

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 25 October 2016
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. 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.

MEETING:

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 27th September 2016

Planning Applications

Any planning applications which are to be the subject of individual representation(s) at the meeting will be dealt with prior to any other applications.

If you have any queries in respect of the planning applications included within this pack, or if you would like to register to speak at the meeting, please contact the Planning Department directly at developmentmanagement@barnsley.gov.uk or by telephoning (01226) 772593.

3. Land off King Street, Elsecar - 2016/1105 - for Approval (*Pages 7 - 20*)

Erection of 30 no. dwellings at Land off King Street, Elsecar, Barnsley

4. Lairds Way, Penistone - 2016/0954 - for Approval (*Pages 21 - 32*)

Erection of 36 no. dwellings and associated infrastructure (Reserved matters in connection with outline approval under appeal reference APP/R4408/A/13/2202969) at Land adjacent to Lairds Way, Penistone.

5. Land off Green Road, Dodworth - 2016/0268 - for Approval (*Pages 33 - 50*)

Residential Development including means of access (outline) at land off Green Road, Dodworth

6. Land off New Road/Lidgett Lane, Pilley - 2016/0952 - for Approval (*Pages 51 - 64*)

Variation of condition 3 of outline planning application 2013/1007 (residential development of up to 41 dwellings including means of access) to increase the maximum number of residential properties to 56 units details of which shall be submitted as part of a separate application for the approval of reserved matters at Land off New Road/Lidgett Lane, Pilley

7. Barnsley Markets and adjoining land, Cheapside, Barnsley - 2016/0924 - for Approval (*Pages 65 - 78*)

Reserved matters application including details of access, appearance, landscaping, layout and scale in relation to the construction of a new public library (Phase 1) of outline application 2015/0549 at Barnsley Markets and adjoining land, Cheapside.

8. Land at Priory Road, Bolton upon Dearne - 2016/0705 - for Approval (*Pages 79 - 86*)

Erection of 3 no. detached dwellings at Land at Priory Road, Bolton upon Dearne.

9. 4 Robin Lane, Royston, Barnsley - 2016/1050 - for Refusal (*Pages 87 - 94*)

Erection of 1 no. detached bungalow at 4 Robin Lane, Royston, Barnsley.

10. Land at Burntwood Cottages, Moor Land, Brierley - 2015/0416 - for Refusal (*Pages 95 - 104*)

Change of use of land to gypsy/traveller site (8 no. pitches) including associated buildings and infrastructure at land adjacent Burntwood Cottages, Moor Land, Brierley (AB).

Planning Appeals

11. Planning Appeals - 1st September to 30th September 2016 (*Pages 105 - 106*)

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), G. Carr, Coates, M. Dyson, Franklin, Gollick, David Griffin, Grundy, Hampson, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, Mathers, Mitchell, Noble, Richardson, Riggs, Spence, Stowe, Tattersall, Unsworth, Wilson 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, 17 October 2016

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 27 September 2016
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), G. Carr, Franklin, Gollick, David Griffin, Grundy, Hand-Davis, Hayward, Higginbottom, Leech, Mathers, Mitchell, Richardson, Riggs, Spence, Stowe, Tattersall, Unsworth, Wilson and R. Wraith

In attendance at site visit

Councillors D. Birkinshaw, G. Carr, Hand-Davis, Hayward, Mathers, Spence, Tattersall, R. Wraith and Wilson. Councillor Lofts attended as local ward member.

22. Declarations of Interest

Councillor Hand-Davis declared a non-pecuniary interest in **Planning Application No 2016/0340** – Outline application for residential development of up to 24 dwellings to include means of access and public open space – Land to the East of Cote Lane, Thurgoland, South Yorkshire, S35 7AB as he is a local ward member.

23. Minutes

The minutes of the meeting held on 6th September 2016 were taken as read and signed by the Chair as a correct record.

24. Land to the East of Cote Lane, Thurgoland, S35 7AB - 2016/0340 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0340**, outline application for residential development of up to 24 dwellings to include means of access and public open space – Land to the East of Cote Lane, Thurgoland, South Yorkshire, S35 7AB.

Ms Claire Richards spoke in favour of the officer recommendation to grant the application.

Messrs Bob Blythe and Dave Ellis spoke against the officer recommendation to grant the application.

Members were informed that the officer's recommendation did not place reliance upon the Section 106 community benefit but if granted the offer would be accepted.

RESOLVED that the application be granted in accordance with the Officer recommendation.

25. Land at Carrington Avenue, Barnsley, S75 1BW - 2016/0552 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0552**, Approval of reserved matters (appearance, landscaping, layout and scale), pursuant to outline planning application 2014/0807 at Land at Carrington Avenue comprising of 80 dwellings, associated car parking and landscaping and biodiversity mitigation and enhancement.

RESOLVED that the application be granted in accordance with the Officer recommendation subject to an additional condition, at the request of Members, for the provision of Grit Bins and subject to completion of United Utilities Agreement.

26. The Peel Centre, Dryden Road, Barnsley, South Yorkshire S71 1JE - 2015/0987 and 2015/0988 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2015/0987**, variation of condition 1 of planning permission B/05/1165/BA (which was previously varied by planning permission 2014/0663 to allow non-food retail use with up to 30% food retail use, of units 3C, 5 and 6) to allow additional retail goods to be sold at units 2, 3A, 3B and 3C, 4, 5, 6, 7 and 8 at the Peel Centre, Dryden Road, Barnsley S71 1JE **and Planning Application 2015/0988**, variation of condition 7 of B/88/0294/BA to allow additional retail goods to be sold at units 1A, 1B and 1C at the Peel Centre, Dryden Road, Barnsley S71 1JE.

RESOLVED that the applications be granted in accordance with the Officer recommendation. Members raised issues regarding litter within the site and lack of sufficient boundary to the north and asked that these be discussed with the applicant.

27. Unit 2A, The Peel Centre, Dryden Road, Barnsley, South Yorkshire S71 1JE - 2015/1028 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2015/1028**, Erection of a retail unit on the existing site of The Range Store – Unit 2A, The Peel Centre, Dryden Road, Barnsley, South Yorkshire S71 1JE

RESOLVED that the application be granted in accordance with the Officer recommendation.

28. River Mill Farm, Old Mill Lane, Thurgoland, Sheffield, S35 7EG - 2015/1285 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2015/1285**, erection of wooden stable block with concrete base and yard at River Mill Farm, Old Mill Lane, Thurgoland, Sheffield S35 7EG.

Mr Gary Jagger (applicant) spoke in favour of the officer recommendation to grant the application.

Mr Michael Walton spoke against the officer recommendation to grant the application.

RESOLVED that the application be granted in accordance with the Officer recommendation.

29. Land at Capitol Park, Capitol Close, Dodworth, Barnsley - 2016/0713 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0713**, outline planning application including means of access for general industrial (B2) use and storage and distribution (B8) use with ancillary office (B1) use – land at Capitol Park, Capital Close, Dodworth, Barnsley.

RESOLVED that the application be granted in accordance with the Officer recommendation subject to additional consultation period expiring and modification to conditions 4, 5 and 26.

30. Land at Highroyd Lane, Shortwood Business Park, Hoyland, Barnsley, S74 9NW - 2016/0764 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0764**, erection of a hospital for the provision of child and adolescent mental health services (CAMHS) (outline), departure from UDP – land at Highroyd Lane, Shortwood Business Park, Hoyland, Barnsley S74 9NW.

RESOLVED that the application be granted in accordance with the Officer recommendation.

31. Ranah Stones Farm, Whams Road, Hazlehead, Sheffield, S36 4HT - 2015/1020 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2015/1020** for caravan storage on hard core base (retrospective) at Ranah Stones, Whams Road, Hazlehead, Sheffield S36 4HT.

RESOLVED that the application be granted in accordance with the Officer recommendation.

32. Planning Appeals - 1 August 2016 to 31 August 2016

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2016/17.

The report indicated that 3 appeals were received in August 2016: **Planning Application 2016/0404** – raising height of roof to form loft conversion to dwelling at 89 Rotherham Road, Monk Bretton, Barnsley (written representation) – delegated; **Planning Application 2016/0345** – raising of roof level to existing garage to create additional accommodation at 118 Smithies Lane, Smithies, Barnsley (written representation) – appeal not accepted, out of time and **Planning Application 2016/0613** – erection of detached garage at 94 Barnsley Road, Brierley, Barnsley (written representation) – non determination.

It was reported that 7 appeals have been decided since 01 April 2016, 5 of which (71%) have been dismissed and 2 of which (29%) have been allowed.

Chair

Item 3

2016/1105

Applicant: Mr D Atkinson C/o Robin Ashley Architects LLP

Description: Erection of 30 no. dwellings.

Site Address: Land off King Street, Elsecar, Barnsley

2 letters of objection have been received

Site Location and Description

The application site is separated into 2no. parcels of land. The larger parcel measures approximately 0.6Ha and lies to the South of King Street and Millhouses Street. The majority of the site previously accommodated King Street Primary School which was demolished circa 1993 and is currently largely overgrown with several mature trees around the boundaries of the site. The Southern part of the site also accommodated a tennis court and bowling green which have since been removed. The site slopes down relatively steeply from King Street to the Southern boundary. Along the Western boundary of the site is a road which links Millhouses Street with a park and ride facility, constructed circa 2011, serving Elsecar Train Station which sits to the South. Beyond the road way is an area of Green Space with residential properties, fronting Noble Street, beyond. To the East of the site are several commercial/residential buildings and their associated yards and parking areas.

The second, smaller, parcel of land sits to the South West of the larger site. It is largely overgrown and has a footpath through it which links the train station, to the East, with the recreation ground, to the West. The land slopes down steeply at the Western edge into a valley with culvert. The park and ride car park sits to the East of the site and the roadway which serves the car park extends to the site boundary. The railway line and associated banking sits to the South and several properties and their associated amenity spaces sit directly to the North, on a higher level.

Site History

2010/0824 – Construction of a park and ride facility, incorporating 92 parking spaces and a new vehicular access – approved

2010/0825 – Residential Development (outline) - approved

Proposed Development

The applicant seeks full planning permission for the erection of 30 no. 2 storey dwellings. The scheme would be for 100% affordable dwellings. The larger site would accommodate 24no dwellings (14no. 2 bedroom semis, 8no. 3 bedroom semis, 1no. 2 bedroom detached and 1no. 4 bedroom detached).

