidance 2015

RESOLVED that Planning Regulatory Board approves the 'Local Code of Planning Conduct and Guidance 2015' and that this should now be recommended for adoption by Council, subject to changing any remaining references in the draft from 'personal and prejudicial' to 'pecuniary and non-pecuniary' as appropriate.

32. Town and Country Planning Act 1990 - Part III Applications - Speakers/Site Visits

Planning application 2015/0646 - Demolition of existing dwelling at 30 Cross Street and erection of 95 no. dwellings - 30 Cross Street, Monk Bretton, Barnsley, S71 2EP.

RESOLVED that the application be approved as per officer recommendation, subject to the conditions in the report, including completion of a S106 agreement.

Planning application 2015/0779 - Removal of condition 1 of application 2011/1157 to allow permanent use of site for a gypsy family - Whitegate Stables, Common Road, Brierley, Barnsley, S72 9ES.

Mr Quinn addressed the Board and spoke in favour of the officer recommendation to grant the application.

RESOLVED that the application be approved as per officer recommendation, subject to the conditions in the report.

Planning application 2015/0911 - Erection of 10 no. detached dwelling houses with associated access and landscaping - Land at Cross Lane, Hoylandswaine.

Mr C. Darley (Agent) spoke in favour of the officer recommendation to grant the application.

RESOLVED that the application be approved as per officer recommendation, subject to the conditions in the report, including completion of a S106 agreement.

Planning application 2015/1015 - 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

Liam Tate addressed the Board and spoke in favour of the officer recommendation to grant the application.

RESOLVED that the planning application be approved as per the officer recommendation, subject to the conditions in the report. Members were very keen that the design of the fence around the pond (condition 6) is sufficiently robust.

Planning application 2015/1074 – Erection of 2 no. detached dwellings (outline) at land to the rear of 7 – 29 May Terrace, Barnsley S70 6HS

Mr Robert Mellor addressed the Board and spoke in favour of the officer recommendation to refuse the application.

Mr David Oliver addressed the Board and spoke against the officer recommendation to refuse the application.

RESOLVED that the application be refused in accordance with the officer recommendation.

33. Town and Country Planning Act 1990 - Part III Applications

The Head of Planning and Building Control submitted a report on applications received for consideration together with an update regarding cumulative appeal totals.

RESOLVED that

- (i) the following applications be granted, in accordance with officer recommendation and subject to the Conditions outlined in the report of the Head of Planning and Building Control, details of which were contained in the schedule submitted.

2015/1168 - Erection of extensions and refurbishment to Primary School including external works at Thurlstone Primary School, Royd Moor Road, Thurlstone, Sheffield S36 9RD

2015/1141 – Plot substitution on land allocated to plot 32 and additional strip of land located outside the land associated with planning application 2010/0413, former plot 32 Brierley Hall, Church Street, Brierley

2015/1233 – Removal of condition 4 of application 2015/0040 – Change of use from shops (A1) to dwelling houses (C3) including window and door alterations external finishes, hardstanding and boundary works at 38-44 (evens) Derwent Road, Athersley South, Barnsley S71 3QT

2015/1235 – Black Mulberry (T1) prune the lowest branches (crown lift) to give a 2 metre height clearance around the tree within TPO: 12/2006, 51 Woolley Avenue, Wombwell, Barnsley S73 8TH

- (ii) **2015/1081** – Erection of a double garage with habitable room above at 88 Wath Road, Elsecar, Barnsley S74 8JF subject to additional conditions in that the accommodation should remain ancillary to the dwelling and the garage should not be used for any commercial/business use.
- (iii) It was noted that no planning appeals were received, decided and withdrawn between the period 1st to 31st October 2015. 12 appeals have been decided since 1st April 2015, 10 of which (83%) were dismissed, 2 of which (17%) were allowed to date.

Chair

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Item 5

Report Précis

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

Date: 22/12/2015

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

2015/0926 Approval**Page 9**

Application for approval of reserved matters of outline planning permission 2014/0452 for 1st phase development of 174 dwellings (appearance, landscaping, layout and scale).

Former North Gawber Colliery. Carr Green Lane, Mapplewell, Barnsley. S75 6DY

2013/0223 Approval**Page 23**

Extraction of coal ash and subsequent restoration of the land. (Amended description).

Hill Street, Elsecar, Barnsley. S74 8EN

2015/0859 Approval**Page 44**

Erection of 18 no. residential dwellings with ancillary facilities and associated infrastructure

Land east of Station Road, Royston, Barnsley.

2015/1194 Approval**Page 59**

Erection of extension to the communal lounge area to include a sunroom.

Saville Court Communal Centre. Saville Court, Hoyland Common, Barnsley. S74 0NY

2015/1303 Approval**Page 64**

Display of sign above entrance for Woodhall Flats care home.

Woodhall Flats. Barnsley Road, Darfield, Barnsley. S73 9EN

PLANNING APPLICATIONS – WITH REPORTS

Ref 2015/0926

Applicant: Ben Bailey Homes (Yorkshire)

Description: Application for approval of reserved matters of outline planning permission 2014/0452 for 1st phase development of 174 dwellings (appearance landscaping, layout and scale)

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

5 objections from local residents and an objection from Northern Powergrid

Background

2009/1277 – Application for residential development of up to 420 dwellings and associated works (outline) refused by the Council but allowed at Appeal by the Planning Inspector.

2014/0452 – Full application for remediation of the former colliery site to prepare it for housing and outline application for residential development of up to 325 dwellings with access off Carr Green Lane. This application was approved by Members of the Planning Regulatory Board in October 2014.

2015/1015 – Reserved Matters Application for infrastructure works comprising an entrance feature, provision of a substation, drainage works including the construction of an attenuation pond, footbridges and other landscaping which is intended to serve the overall housing development. This was approved by Members of the Planning Regulatory Board in November 2015.

Work is currently taking place on site in association with the remediation phase of the development that was granted full planning permission under application 2014/0452; this will prepare the site for redevelopment.

The site owner Harworth Estates intention is to phase the development across 3 parts, two for housing and a phase to construct the infrastructure essential works.

This current application is for the initial housing phase of the development and comprises of 174 dwellings proposed to be undertaken by Ben Bailey Homes.

Site Description

The former North Gawber colliery site is located off Carr Green Lane in Mapplewell. This application involves the southern and central areas of the overall former colliery site which amount to 6.6ha of the total 16.2ha site. It is located adjacent to Carr Green Lane to east and Malin Croft/Spark Lane to the west.

The site has few remaining features having been cleared of vegetation to enable the remediation work to take place. However, this part of the site did previously contain watercourses and a public right of way which are the subject of separate applications/permissions for diversions.

The strip of land immediately to the south would include a natural area, the diverted public footpath and the proposed attenuation basin. However, these fall outside the scope of this application either having approval under the existing full planning permission for the remediation scheme, or the related Reserved Matters application 2015/1015.

Immediately beyond to the south the site adjoins the Green Belt boundary in the form of a reclaimed colliery spoil heap which is now a grassed hillside. Existing houses are located near to the boundaries to the east and west which front Carr Green Lane, Spark Lane and Malin Croft. There are also some industrial premises located adjacent to the south east corner.

Proposed Development

The application seeks approval of the layout, scale, appearance and landscaping which make up the reserved matters details to cover the initial phase of the housing development approved under outline planning permission 2014/0452. The access off Carr Green Lane has already been approved under the relevant outline application

The plans are for a development of 174 dwellings which would be made up of 24 x 2bed, 85 x 3bed and 42 x 4bed houses.

The layout has been designed to include a mixture of detached and semi-detached set within small groups. The majority of the houses would be two storeys with a smaller proportion being 3 storey, this equates to 26 dwellings or 15% of the total.

Details from the outline planning permission relevant to the proposal include access from Carr Green Lane. In addition the development would include a LEAP standard children's play area in the centre of the scheme and a footpath link going through that area to link up with the diverted public footpath that would be moved to the southern strip of land. Furthermore 14 of the 2 bed houses and 3 of the 3bed houses would be constructed for affordable housing purposes.

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 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'.

SPD's

- Designing New Residential Development
- Parking
- Open Space Provision on New Housing Developments

Planning Advice Note's

33 -Financial Contributions to School Places

Other

South Yorkshire Residential Design Guide

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.

Sections of the NPPF of relevance are:

4. Promoting Sustainable Development
6. Delivering a wide choice of high quality homes
7. Requiring good design

Consultations

Affordable Housing Officer – No objections to the number or location of the proposed affordable houses. However it is requested that 2 of the units are provided as bungalows suitable for older people.

Biodiversity Officer – No objections.

Coal Authority – A condition is required to require the developer to undertake further intrusive site investigation work prior to the commencement of development in order to attempt to locate recorded mine entry 433409-005 to inform which of the 2 mitigation options would be most appropriate:-

1) if located - the drilling and grouting of the shaft column and the installation of a reinforced concrete cap; or 2) if not located – the provision of a 'grouted cap/plug' within the superficial soils in the vicinity of the best plot position of the recorded mine entry. The applicants have separately confirmed that a 30m x 30m area of geogrid reinforcement is to be installed centrally on the recorded position of the mine entry.

Contaminated Land – No objections subject to conditions.

Drainage – No objections subject to conditions.

Highways – No objections subject to conditions.

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 not 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 – Does not object subject to suitable conditions being imposed.

SYMAS – No objections subject to the measures being complied with in the accompanying report setting out a specification for the stabilisation of shallow mine workings including drilling and grouting all affected house plots and roads.

Yorkshire Water – No objections subject to conditions.

Representations

The application was initially advertised by notices in the press and erected on site and by individual neighbour notification. 5 objections have been received. In summary the main concerns expressed are as follows:-

Highway safety – Concerns that Carr Green Lane is an unsuitable means of access for the development due to the number of vehicles already using the road, the lack of speed calming measures, poor forward visibility and the amount of on street car parking causing obstructions/one way traffic flows.

Pedestrian safety – Associated concerns that the increase in the amount of traffic would affect pedestrian safety.

Too many developments – It is contended that many developments are taking place in the Borough and that the Council should focus its efforts on reducing the pressure to build.

Species decline and habitat destruction including trees, plants, insects, bees and birds.

Proximity of the diverted footpath to existing houses. It is asserted that this would result in a loss of privacy and posing security issues and that mitigation measures would be required as a result including replacement tree planting and new boundary fencing.

The proposed SUDS pond – Concerns that an above ground ditch is not suitable on a former colliery site as it may fill up with sludge and become stagnant attracting flies and midges. It is therefore stated that a below ground facility should be constructed. Concerns are also raised that it would be used for fly tipping and would be an expensive burden for the Council to maintain in the future.

Concerns that the diverted watercourse may increase the risk of flooding for existing properties.

Harm to enjoyment of home and garden as a result of loss of privacy and increased noise and disturbance.

Assessment

Principle of development

The decision to allow the site to be re-developed for residential purposes was established by the recent decision by the Council to grant outline planning permission for a development of up to 325 houses under application reference 2014/0452. Accordingly there are no land use planning policy considerations with this application.

Visual amenity

This reserved matters application focusses on whether the design details of the proposed plans is sufficient to enable the development to be permitted. The main issues to consider associated with these considerations are the proposed site layout plan and the proposed elevations.

In terms of the proposed layout the plans mainly include detached and semi-detached houses which would be positioned around a logical network of streets, private drives and a network of greenspaces, including a central area of public open space.

The development would also deliver a range of 2, 3 and 4 bedroom properties. A critique is that the garden sizes are below the minimum space for approximately 5% of the plots affecting some of the 2 and 3 bedroom properties. However as the development is below the density aimed for by policy CSP14 a reduction in dwelling numbers would introduce a new conflict with policies concerning housing delivery. In my view therefore the plans represent an acceptable compromise between housing delivery and design quality.

In terms of the elevations, the plans include 11 different house types which would provide variety. The elevations are both traditional and contemporary in appearance but overall are considered to represent good design.

Scale is a matter under consideration as part of the application. In most cases the houses would be 2 storeys which are clearly acceptable. The plans do also include 26 dwellings that are three storeys in height. However these would not be located around the edges and would be equivalent to only 15% of the total number of dwellings and I would judge them to be appropriate in this case.

In summary I consider that the plans would achieve a good standard of development having regard to policies CSP29, CSP14, the Designing New Residential Development, the Open Space Provision on New Residential Developments SPDs and the NPPF.

Residential amenity

The distance to existing houses from any of the new houses is such that there are no issues with satisfying the separation distances required by the SPD. Based upon this the development should not give rise to any overshadowing or overlooking problems affecting existing properties. Levels are a potential issue however and as these have not been fully detailed a condition is required to ensure satisfactory relationships.

Within the site the plans have generally been designed to meet the SPD design standards with regards to separation distances and private rear garden sizes. As mentioned in the section above there are some exceptions in terms of rear garden sizes. In such cases I would recommend that a condition is imposed removing permitted development rights for extensions and outbuildings.

An existing condition on the outline planning permission requires a construction method statement to be submitted requiring measures to limit the effects of noise and dust during the construction phase to be submitted for approval by the Council. A temporary haul road from Spark Lane has been in use for heavy vehicles rather than the estate road of Carr Green Lane and this should continue to the case for the development.

Highway Safety

The majority of concerns raised in the objections from residents are based upon the location of the access for the overall development on Carr Green Lane. Whilst these concerns are acknowledged the details of the access location and junction design were approved at the outline application stage. As such it falls outside the scope of this application to carry out a new assessment of that issue as this is limited to assessing the details of the proposal relating the layout, appearance, landscaping and scale.

The main consideration from a highway safety perspective is therefore the plans for the internal road/footpath layout and parking. The design of the road layout has been assessed by Highways to be acceptable from a design guidance perspective, whilst the amount of parking has been designed to meet the standards in the SPD.