The smaller site would accommodate 6no. dwellings (4no. 3 bedroom semis and 2 no. 3 bedroom detached. The existing footpath would be retained through the site.

The 2 bedroom properties would have 1no. off road parking space and the 3 bedroom and above properties would have 2no. parking spaces. Each property would have a modest front garden area and private rear amenity space.

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 the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Local Development Framework Core Strategy

CSP1 'Climate Change'
CSP2 'Sustainable Construction'
CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP5 'Including Renewable Energy in Developments'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP13 'The Release of Allocated Housing Land'
CSP10 'The Distribution of New Homes'
CSO13 'The release of Allocated Housing Land'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP33 'Green Infrastructure'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP37 'Landscape Character'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Housing Policy Area

Policy H8 – Areas defined on the proposals map 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.

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

SPD's

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

Planning Advice Note's

- 30 - Sustainable Location of Housing Sites
- 33 - Financial Contributions to School Places

Local Plan

Green Space

Other

South Yorkshire Residential Design Guide

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

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

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

Para's 58 & 60 – Design considerations

Consultations

Dearne & Dove I.D.B – No objections

SYPTTE – No comments

South Yorkshire Police – No objections subject to recommendations

Yorkshire Water – No comments

Regulatory Services – No objection subject to conditions

Highways DC – No objections subject to conditions

Education Services – No objection subject to secondary school place contribution

SYMAS – No objection subject to condition

Coal Authority – No objections

Legal – No objections subject to s106 for Affordable Housing

Affordable Housing Officer – No objections

Forestry Officer – Whilst acknowledging it is a shame to lose the trees to the West he understands that this is required to make the development work. Conditions will be required.

Ecology – No objections in principle, subject to conditions and informatives

Drainage – No objections subject to conditions

Waste Management – No objections

Broadband Officer – Contact providers at earliest opportunity

Representations

The applications have been advertised by way of site and press notices. Properties which share a boundary to the site have been consulted in writing.

As a result of the consultation 2 letters of objection have been received. The main points of concern are;

- Loss of privacy
- Overlooking
- Overshadowing
- Increased noise and disturbance
- Loss of wildlife habitat
- Overdevelopment of the site
- Loss of outlook
- Loss of mature trees
- Not in accordance with Local plan allocation

Assessment

Principle of Development

One of the main primary goals set out by the NPPF is to boost significantly the supply of housing. This is discussed at length in paragraph 47; which determines that Local Planning Authorities need to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing.

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps. All new dwellings proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, residential development will only be granted where the proposal would maintain visual amenity and not create traffic problems.

Policy CSP 8 'The Location of Growth' states that priority will be given to development in Urban Barnsley and the principle towns which includes Hoyland.

Furthermore, an outline application for residential development was approved on the two sites under reference number 2010/0825. It is acknowledged that the application was approved prior to the adoption of the NPPF and the Councils Core Strategy and SPD's, however, the land allocation currently remains the same and the main UDP policies at that time have been saved. As such, the principle of residential development on the land has previously been set and is still currently relevant.

It is acknowledged that the land allocation in the publication draft of the Local Plan maps is Green Space, however, as mentioned above, weight afforded to this document is still limited and its current allocation is set out in the UDP as Housing Policy Area.

Sustainability

The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. The NPPF not only commits to the presumption of sustainable development but stresses that it is essential 'to significantly boost the supply of housing'.

Whilst the contribution to the environmental dimension of sustainable development would be largely neutral, the proposal would significantly contribute to the economic (through council tax revenue, increased spending within the local area, creation of jobs etc.) and social dimensions (contributions for improving local secondary schools, improvement to local green spaces, provision of affordable housing etc.), especially with the increased unit numbers above the original outline, as such, the development is considered to be sustainable. On this basis, it is considered the presumption in favour of sustainable development applies.

Furthermore, the site is located within a sustainable position immediately adjacent to a railway station which provides access to Sheffield, Leeds and Huddersfield. There is also a regular bus service within close proximity, as well as services immediately adjacent including a public house, mini mart, takeaway and hairdressers. All the facilities within Hoyland Town Centre are also a short distance away as are a recreation ground, woodland and open countryside.

Visual Amenity

The proposed dwellings follow the route, and front, the access road and also the new road within the site boundary, creating small groups of dwellings and distinct areas rather than a uniform run of properties. This is further aided through the use of 5 different house types which allows for a mix and variation of properties to add interest to the streetscene and accord with policy CSP 14 'Housing Mix and Efficient Use of Land'.

The proposed house types are considered acceptable for the location and have interest added to the elevations through features such as canopies, heads and sills etc. The dwellings would not stand out as a 100% affordable scheme and would sit comfortably with the neighbouring private housing stock. The surrounding area has a mixture of styles, sizes and ages of properties, as such, there is no particular architectural style to adhere or conform to.

The site slopes down from King Street to the North to the park and ride facility to the South, as such, a number of the dwellings would be set lower than the adopted highway and not highly visible, especially on the smaller site. They would be highly visible from the train line, however, and from Hill Street beyond. The properties would step down the slope gradually with the layout designed around the contours to avoid large retaining walls. Furthermore, a number of the more mature trees around the boundary of the site would be retained in order to soften the development and aid it to settle into the landscape. It is acknowledged some of

the trees within the site would be lost but a substantial planting scheme across the site is proposed, including on the southern boundary between plots 23-30 and the railway car park.

It is acknowledged that the properties would be relatively close to the roadways and private driveways that serve them, however, small buffer strips/gardens have been included to the front to help soften the dwellings. Furthermore, the vast majority of the properties have side parking, as such, there would not be large amounts of hardstanding to the fronts of the properties and vehicles would not dominate the streetscene, to the detriment of visual amenity. In addition, each property has pedestrian access to the rear garden area to allow bin storage to be set away from prominent positions highly visible from the streetscene.

There is some concern with the smaller site in that it would be a satellite site, separate from the main development. However, this area was previously approved for residential development under the outline application referenced above and is also within a Housing Policy Area within the UDP. Furthermore, the access road for the car park extends right upto the site to facilitate future development and the site also sits adjacent to existing residential properties to the north which front Noble Street and Greenacre Close, as such, it is not an isolated site and extends existing residential development. The development is simply arranged and would provide a visual bookend to the existing road which currently abruptly ends at the site. Again some trees would be retained and a planting scheme would be adopted to aid in softening the properties.

Residential Amenity

The larger of the two sites is set away from the residential properties on Noble Street to the West, the dwellings opposite King Street and Millhouses Street to the North and the commercial/residential properties to the East. As such, the proposed dwellings would not significantly impact on the existing buildings in terms of overbearing, overshadowing and overlooking/privacy. As such, residential amenity levels would be to a reasonable degree.

In terms of the residential amenity levels for the future occupants of the larger development, the properties meet or exceed the required separation distances set out in SPD 'Designing New Housing Development'. The internal spacing standards generally accord with the South Yorkshire Residential Design Guide and the external spacing generally accords with both the SPD and Design Guide.

It is acknowledged that some of the gardens to the north of the site may have some useable space reduced through the change in levels and retained mature trees; however, this is something that can be considered by the future residents of the plots. In addition, as mentioned above, there is access to recreation grounds, woodland and open countryside within the immediate area.

With regards to the smaller site, it is acknowledge that concerns have been raised by neighbours given that the site is previously undeveloped and the proximity of the proposed dwellings to existing dwellings and garden spaces. However, as with the larger site the separation distance set out in the SPD between both existing and new properties would be met. Therefore, the development would not significantly increase overlooking, overbearing or overshadowing impacts.

As the house types carry over from the larger site they generally meet the required internal and external spacing standards. It is acknowledged that plot 5 has a small rear garden close to the boundary but this is compensated through a side garden.

Both sites would be in close proximity to a railway line and park and ride facility, as such, there would be an element of noise and disturbance generated. The application has been

supplied with a noise report which outlines required noise levels could be met subject to relevant build specification. The Councils Regulatory Services Officer concurs and has raised no objections subject to the noise report recommendations/mitigation measures being conditioned.

Affordable Housing

All the new houses will be provided as affordable housing for the Together Housing Group and offered on long-term assured tenancy to those in local housing need. Policy CSP15 which requires 15% of the dwellings in this area to be affordable is therefore more than satisfied subject to arrangements being in place to ensure that the dwellings would remain used for affordable housing purposes in perpetuity. This would form part of a s106 agreement.

Ecology

The trees and scrub at the site are suitable habitats for nesting birds, given the sites location this is considered likely to be suitable for common garden species only. No further survey is recommended however, any vegetation clearance works should be completed outside of the bird nesting season.

The trees and scrub areas offer suitable foraging for bats. However, it is recognised here that the site is surrounded by residential properties and to the south lies the park and ride car park, impacting the area with street lighting. Whilst the proposals will result in some loss of trees and scrub and lose the grassland area, plans to retain some of the trees and compensation through inclusion of new trees and hedgerow habitats are included.

Badgers were not identified on site during this survey, however there is the potential for them to opportunistically pass through / forage within the area during the development. As a precaution, it is recommended that common best practice standards are implemented and that the site is made safe at the end of each shift, for the duration of the works.

Although no reptiles were discovered during targeted surveys of the site, the site does still retain some potential for reptile to occur, due to the presence of suitable habitat features. To mitigate against the limited risk that transient individuals may occur it is recommended that a precautionary method of works for site clearance / preparation is put in place to prevent any unlikely impacts upon reptiles during the works.

The application was supported by an Ecological survey which outlined some recommendations, including the above, as such those recommendations/mitigation measures are recommended to be conditioned.

Education

The Education Officer has been consulted on the application and has calculated that the development would generate an additional 7 primary pupils and 5 secondary pupils. The projected figures indicate that there will be no shortage of primary school places in the schools local to the site and, therefore, there is no requirement for a contribution for primary school places.

With regards to secondary school places the projections indicate that there will be a shortage of places. The required contribution for secondary school places is £14,102 per pupil; therefore, the additional 5 places generate a requirement of £70,510.