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 S106 considerations – education, public open space and affordable housing

Open space provision – The S106 Agreement signed at the outline application stage requires that a LEAP standard play area is provided as part of the development, informal play space and a network of green routes for biodiversity. The plans are assessed to comply with the requirements of the outline planning permission and the SPD insofar as the areas of POS makes up a minimum of 15% of the developable area. The play area would include a play frame, adventure trail, a spinning pole and feature stones/seats and is considered acceptable by Parks Services. The play area will be transferred to a private management company with the residents of the development paying an annual fee towards the maintenance of the area. In addition the development would involve the payment of a commuted sum of £120,000 to enhance formal recreation facilities off site, which is a requirement of the existing S106 Agreement.

Education – It was established at the outline stage that the overall development shall contribute £150,000 for a new classroom at Mapplewell Primary School. This forms part of the existing S106 Agreement.

Affordable housing – The development includes 17 affordable houses which is approximately 10% of the overall number of dwellings. This level of provision is the requirement for each phase in the S106 Agreement. The unit mix of 14 x 2 bed units and 3 x 3 beds also accords with the request of the Housing Growth service. The Housing Growth Service had requested that that an element of the provision included 2 bungalows. Ultimately this is something that the applicant has said that they are unable to accommodate at this site as they are of the opinion that the development and its area lends itself better to more family housing and they do not have any bungalows within their portfolio of house types. Whilst it is disappointing that the developer has not been able to accommodate bungalows on the site, there is still a variety of property types in the scheme, and as such the lack of bungalows is not considered of sufficient detriment to warrant refusal of the proposal. In the absence of SPD this is not something that can be insisted upon in my view.

Other considerations

Trees/vegetation & biodiversity

All of the vegetation which had colonised the site has been removed as part of the remediation work in order to deal with the issues associated with the coal mining history of the site which are extensive. This application affords consideration to the landscaping proposals in terms of whether the plans include a proportionate amount of replacement tree planting. The Council's Tree and Landscaping Officer have assessed the specifications associated with the proposed scheme of soft landscaping and is satisfied that the amount of new trees proposed and the species would be of the standard and type required. The proposed trees and vegetation propose is provided throughout the site and provides a suitable level of greenery to break up the built development.

Dealing with unstable/contaminated land

The development is at risk from historical mine entries and shallow coal workings. A variety of investigation work has been carried out on site to establish the precise location of a recorded mine entry which is indicated to be within the proposed road near to plots 88 and 162. This has not been located to date which has been responsible for delaying the application. However the applicant has now proposed an appropriate scheme of rotary probing in order to locate it to inform which one of two mitigation options would be appropriate: 1) if located - the drilling and grouting of the shaft column and the installation of a reinforced concrete cap; or 2) if not located – the provision of a ‘grouted cap/plug’ within the superficial soils in the vicinity of the best plot position of the recorded mine entry. In addition the applicant has separately confirmed that a 30m x 30m area of geogrid reinforcement is to be installed centrally on the recorded position of the mine entry. Based upon this the Coal Authority have removed their initial objection to the application.

In addition a report has been submitted setting out a specification for dealing with shallow coal workings, which shall involve drilling and grouting in the affected house plots and roads in the north eastern area of the proposed development. SYMAS are content with the level of investigation carried out and the report containing the specifications and do not object to the application.

The need to submit the results of detailed site investigations and any necessary remediation measures prior to the commencement of development is already covered by condition 22 of the outline planning permission.

Drainage/Flood Risk

The flood risk assessment submitted with the outline application established that the site is not at risk of flooding. However it is necessary to prevent the development from increasing flood risk downstream via the inclusion of sufficient attenuation measures to reduce surface water run off by 30% on brownfield sites. This would be achieved by surface water from the development discharging into a SUDS pond which is large enough to accommodate surface water flows from both phases of the housing development. The detail is under consideration under application 2015/1015, although this as a means of dealing with surface was shown on the plan submitted with the outline application which is a material consideration. A condition on the outline permission prevents development until drainage design details have been approved for each phase of development.

Public rights of way

No objections are raised by the Public Rights of Way Officer based upon the public right of way passing through the site already having being the subject of a diversion agreement.

Northern Powergrid concerns

Northern Powergrid have written in to state that “A claim for compensation has been received by NPg, asserting that the land along the eastern boundary of the site cannot be developed due to the presence of the lattice tower and overhead power line owned by NPg”. Northern Powergrid state that the design of the scheme has been contrived by using this justification to have the landscaping underneath the tower and to maximise the claim by having properties, particularly affordable houses, lined up on the eastern boundary overlooking the powerline. However, it would not be appropriate for the Council to form a view as to whether the layout has been purposely designed to inform a claim for compensation by the applicants, as this would be a matter to be dealt with separate to the planning application.

The plans are consistent with the masterplan which was granted permission at the outline stage and would involve the houses being set back from the powerline by 30m behind the road accessing the houses, landscaping and a footpath. This is very similar to the relationship between existing dwellings on Carr Green Lane and the pylon/overhead lines and also between dwellings and the pylon off Salcombe Close, in close proximity to the site. It is also not the case that all of the affordable houses are in the area adjacent the pylon and powerline as 8 out of the 17 affordable houses (nearly 50%) would be located on the opposite, western side of the development. I also observe that the number of affordable houses adjacent the eastern boundary would be outnumbered by the 13 private houses. From a purely planning perspective, I would therefore not be of the opinion that the powerline would dominate outlook at a level which would be considered detrimental to residential amenity.

In light of the concerns raised by Northern Powergrid, consideration was given to rotating the dwellings 90 degrees so that they faced away from the powerlines, as this would mean there would not be direct views of the powerlines from inside the dwellings. However, this would open up views from rear gardens, which are currently screened from the powerlines by the dwellings themselves. From a planning perspective, the relationship between the dwellings and the powerlines is acceptable whether they be orientated as they currently are or rotated ninety degrees. Whilst there are pros and cons to each approach, the relatively impact on residential amenity is similar and as such, it was not considered materially beneficial to insist that the dwelling be rotated ninety degrees. Tellingly, the applicant considers that all the dwellings within the scheme have been designed to provide strong building lines and active frontages. It would not be desirable from a design point of view to align properties at different angles along the same building line. The developer would also not place the dwellings the relationship with the pylons will not significantly affect the level of interest from prospective purchasers (whether that be private buyers or a registered provider), otherwise they would not have proposed them. Taking all this into account, it is not considered that the concerns raised by Northern Powergrid are sufficient enough to warrant a redesign or refusal of the scheme.

Conclusion

In summary, this application seeks approval for the details of the layout, scale, appearance and landscaping of the proposed 1st phase housing development on the site. The principle of allowing the site to be development for residential purposes and the location of the means of access having been established by the decision to grant outline planning permission on application 2014/0452.

Following an assessment against the Council’s Designing Residential Development, Public Open Space and Parking SPD’s and Core Strategy policies CSP29 ‘Design’ and CSP14

'Housing Mix and Efficient Use of Land' the plans for the reserved matters are judged acceptable with regards to visual, residential amenity and highway considerations.

In my opinion there are no other material considerations to indicate that a decision should be made at variance to the above policies, other than where new conditions are recommended. Material considerations including highway safety of the access onto Carr Green Lane education provision, biodiversity mitigation, drainage and flood risk, land stability and contaminated land were assessed at the outline stage and form existing requirements of the planning permission in terms of pre-commencement conditions or S106 obligations.

Therefore it is recommended to the Board that the application is granted reserved matters approval subject to the conditions listed below.

Recommendation

Grant reserved matters approval subject to 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 plans and specifications as approved unless required by any other conditions in this permission:-
 - Sten Architecture plan ref 1512.022 'Site Location Plan'
 - Sten Architecture plan ref 1512:01 Rev N 'Proposed Planning Layout'
 - Sten Architecture plan ref 1512:03 Rev A 'Proposed Materials Plan'
 - Sten Architecture plan ref B.KRF.O1 'Knee Rail Fence'
 - Sten Architecture plan ref B.KRF.O1 - 1.2M 'Estate Railing'
 - Sten Architecture plan ref B.PPW.O1 - 1.8M 'Pier & panel wall'
 - Sten Architecture plan ref B.PRD.O1 - 0.9M 'Post & rail divisional fence'
 - Sten Architecture plan ref B.TSF.O1 - 1.8M 'Timber screen fence'
 - Sten Architecture plan ref ASHBURY-ASH.O1.AS 'Ashbury floor plans'
 - Sten Architecture plan ref ASHBURY-ASH.O1.OP 'Ashbury floor plans'
 - Sten Architecture plan ref ASHBURY-ASH.O2.AS 'Ashbury elevations'
 - Sten Architecture plan ref ASHBURY-ASH.O2.OP 'Ashbury elevations'
 - Sten Architecture plan ref CDR.02.P.A Cranford Elevations
 - Sten Architecture plan ref CDR.02.Q.A Cranford Elevations
 - Sten Architecture plan ref Coleford-COL.01.P 'Coleford - Floor Plans'
 - Sten Architecture plan ref Coleford-COL.01.Q 'Coleford - Floor Plans'
 - Sten Architecture plan ref Coleford-COL.02.P Coleford Coleford - Elevations
 - Sten Architecture plan ref Coleford-COL.02.Q Coleford Coleford - Elevations

- Sten Architecture plan ref Coleford-COL.02.T Coleford Coleford - Elevations
- Sten Architecture plan ref Thirston-THI.01.P Thirston - Floor Plans (PAIR)
- Sten Architecture plan ref Thirston-THI.02.P Thirston - Floor Plans (PAIR)
- Sten Architecture plan ref Thirston-THI.02.R Thirston - Elevations (RENDER)
- Sten Architecture plan ref Hamilton-HAM.02.P Hamilton elevations
- Sten Architecture plan ref Hanbury-HAY.02.OP Hanbury elevations (OP)
- Sten Architecture plan ref Hanbury-HAY.02.OP.R 'Hanbury elevations Plot 28'
- Sten Architecture plan ref Kempton-KEM.02.T Kempton elevations
- Sten Architecture plan ref Kempton-KEN.01.T.A Kempton floor plans
- Sten Architecture plan ref Kilmington-KIN.01.D Kilmington floor plans (detached)
- Sten Architecture plan ref Kilmington-KIN.01.P Kilmington floor plans (pair)
- Sten Architecture plan ref Kilmington-KIN.02.D Kilmington elevations (detached)
- Sten Architecture plan ref Kilmington-KIN.02.P Kilmington elevations (pair)
- Sten Architecture plan ref Morton-MON.01.AS Morton floor plans
- Sten Architecture plan ref Morton-MON.01.OP Morton floor plans
- Sten Architecture plan ref Morton-MON.02.OP Morton elevations
- Sten Architecture plan ref Morton-MON.02.AS Morton elevations
- Sten Architecture plan ref Norbury-NOY.01.AS Norbury floor plans
- Sten Architecture plan ref Norbury-NOY.01.OP Norbury floor plans
- Sten Architecture plan ref Norbury-NOY.02.AS Norbury elevations
- Sten Architecture plan ref Norbury-NOY.02.AS.R Norbury elevations - PLOTS 55 76 88 172
- Sten Architecture plan ref Norbury-NOY.02.OP Norbury elevations
- Sten Architecture plan ref Norbury-NOY.02.OP.R Norbury elevations - PLOT 77
- Sten Architecture plan ref Rosebury-ROY.01.AS Rosebury floor plans
- Sten Architecture plan ref Rosebury-ROY.01.OP Rosebury floor plans
- Sten Architecture plan ref Rosebury-ROY.02.AS Rosebury elevations
- Sten Architecture plan ref Rosebury-ROY.02.OP Rosebury elevations
- Rosetta Landscape Design plan ref 2573/1 rev G Detailed Landscape Proposals (2 of 4)
- Rosetta Landscape Design plan ref 2573/2 rev G Detailed Landscape Proposals (2 of 4)
- Rosetta Landscape Design plan ref 2573/3 rev G Detailed

Landscape Proposals (3 of 4)
-Rosetta Landscape Design plan ref 2573/4 rev G Detailed
Landscape Proposals (4 of 4)

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 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.

- 5 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.