Trees

There are a number of mature trees within the site, especially to the West and North, most notably a Horse Chestnut on the corner of Millhouses Street and King Street. A Tree report has been submitted with the application which states there is justification for all the trees to be removed and a new landscaping scheme implemented. However, the applicant has retained a number of the trees, including the Horse Chestnut, in addition to proposing a new landscaping scheme.

The Council's Tree Officer states that it would be a shame to lose so many of the trees but acknowledges that it would not be possible to accommodate a viable development if that was the case. As such, on balance a refusal cannot be justified in this case and the Tree Officer has recommended several conditions to safeguard the trees to be retained.

Mining/ground contamination

The Kent's Thick seam outcrops to the North of the site but this is not a widely worked seam. Any extraction that has been undertaken is likely to be via surface extraction, therefore, it maybe prudent to carry out a trial pit investigation. The Coal Authority and SYMAS concur with the findings of the submitted mining report and raise no objections subject to the recommendations being conditioned.

The Geo-Environmental Site Investigation identified some possible contaminants on the site and outlined a number of recommendations to combat these, a condition will be recommended for these recommendations to be carried out.

Green Space

The provision of new green space is normally required on all developments of 20 more in accordance with the Open Space Provision on New Housing Developments SPD. However the Council does not seek contributions from affordable housing developments due to the viability implications.

Highways Safety

Highways were heavily involved with the application at pre application stage and have also suggested amendments during the course of the application process. The current version of the plan is considered acceptable by colleagues in highways, subject to conditions.

The proposed parking for the dwellings accords with SPD 'Parking' in that the 2 bed properties have 1no. parking space and the 3+ bed properties have 2no. parking spaces.

Conclusions

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

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

Recommendation

Members resolve to grant subject to conditions and subject to the completion of section 106 agreement

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

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

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

Plans;

15-018-01 - B
15-018-02 - A
15-018-03 - B
15-018-10 - N
15-018-11 - D
15-018-12 - C
15-018-14 - C
15-018-15 - H
15-018-16 - H
15-018-17
15-018-13

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

- 3 The development hereby approved shall be carried out strictly in accordance with the recommendations set out in the Phase 1 and 2 Geotechnical and Geo-Environmental Site Investigation by Eastwood & Partners dated 5 July 2016. The required works shall be retained as such thereafter.

Reason: In accordance with CSP 40 'Pollution Control and Protection'.

- 4 The development hereby approved shall be carried out strictly in accordance with the recommendations set out in the Environmental Noise and Vibration Impact Assessment produced by Acoustic Design Technology dated 31/08/2016. The required works shall be retained as such thereafter.

Reason: In the interest of residential amenity and in accordance with CSP 40 'Pollution Control and Protection'.

- 5 The development hereby approved shall be carried out strictly in accordance with the recommendations set out in the Preliminary Ecological Appraisal (Ref: RSE_741) by Ramm Sanderson dated October 16. The required works shall be retained as such thereafter.

Reason: In the interest of residential amenity and in accordance with CSP 36 'Biodiversity and Geodiversity'.

- 6 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.

7 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.

8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- 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 and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

9 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

10 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.

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

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

12 Vehicular and pedestrian gradients within the site shall not exceed 1:12.

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

13 There shall be no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway within 2.4m of the kerb face for plot 7, to ensure adequate visibility

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

14 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 visibility 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.

15 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.

16 No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Arboricultural method statement

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

17 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building.

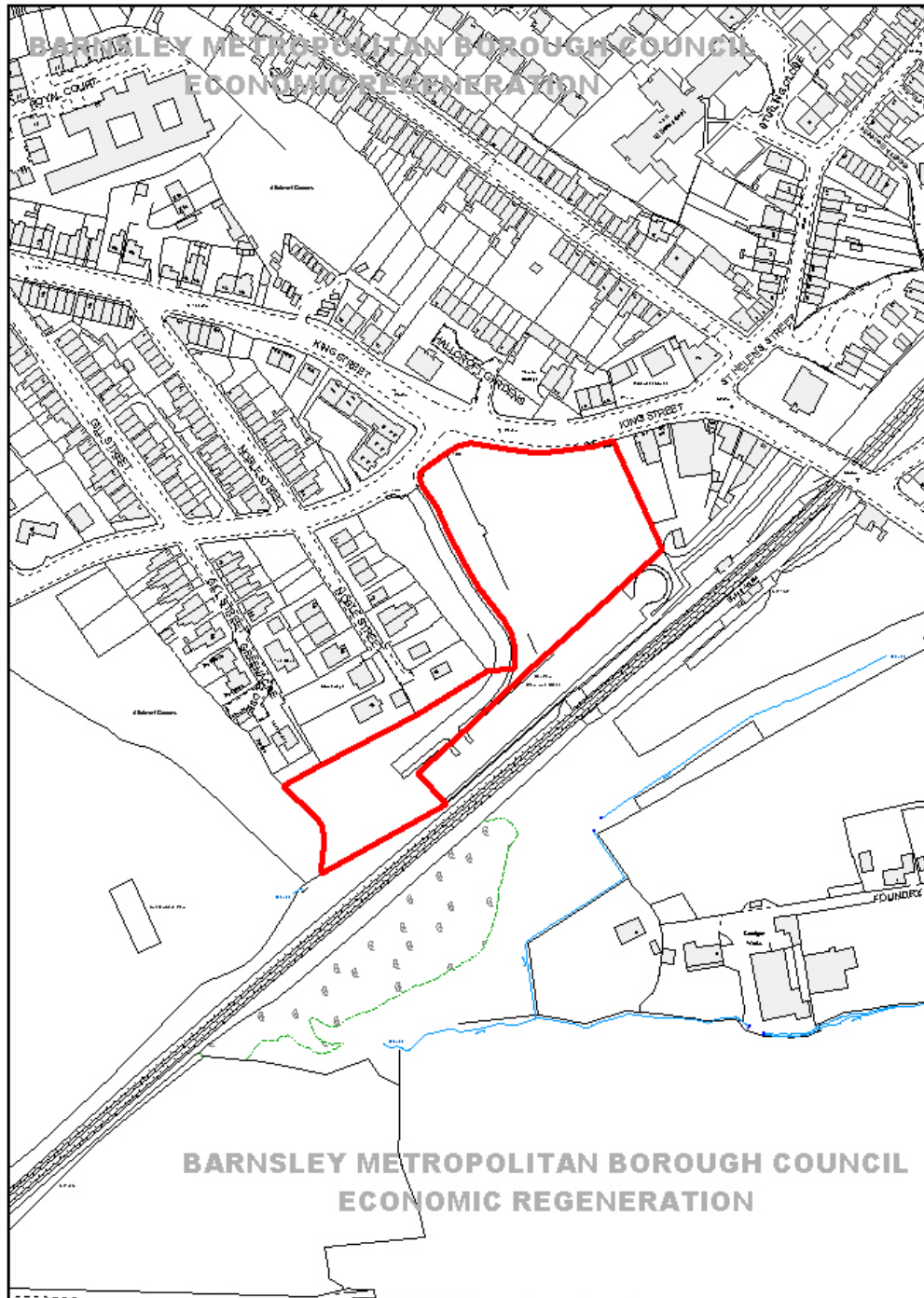
Reason: In the interests of the visual amenities of the locality.

- 18 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.
- 19 Prior to commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.
- 20 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

PA Reference:-

2016/1105

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BARNLEY MBC - Economic Regeneration



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Item 4

2016/0954

Applicant: Strategic Team Maintenance Co. Ltd. C/o Acanthus WSM Architects

Description: Erection of 36 dwellings and associated infrastructure (Reserved matters in connection with outline approval under appeal reference APP/R4408/A/13/2202969)

Site Address: Land adjacent to Lairds Way, Penistone, Sheffield, S36 6HN

This application is brought to PRB after a request from a local Councillor and as a Section 106 Agreement is required.

One letter of objection and one letter of support has been received.

Penistone Town Council have not objected to the application.

Site Description

Lairds Way, which is to the south of Sheffield Road, is located within the main built up area of Penistone. It is a short cul-de-sac which serves the application site and vacant land located immediately adjacent to the Railway Station. This adjacent land is level with the railway line and includes the frame of a former commercial building.

The application site, which comprises 1.4 hectares, is part of the former Cammell Laird foundry and has been reclaimed. It is raised above Sheffield Road by a stone wall and tree covered embankment. It has no public access, is covered with semi-mature trees and does not appear to have been used by the public as a green space. To the south east is a housing estate that was built in the mid 1990's.

A narrow strip of land along the south east boundary, which is excluded from the application site, abuts the rear gardens of some of the houses on the estate.

Relevant Planning History

2012/1363 – Outline application for residential development. This went to the Planning Inspectorate for determination and, although opposed by the council, was granted on appeal after a Hearing. The approval was subject to a unilateral undertaking relating to public open space and affordable housing. The outline permission established the principle but did not include any details of numbers of dwellings or access arrangements.

The Inspector dismissed the Council's concerns relating to preservation of employment land, increasing pressure for employment on Green Belt land and failure to provide any suitable alternative employment land.

At the outline stage attempts were made to secure a comprehensive development that would include adjacent land. However, this was not possible and the Planning Inspector considered representations from the adjacent landowner at Hearing before making his decision. The outline application was therefore granted planning permission subject to conditions and the legal agreement.

Proposed Development

This reserved matters application is for 36 dwellings comprising 3 two bedroom houses, 25 three bedroom houses and 8 four bedroom houses. This is a density of 25 units per hectare and includes 9 affordable houses (25%). This will be secured by a new Section 106

Agreement which will deal with matters such as tenure mix. There is no on site public open space shown but an off site contribution of £63,507.00 has been put forward. Fifty percent will be paid before development commences and 50% will be paid after the completion of the 25th dwelling. This is covered by the existing unilateral undertaking.

The layout utilises the exiting road created to facilitate previous proposals to develop the site. Fourteen plots would have direct vehicular access onto the existing road and the remainder would be based on a new cul-de-sac. This has two short private drives at the end. There would be mostly semi-detached houses, although there would also be 9 detached houses and one terrace of three houses.

There is a steep embankment on the Sheffield Road side of the site. This means that the houses are raised above road level This embankment is covered with semi-mature trees. No works are planned within the embankment area.