- 6 The boundary treatment details indicated on plan ref 1512:01 Rev N 'Proposed Planning Layout' 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.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England)

Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings on plots 33, 34, 45, 45, 92, 129, 145-147 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity in accordance with the Designing New Residential Development SPD

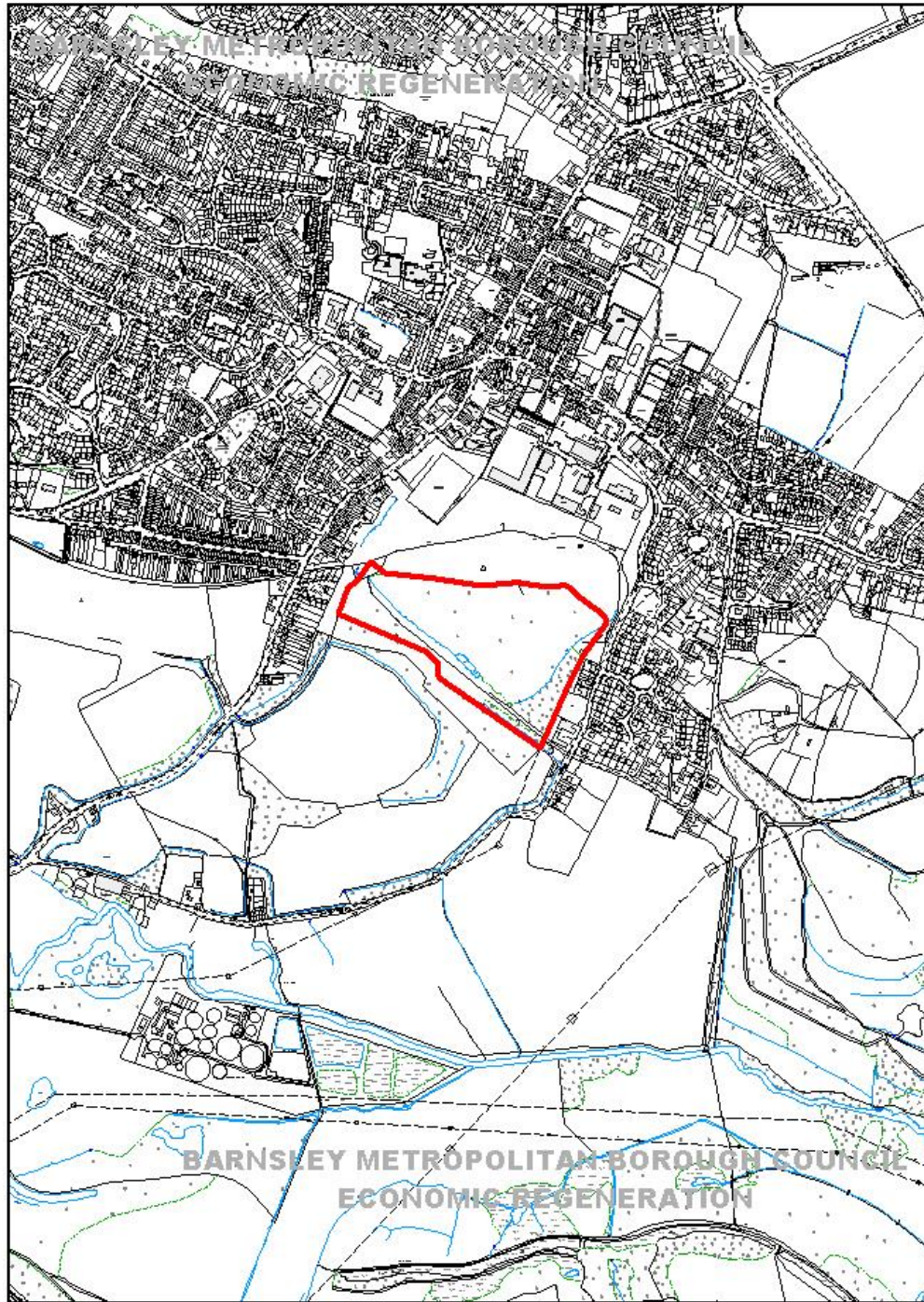
- 8 No development shall take place until further intrusive site investigations to locate recorded mine entry 433409-005 and the results to assess the risk of land instability arising from historical coal mining activity have been submitted to and approved in writing by the Local Planning Authority in accordance with the recommendations contained within the RSK Environment Ltd letter to the Coal Authority of 2 December 2015. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings, further details shall be provided to the Local Planning Authority for approval that shall require implementation prior to the commencement of the approved development.

Reason: In order to ensure safety and stability of the proposed development in accordance with CSP39.

- 9 The development shall be undertaken only in accordance with the measures set out in 'Specification for the Stabilisation of Shallow Coal Workings' detailed within Sirius Report ref SDS3242.

Reason: In order to ensure safety and stability of the proposed development in accordance with CSP39.

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BARNESLEY MBC - Economic Regeneration



Scale 1: _____

Ref. 2013/0223

Applicant: Mr Mario Monfredi

Description: Extraction of coal ash and subsequent restoration of the land.

Site Address: Hill Street, Elsecar, Barnsley. S74 8EN

Councillor Tim Shepherd requests that the application be referred to the Planning Regulatory Board and advises that he is against it.
46 representations received objecting to the proposal.

Site Location and Description

The roughly south-west to north-east elongated application site (approximately 0.9 hectares) lies on the western side of Hill Street (B6097), Elsecar, immediately to the south of the railway station/line. The site comprises of a contractor's depot with open storage (building materials and equipment) at the eastern end and open scrubland to the west. The majority of the site is relatively flat but there is a steep bank down on the southern side of the site.

To the south west is an area of woodland and to the west across the railway line is parkland off Millhouses Street. To the north are residential properties off Noble Street, Gill Street, Greenacre Close and Millhouses Street, and a park and ride facility associated with Elsecar Station. To the east across and on Hill Street are commercial, community and further residential properties whilst to the south is a mixture of uses comprising of workshops, fields/scrubland and residential properties off Foundry Street. The nearest residential properties to the site are off Foundry Street and Hill Street.

Proposed Development

The applicant proposes to recover 40,000 cubic metres of coal ash (originating from the boilers of steam locomotives and possibly a former iron foundry to the south of the site) which can be used in the manufacture of concrete blocks, over a period of some 6 months and subsequently restore the land pending possible future residential use. The ash would be extracted up to a maximum depth of 9m from the western half of the site commencing some 170m from Hill Street.

Originally, it was intended to import some 27,000 cubic metres of inert fill over a period of 12 months to create levels in keeping with a potential residential layout. However, it is now proposed to redistribute existing fill on the site to form the final ground levels which would largely reflect the assumed natural ground level before the ash was deposited on the site. The area would then be seeded pending a possible future planning application for residential development.

All surface vegetation would be cleared from the extraction area and the ash, if needed, deposited into a power screed (a machine used to level and remove excess material) that would load it onto road-going 20 tonne HGVs (up to 15 loads per day over the 6 month period). The material would then be transported along the haul road over the eastern half of the site and then onto Hill Street.

Plant and machinery to be used on the site would include 2 no. x 360's 16-24 tonne tracked excavators, 1 no. 12-14 tonne loading shovel, 1 no. 9 tonne on site dumper truck, 1 no. JCB and 1 no. 2 tonne twin drum Bomag vibration roller.

The proposed hours of working are 7:30 am – 5:30 pm Monday to Friday, 8:00 am – 1:00 pm Saturdays with no working on Sundays and Bank/Public Holidays. The operations would generate 6 jobs for the duration of the development.

The planning application is accompanied by Dust and Noise Management Plans (including a noise survey) and an Ecological Appraisal.

The Dust Management Plan includes the following dust mitigation proposals:

- All HGVs would be sheeted prior to leaving the site.
- A road sweeper would be employed when necessary to keep the main tarmac access road in the vicinity of the site entrance clean and to remove any mud and any other debris brought off the site onto the public highway.
- Internal un-surfaced haul roads would be well maintained and compacted to minimise any spillage from vehicles and dust emissions from loose and uneven surfaces.
- In dry/adverse weather conditions and during extraction/screening operations, the area being worked would be kept damp by regular application of water via bowsers.
- Double handling of material would be avoided wherever possible.
- Any temporary stockpiles would be located with regard to sensitive areas and taking account of the prevailing wind conditions and would be dampened where necessary.
- Any soils to be stored for re-use in restoration would be seeded to prevent the generation of dust.
- Restriction of vehicles speed on the site to 10 mph.
- Visual awareness with any significant dust emission occurring with the potential to travel beyond the site boundary being reported to the site manager for action. Operations to be halted if necessary.
- The keeping of a site log relating to the management of dust, and details of complaints and remedial action.
- Any off-site complaint in relation to any fugitive dust emissions would be investigated by the site manager and corrective action taken in accordance with an Action Plan.
- All staff would be trained and instructed in operational and control procedures to control emissions.

The Noise Management Plan includes the following mitigation measures:

- Stationary noise sources to be sited as far as possible from noise sensitive areas and where necessary, acoustic barriers (e.g. earth bunds) to be utilised as a shield.
- Movement of vehicles to and from the site to be controlled and to be within the permitted hours only.
- Regular documented maintenance checks of plant and machinery and particularly any items employed for noise reduction.
- Use of the quietest plant and machinery for a particular job.
- Staff training to minimise noise e.g. minimising drop height.

The boundaries of the excavation are currently fenced. If this was required to be removed during extraction, then temporary security fencing would be employed. On completion, permanent fencing would be reinstalled. Security lighting would be to the site compound only at the entrance to the site off Hill Street.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework 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.

Barnsley Local Development Framework Adopted Core Strategy (CS)

Relevant policies include:

CSP26 – New Development and Highway Improvement - states that new development will be expected to be designed and built to provide safe, secure and convenient access for all road users and refers to the need for developers to take mitigating action or to make a financial contribution to make sure that any necessary improvements go ahead.

CSP36 – Biodiversity and Geodiversity – development will be expected to conserve and enhance the biodiversity and geological features of the borough. Development which may harm such features will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

CSP38 - Minerals - supports amongst other matters proposals to extract minerals prior to the commencement of non-minerals development which may otherwise sterilise the mineral and high quality and appropriate reclamation and afteruse within a reasonable timescale. All mineral proposals should be of limited duration, have no unacceptable adverse environmental or amenity impacts, be subject to appropriate reclamation and afteruse and result in a net increase in biodiversity.

CSP39 - Contaminated and Unstable Land - refers to the need to set out detailed measures to allow development to go ahead safely where future users or occupiers of a development would be affected by contamination. Where measures are needed, these will be required as a condition of any planning permission.

CSP40 – Pollution Control and Protection – development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Barnsley Unitary Development Plan adopted 2000 (UDP)

The site is currently allocated as Safeguarded Land in the UDP. Relevant (saved) policies include:

GS5 – Derelict and Degraded Land – refers to vacant sites which are not to be immediately developed and that appropriate site treatment should be undertaken to enhance the site and improve the environment.

GS10 – Safeguarded Land – states that existing uses will normally remain during the plan period. Planning permission for the permanent development of such land will only be granted following a review of the UDP.

M9B – Working and Restoration – refers to schemes of working, restoration and afteruse will be required.

M9C – Working and Restoration – refers to the detailed measures required for mineral working.

National Planning Policy Framework (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.

In respect of this application, relevant planning policy statements include:

- The planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate;
- The effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account;
- Decisions should ensure that the site is suitable for its new use and after remediation, as a minimum, land should not be capable of being determined as contaminated;
- Decisions should aim to mitigate and reduce to a minimum adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- Local planning authorities should give great weight to the benefits of mineral extraction, including to the economy and provide for restoration and aftercare (in respect of mineral sites) at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary. They should also ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment and human health and ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source;

National Planning Policy Guidance (NPPG)

The NPPG identifies relevant issues that should be taken into account. The principal issues that the mineral planning authority should address in this case are considered to be:

- noise associated with the operations;
- dust;
- traffic;
- land stability;
- biodiversity;
- restoration; and
- visual impact on the local and wider landscape.

Consultations

Environment Agency – No objections.

Coal Authority – No objections. Attachment of an informative recommended.

Yorkshire Water Services – No objections subject to the attachment of a condition and informatives.

Network Rail – No objections subject to a condition.

BMBC Regulatory Services – No objections subject to the imposition of a condition.

BMBC Drainage – No objections subject to the imposition of conditions.

BMBC Highways – No objections subject to the attachment of conditions.

BMBC Forestry – No objections subject to the attachment of a condition.

BMBC Biodiversity – Recommends approval subject to the attachment of conditions.

South Yorkshire Mining Advisory Service (SYMAS) – No objections.

Representations

The proposal was advertised by way of a site notice, the local press and neighbour notification letters sent to 29 local residents and businesses. A re-consultation was also carried out when the description changes to reflect the landfilling element being removed from the scheme. A total of 49 letters of objection/comment have been received (46 in reality due to doubling up) from residents and some businesses on Church Street, Fitzwilliam Street, Hill Street, Noble Street, Weir Close, The Croft, Gill Street, Foundry Street, Allot Street, King Street, Wentworth Road, St. Helens Street, Wath Road, Wood View, Wilkinson Road and Cobcar Street, raising the following concerns:

- The application description has been amended and does not reflect the landfilling aspect.
- The application should be screened for an Environmental Impact Assessment There are a complex of environmental matters that need to be considered and as such, the full EIA process should be undertaken.
- The work will create nuisances of noise, dust and vibration impacting on the enjoyment of my home and garden. The noise from transport and plant and machinery will be in very close proximity to our properties causing daily disruption. The noise report appears to be out of date now and have little relevance. The report is lacking in detail raising concerns that noise will not be dealt with effectively. The NPPF makes it clear that planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source. The noise report suggests a limit to daytime operations but no working hours are suggested in the Design and Access Statement. The proposed working hours seem excessive. There is an inconsistency in the hours of operation in the revised Design and Access Statement and the submitted application form.

- There is potential damage to the adjoining woodland habitat for wild birds in particular. Any further urbanisation of the area by house building will further reduce my enjoyment of an existing peaceful rural setting and cause further loss of natural habitat for local wildlife. Trees and shrubs have been removed from the site as well as alongside the railway and for the Park and Ride destroying habitats. Far from being industrialised, contaminated land, the western half of the site contains fertile soil capable of supporting a diversity of trees and shrubs and should be left to re-vegetate naturally. The submitted ecology report only references bats and birds within the existing building and does not reference what ecology will be impacted by the loss of vegetation. The protected species surveys are out of date and should be repeated.
- The proposed extraction of 40,000 cu.m of material poses serious short and long term risks to the already fragile foundations of our property on land which has been mined previously, contains air shafts, and has experienced subsidence, to the extent that the properties had to have remedial works carried out and some demolished. There is also the possibility of subsidence to the railway line and to the roads in the area.
- The works will have detrimental effects on our air quality and also in terms of traffic problems/congestion, highway safety and general quality of life. The routes likely to be used to access the proposed site are all small roads in a populated residential area which is home to people and children of all ages. Will the roads stand up to the heavy pounding by lorries. There is no consideration of access into the land, where lorries will wait and whether there are gates This is a congested area with shoppers, buses (10 minute service), cars and commuters. There would be a greater risk of accidents due to the proximity to parked cars, a severe bend in the road and a busy junction, which buses use, all on a steep hill. Pedestrians walking to and from the railway station would be at risk. There is a bus stop very close to the proposed site entrance. When buses park and vehicles start to overtake, I am concerned about the complex layout of the road.
- The application details methods of cleaning up road dust which raises serious issues of air pollution with dust coating our buildings, plants, allotments, outbuildings, vehicles and critically, contaminating the air that we breathe, in an area with a high incidence of respiratory problems. Disturbed airborne coal ash dust could represent a critical health hazard both during excavation and transportation. Coal ash will have become toxic after so many years. It is known to contain mercury, arsenic, lead and many other toxic heavy metals. They will pollute the air, land and drinking water and pose an acute risk of cancer and neurological damage along with damage to the heart, lungs, kidney, reproductive and gastrointestinal systems, birth defects and impaired bone growth in children. There is a prevailing westerly wind which would blow dust towards residences. Fear of a proposal can be a material planning consideration. The proposals in the dust management plan are not adequate. A full and detailed dust impact assessment should be carried out by a competent person/organisation.
- In 1975, a huge pile of used tyres was set alight. The rubber ash was spread all over the site in the 1990s. Road planings and excavated materials and aggregates were dumped and processed on the site causing air pollution with the dust. Doors and windows would have to remain closed with the current proposal. Lorries lumbering past, shedding dust clouds from wheels and brakes will be horrendous and stressful.
- The proposal would have a negative impact on our business.

- The proposal and anticipated future applications would impose a significant interruption on our views over fields towards Elsecar Woods and Wentworth. The western part of the site which is principally affected by the proposal is bordered by fields and community woodland designated as part of the South Yorkshire Forest. Looking across the site from north or south, much of the existing urban development in Hoyland and Elsecar is screened. Any development of this site would remove these benefits.
- The extraction/recycling of the coal ash is largely a 'red herring' as the clear intention of the application is to prepare the site for future residential development, rather than make use of the material. Removal of the ash and replacement with compacted builders' rubble would be the real contamination of the site.
- The application contains a number of statements which are either incorrect or misleading.
- This proposal which will affect the entire village. The people in the surrounding area have not had their chance to pledge their consent or not. Until I received your letter, I was totally unaware of the proposal.
- Concerns over the need for bore hole surveys, analysis of ash, control of dust, and sound monitoring
- Any screening facility/operations should be well away from residential properties at a low level.
- Concerns over what will happen to the excavated areas prior to infilling and the timescales
- Elsecar is a Heritage Village and the proposal would reduce the desire to visit. There are no benefits to local people.
- Any removal of ash from the site and replacement with rubble in anticipation of future residential development would pre-empt the outcome of the Local Plan and would therefore be premature. The proposed development conflicts with the emerging Local Plan (Development Sites and Places) which states that the woodland along the boundary be maintained and improved. The ash provides fertile soil to support trees and shrubs and this would be replaced by compacted rubble.
- All treated ground should be treated and landscaped. Unless a commitment is given to affordable housing on the site, the proposal should be rejected. There should be a suitable the restoration/landscaping proposal once extraction and landfilling works are completed.
- There is a lack of publicly available information. There has been no community consultation by the applicant and no pre-application advice sought from the Council. Presumably the Council has complied with the planning advertisement regulations.
- Consideration needs to be given to the Joint Waste Plan as the proposal involves the importation of waste.

Assessment

Material Considerations

Principle of development

Environmental and amenity impacts

Other issues

Principle of development

The recovery of 40,000 cubic metres of coal ash pending the possible future development of the site for residential use is supported by policies CSP38 and GS5, and planning policy statements in the NPPF. The extraction and use of these mineral assets would:

- Assist in reducing the need for the primary extraction of mineral resources and would be of benefit to the possible future use of the site;
- Support the principle that mineral resources should be fully recovered and provide a local supply; and
- Assist in the provision of an adequate and steady supply of minerals, including secondary minerals for which there is a demand.

Whilst policy GS10 refers to safeguarded land and that existing uses will normally remain during the plan period, the proposal constitutes a modest (in mineral extraction terms), temporary development, and would not change the use of the land.

The proposal therefore is considered to be acceptable in principle.

The policy background requires an assessment of the environmental and amenity impacts of mineral extraction including transportation.

Environmental and amenity impacts

Visual amenity

Any adverse visual amenity impact would be temporary bearing in mind the limited extraction period and as the site is to be restored pending possible future development. Whilst the nearest residential property on Foundry Street borders the site boundary, there are a number of trees which would help to screen views of the proposed operations from the property and other dwellings on Foundry Street. More distant residential properties across the railway line to the north of the site, in general are not aligned to face the site directly, whilst properties to the north east off Hill Street are some 170m distant from the extraction area. As the extraction area is in an elevated position relative to Elsecar to the south east, there would be some distant views of the operations but again, the adverse visual impact would be temporary and not significant.

Highways

The Council's Highways Section notes that the only vehicular access into the site is from the B6097 Hill Street, the main road through the village of Elsecar and that the site frontage is on the inside of a gentle bend. The presence of a bus stop to the west of the site entrance, the local railway station, parking restrictions and a speed limit of 30 mph are also observed.

The objectors have raised a number of concerns on highways grounds which are outlined and responded to below:

- The site access is currently gated restricting access to the site and may result in vehicles arriving at the site requiring access having to park on the highway. To resolve this it is considered that the gates should remain secured in the open position for ease of access at all times whilst the site is in operation, with the use of secondary gates within the site if deemed appropriate.

- The site frontage is a high stepped brick boundary wall to the back edge of the footway. To resolve this the wall will need to be lowered to meet the sight lines required by Highways.
- With regards to concerns over the impacts on the bus stop, consultation is taking place with the South Yorkshire Passenger Transport Executive regarding the use of temporary bus stops and potential long term relocation of the stop.
- Concerns over vehicular movements are proposed to be controlled by a condition limiting the number of HGV vehicular movements to 30 per day (15 in and 15 out). A route for HGV's can also be conditioned to ensure they avoid the most congested spots.
- The impact on the condition of the carriageway can be considered through joint pre and post condition highway surveys.
- Movement of material, particularly during the winter months may lead to mud deposits on the highway or dust on neighbouring land. To resolve this the use of hard surfacing with an on-site wheel wash would reduce this possibility. A visiting sweeper should also be made available on an as needed arrangement.
- Due to the duration of the proposal, advanced signage of an appropriate nature can be considered.

As the above mitigation measures can be conditioned on any grant of planning permission, there are no objections on highway safety grounds. The Council's Highways Section are therefore satisfied that the proposal would not be of detriment to the free flow of traffic or highways safety.

Noise

Regulatory Services note that the submitted Noise Management Plan includes reference to a previous planning application and that it mainly concentrates on the management processes during the operational works to ensure that:

- Noise impact is considered as part of the day-to-day routine
- Noise is primarily controlled by good operational practices, including noise mitigation measures and management controls
- All reasonable measures are taken to reduce noise emission from the Ash removal process.

The Noise report goes on to highlight the best practice measures to achieve the above. The Council's Regulatory Services Section have inspected the report and, whilst acknowledging that further information on aspects such as the noise levels of the machinery, position of machinery, and background noise levels, would need to be submitted, they are satisfied that the nature of the operations and length of time for the works means that an adequate noise risk assessment can be conditioned and agreed upon prior to the commencement of works. This approach is also helped by the applicant confirming that the operational times would not exceed 17.30 in an evening and would not commence before 0730 in a morning.

Dust

Regulatory Services are satisfied that the potential dust impacts can be adequately controlled through the adoption of the submitted Dust Management Plan for the duration of the development, such that there would be no problems for the surrounding areas.

The adoption of the Dust Management Plan can be conditioned on any grant of planning permission.

Drainage

The Council's Drainage Engineer notes that there are a number of both open and culverted watercourses within the site boundary which would require protection. However, there are no objections to the proposal subject to the imposition of conditions requiring full drainage details and relating to the protection of the watercourses.

Similarly, Yorkshire Water requires the imposition of a condition relating to the protection of a sewer which crosses the site.

Biodiversity

The initial ecology report including the protected species survey was considered to be unacceptable for a number of reasons by the Council's Biodiversity Officer. This has since been updated with further information and survey work having been carried out.

The Biodiversity Officer is now satisfied with the updated report that concludes that:

- The habitats offer little floristic interest as the species present are neither notable nor rare.
- There are no statutory constraints in respect of badgers, bats, great crested newts and reptiles.
- Only a small number of common bird species were noted with no notable species. However, the removal of vegetation such as scrub and trees should be done outside of the bird breeding season. If this is not possible, the affected vegetation needs to be checked by an experienced ecologist prior to removal.

The main issue identified is the presence of Japanese Knotweed, a non-native invasive species, in the western section of the site. Its presence needs to be assessed in preparation for safe removal. A condition can be attached to deal with this matter.

In order to compensate for the loss of scattered scrub and grassland to the west of the site, it is intended to provide enhancements within the western corner comprising of an area of species rich grassland, tree planting and the creation of a single hibernacula suitable for amphibians.

Trees

The Council's Tree Officer notes that the majority of the trees on the site are small, low value, self-seeded specimens and that many have been removed by Network Rail in the interests of railway maintenance and safety. The trees are not worthy of protection through a Tree Preservation Order but replacement planting should be carried out following the extraction of the coal ash, preferably in areas of the site unlikely to be affected by any future development. This can be conditioned on any grant of planning permission.

Contamination

Whilst there is substantial local concern and fear regarding potential health hazards emanating from the excavation and transportation of the coal ash, generating dust which may potentially contain concentrations of heavy metals and other contaminants, Regulatory Services, the Environment Agency and the Council's Contaminated Land Officer have not expressed any concerns from this perspective. As noted above, it is considered that potential dust impacts can be controlled.

Nevertheless, and whilst not required to do so by any consultee, the applicant has appointed a consultant to carry out a comprehensive chemical testing on the soils underlying the site and to produce a risk assessment with regard to the health of local residents and environment during site operations.

The report concludes that:

- The ash materials do not contain unusually high concentrations of heavy metals/metalloids or poly aromatic hydrocarbons, and do not contain any traces of asbestos.
- The concentrations have been compared to generic assessment concentration based on an exposure model which is expected to be overly conservative.
- Any potential exposure can be managed to mitigate any potential risks.
- The removal of the material would not present potential risks to groundwater or the local environment, and would in fact, act to clean up the area.
- No ground instability issues are expected by the proposed works.

In respect of the potential environmental and amenity issues outlined above, it is considered that the proposal, subject to the imposition of conditions on any grant of planning permission accords with the requirements of policies CSP26, CSP36, CSP38, CSP39 and CSP40, the relevant policy planning statements in the NPPF and the NPPG.

Other issues

Working and Restoration

The applicant has submitted a Design and Access Statement outlining the proposal and the proposed method of working and restoration. However, this was produced prior to the decision to not import inert fill material for the restoration of the site and in any event, whilst revised detailed final levels have been submitted, details regarding temporary storage of any overburden, treatment of the formation surface (e.g. seed mix and application rate) etc. have not been submitted.

Therefore, in order to fully comply with policies M9B and M9C and ensure that a detailed restoration scheme is submitted, approved and implemented for the extraction area, it is considered that an appropriate condition is attached to any grant of planning permission.

Past Mining

The site falls within the Coal Authority's defined development high risk area and as such, any coal mining features and hazards need to be considered. However, whilst there are potential mining features within the application site, these only fall within the extreme northern part of the site and in an area where no excavation is proposed. In the circumstances, the Coal Authority do not consider that a Coal Mining Risk Assessment is necessary and do not object to the proposal.

SYMAS also have no objections and based on the sections provided consider the volume of coal ash quoted to be reasonable.

Railway

Network Rail initially requested additional information including slope stability calculations in view of a concern that the proposed works could potentially create instability in the ground supporting the railway. The applicant commissioned a drilling team to carry out exploratory boreholes to establish the exact profile of the existing railway embankment and deeper test holes to assess the extent, if any, of shallow mine workings.

The outcome of the tests is that the coal ash has very little substance in terms of retaining capabilities and that its removal would not therefore cause problems with bank stability.

Network Rail has confirmed that the proposed development is acceptable in principle subject to the applicant to entering into an Asset Protection Agreement with them. They have requested that this be imposed by a planning condition. However, it would be the developer's responsibility under general common law, plus probably health and safety and other legislation to ensure that they do not affect or damage neighbouring land. A condition would therefore not be appropriate in this instance but an informative is proposed to be added to inform the applicant/developer of their responsibilities to liaise with Network Rail.

Other Aspects raised in the representations

A representation notes that the description of development has been amended and does not reflect the landfilling aspect. As noted above, the description has been amended since the landfilling element of the original proposal has been removed. The application following the amendment was re-publicised and further consultations carried out with the appropriate consultees.

The planning application was screened in order to determine the need or otherwise for an Environmental Impact Assessment (EIA) to be carried out. It was determined that an EIA was not required.

It is acknowledged that there is an inconsistency in the proposed hours of working between the revised Design and Access Statement and the submitted application form; the application form indicating an end time Monday to Friday of 6:00 pm whilst the statement indicates 5:30 pm. However, the applicant has confirmed that the end time would be 5:30 pm.

The reported incident in 1975 regarding the burning tyres is of no relevance to the current planning application.

It is difficult to contemplate as to why the proposal would have any significant negative impact on local businesses. The coal ash extraction would be to the west of the site, well away from existing businesses on Hill Street. Whilst there would be an increase in traffic, Hill Street being a B classified road is already busy and any adverse impact would be temporary. It could also be argued that staff employed at the site may well utilise some of the local businesses resulting in a positive benefit.

Whilst there is no right to a view, the proposal would have no adverse impact in terms of interrupting any view as claimed. The possibility that the site may be developed in the future is not material to the current application.

It is claimed in a representation that 'the extraction/recycling of the coal ash is largely a red herring as the clear intention of the application is to prepare the site for future residential development, rather than make use of the material'. Whilst it may or may not be true that the applicant intends to seek planning consent for residential development in the future, the current application is valid in its own right and cannot be considered premature in local plan terms, in that the coal ash can and is intended to be used for the manufacture of concrete building blocks and as such has a value. Any subsequent planning application for residential development would be considered on its own merits.

There has been some criticism of the publicity given to the planning application by the Mineral Planning Authority (MPA). However, as noted above, the application has been publicised (twice) in accordance with regulations through press and site notices and individual neighbour notification (29 letters). The fact that 46 representations have been received would suggest that local residents have been made appropriately aware of the proposal.

Being a temporary operation and over 600m from the Elsecar Heritage Centre, it is not considered that the proposal would have any significant adverse impact on visitor numbers.