This application is accompanied by a Flood Risk and Drainage Strategy Study ,Coal Mining Report and Contaminated Land Assessment.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies and The Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Core Strategy

CSP4 Flood Risk
CSP5 Including Renewable Energy in Developments
CSP14 Efficient Use of Land
CSP15 Affordable Housing
CSP19 Employment to be retained
CSP26 Highways issues.
CSP29 Design matters.
CSP35 Green Space
CSP40 Pollution protection.

Saved UDP Policies

Employment Policy Area

SPDs/SPGs

Designing New Housing Development
Parking
Open Space

Publication Consultation Document

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

SD1 Presumption in favour of sustainable development

GD1 General development

D1 Design

T4 New Development and Highway Improvement

Poll1 Pollution Control and Protection

CC4 Sustainable Drainage Systems (SuDS)

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.

Consultations

Pollution Control - No objections subject to conditions.

Highways - No objections subject to conditions.

YWA - No objections subject to requirements being met.

National Rail - No objections subject to requirements being met.

Coal Authority/SYMAS – The Coal Authority raised concerns that suitable site investigations are carried out but have acknowledged that the applicant's consultant have been in touch with them about it. SYMAS are satisfied that the condition imposed at outline stage is sufficient along with the standard informative.

Contaminated Land - No objections subject to conditions.

Yorkshire Water – No objections subject to condition.

Penistone Town Council – No objections but request a suitable contribution to provide green space.

South Yorkshire Police Liaison Officer – No objections in principle but has recommended Secured By Design Features.

Representations

A letter has been received on behalf of the adjacent land owner who does not object to the principle of the development but believes there are issues with the detailed plans. These can be summarised as follows:

1. Concerns over the failure to provide a comprehensive development and in particular the inclusion of a 4.5m wide strip of land within the development to extend the adjoining gardens. This area could become an eyesore in the future.
2. Provision of On-Site Public Open Space. The outline permission was granted on the basis of an indicative plan, which showed some on site provision and the unilateral undertaking included this as an option.
3. Conflict with proposals for a Strategic Transport Interchange for Penistone which may be provided on the objectors land.
4. Contaminated land issues that cannot be resolved if this application is allowed.

Ne letter of support has been received stating the following:

1) Lairds Way has become a favourite for both anti-social boy racers and also fly tippers. The potential of it being developed into the entranceway for the new estate would hopefully eradicate both problems in one.

2) The traffic speeds on Sheffield Road between the Train Station and The Britannia public house can high at times, so hopefully the danger of a junction half way down Sheffield Road (Lairds way), may prove to naturally slow some drivers down.

3) The internet speeds in this part of Penistone gets are ridiculously slow and so perhaps some new housing may bring us closer to fibre broadband.

Local Councillors have expressed concerns that include:

1. The site was used during the second world war to store amongst other things munitions. There are potentially harmful materials in the ground and the risks need to be addressed in the contamination report.

Assessment

Principle of Development

The principle of residential development on this site has been established by the grant of outline planning permission on appeal. This was on the basis of all matters being reserved for later approval and various planning conditions including one requiring a contaminated land report. In addition there was a unilateral undertaking for public open space that could be all off site and affordable housing at a rate of 25%. Therefore, consideration of this application is related to the details of layout and design and not matters of principle such as the desire for a comprehensive approach.

Concern has been raised that a 4.5m wide strip of land owned by the objector should be included within the development to extend the adjoining gardens. Given the fact that this is a reserved matters application this is not a relevant matter for this application as consideration can only be given to the proposed development within the red line application site boundary that was agreed as part of the outline permission.

Core strategy policy CSP14 requires a density of 40 dwellings per hectare and this scheme is much lower at 25 dwellings per hectare. However, there is a large area of land that cannot be developed as it is an embankment. The layout is not overly generous and just meets the space standards contained in the Councils adopted SPD Designing New Housing Development. On site public open space would further reduce the density and so having an off site contribution allows a more efficient use of land.

Residential Amenity

The nearest existing properties to the site are the properties off Green Acres to the south-east. The application site is at a higher level to these properties however, the distance between the existing and proposed dwellings exceeds the SPD requirements to compensate for this. The distance to the side elevation of the nearest dwelling (No 24) would be 26m, whilst to the nearest rear elevation of an existing dwelling the distance would be over 30m. As such it is not considered that there would be a loss of amenity to existing occupiers.

Distances to properties within the application site meet the SPD requirements and each plot would gain an adequate area of private amenity space.

Concerns have been expressed by the objector on the compatibility of the residential development with any potential employment units/park and ride scheme on land adjacent. However, there are no extant planning permissions or current applications for employment units or a park and ride scheme on this adjacent site. Furthermore, the principle of residential development at this application site has already been established with the granting of the outline consent by the Planning Inspector. Any proposals for new development adjoining the application site will therefore need to take into account the proximity to residential development but these matters can usually be addressed through the provision of appropriate screening, carefully considered layout and imposition of appropriate conditions.

Visual Amenity

Core Strategy Policy CSP29 indicates that development should be of a high quality and contribute to place making.

The development provides a suitable frontage onto Lairds Way which turns round the corner to provide a flow into the newly developed cul-de-sac. All the properties are two storeys in height and there is a mix of detached, semi detached and one small terrace to provide an element of interest within the street scene. The majority of properties do have parking to the front which is not ideal but to place the parking down the sides on all plots would result in a reduction in numbers and a less efficient use of land. Where possible the parking is broken up by areas of grass frontages and the retention of the landscape and foliage to the boundary with Sheffield Road helps to soften the impact of the development from the main public vantage points. The scheme has been designed so all the properties have footpaths down the side of the dwellings to ensure bins can be stored to the rear of the properties.

The application site excludes a 4m strip of land that separates the site from the rear gardens of the houses to the south east. This land which is owned by a third party could be left vacant and become an eyesore. However, this matter was raised at the Hearing when the outline permission was granted on appeal. The Inspector did not raise it as an issue when determining the appeal and as such it now lies outside the red edge area that can be considered for the reserved matters application that is before the Planning Board.

The applicants have submitted detailed landscaping proposals and a Design and Access Statement that indicates that the units are primarily constructed with a buff reconstructed stone with render under concrete tile roofs.

Open Space

The objector has raised the matter of whether there should be on site public open space as this was shown on the indicative plan submitted with the outline planning application. It is stated that this would help reduce the potential for road safety issues arising in the future. The outline permission was not based on any layout as all matters were reserved. The Inspector did not state that on site provision was needed and agreed with the Unilateral Undertaking that stated that an off-site contribution could be considered acceptable to compensate for no open space on site. A compensatory figure of £63,507.00 has been put forward. Given the size of the site, and that the sum could be used to benefit open spaces in the local area, it is considered appropriate in this case to accept a compensatory sum.

Affordable Housing

This requires a new section 106 agreement in recognition of the detailed plans now under consideration. This is to be provided at a rate of 25% which equates to 9 dwellings. Discussions are ongoing regarding the precise tenure mix but this can be resolved during the normal drafting of a new section 106 agreement as the house types and layout will not alter.

Contaminated Land

The objector and local Councilors have raised questions regarding whether contaminated land issues can be resolved should this approval be granted. The adjacent land owner considers that access would be needed via their land. The outline permission is subject to a planning condition that requires the submission of a contaminated land report involving intrusive site investigations with recommendations for action and this has been submitted.

A ground investigation has been carried out of the site. This indicates that the site surfacing comprises grass and soil, underlain by clay, sand and gravel containing predominantly brick, concrete and slag rubble. The findings have been examined by Council's Land Contamination Officer who states that the site is suitable for re-development but that the scheme does require remediation measure incorporating into the development, as indicated within ARC Ground Investigation Report (GIR) (Project No.: 16-384). This report has indicated the proposed remediation measures, and these are suitable to address the contamination risks present, although there will still be a requirement for a detailed remediation strategy submitting highlighting the full details of the measures and the procedures to validate the works. The Contaminated Land Officer is satisfied that this can be adequately dealt with through the condition.

Ecology

There is no condition on the outline permission relating to ecology but the applicants have submitted proposals for 4 bird and 4 bat boxes within the development.

Renewable Energy

The outline permission required 15% renewables to be included within the scheme. The Design and Access Statement indicates that dwellings on the application site have been designed to achieve the 15% reduction in CO2 emissions, incorporating amongst other things:

- high levels of thermal insulation,
- thermally efficient windows and external doors,

- improved air tightness and thermal cold bridging,
- controlled continuous mechanical background ventilation,
- energy efficient gas condensation boilers and low energy lighting.

Drainage

The outline permission requires that mitigation measures specified in an approved flood risk assessment be implemented. However, this has been updated and resubmitted for consideration. Yorkshire Water have raised no objections to the measures put forward.

Highway Safety

There are no objections to the proposed development in a highway context, as the scheme utilises an existing road and provides appropriate parking and maneuvering areas. The Council's Highways Section have inspected the scheme and, subject to various conditions being included, have raised no objections to the scheme in any planning consent. A construction method statement has been included with this application including, wheel washing facilities, dust control measures, site waste management and working hours. However, this still needs strengthening to be seen as acceptable and as such the condition at outline stage would still need to be retained.

Conclusion

This is a reserved matters application following the grant of outline permission on appeal. The application is related to detailed matters and not issues of principle which has been established. Any outstanding matters can be covered by planning conditions.

Recommendation

Grant subject to conditions and section 106 agreement regarding affordable houses.

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of this approval of reserved matters.

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 2121.121.100G, 2121.121.108, 2121.121.110B, 2121.121.120A, 2121.121.130A, 2121.121.140B, PS-0805-TS, E1/8197/F1, and the recommendations of the following documents

- ARC environmental hazardous ground and gas risk assessment addendum report
- Adept flood risk and drainage strategy study
- Drainage Plan drawing No. 08.160005/101 (revision P1) dated July 2016
- Sustainable services energy statement
- Acanthus WSM architects Design and Access Statement.

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 Notwithstanding the submitted Construction Method Statement, construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

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

- 5 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 A landscape management plan for the embankment on Sheffield Road, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

- 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 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with the approved details.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

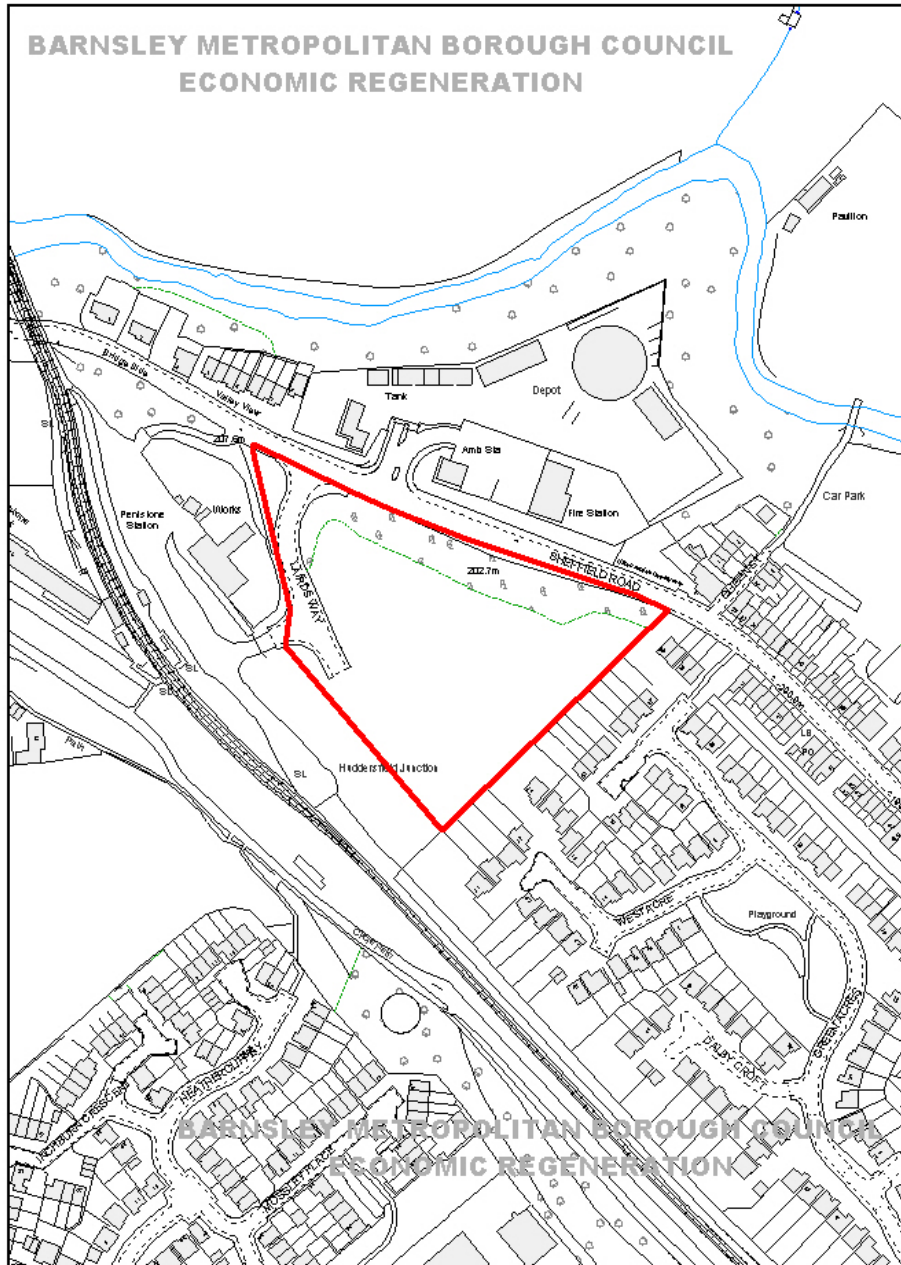
- 9 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.

Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 10 Visibility splays, having the dimensions 2.4m x 70m, shall be safeguarded at the junction of Lairds Way with Sheffield Road, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 11 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.
- 12 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 13 Vehicular and pedestrian gradients within the site shall not exceed 1:12
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 14 The front boundary wall to plot 14 shall not exceed 1m above the nearside channel level of the adjacent highway to maintain adequate forward visibility and visibility when exiting the drive
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 15 Prior to the commencement of any development works, a remediation scheme, endorsed by a competent engineer experienced in ground contamination, shall be submitted to the local Planning Authority for approval. This report shall, amongst other matters, include the following:-
1. Methodology to identify and remove any contaminated material.
 2. Measures to test and evaluate any imported soils onto the site to ensure they are suitable for the intended use.
 3. Chemical testing suite, frequencies and threshold levels.
 4. Procedures to confirm capping levels have been achieved on plots.
 5. The subsequent validation that the site has been satisfactorily remediated and that the development of the site can be safely undertaken and occupied.
- The development shall thereafter be undertaken in full accordance with the submitted reports.
Reason: In the interests of public health and residential amenity in accordance with Core Strategy policy CSP40 Pollution Control and Protection.

PA Reference:-

2016/0954



BARNESLEY MBC - Economic Regeneration



Scale 1: _____

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2016/0268

Applicant: Mr John Whitworth C/o Johnson Brook

Description: Residential development including means of access (Outline)

Site Address: Land off Green Road, Dodworth, Barnsley, S75 3RR

9 letters of objection received.

Site Location

Green Road is on the southern edge of Dodworth, beyond the site is open countryside. This 2.2 hectare site is situated between Dodworth Green Road, Chantry Orchards and Ratten Row to the west and Strafford Walk, Chatsworth Rise and Low View to the east.

Site Description

This site comprises three separate parcels of land associated with three existing houses all located within the application site boundary. These are Hillside, Fieldhouse and The Old Stables. The land generally slopes downwards in a southerly direction from Hillside and Fieldhouse in the north. The Old Stables are located in the centre of the site close to The Travellers Inn Public House, a Grade II Listed building. The southern boundary of the site coincides with the steep banks of a stream. There is footpath on the opposite side of the stream that gives access to open countryside beyond the site, which is designated as Green Belt.

On the western boundary of Hillside there is a high stone wall. Seen clearly behind the stone wall is a band of mature trees covered by a Tree Preservation Order (TPO). The stone wall forms the inside of a bend in Dodworth Green Road. Looking south along Dodworth Green Road views terminate at The Travellers Inn Public House. Beyond the site, as you go further south along Dodworth Green Road there is an increasingly semi-rural feel with a number of traditional stone buildings, stone boundary walls and mature trees.

Within the site TPO trees follow the line of a stream, which bisects the site in a south east direction. The character of the site varies from well maintained mature gardens with TPO trees in the northern part to less well tended open grassland in the southern part.

To the east and west of the site is existing housing including bungalows, some specifically for the elderly.

Proposed Development

This application is identical to the previous (now lapsed) permission 2012/0797. This is an outline application with all matters reserved, other than means of access, for up to 51 dwellings. There is an indicative layout and Design and Access Statement submitted that shows 51 houses but the layout would be a consideration for the reserved matters stage if outline permission was granted. The new access is shown off Dodworth Green Road between TPO trees and the estate road crosses a stream bounded by TPO trees. As the applicants are seeking the views of the Council on this proposed access the resultant impact on TPO trees is a key matter. There is a plan showing how the access and requisite visibility can be achieved without affecting any healthy TPO trees.

The application is supported by various supporting documents which have referenced, and updated where necessary, the reports submitted with the 2012 application. These include a Design and Access Statement, Ecology Report, Flood Risk Assessment and Noise Report.

Planning History

2008/1688 A similar proposal was refused and subsequently dismissed on appeal on the basis it was contrary to the former PAN 30 guidance on development of greenfield sites and that there was a 5 year supply of housing land. No other issues were identified to oppose the scheme. The inspector agreed with the Council that the whole site was not garden land and housing development was not needed at that time.

2012/0162 Similar application withdrawn in order to resolve highway and related tree issues.

2012/0797 Outline planning permission granted with means of access only, for an indicative 51 dwellings, on 28/03/2013 following redesign to satisfy highway concerns and to minimise effect on trees. This permission has now lapsed. An indicative layout accompanying the scheme showed 51 dwellings on the site. The application attracted 91 letters of objection and 5 letters of support.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework (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 Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Unitary Development Plan

The site is shown with a Housing Policy Area on the UDP and is also wholly within the Dodworth settlement boundary.

The site lies within a Coal Authority Referral Area

H8 & H8A - Existing Residential Areas

Core Strategy

CSP1 Climate Change
CSP2 Sustainable Construction
CSP3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP5 Including Renewable Energy in Developments
CSP8 Location of Growth

CSP13 The Release of Allocated Housing Land
CSP14 Housing Mix & Efficient Use of Land
CSP15 Affordable Housing
CSP25 New Development & Sustainable Travel
CSP26 New Development and Highway Improvement
CSP29 Design
CSP35 Green Space

SPD

Designing new housing development
Open space provision on new housing developments
Parking

PAN

30 Sustainable location of housing
33 Financial contributions to school places

National Guidance

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.

Consultations

Highways – No objections subject to conditions

Tree Officer – No objections subject to conditions

Ecology – Has acknowledged that an updated ecology report has been submitted and has recommended that adequate provisions are made for further bat surveys.

Affordable Housing Officer – No objections subject to securing the required 25% affordable housing.

Conservation – No objections but recommends the omission of 5 plots from the indicative layout as they would harm the setting of the listed building. An informative is proposed.

Contaminated Land Officer – No comments have been received, but previously, the contaminated land officer had no objections subject to conditions. Intrusive investigations will be required to assess the degree of any contamination and presence of shallow mine workings. However, these can be dealt with by suitable planning conditions.

Design – No comments received

Education – A financial contribution would be required for both primary and secondary schools

Yorkshire Water – No comments received

Highways Drainage – No objections subject to conditions.

Environment Agency – No comments received.

Coal Authority – No objections subject to conditions.

Public Rights of Way – No comments received.

SYAS - No comments received.

SYMAS – No objection subject to a condition.

SY Police – No objections, recommendations made to improve security, which can be incorporated into the detailed planning submission.