Conclusion

The proposal is considered to comply with national and local policies and guidance and is in principle acceptable. It would, subject to the imposition of planning conditions, have no significant adverse impact on local residents and would be of some benefit if the site were to be developed in the future. Bearing in mind the need to comply with a number of significant pre-commencement conditions and to allow for restoration, it is considered that a period of up to 18 months be permitted to carry out the development subject to a limited period of 6 months to recover the coal ash.

Recommendation

Planning Permission be Granted Subject To The Following Conditions and Informatives:

- 1 The development, including the restoration of the site, hereby permitted shall have a maximum duration of 18 months from the date of this decision.
Reason: The application is for a temporary period and to accord with CS policy CSP38.

- 2 The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to the other conditions below:
- a. Drawing titled 'Site Plan - Ash Removal', numbered 436 - 101, dated May 2014 and submitted with an e-mail of 21 May 2014;
 - b. Drawing titled 'Proposed Sections', numbered 436 - 102, dated May 2014 and submitted with an e-mail of 21 May 2014;
 - c. Drawing titled 'Proposed Sections', numbered 436 - 103, dated May 2014 and submitted with an e-mail of 21 May 2014;
 - d. Dust Management Plan for Hill Street, Elsecar, Barnsley, supplied with an e-mail of 5 June 2013;
 - e. Ecological Appraisal for Hill Street, Elsecar, produced by Protected Species Surveys and dated October 2015 (Rev A); and
 - f. Design and Access Statement, Rev B amended 22 April 2013 except that all references to the importation of inert fill are deleted.
- Reason: For the avoidance of doubt and in the interests of local amenity consistent with CS policy CSP40, UDP policy M9C and the relevant planning policy statements in the NPPF.**
- 3 The applicant shall be responsible for ensuring that a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, shall always be available at the site for inspection by the Mineral Planning Authority (MPA) during normal working hours.
- Reason: To allow for monitoring by the MPA and to ensure that the development is carried out in accordance with the approved details.**
- 4 The extraction of coal ash shall only take place over a continuous period of 6 months within the development timescale stated in condition 1 above. The MPA shall be notified of the date of commencement of coal ash extraction at least 7 days prior to work commencing on site.
- Reason: In order to minimise the extraction period in the interests of residential amenity and to accord with CS policy CSP38 and the relevant planning policy statements in the NPPF and to allow for monitoring by the MPA.**
- 5 Working operations within the site including vehicle haulage movements and maintenance shall be limited to the hours between 0730 hours and 1730 hours on Monday to Friday and 0800 hours and 1300 hours on Saturdays, and not at all on Sundays, Bank and Public Holidays.
- Reason: In the interests of local amenity in accordance with CSP40.**

- 6 The quantity of coal ash to be recovered shall not exceed 40,000 cubic metres. Extraction of coal ash shall be limited to a maximum of 9.0m below existing ground levels. A written record shall be kept by the operator of the quantity of coal ash extracted in cubic metres on a daily basis. This record shall be made available to the MPA for inspection on request and shall be retained for at least 1 year from the date of production.
Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 7 The number of HGV vehicular movements associated with the development shall not exceed 30 per day (15 in, 15 out). A record shall be kept by the operator of the number and type of vehicular movements into the site on a daily basis. This record shall be made available to the MPA on request and shall be retained for at least 1 year from the date of production.
Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 8 No development shall commence until full surface water drainage details, have been submitted to, and approved in writing by, the MPA. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme as approved shall then be retained throughout the life of the development.
Reason: To ensure the proper drainage of the area in accordance with CSP4.
- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure or obstruction shall be located over or erected within 3 metres either side of the centre line of, of any watercourse/sewer, which crosses the site.
Reason: To prevent damage to an existing watercourse/sewer and to allow sufficient access for maintenance and repair work at all times.
- 10 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use.
Reason: To prevent mud/debris from being deposited on the public highway in the interests of highway safety and to accord with CS policies CSP26 and CSP40.
- 11 Site lines, having the dimensions 2.4m x site frontage, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
Reason: In the interests of highway safety and to accord with CS policy CSP26.

- 12 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interests of highway safety and to accord with CS policies CSP26 and CSP40.
- 13 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 MPA. The methodology of the survey shall be approved in writing by the MPA 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 MPA, 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 MPA.
Reason: In the interests of highway safety and to accord with CS policy CSP26.
- 14 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: To ensure safe and adequate access and to accord with CS policy CSP26.
- 15 The site access gates to the rear of the footway are to remain secured in an open position during haulage operations for the duration of the works.
Reason: In the interests of highway safety and to accord with CS policy CSP26.
- 16 No development shall commence until a haul route avoiding Hoyland Town Centre gyratory system for construction traffic has been submitted to, and agreed in writing by, the MPA. The agreed route shall be adhered to for the duration of the works.
Reason: In the interests of highway safety and to accord with CS policy CSP26.

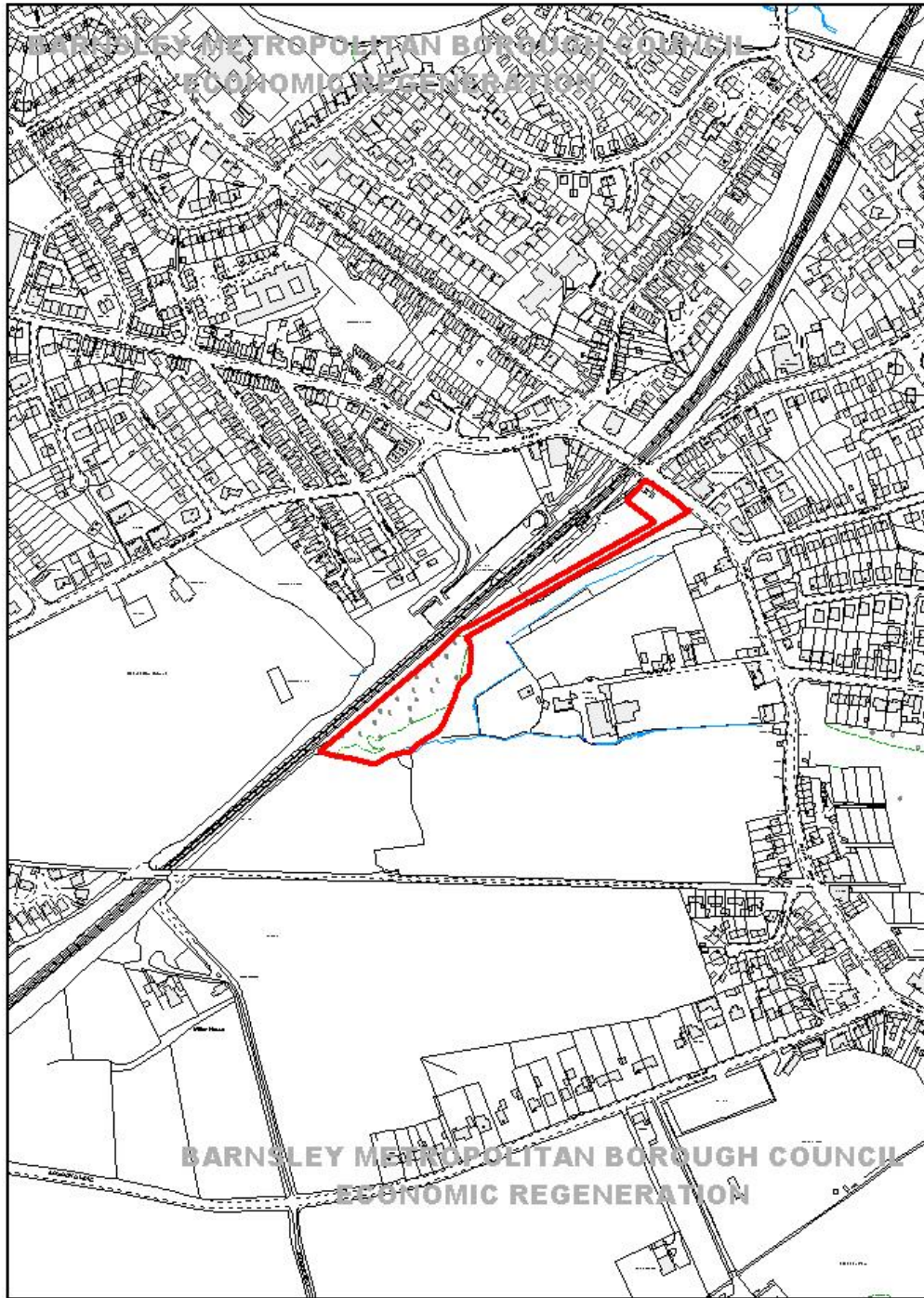
- 17 No development shall commence until arrangements have been entered into with the MPA to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of:
- a. Provision of advance highway warning signs for the site entrance;
 - b. Temporary and permanent relocation of adjacent bus stop;
 - c. Any necessary signing and lining;
 - d. Provision of/any necessary amendments to street lighting;
 - e. Provision of/any necessary amendments to highway drainage; and
 - f. Any necessary resurfacing/reconstruction.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to, and approved in writing by the MPA.
- Reason: In the interests of highway safety and the free flow of traffic and to accord with CS policy CSP26.**
- 18 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the MPA. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- a) The parking of vehicles of site operatives and visitors;
 - b) Means of access for construction traffic;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development; and
 - e) Measures to prevent mud/debris being deposited on the public highway.
- Reason: In the interest of highway safety and to accord with CS policy CSP26.**
- 19 No development shall commence until a revised Noise Management Plan has been submitted to, and approved in writing by, the MPA. The revised plan shall include (but not be limited to):
- a. Details of the noise levels likely to be created by the proposed operations;
 - b. Details of the noise levels of all plant and machinery to be used on the site and the impact on the current background noise levels;
 - c. Details of management plans/mitigation to be put in place to control the noise levels on the site over the different phases of the proposed works; and
 - d. Details of where plant and equipment would be located during the works to address sensitive receptors, and location of any noise attenuation bunds.
- Reason: In the interest of residential amenity and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.**

- 20 All operations on site shall be carried out in complete accordance with the approved Dust Management Plan. When, due to site conditions the prevention of undue dust impact is considered to be impracticable by the MPA, operations shall cease until such time as conditions improve such as to permit resumption.
Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 21 Measures shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. These measures shall include but not necessarily be limited to the following:
- a) The use of adequate and working water suppression (hoses/sprinklers/water bowsers etc.) which shall be available for use, and utilised at all times when dust generating materials are being handled on site. Any materials likely to cause dust shall be effectively dampened prior to being handled;
 - b) All vehicles transporting coal ash leaving the site shall be securely sheeted;
 - c) The effective maintenance of the access road including the use of a road sweeper;
 - d) The enforcement of a speed restriction of 10 mph on all vehicles moving on site and on the haul road;
 - e) Any vehicles permanently stationed at the site shall be equipped with upward pointing exhausts; and
 - f) The suspension of the movement of materials during adverse dry windy conditions.
- Reason: To protect local amenity, and to safeguard the occupants of nearby dwellings from the effects of dust and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.**
- 22 Within 6 months of the date of this planning permission, a landscaping scheme shall be submitted to, and approved in writing by, the MPA. The scheme shall provide details (plant species, size, planting distance, numbers and planting method) of tree and shrub planting to be carried out. The plants shall be located in areas unlikely to be affected by potential future development including the habitat enhancement area referred to in condition 24 below. All tree and shrub planting as approved in the scheme shall be carried out in the first planting season following the completion of the development. Any trees or shrubs planted as part of the scheme which are removed, or in the opinion of the MPA become severely damaged or are found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with trees or shrubs of a similar size and species to the satisfaction of the MPA.
Reason: To ensure that a landscaping/planting scheme is submitted and implemented in the interests of visual amenity and to accord with CS policy CSP29, and the relevant planning policy statements in the NPPF relating to requiring good design.

- 23 Habitat enhancements shall be carried out in within the western corner of the site as shown on Figure 3 of the approved Ecological Appraisal, at the earliest opportunity following the completion of the development and in any event within 12 months. The enhancements shall comprise of the provision of species rich grassland, tree planting in accordance with condition 23 above, and the creation of a single hibernacula suitable for amphibians. The design details of the species rich grassland and hibernacula shall be submitted to, and approved in writing by the MPA within 6 months of the date of this planning permission. Thereafter, the development shall be carried out in accordance with the approved details.
- Reason: In the interests of biodiversity and to accord with CS policy CSP36 and the planning policy statements in the NPPF relating to conserving and enhancing the natural environment.**
- 24 A detailed assessment of the Japanese knotweed as noted in the approved Ecological Appraisal shall be undertaken by an experienced knotweed specialist during the growing season and an appropriate and detailed mitigation strategy drawn up to ensure its safe removal from the site and safe disposal. The assessment shall be submitted to, and approved in writing by, the MPA prior to any disturbance of the area occupied by the weed. Thereafter, the development shall be carried out in accordance with the approved assessment.
- Reason: In the interests of biodiversity and to accord with CS policy CSP36 and the planning policy statements in the NPPF relating to conserving and enhancing the natural environment.**
- 25 Following the removal of the coal ash in accordance with this permission, the restoration of the site shall be carried out in accordance with a scheme which shall be submitted to, and approved in writing by, the MPA within 6 months of the date of this permission. The scheme shall include details of any storage areas for any overburden/soils and their protection during the operations, methodology for the replacement of such, grass seed mix/application rate and the timescale for the completion of the restoration.
- Reason: To ensure the restoration of the site and to accord with CS policy CSP38, UDP policy M9B and the relevant planning policy statements in the NPPF.**

- 26 In the event of any failure to achieve the restoration levels approved under this planning permission, then within 3 months of the date of expiry of the permission an amended scheme of reclamation shall be submitted to, and approved in writing by, the MPA. The scheme shall include, but not be limited to:
- a) Details of final levels;
 - b) Surface treatment;
 - c) Drainage; and
 - d) The timescale for implementation.
- The scheme shall be fully implemented and completed in accordance with the approved details, including timescale.
- Reason: In the interest of the proper reclamation of the site and to accord with CS policy CSP38 and UDP policies M9B and M9C.**

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BARNESLEY MBC - Economic Regeneration



Scale 1: _____

Ref 2015/0859

Applicant: Mr Payman Nayeri

Description: Erection of 18 no. residential dwellings with ancillary facilities and associated infrastructure.