Waste Management – No comments received

Representations

The application was advertised in the local newspaper, by site notice and by letter to adjoining properties. 9 letters of objection were received, two were identical and from the same address. The letters of objection raised the following issues:

- Access not suitable
- Quiet estate
- 2/3 storey dwellings would be out of place
- New development would cause noise and disturbance during building and afterwards
- Too many houses estates are being granted in the Dodworth area,
- Drainage issues and sewage issues
- Pressure on public services including schools and GP's
- Effect on wildlife
- Change in character of the area
- Visual impact and loss of view
- Not previously developed land and undeliverable
- Site could be sold to a developer who could put many more houses on the site
- Mine shafts in the vicinity could cause problems
- Development of the site would cause devaluation in properties
- The development should be bungalows for the elderly and handicapped

Assessment

Principle of Development

The principle of development was established with the 2012/0797 permission which was identical to this application currently being considered. The current position remains that the Development Plan consists of the Local Development Framework Core Strategy and the saved Policies of the Unitary Development Plan.

The National Planning Policy Framework (NPPF) is also an important consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking 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 principle of residential development has been established with the previous (now lapsed) permission. There have been no significant changes in the characteristics of the site or policies to divert from the previous assessment on the principle of the development. Furthermore, the site is within Urban Barnsley which is the main focus for development in the Borough and to accommodate housing growth.

As such, planning permission should only be refused if the contents of the application would result in any significant and demonstrable adverse impacts as laid out in the NPPF presumption. A summary of the assessment carried out in relation to the contents of the application is detailed below.

Greenspace

Part of the application site is functioning as greenspace therefore policy CSP35 is applicable. Objectors raised the issue that the site has been a green space for many years. The area to the south of the site forms part of Ratten Row Woodland and there is an ecological corridor following the watercourse through the site that is also functioning as greenspace. These features currently serve an amenity function and provide a natural greenspace in the area. The indicative layout shows these features retained and in the event that outline permission is granted, it would be possible to enhance these features in accordance with CSP35 Greenspace and CSP36 Biodiversity.

There is also requirement for new greenspace in accordance with CSP35 and Supplementary Planning Document 'Open Space Provision on New Housing Developments'. This stipulates that a minimum of 15% of the gross site area of new housing development must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses. Where this is not possible either within or immediately adjacent to the site in a satisfactory and acceptable manner, or where the Council deem it appropriate, suitable off-site open space facilities, remote from the development land, may be acceptable either as new facilities or improvements to those existing.

In this case the site is awkwardly shaped, on a steep gradient in parts and it would be difficult to achieve a suitably located open space. It is therefore considered more appropriate to seek a mixture of on and off site provision. In terms of on site provision, the ecological corridor should be retained and enhanced and this is likely to fulfil the informal open space requirement.

Therefore, remaining provision would be best met via the developer paying a commuted sum to be spent on public open space projects that are used or likely to be used by those affected by the development or living in the new development. This has been accepted by the applicants in principle and would require a S106 Agreement at the outline stage, to ensure formal payment arrangements are in place. However, the exact contribution is dependent on the unit and bedroom numbers which cannot be determined until such details are submitted at reserved matters stage.

Visual Amenity

The site is located within a part of Dodworth where the character begins to change from a high density urban to a lower density semi-rural area characterised by large walled gardens and mature trees. It is also adjacent to the Travellers Inn, which is grade II listed and as such its setting and the adjacent wall that runs along Dodworth Road are important considerations. The application is in outline so the layout provided is indicative but it would see the gardens developed with the loss of some TPO trees. The visual impact of removing features that contribute positively to the area would inevitably have some impact on its character and appearance. However, views into the site from Dodworth Green Road and the other nearby highways are limited by existing built form and the protected trees, somewhat reducing the prominence of the site in the context of the wider settlement.

Policy CSP 14 indicates that a minimum density of 40 dwellings per hectare would be required but in this case it is of greater importance to ensure the scheme complies with policy CSP29, which states that high quality development will be expected that respects local character and appearance. The prepared indicative layout shows a density of approximately 23 dwellings per hectare which to some extent reflects the topography and other physical constraints such as the TPO trees, the location next to a grade II listed building and proximity to existing houses. However, it is likely that some changes may be required to further safeguard the setting of the Travellers Inn but, subject to retaining a similar density at the reserved matters stage, it is considered that a scheme can be provided that reflects the site constraints.

Objections have been raised about the change in character of the area and the potential height of dwellings that may be built. However, this is an outline application and details of the dwellings would be the subject of a further application. Overall, the scheme will inevitably have some impact on the character and appearance of the area as a result of the loss of large walled gardens and some mature trees. However, this needs to be balanced against the benefits the scheme would bring in terms of housing delivery within a sustainable location that accords with the spatial approach set out in the Core Strategy. On this basis, it is considered that the scheme can be supported at outline stage subject to a planning condition limiting the number of dwellings submitted at the reserved matters stage.

Trees

The Forestry Officer advises that the two key areas on this site as far as trees are concerned are the new entrance from Green Road and the access across the small ditch which runs through the site. In terms of the access off Green Road then the necessary removal of the Horse Chestnuts due to the presence of Bleeding Canker means that the amount of RPA affected for the remaining trees is relatively minor and manageable. The boundary wall which requires removal is to be built on a pile and beam foundation to prevent root severance and ensure that the highly visible and aesthetically important TPO trees are safely retained.

The access across the small ditch originally would have led to the removal of a significant TPO tree, however this has been addressed and the access moved across meaning that only a few insignificant specimens will need to be removed to facilitate this.

For the remainder of the site only occasional small specimens will need to be removed to facilitate the proposed development. The majority of the trees on the site are shown to be retained and integrated into the proposed development which is a good thing. There is one Category B tree and part of one category B group to be removed with the remainder being category C. Given the constraints of the site and the level of tree cover they have managed

to retain then this is acceptable. A landscaping scheme to mitigate the loss of the trees will be required however.

The tree survey provided is out of date, however for the purposes of determining the suitability of the site for development and the location of the access roads it is fit for purpose. When the reserved matters application comes in relating to the layout etc. then a new updated survey will be required and this will need to be used to inform the scheme layout.

Providing adequate protection measures are put in place along with appropriate construction methodologies, there should be no issues with the retained trees. The documents provided will need to be specific to the site and the methodologies very detailed given the close proximity to some of the trees the works are taking place.

Residential Amenity

Whilst objectors have raised concerns regarding loss of residential amenity, the indicative layout demonstrates that it would be possible to design a scheme that complies with the required separation distances sets out in the Designing New Housing Development SPD and the South Yorkshire Residential Design Guide. On this basis, at the reserved matters stage, it would be possible to ensure existing residents and occupants of the proposed dwellings would be afforded adequate levels of amenity, particularly in respect of levels of overlooking, overshadowing and loss of outlook, in accordance with saved UDP policy H8A and the Designing New Housing Development SPD. A condition could also be attached to control the hours of operations during the construction period, in order to safeguard amenity.

Highway Safety

The application is outline but the means of access, which is proposed off Dodworth Green Road, is to be determined at this stage. The application is supported by two reports on access issues; one prepared in 2012, for the last permission, which recommended improvements to the radii of the junction of Dodworth Green Road and Baslow Crescent. An dated August 2016 does not raise any further issues

The Highways Officer comments that the footway along the Dodworth Green Road frontage is below the minimum footway width of 2m and would therefore need to be widened to accommodate the needs of pedestrians and statutory undertakers equipment. A 5.5m carriageway and 2no 2m footways are proposed within the site, ideally the carriageway width should be increased to 6.5m due to the single point of access and the length of the cul-de-sac to ensure access for the emergency services, otherwise extensive parking restrictions may be required.

Within the site, the proposed highway layout is indicative but in order to safeguard the tree belt and facilitate the culverting of the watercourse, the highway may have to be narrowed. Highways have confirmed that there are no objections in principle to the highway narrowing, subject to appropriate visibility and requirements relating to location of statutory undertakers equipment. It would also be possible to ensure each dwelling was afforded with the required level of off street parking.

Whilst objections have been raised regarding the safety of children visiting houses close to the access, the site should offer no greater hazard than other highway accesses. Subject to the junction improvements at the junction of Dodworth Green Road and Baslow Crescent and the widening of the footway Highway do not object to the proposed means of access even taking into account the other applications in the area 2012/0861 (Bamford Close) and 2012/1054 (Higham Close) and the potential cumulative impacts. It is therefore considered that no grounds exist to recommend refusal based on highway safety grounds.

Whilst concerns have been raised by objectors regarding the impact on the highway system, in terms of the impact on the wider highway network, paragraph 32 of the NPPF states that 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'. As explained above, none of the impacts are considered as severe.

Accordingly, subject to the imposition of the recommended planning conditions, the scheme complies with the requirements of Core Strategy policies CSP 25 and CSP 26.

Affordable Housing

Affordable housing provision at 25% has been agreed in principle with the applicants subject to a S106 legal agreement but further negotiations will need to be carried out regarding the details and this would normally be carried out at the reserved matter stage when the numbers and type of dwellings are known.

Education

The local primary schools are Keresforth Primary and Dodworth St John's and the local secondary schools are Horizon and Penistone. Following the completion of other developments in the area (2012/0861 – 39 dwellings, land off Land off Bamford Close, Dodworth and 2012/1054 – 41 dwellings, land off Higham Lane), data on available education spaces in the locality have been updated.

Both primary and secondary schools now have a projected deficit in available spaces. As such figures provided by the Education Officer require a contribution towards Primary Education of £77,264 for primary school pupils and £81,600 for secondary places to offset the shortage of spaces as a result of a projected 51 dwelling development on this site. This is based on a projected additional 11 primary pupils and an additional 8 secondary pupils. Exact costs depend on the reserved matters application but the principle would be secured under a S106 legal agreement.

Impact on Heritage Assets

The Conservation and Design Officer considers that the impact on the southern elevation of the Listed Travellers Inn would be more significant than the heritage statement suggests. On visiting site it is clear the south elevation, whilst altered, was once relatively well detailed and had a degree of scale and grandeur, evidenced by the presence of an number of features including the altered but surviving Venetian windows.

Moreover, standing at the rear (south) of the property and well within the historic curtilage an appreciation of the historic landscape setting is gained due to the views that are possible across the valley to the south and the east. Despite recent developments these views still preserve a flavour of the open and historic landscape with views of the listed Saville Hall Farm to the south east and the landscape of Stainborough and Hood Green beyond.

The Conservation Officer considers that the indicative layout comes so close to the south edge of the curtilage of the Travellers Inn that it would have a negative impact on elements of the setting that contribute positively, even though the land drops away to the south the gradient is not severe.