Site Address: Land East of Station Road, Royston, Barnsley.

2 Letters of objection has been received from a local resident

Site Location and Description

The application site is located to the east of Station Road directly north (0.3m) of Royston town centre. The site measures approximately 0.74 hectares in area and is triangular in shape. Station Road extends along the western boundary where residential properties located on the other side of the highway overlook the site. Across the northern boundary there is a pair of semi-detached properties and along the eastern boundary there is an access road serving Windmill Terrace. To the north east of the site there are fields which are in agricultural use.

The site has an elevated position in relation to the highway, levels rise from the southern boundary and then drop to the north. The site is Greenfield but historically supported two residential properties which have long since been cleared. Until recently it was dominated by thick scrub and grass land but has since been partially cleared. Its boundary to Station Road comprises of a dense hedgerow which is broken at the northern and southern boundary by an access to the highway.

Planning History

B/96/1010/RO – Outline application for residential development – Refused for the loss of Greenspace and poor design

B/04/0488/RO – Residential development for 25 dwellings – Refused for being contrary to the UDP on Safeguarded Land and also for design reasons.

2007/1930 – Erection of 19 dwellings – Refused for being contrary to the UDP policy on Safeguarded Land and also for its poor layout design.

2010/1463 – Residential development of 24no. dwellings (Outline) – Withdrawn

2013/0450 – Outline for Residential Development (up to 30 dwellings) and formation of access road – Approved in July 2013.

Proposed Development

This planning application is being submitted as a fully detailed planning application. The number of residential units has been reduced from the 30 units envisaged in the previous outline planning consent (Ref: 2013/0450), to the proposed 18 no. units following a detailed consideration of the site levels and technical constraints that exist at the site.

The Site Layout Plan identifies that the extent of the red line boundary has been reduced slightly from the development boundary for the previous Outline Planning Consent (Ref: 2013/0450). The development boundary has been revised to exclude the third party land on the northern end of the site, and the layout has been amended in order to locate the primary access point on the north western corner of the site. The primary access point has been relocated following a detailed appraisal of the site and to enable better internal site access arrangements given the land levels at the site.

Development of the third party land would need to be the subject of a separate planning application. Notwithstanding this, the applicant has agreed a land swap with the third party land owner, and in return for the transfer of ownership of the land required to provide the proposed primary access point, the applicant has provided a deliverable access and sufficient land to provide at least 3 dwellings.

The housing that is proposed as part of this application will be a mixture of detached, semi-detached and mews type housing. The housing mix comprises of 3 no. 2-bed dwellings, and 15 no. 4-bed. The 4-bed units comprise of three different housing types, with some benefitting from an ancillary garage.

The proposals introduce a new public footpath along the site frontage, in accordance with the Highways Department's requirements, and introduce a no build zone along the line of the rising main on the western boundary to accord with the advice provided by Yorkshire Water.

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

CSP3 'Sustainable Drainage Systems' – Expects all developments to use SUDS.

CSP4 'Flood Risk' sets out that the extent and risk of flooding shall be reduced by requiring Flood Risk Assessments for developments over 1ha that shall set out measures including reducing surface water run off by at least 30% on brownfield sites.

CSP5 'Including renewable Energy in Developments' all development above 10 or more dwellings will be expected to incorporate decentralised, renewable or low carbon energy sources and other appropriate design measures sufficient to reduce developments carbon emissions by at least 15%.

CSP8 'Location of Growth' Identifies Royston as a Principle town and a priority for future growth.

CSP9 'The Number of New Homes to be Built' – The Council will seek to achieve the completion of 21500 new homes between 2008 – 2026.

CSP10 'The Distribution of New Homes' – (5% (1000) of the 21,500 new homes planned for Barnsley) are proposed to be built in Royston which is identified as a Principle time within the Core Strategy.

CSP14 'Housing Mix and Efficient Use of Land' states that proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and sustainable communities.

CSP15 'Affordable Housing' states that housing developments of 15 or more shall be expected to provide affordable housing. In Urban Barnsley the expected contributions shall be 15% of the overall number of new dwellings proposed.

CSP26 'New Development and Highway Improvement' state that new development shall be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 'Design' sets out that high quality design shall be expected.

CSP35 'Green Space' seeks to protect and enhance the Borough's Green Spaces, loss of any designated or functioning space would only be tolerated where appropriate compensation is secured or there is a surplus of that type of green space within the vicinity.

CSP40 'Pollution Control and Protection' states that the Council shall not allow development of new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that they can be mitigated against.

Local Plan

The site is allocated for housing purposes (H35).

Policy H4 'Uses on Allocated Housing Sites' states – The sites shown as housing sites on the policies maps will be developed mainly for residential purposes.

SPDs/SPGs

The following Supplementary Planning Documents are relevant to the proposal:-

'Designing New Residential Development' sets out the standards that will apply to the consideration of planning applications for new housing development.

'Parking' states that the parking standards for new housing development shall be 1 space for dwellings under 3 bedrooms in size and 2 spaces for 3 bed dwellings and above.

The South Yorkshire Residential Design Guide has been adopted as a best practice guide by the Council and covers issues relating to sustainability, local distinctiveness and quality in design and is underpinned by the principles in the CABI 'Building for Life' scheme.

Saved UDP

H4 'Development on Housing Sites' promotes residential development
H8A 'Existing Residential Areas'
GS10 'Safeguarded Land'

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:

General principles para's 17

Delivering a wide choice of high quality homes para's 47 – 55 of particular relevance is paragraph 49 which states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development'

58 & 60 – Design considerations

Design para's 58 – 65

Consultations

Biodiversity Officer – No comments received but no objections were given to application 2013/0450

BMBC Drainage – No objections

Civic Trust – No comments received but no objections were given to application 2013/0450

Contaminated Land Officer – No comments received.

Design – No comments received.

SYMAS – No objections

Forestry Officer – No objections subject to conditions

Highways: No objections in principle subject to conditions

Regulatory Services – No objections

SYPTE – No comments received

SYP ALO – No objections.

Yorkshire Water – Identify that there is a sewer crossing the site, the layout would appear to observe this easement.

Representations

The application has been advertised by way of a site notice and properties which share a boundary to the site have been consulted in writing. One resident has objected, the main points of concern are:

- Need substantial and clear boundaries
- Potential nuisance from car headlights

A councillor has also commented on the application. They are concerned with the removal of a bus stop further along Station Road (not within the site frontage) and have asked if the developer could pay for a new bus stop on the newly created pavement to the front of the site. Unfortunately, as the removal of the bus stop is not as a result of the development it would be unreasonable for the developer to have to pay for a new stop. There was no such condition incorporated as part of the previous outline approval.

Assessment

Principle of development

The current Development Plan consists of the Local Development Framework Core Strategy and the saved Policies of the Unitary Development Plan. The Local Plan is a material consideration, this actually allocates the site for housing purposes. Little weight can, however, be attached to this as the policy document is still only a consultation draft.

The NPPF emphasises that Local Planning Authorities exercise a presumption in favour of sustainable development in determining all planning applications. For the purposes of the decision making process this means:-

- approving development proposals that accord with the development plan without delay
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-
 - any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or
 - specific policies in the Framework indicate development should be restricted.

The existing Unitary Development Plan notation on the site is Safeguarded Land. Saved UDP policy GS10 is clear that on Safeguarded Land existing uses will normally remain during the plan period and that planning permission for alternative development will only be granted following a review of the UDP. This has formed the basis of previous refusals.

The intention of Safeguarded Sites, however, is to release land that is required beyond the development plan period to serve long term development needs. The purpose of the Safeguarded Land designation in the UDP was therefore not to protect the land from development in perpetuity, but rather to designate land on the edge of existing settlements that may be required to meet longer term development needs without the need to alter existing Green Belt boundaries at the end of the UDP plan period.

The Unitary Development Plan was adopted in 2000 therefore the extent it can be relied upon in terms of current development needs is becoming dated. The NPPF also states that decision makers should only afford full weight to policies adopted from 2004 onwards.

UDP policies are not protected by the NPPF and those associated with safeguarded land within identified sustainable locations can now be considered 'out of date' meaning that the application needs to be considered within the context of the presumption in favour of sustainable development. The site is classed to be sustainable in terms of the adopted Core Strategy, Planning Advice Note 30 and the emerging Development Sites and Places Development Plan Document (DPD).

Once it is accepted that the UDP safeguarded land designations in sustainable locations, are out of date, it is then necessary to consider, as required by the presumption, if there are any adverse impacts from granting permission for this particular site that 'would significantly and demonstrably outweigh the benefits'. A PAN 30 assessment identifies that the site measures favourably against most of the sustainable criteria. This is achieved in the main due to its location within a Principle Town (within 0.3m of the centre) and the benefits arising from the associated access to transport and local services.

The site is being considered as a housing site within the emerging Local Plan, this supports the notion that is a sustainable location which must also be viewed in the context of the NPPF which not only commits to the presumption of sustainable development but also identifies that it is essential 'to significantly boost the supply of housing'.

In terms of housing need, Royston has been identified as a Principle Town and will be a priority for new development across the plan period. This will include the delivery of 1000 new homes.

The proposal is contrary to saved UDP policy with regard to the Safeguarded Land designation of the site. It is however, considered that this allocation is out of date and not reflective of the NPPF's presumption of sustainable development or the future growth aspirations for Royston. These matters weigh in favour of the site being released for development; this is however, on the provision that the application would not have any demonstrable or adverse impacts. This approach is consistent with recent decisions taken on other safeguarded sites within the Borough.

The recent decisions on safeguarded sites mentioned above, also relates to the site in question as a previous approval has been given for an outline residential development (of up to 30 houses) under application reference 2013/0450. This application was granted under policies and guidelines which are still currently adopted and material considerations, as such, the principle of residential development has been established.

Residential Amenity

The proposed dwellings would be in excess of 21m from the existing dwellings to the east and also be constructed on a lower level, therefore, the development would be in accordance with SPD 'Designing New Housing Development' and would not significantly increase overshadowing, result in overbearing features or reduce privacy levels to an unreasonable degree. The separation distances would also mean that the future residents would also be afforded a reasonable level of amenity.

There are further existing residential properties to the West of the site, opposite Station Road, however, again separation distance would comply with the SPD and there would also be a barrier of vegetation within the site to the back edge of the footpath serving the highway.

The development itself meets the required separation distance between the proposed properties. The majority of the dwellings would also have overall internal space which is in excess of the South Yorkshire Residential Design Guide. The only properties which fall short are the two bedroomed units (plots 13, 14 & 15) which would have 58.2m² internal space not the recommended 60m², however, this is only a 6.5% shortfall and would not warrant refusal in this case.

Similarly all the plots achieve the required external spacing standards (50m² for 2 beds and 60m² for 3+beds), with the exception, again, of plot 14 given it is a mid-terrace and constrained. However, the length of the garden meets the required 10m and reasonable space would be available, furthermore, future residents would be able to assess whether the space would meet their needs.

Design / Visual Amenity

The site has been a naturalised area for some time. Residential development would represent a significant departure from this characteristic. There are, however, mitigating factors which help to reduce this impact. The site is bounded on three of its boundaries by existing houses; the north eastern boundary to the open countryside would also be level to these adjacent developments. Views from Station Road (the main public vantage point) would be restricted in part by the sites levels and also by mature planting along the boundary. Taken in this context the development can be interpreted as a natural infill plot.

The site sits on a higher level than Station Road and would be visible from public vantage points. However, there would be a landscaping strip to the back edge of Station Road which would slope up from the highway to the site. This strip would include retained planting as well as newly introduced trees and planting, and, would limit views of the site and soften the development, maintaining some of the sites existing 'natural' character. Furthermore, , the land level where plots 2-15 would sit would be 1-3m lower than the existing ground level. As such, the proposal would not dominant the streetscene to the detriment of visual amenity.

Core Strategy policy CSP14 aims to ensure that development makes the most efficient use of land both in terms of overall density and house types. The layout plan shows a range of different house sizes and tenures which includes 4 house types in total, made up of 2 types of 2 storey 4 bed detached, a 4 bed 2.5 storey semi-detached unit and a 2 storey 2 bed town house unit. As such, the proposal would comply with this aspect of CSP14.

All the proposed dwellings are set back from the highway with landscaping to the front and are considered acceptable in terms design, scale and appearance. Furthermore, a number of the units (plots 1, 9, 10, 16, 17 and 18) have detached and semi-detached garages. The garages are all to the rear of the properties and would not be prominent features within the streetscene. The garages would follow the design and materials used in the host properties and would be subordinate additions.

As mentioned previously the site slopes with levels changing across it. The levels would be amended to accommodate the road way and the properties, with changes in levels between properties generally gradual and relatively even steps up and down in ridge height. The most obvious change in level would be between plots 7 and 8 where 7 steps would be required from plot 8 to the adjacent parking area. However, this would be partially masked by the adjacent properties and the road level, as such; it would not be detrimental to the visual amenity of the streetscene.

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 front to rear access which allow for the storage of bins outside of the public domain.

It is acknowledged that part of the site is outside of the applications ownership and is not included as part of this scheme. However, the indicative plan of the adjoining land shows that a development could come forward at a later date which would harmonise with the scheme currently under consideration.

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 which allows the developments to integrate successfully and promote the regeneration of the 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.

Affordable Housing

Housing developments of 15 or more dwellings will be expected to provide affordable housing in accordance with Core Strategy Policy CSP 15.

The applicant has agreed to pay a commuted sum of £175,202 (in accordance with the commuted sum calculation provided by the Councils Affordable Housing Officer) which would be subject to a section 106 agreement. Triggers for the payments would be built into the agreement with a 50% payment on occupation of the 6th dwelling and the balance being issued on occupation of the 12th dwelling.

Ecology

The applicant has submitted a Habitat Survey with the application which addressed the whole site, which is not designated either nationally or locally for nature conservation, and found no evidence that any protected species were present within the site. Furthermore, this identified no significant harm that could be attributed to the development but did acknowledge that there is an opportunity to enhance the biodiversity value of site through the creation of new habitat. The incorporation of new hedgerows of native species would be of a significant benefit in this regard and the application does provide for landscaping of the site.. An informative is recommended to accompany any planning permission to make the developer aware that it is an offence under the Wildlife and Countryside act to deliberately capture, injure or kill or disturb protected species or destroy a breeding site or resting place of such species.

Trees

5 individual trees, 3 tree groups and parts of a further 3 groups would be removed to facilitate the development proposals. The majority of these are low value or of a young age and individually have little arboricultural value. It is therefore considered that replacement planting can mitigate for their loss.

A landscaping scheme has been submitted alongside the application which is considered acceptable to mitigate the loss. It is noted, however, that the mitigation in the form of tree planting has the potential to result in a small short term net loss of long-term tree cover (estimated at 10 years post-construction).

Highway Safety

The site is to the east of Station Road (B6132) Royston. The road runs in a northerly direction from Royston town centre towards the village of Notton in the district of Wakefield. Station Road currently only has one footway; this is on the opposite side to the development site. The speed limit fronting the site is currently 30 mph.

The site is regarded as being within a sustainable location. Station Road is served with regular bus services to Barnsley and Wakefield. Royston town centre which includes a variety of services is also only a short distance away and can easily be accessed on foot. In addition there are also attractive walking, cycling and recreation opportunities nearby. In this regard the site is therefore considered to be highly accessible, and well located in terms of sustainable transport means.

The proposed site access is opposite a detached house that has sufficient car parking for some 8 vehicles within its curtilage. Some 20m north of the site access is a row of terraced properties that lead to some on-street parking. In front of the terraced properties parking is observed to be partly on-footway to allow the easier passage of other traffic travelling along Station Road, and results in restricted pedestrian access.

The junction design incorporates a 1 in 20 platform over the first 10m, and over the next 30m the gradient is shown to be 1 in 12.5. The Section 38 Agreement for the roads will ensure that these adoption standards are achieved.

The access point has been amended since the outline approval. That access proposal has been regarded as unviable due to the gradient of the access road and the visibility requirements which require very significant earth-moving and retaining structures.

A condition on the outline application required visibility splays of 2.4m x 90m. Highways DC requested those visibility splays again on this application, in order to comply with DMRB. However, the applicants highway consultant contest that and states that the 2.4m x 43m visibility splays provided meet details set out in Manual for Streets which is the most up to date guidance. The applicants have stated that for traffic speeds of up to 30mph the design guidance (Manual for Streets) confirms that visibility of 2.4 x 43m is required. These visibility splays have been incorporated into the layout drawing. However average speeds (85%) have not been submitted and in any event, the speed limit is 30mph.

The Council's Highways Section are concerned that, due to the vertical alignment of the highway, sufficient forward visibility cannot be achieved, which will result in rear end shunts for vehicles waiting to turn right into the site. After a number of discussions it has been considered that there could be ways of mitigating the impact through providing a right turn lane and/or looking at parking restrictions in the local area. This can be conditioned to ensure that these details are agreed upon before the development commences. As such, it is considered that the impacts can be adequately resolved and the scheme would therefore not be of significant detriment to highway safety. The Council's Highways Section have therefore raised no objections in principle to the scheme subject to conditions.

Within the site plots 1-6 and 18 would be served by a 5.5m carriageway with 2m footways either side. Plots 7-12 and 16 would be served by a 5.5m wide carriageway with 700mm hard margins to both sides and plots 13-15 would be served by a private drive. This arrangement is considered acceptable by Highways DC Officers.

The layout complies with the SPD parking standards of 1 parking space for dwellings with up to 2 bedrooms and 2 spaces for dwellings with 3 bedrooms or more. All the detached garages meet the guideline internal dimensions set out in the South Yorkshire Residential Design Guide of 3m x 6.5m and driveways to the front of the garages are 3m x 6m. It is acknowledged that plot 12 has an integral garage below the required spacing; however, it provides 2 parking spaces externally.

Conclusion

Notwithstanding the sites designation as Safeguarded Land it is considered that material considerations (namely the presumption in favour of sustainable development) weigh in favour of the site being released for residential development. Royston is a principle town which has been prioritised for future growth; the development would therefore contribute to these objectives. There are no significant or demonstrable adverse impacts associated with the development and the site is considered to be within a highly sustainable location. Furthermore, the site has previously been granted outline permission for residential development and considered against currently adopted policies and guidelines it meets the relevant criteria for acceptable development.

Recommendation

Approve subject to conditions and signing of S106

- 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 (Nos.597-LOC-01, 597-SL-01-A, 597-1381-01, 597-1381-02, 597-1257-01-A, 597-1257-02, 597-1171-01, 597-1171-02, 597-627-01, 597-627-02, 597-PG-01-A, 597-SG-01-A, D5268.001 & 11557-SK001-S2) 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 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. The boundary treatment shall be completed before the dwelling is occupied. 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.
- 5 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.
- 6 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.
- 7 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.

- 8 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of NPPF or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units/bed spaces. This should be in accordance with the most current needs assessment for the area and in accordance with Core Strategy policy CSP15 (or any further guidance that replaces it);
 - ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved);
 - iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
 - vi. arrangements to ensure affordable housing can be provided elsewhere within the local area should no transfer of the affordable housing to an affordable housing provider prove possible within a reasonable period of time
- Reason: To ensure the satisfactory provision of affordable housing which responds to an up-to-date assessment of local housing need in accordance with Core Strategy Policy CSP15**

- 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.**

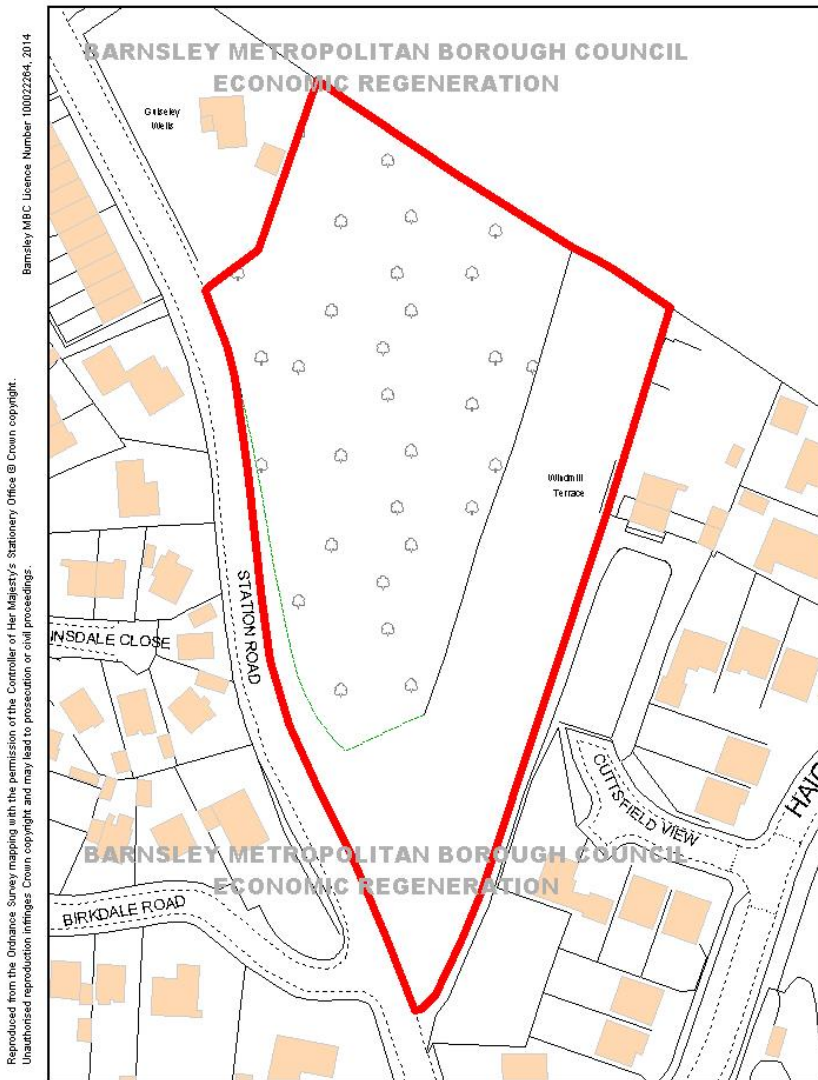
- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
- Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

- 11 Prior to the commencement of development a Construction Method Statement shall be 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
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, in accordance with Core Strategy Policies CSP 26 and CSP 40.
- 12 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.
- 13 Prior to commencement of development, details of the visibility splays, to be safeguarded at the junction of the access road with Station Road, and forward visibility along Station Road, shall have been submitted to and approved in writing by the Local Planning Authority. The agreed visibility splays shall then be implemented such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of road safety in accordance with Policy CSP296

- 14 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:
- Provision of a 2m wide footway to adoptable standards along the entire site frontage.
 - Provision of a right turn pocket into the site
 - Measures to control parking in the vicinity of the site
 - Any necessary changes to the provision of street lighting
 - Any necessary changes to provision of highway drainage
 - Any necessary resurfacing reconstruction
 - Any necessary signing/lining
- 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 interest of highway safety, in accordance with Core Strategy Policy CSP 26**
- 15 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 interests of highways safety in accordance with policy CSP26.**
- 16 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority:
- Tree protection plan
 - Arboricultural method statement
- No development or other operations shall take place except in complete accordance with the approved methodologies.
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**
- 17 Development shall not commence until full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

PA reference :-

2015/0859



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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

2015/1194

Applicant: Mr Ron Brannon (Berneslai Homes)

Description: Erection of extension to the communal lounge area to include a sunroom.

Site Address: Saville Court Communal Centre, Saville Court, Hoyland Common, Barnsley S74 0NY

Site Location and Description

The application site lies within the Saville Court Communal Centre, just to the north of the junction of the A6135 Sheffield Road with the B6096 Hoyland Road, Hoyland Common. The centre is accessed from Hoyland Road via Tinker Lane and Tranmoor Court.

Saville Court Communal Centre comprises of sheltered housing (self-contained flats) and associated communal facilities within a courtyard formation. The single storey buildings are of a traditional brick construction with pitched interlocking tile roofs.

The site is owned by the Council and managed by Berneslai Homes.

The surrounding area is predominantly residential in nature with community and retail properties onto the main roads.

Proposed Development

It is intended to extend the communal lounge area in the north eastern corner of the complex into the inner courtyard to provide a sunroom. The applicant states that the development would improve the existing facilities and thereby improve the desirability of the sheltered housing accommodation on offer.

The extension would project 3.5m from the southern elevation of the communal lounge area and would be 9.9m wide and 5.5m high to the ridge. The extension would be 1m below the ridge of the existing building in this part of the centre and would be set in 1m at either side. The eaves height of the extension would be the same as the existing building at 2.6m.

Floor to ceiling windows and a double door would be fitted on the southern elevation of the extension and horizontally proportioned windows on the side elevations.

Materials would be facing brick, interlocking concrete roof tiles and brown upvc windows and doors, all to match existing.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework 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.

Unitary Development Plan (UDP) – The site is allocated as a Housing Policy Area.

Barnsley Local Development Framework Adopted Core Strategy (CS) policies:

CSP29 – Design – sets out the overarching design principles for the borough to ensure that development is appropriate to its context and states that high quality development will be expected.

Barnsley Unitary Development Plan adopted 2000 (UDP) (saved policies):

H8 – Existing Residential Areas – states that areas defined as Housing Policy Areas will remain predominantly in residential use. Other uses will only be permitted where they are compatible with a residential area and other policies of the plan.

H8B – Non Residential Uses in Residential Areas – states that planning permission will be granted for small scale, non-residential uses in Housing Policy Areas if there is no unduly harmful impact on the amenity of neighbouring and nearby residents by way of noise, disturbance, loss of privacy, traffic congestion or other forms of nuisance; there is no unduly harmful visual impact on the character of the residential area; there is no conflict with public safety on the highway and there is satisfactory provision for off-street parking; the use is restricted to providing a service or facility for local residents and there is no conflict with other policies of the plan.

National Policy Planning Framework:

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.

In respect of this application, relevant planning policy statements include:

Core planning principle relating to high quality design.

Requiring good design:

- Good design is a key aspect of sustainable development.
- Planning decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, respond to local character and history and are visually attractive.

Consultations

Ward Councillors – No comments received.

Representations

The application has been advertised as being of local interest by way of site notice. No representations have been received.

Assessment

Principle of development

Saville Court Communal Centre is an established sheltered housing development with associated communal facilities and is clearly compatible with a residential area in accordance with policy H8. The proposed extension of the communal lounge area is of a relatively small scale and policy H8A states that planning permission will be granted for small scale, non-residential uses in Housing Policy Areas subject to there being no unduly harmful amenity impacts. The proposal is therefore considered to be acceptable in principle.

Design/Residential/Visual amenity

The proposed extension being set in from the sides of the main communal building and below its ridgeline would be subservient and in matching the pitch of the roof of the existing building and its materials is considered to be of an appropriate design in accordance with policy CSP29 and the planning policy statements in the NPPF in relation to requiring good design.

Being located on the southern elevation of the communal lounge facing the inner courtyard, the extension would not be readily seen from public areas and would therefore have no adverse impact on visual amenity or the character of the area. Furthermore, there would be no harmful impact on the amenity of neighbouring and nearby residents by way of loss of privacy or any nuisance in accordance with policy H8B.

Highway Safety

The proposal would have no impact on highway safety.