In particular he considers that there are a number of dwellings and their roofs which are likely to harm the setting of the Listed travellers Inn and suggests that these plots are omitted from a reserved matters application. These are the 5 plots located closest to the

Inn, (three immediately to the south, and two to the southeast). However, this would be a matter to be considered in more detail at the Reserved Matters stage.

Energy/Sustainable Construction

An energy statement has been prepared that indicates that between 10 and 15% reduction in energy demand can be achieved. Core Strategy policy CSP5 requires a 15% reduction and this can be secured by a planning condition.

Archaeology

An Archaeological Assessment has been carried out that recommends that no further archaeological work is required.

Land stability

The site lies within a Coal Authority Referral Area where there may be possible presence of shallow coal and coal mine workings. As such, a condition is proposed to require intrusive site investigation.

Drainage

Core Strategy Policy CSP 4 requires development on Greenfield sites to reduce or maintain existing run off rates. A flood risk assessment has been prepared, and proposals to deal with surface water, which include a combination of the installation of a balancing facility and the use of the existing watercourse, which would be culverted under the proposed estate road.

Whilst objectors have raised concerns about potential drainage issues and impact on the existing sewers, no objections have been received from Yorkshire Water or the Council's own drainage section subject to the imposition of conditions identical to those on the previous permission.

Other issues

Objectors raised other issues not covered elsewhere in the report:

- Site allocations - the number of sites allocated for housing round Dodworth are based on adopted UDP Policies, and adopted Core Strategy policies. Specific sites are currently being considered in the Public Consultation draft Local Plan and sets out the Council land use proposals for land use allocations in line with Government requirements for a period up to 2033
- not brownfield land – Para 111 of the NPPF states that “Planning policies and decisions should encourage the effective use of land by re-using land that has been previously developed (brownfield) land. This site would be effectively an infill site and is considered to be an efficient use of land in a sustainable location.
- The site is not deliverable – No evidence has been provided to suggest the scheme will not be implemented within 5 years in accordance with the footnote to para 47 of the NPPF and there is no evidence to indicate the proposal is undeliverable.
- Loss of view – there is no legal right to a view and cannot be taken into account
- The development would lead to a devaluation of existing properties - this is not a material planning consideration and cannot be taken into account

Conclusion

Dodworth is designated as an area for growth in policy CSP8 of the Core Strategy and the site is within a Housing Policy area in the UDP. The principle of residential development has already been established with the previous permission and the NPPF sets out a strong presumption in favour of allowing sustainable development. The impact of the development on highway safety, the character and appearance of the area and in respect of other material considerations are considered acceptable. Therefore it is recommended that the application is granted planning permission subject to the conditions listed below, and subject to a S106 legal agreement which will include the need for the development to provide a contribution towards off-site public open space, the provision of affordable housing, and a contribution towards education, in accordance with planning policy requirements.

Recommendation

Grant subject to the conditions and a Section 106 legal agreement for public open space, affordable housing, and education

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) the layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) landscaping**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**
- 3 The layout submitted as part of the reserved matters shall have a maximum of 51 units.
Reason: To reflect the site constraints (protected trees, topography, proximity to listed building and stand off distances from culvert) in order to safeguard character and appearance of the area and to safeguard the amenity of existing residents and residents of the proposed dwellings in accordance with Core Strategy policies CSP 29, CSP 30 and CSP 33 as well as Saved UDP policy H8A and the Designing New Housing Developments SPD.

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

P05:3544:02 REV D Planning Layout

P05:3544:03 Rev B Location Plan

Appendix 6 Tree Plan

6751--001 REV A Proposed highway improvements

6751/002 Proposed watercourse diversion and culvert

6751/003 Proposed stone wall re-alignment and typical foundation details

E08/4378/01 Main road sewer plan and long sections

E08/4378/02 Road 1 and 2 Long Sections

BM2005/01 Topographical Survey

Addendum Heritage Statement by Johnson Mowat dated May 2016

Archaeological Desk Based Assessment by Archaeological Research Services Ltd dated November 2008

Flood Risk Assessment E16/6705/FR001 by Haigh Huddleston & Associates, dated August 2016

Noise Assessment on behalf of John R Paley Associates

Arboricultural Report dated August 2012 by JCA Ltd

Ecology Survey dated 26 February 2016 by Whitcher Wildlife Ltd

Protected FAuna Survey dated November 2008 by Whitcher Wildlife Consultants

Access Report dated August 2016 by Bryan G Hall

Report on Access Issues dated October 2008 by Bryan G Hill

Appendix 2 Statement of Community Involvement

Preliminary Investigation report C1185 dated January 2006

Energy Statement

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

- 5 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

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

- 6 All on-site vehicular areas, 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.

- 7 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.

- 8 Visibility splays, having the dimensions 2.4m x 90m, shall be safeguarded at the site entrance/exit, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 9 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:
a) Alteration of the existing kerbed junction radii at the junction of Baslow Crescent and Green Road
b) Any necessary alteration to/provision of existing highway drainage;
c) Any necessary alteration to/provision of road markings & signage;
d) Any necessary alteration to/provision of street lighting;
e) Any necessary carriageway or footway resurfacing/reconstruction to complete the works
f) Provision of a 2m wide footway along the entire site frontage
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 10 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 11 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 highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 12 The submitted travel plan shall be implemented in accordance with the measures and timescales set out. The results shall be monitored and submitted to the Local Planning Authority within 12 months of the travel plan becoming operational. The final Travel Plan shall thereafter be submitted to and approved in writing by the Local Planning Authority and it shall be implemented in accordance with the approved details.
Reason: In the interests of sustainable travel in accordance with Core Strategy Policy CSP25.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 14 The development shall be carried out in accordance with the approved Flood Risk Assessment (FRA) submitted by T Haigh, Ref No E08/4378/FR001 dated October 2008 and the assessment E16/6705/FR001 dated August 2016 by Haigh Huddleston & Associates and the following mitigation measures detailed within the FRA:
- Finished floor levels are set no lower than 300mm above Ordnance Datum (AOD) as stated in Item 2 of the submitted Flood Risk Assessment.
- Reason: To reduce the risk of flooding to the proposed development and future occupants in accordance with Core Strategy Policy CSP4.**
- 15 The development hereby permitted shall not be commenced until such time as a scheme to improve the existing surface water disposal system has been submitted to, and approved in writing by, the Local Planning Authority.
- The scheme shall be implemented and fully maintained, in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the Local Planning Authority.
- Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Core Strategy Policy CSP4.**
- 16 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 watercourse.
- Reason: To prevent damage to the existing culverted watercourse in accordance with Core Strategy Policy CSP4.**
- 17 No development shall commence until full details of structural condition including CCTV survey and exact route of the watercourse have been submitted to and approved in writing by the Local planning Authority to demonstrate its adequacy and clearance is maintained.
- Reason: To maintain the structural integrity and proper functioning of the existing culverted watercourse in accordance with Core Strategy Policy CSP4.**

18 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-

1. A survey of the extent, scale and nature of contamination and any features/conditions that could impact on ground stability.
2. An assessment of the potential risks to human health, property, adjoining land, ground waters and surface waters, ecological systems and archaeological sites and ancient monuments.
3. An appraisal of remedial options, and proposal of the preferred option(s).
4. A remediation statement summarising the works to be undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy Policy CSP39.

19 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 1300 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.

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

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

- 21 No development or other operations being undertaken on site in connection with the development shall commence until the following documents prepared in accordance with BS5837: 2012 have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
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 well-being of the trees in the interests of the amenity of the locality and in accordance with Core Strategy Policy CSP29.
- 22 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed unless agreed in writing by the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with Core Strategy policy CSP29.
- 23 Prior to any work commencing on site, the applicant shall submit to the Local Planning Authority for their approval, a noise management plan detailing how noise will be controlled during construction. Once approved the noise management plan shall be implemented in full and shall be adhered to at all times
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 24 Prior to any work commencing on site, the applicant shall submit to the Local Planning Authority for their approval, a dust management plan detailing how dust will be controlled during construction. Once approved the dust management plan shall be implemented in full and shall be adhered to at all times
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 25 The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.
- 26 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

27 Prior to the commencement of the development, an intrusive site investigation shall be undertaken to evaluate the ground conditions and evaluate the potential mining legacy risks. The site investigation and subsequent development shall be undertaken in compliance with Construction Industry research and Information Association publication 32 "Construction over abandoned mineworkings" where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing to the Local Planning Authority. Thereafter the approved document the development shall be carried out in accordance with the approved details.

Reason: To ensure safe development and in accordance with CSP 39 Contaminated and Unstable NPPF Paras 120 and 121.