Conclusion

The proposal would improve the communal facilities for the sheltered housing accommodation and the desirability of such, would have no adverse impacts and is considered to be in accordance with the planning policy background.

Recommendation

Grant subject to conditions:

- 1 The development hereby permitted shall be begun within 3 years from the date of this permission.
Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall only be carried out in accordance with the following documents:
- a) Drawing titled 'Site Location Plan', numbered NPS-DR-A-(90)-010 Rev P1;
 - b) Drawing titled 'Block Plan', numbered NPS-DR-A-(90)-011 Rev P1;
 - c) Drawing titled 'Existing Plan and Elevations', numbered NPS-DR-A-(20)-020 Rev P1;
 - d) Drawing titled 'Proposed Extension to Communal Area Elevations', numbered NPS-DR-A-(20)-022 Rev P1;
 - e) Drawing titled 'Proposed Layout Plan', numbered NPS-DR-A-(20)-020 Rev P1; and
 - f) Design and Access Supporting Statement Ref. AR_GH_1193_DAS, dated March 2015.

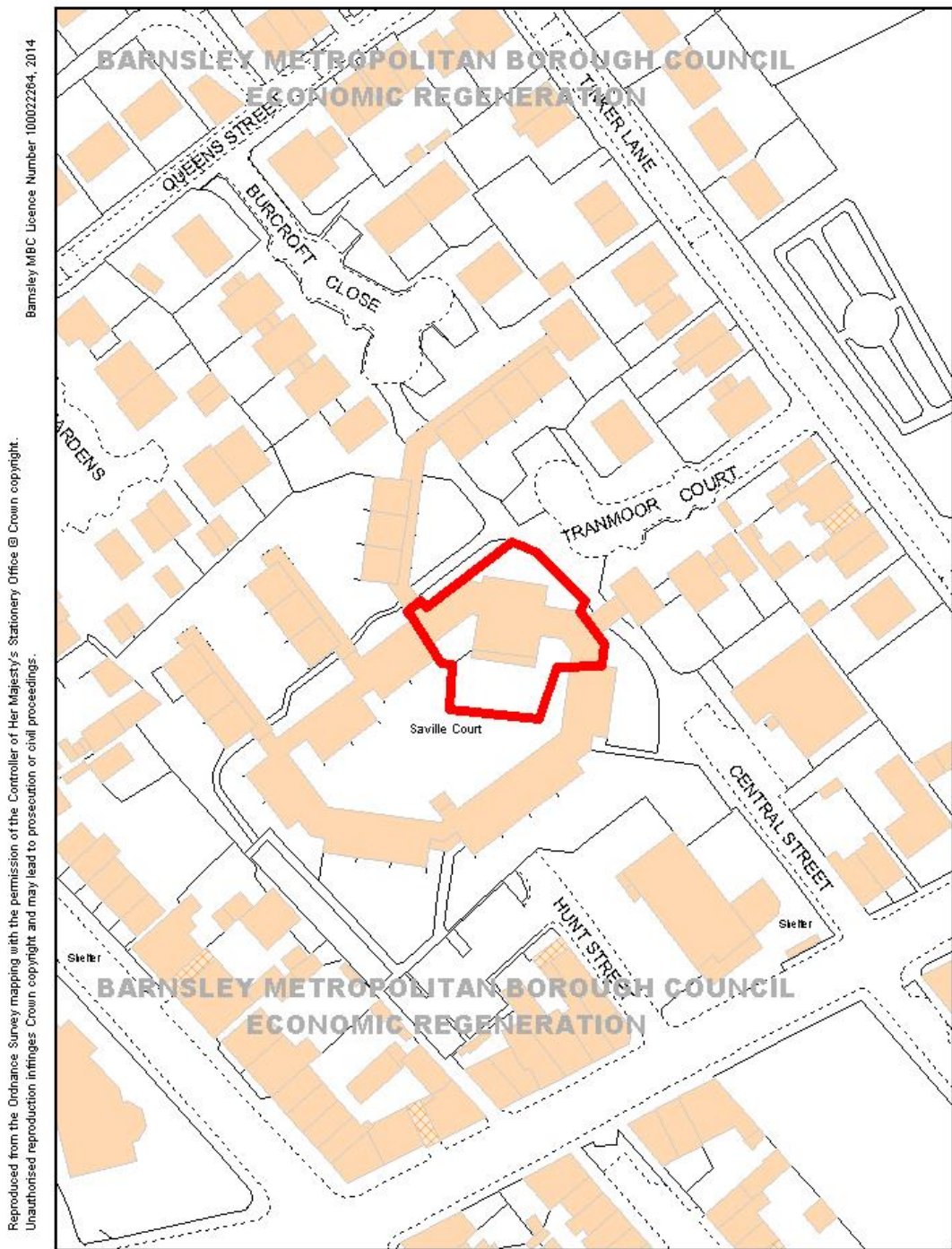
Reason: For the avoidance of doubt and to accord with CS policies CSP29, UDP policy H8B and the relevant planning policy statements in the NPPF relating to requiring good design.

- 3 The external materials shall match those used in the existing building.

Reason: In the interests of the visual amenities of the locality and in accordance with CS policy CSP29 and the relevant planning policy statements in the NPPF relating to requiring good design.

PA reference :-

2015/1194



BARNESLEY MBC - Economic Regeneration

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



Scale 1:1250

Ref. 2015/1303

Applicant: Mr Ron Brannon (Berneslai Homes)

Description: Display of sign above entrance.

Site Address: Woodhall Flats, Barnsley Road, Darfield, Barnsley

Site Description

Woodhall Flats are located in a residential area in Darfield at the corner of Barnsley Road and Woodhall Close.

Woodhall Close is a short cul-de-sac that comprises a development of semi-detached bungalows clustered around the turning head. Adjacent to the Close are some more sporadic bungalows set in landscaped grounds and Woodhall Flats, the subject of this application. The flats are a collection of two storey red brick blocks built around a central courtyard with parking and servicing to the rear.

The surrounding residential development on Barnsley Road is a mixture of terraced, detached and semi-detached houses.

Planning History**2015/0365**

This application was made by Berneslai Homes is for various alterations to the Woodhall flats that included:

- Creation of a new main entrance to incorporate a new canopy, level access and associated internal alterations.
- New pitched gable roof over the existing single storey entrance with rendered walls and concrete roof tiles.
- Landscape works within the courtyard area including a new surface, new feature fencing around the entrance, new benches and grassed areas.

The application was approved in July this

Proposed Development

To install a fascia type sign over the new entrance portico, within the new gable of the central building in the complex. This sign would contain the Berneslai Homes logo and the name 'Woodhall Flats'. The base of the sign would be 4m above ground level and the sign would be 3m wide by 900mm tall. It would only project 0.04m from the wall on which it is affixed. The board would be made of metal and the 150mm high letters spelling out Woodhall Flats would be etched into this and painted black. The sign would not be illuminated.

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 Yorkshire and Humber Regional Spatial Strategy.

Core Strategy

CSP26 New Development and Highway Improvement
CSP29 Design

Saved Unitary Development Plan policy BE6D – An advertisement will only be granted where the proposal would not be injurious to amenity by virtue of size, position, location and proliferation, and where appropriate level of illumination, and where the proposal would not be prejudicial to public safety.

Saved UDP Policies

The site is within a Housing Policy Area on the UDP.

SPDs/SPGs

SPD – Advertisements. The council is unlikely to grant consent for: Advertising Hoardings, including poster panels, signs on shops above fascia level, signs on business premises above fascia level, signs which appear out of scale or character with the building or locality.

These policies 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.

Emerging Local Plan

The Draft Local Plan allocates the site as urban fabric.

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.

Paragraph 67 Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Consultations

Highways- No objections

Pollution Control- No objections

Representations

None

Assessment

Principle of development

Signage that accords with the SPD and NPPF would generally be regarded as being acceptable in principle. In this case the proposal would not fall within any of the exceptions listed in the Advertisements SPD and would be in keeping with the building and the street scene.

Residential Amenity

There are no nearby houses that would be affected by the sign which is not illuminated. The only residential units that could be affected are those within the Woodhall Flats complex itself but the sign would be flush with the building and would have little impact on the amenity of residents.

Visual Amenity

The sign would be appropriate in scale with the flats and would be part of the previously approved refurbishment. The central building is set back from the road and screened by the buildings on either side so there will be no impact on the street scene.

Highway Safety

There are no highway objections raised to this proposal given its location which is set back from the highway.

Recommendation

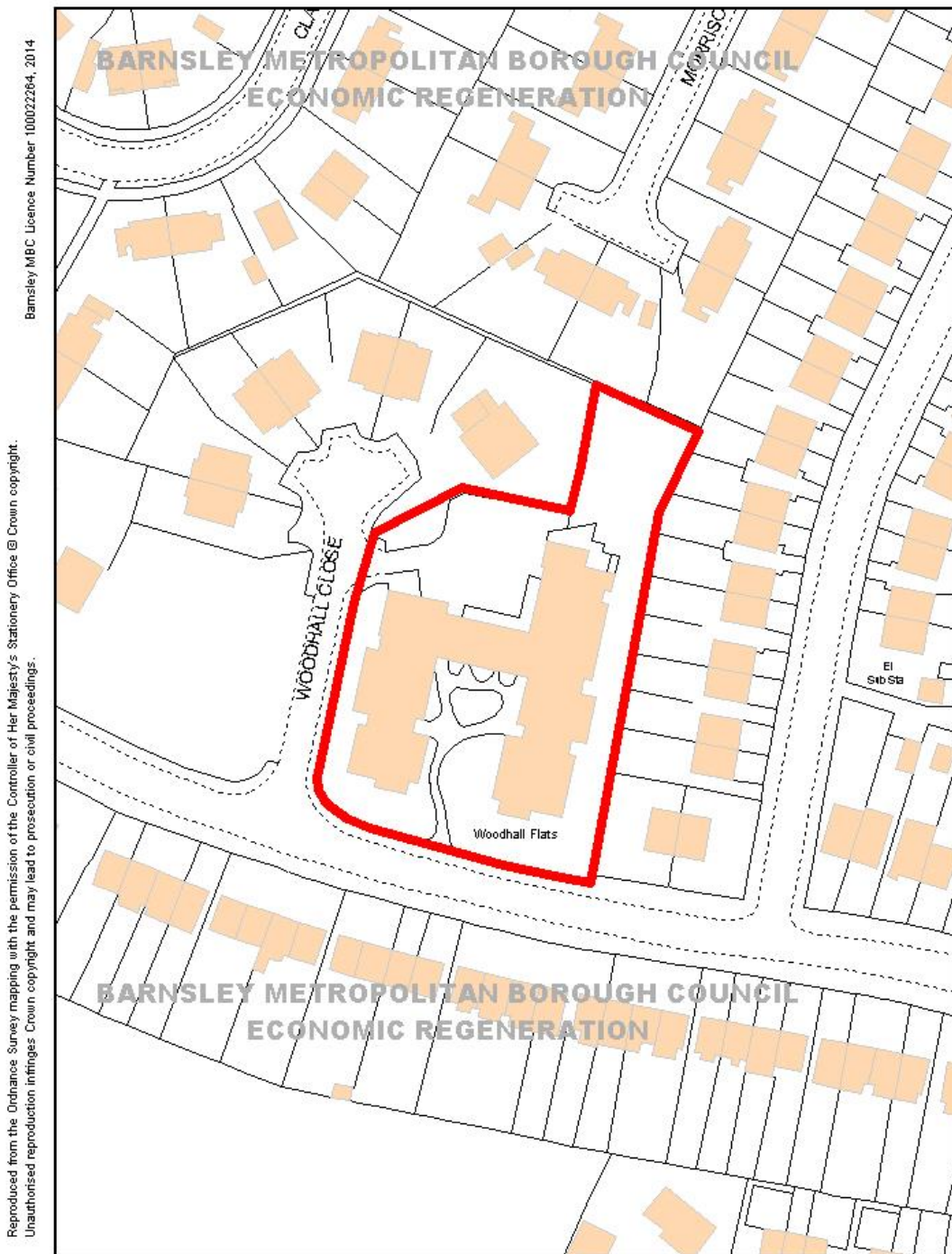
Grant subject to condition:

- 1 The development hereby approved shall be carried out strictly in accordance with the plans 17-16-1-1009-A-10, 17-16-1-1009-A-13RevC1, 17-16-1-1009-A-16, 17-16-1-1009-A-100RevC3, 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.

PA reference :-

2015/1303



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BARNESLEY MBC - Economic Regeneration

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Scale 1:1250

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 November 2015 to 30 November 2015

APPEALS RECEIVED

4 appeals were received during November 2015.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2015/0459	Erection of an agricultural building (resubmission of application 2014/0983) at The Bungalow, Fulshaw Lane, Fulshaw Cross, Penistone	Written representation	Delegated
2015/0743	Partial change of use of premises from Public House (A4) to Hot Food Takeaway (A5) at The Acorn, Lindhurst Road, Athersley North	Written representation	Delegated
2015/0768	Demolition of existing agricultural building and erection of agricultural workers dwelling at Hill Top Farm, Eastfield Lane, Hood Green	Written representation	Delegated
2015/0894	Change of use from function room of a Working Men's Club (D2) to house in multiple occupation (C4) with associated external changes including erection of pitched roof with new openings at Great Houghton WMC, 20 High Street, Great Houghton	Written representation	Committee

APPEALS WITHDRAWN

No appeals were withdrawn in November 2015.

APPEALS DECIDED

2 appeals were decided in November 2015:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>	<u>Decision</u>
2014/0972	Erection of 1 no. detached dwelling at Land at St Austell Drive, Barugh Green	Written representation	Delegated	Dismissed
2014/1160	Erection of detached dwelling with detached double garage (Outline) at Thurlstone House, Towngate, Thurlstone	Written representation	Delegated	Dismissed

2015/2016 Cumulative Appeal Totals

- 14 appeals decided since 01 April 2015
- 12 appeals (86%) dismissed since 01 April 2015
- 2 appeals (14%) allowed since 01 April 2015

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