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

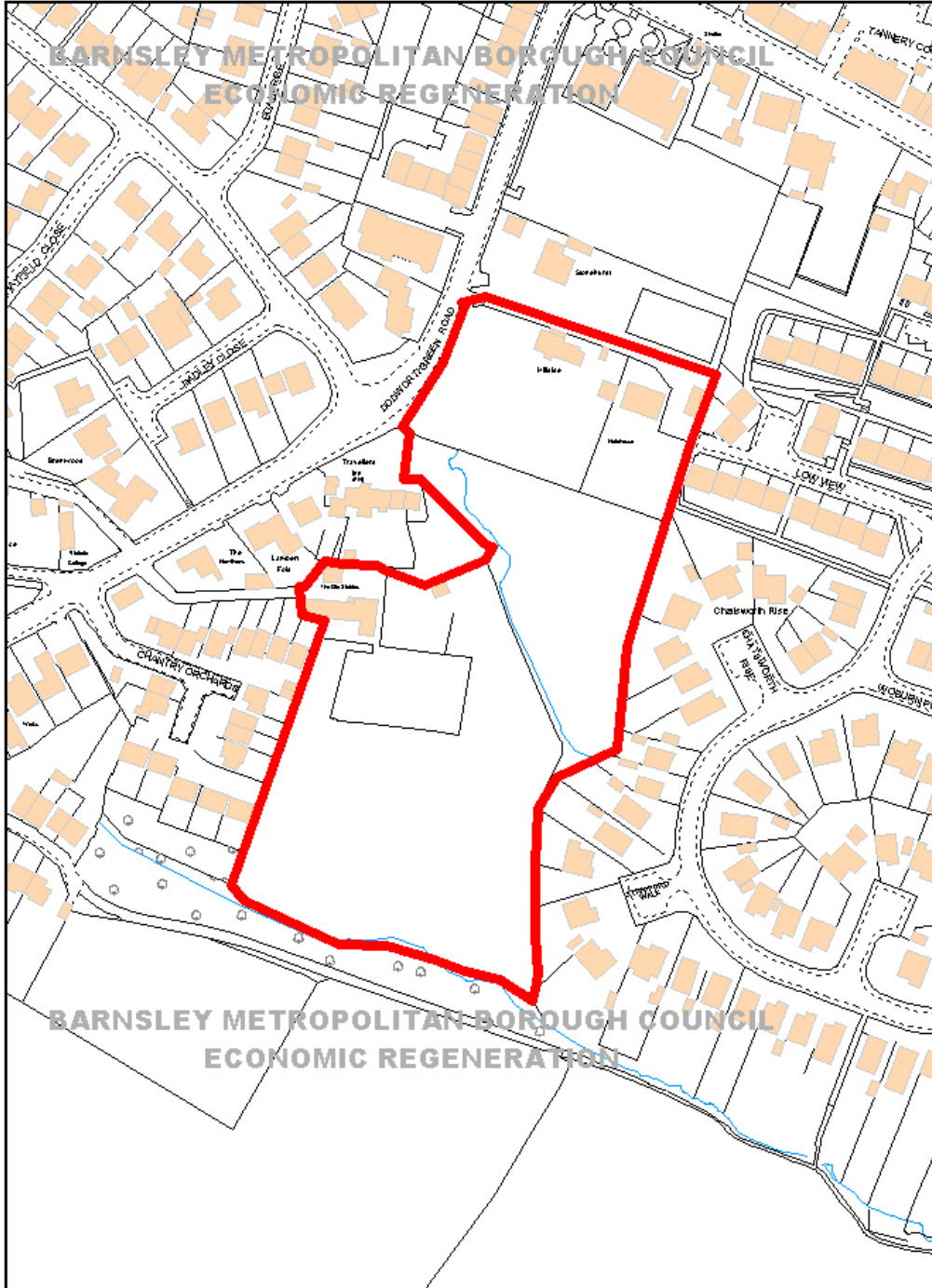
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

PA reference :-

2016/0268

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BARNESLEY MBC - Economic Regeneration

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



Scale 1:2500

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2016/0952

Applicant: Mr Mark Jones

Description: Variation of condition 3 of outline planning application 2013/1007 (residential development of up to 41 dwellings including means of access) to increase the maximum number of residential properties to 56 units details of which shall be submitted as part of a separate application for the approval of reserved matters.

Site Address: Land off New Road/Lidgett Lane, Pilley, Barnsley, S75 3AE

2 letters of objection have been received
1no. Councillor objection to the scheme

Site Location and Description

The site is located towards Lower Pilley and measures approximately 2.6ha. It is rectangular in shape and extends from Lidgett Lane to the North and New Road to the South. The site is mainly grassed over and is open to New Road but separated from Lidgett lane by an established hedge. Levels fall to the South by approximately 10m.

The site borders detached properties to the East, with further residential properties opposite Lidgett Lane to the North, and a recreational ground to the West. Beyond New Road to the South is a wooded area.

Site History

2013/1007 – Residential development for up to 41 dwellings including means of access (Outline) Land off New Road/ Lidgett Lane, Tankersley, Barnsley, S75 3AE

Proposed Development

Outline planning permission has been granted, with matters of design, scale, siting and landscaping reserved for subsequent judgement, under reference 2013/1007, for a residential development for up to 41 dwellings with access taken from a central location on the southern Boundary to New Road. As part of the approval condition 3 stated;

The development hereby approved shall not exceed a maximum of 41 residential units, the details of which shall be submitted as part of the application for approval of reserved matters.

Permission is now being sought, through a section 73 application, to vary that condition to increase the number of dwellings from 41 to 56.

Offsite contributions towards Affordable housing, Public Open Space, Education and Travel were previously approved and these would be amended accordingly. These matters will be addressed in detail as part of the assessment process of the report.

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 the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Local Development Framework Core Strategy

CSP1 'Climate Change'
CSP2 'Sustainable Construction'
CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP5 'Including Renewable Energy in Developments'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP13 'The Release of Allocated Housing Land'
CSP10 'The Distribution of New Homes'
CSO13 'The release of Allocated Housing Land'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP33 'Green Infrastructure'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP37 'Landscape Character'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Safeguarded land

Policy GS10 'In areas shown as Safeguarded Land 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

30 -Sustainable Location of Housing Sites
33 - Financial Contributions to School Places

Local Plan

SAF33 – Safeguarded land

Other

South Yorkshire Residential Design Guide

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraphs of particular relevance to this application include:

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

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

Para's 58 & 60 – Design considerations

Consultations

Affordable Housing Officer: No objections subject to compliance with policy CSP 15

BMBC Drainage: No objections subject to conditions

Education: No objections subject to contribution

Highways DC: Increase in numbers would not have a significant adverse impact

Tankersley Parish Council: No comments received.

Legal Officer: No objection subject to deed of variation

Ward Councillors: Cllr Barnard objects – increased traffic movements and surface water runoff

Policy: No objections subject to increased contributions

Representations

The applications have been advertised by way of site and press notices. Properties which share a boundary to the site have been consulted in writing.

As a result of the consultation 2 letters of objection have been received. The main points of concern are;

- Increased flood risk due to increased hardstanding, roofs etc.
- Drainage in the area cannot take the additional strain
- Reduced highway safety due to increase in cars/traffic
- Out of character with the area, detrimental to visual amenity
- Increased stress on inadequate local services
- Mining legacy under the site

Assessment

Principle of Development

The site is currently in agricultural use and is allocated as safeguarded land in the UDP and proposed Safeguarded Land in the Publication Draft of the Local Plan. However, the principle of residential development has previously been set on the site with the approval of application 2013/1007. The residential development on the site is supported for the following reasons;

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. Taken as read the proposal would be contrary to UDP policy.

The intention of Safeguarded Sites 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.

The Council cannot demonstrate a deliverable five year supply of housing land and as such the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) applies and indicates that the proposal should be allowed.

It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, paragraph 49 is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development at paragraph 14 of the NPPF should be used to determine planning applications and that relevant policies for the supply of housing should not be considered up to date. Other relevant development plan policies and material considerations should, however, still be considered.

As the principle of residential development has already been established, this report will focus on the implications of increasing the number of units from 41 to 56. The impact will be explored under the following headings;

Sustainability

The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. The NPPF not only commits to the presumption of sustainable development but stresses that it is essential 'to significantly boost the supply of housing'.

Whilst the contribution to the environmental dimension of sustainable development would be largely neutral, the proposal would significantly contribute to the economic (through council tax revenue, increased spending within the local area, creation of jobs etc.) and social dimensions (contributions for improving local secondary schools, improvement to local green spaces, provision of affordable housing etc.), especially with the increased unit numbers above the original outline, as such, the development is considered to be sustainable. On this basis, it is considered the presumption in favour of sustainable development applies.

Affordable Housing

The site falls within Penistone East which is part of the Rural West whereby a 25% affordable housing requirement is needed in accordance with policy CSP15. The subtext of the policy alludes to the fact that this need can also be met offsite. Indeed Members will be aware that offsite contributions have been considered on recent developments elsewhere in the Borough including the previous permission on this site.

The previous application (2013/1007) was considered alongside a further outline residential development at land off Pilley Green/Lidgett Lane for 31 units which was also by the previous applicant. The previous applicants committed to the delivery of a combined 18 offsite affordable units which would have been constructed at the former Rockingham Colliery site which was owned by the applicants and obtained planning permission under application B/02/0986/WB for the construction of 41 dwellings. With the exception of the 18 units the site has been constructed, being developed in the mid 2000's by Ben Bailey Homes. The planning permission therefore remains extant. The delivery of the affordable units was included within a 106 agreement.

However, this site is now being considered on its own and not in conjunction with the Pilley Green Site. As such, the Affordable Housing requirement needs to be site specific and, as the number of units is increasing, adjusted accordingly. Furthermore, the two residential approvals were tied together with 1no. 106 agreement previously, therefore, a deed of variation is required alongside this application not only to accommodate the additional requirements but also to separate the two sites so they are responsible for their own contributions.

Given that there are 56 units proposed, in accordance with CSP 15, 14no of affordable units are required for this site. There would still be 11 units provided off site on the Rockingham Colliery development, but 3no. 2 bed units would also be accommodated on site. The delivery of the units would be addressed within the 106 agreement deed of variation as outlined above.

The delivery of offsite housing on this basis is considered to be an acceptable offer given that it maximises housing delivery in accordance with the aspirations of the NPPF.

Education

Concerns were repeatedly raised on the previous approvals regarding the capacity at St Peters primary school which is located off New Road, due east the site. The consultation which has been undertaken with Education confirms that this school and ones within Hoyland Common are currently operating close to capacity. The situation has been

assessed and it has been identified that there is scope to accommodate an additional classroom within the roof space of the existing school. It has been confirmed that the provision of this classroom would accommodate additional demand generated.

To address the demands raised by the previous 2no. of approvals, a financial contribution relating to primary school places was agreed with the previous applicants. The total contribution across both sites amounted to £100,000, and was secured within the section 106 agreement. The contribution was to be paid in full when work first commences on either of the two sites.

However, as the two sites are now to be considered separately this site would need a separate contribution compared to the Pilley Green site, and also amended trigger points for when the payment would be required, as it would be unacceptable for one developer to pay the full education contribution dependant on which development commenced first. Furthermore, since the previous approval the situation at local schools has changed, the deficit resulting in a large number of pupils at primary school age has now move through the system resulting in a deficit at local secondary schools . As with the affordable housing contribution above, the amendments would be addressed through a deed of variation.

The Education Officer has been consulted on the application and calculated that there is now a surplus at primary schools but there would be a deficit of places at secondary schools, as such, compensation would be required for the additional 9 secondary school places generated by the development. The contribution per place for secondary schools equates to £14,102, therefore, an overall contribution of £126,918 (9 x £14,102) is required as a result of the development.

Green Space

In accordance with CSP35, CSP42 and the SPD: Open Space Provision on New Housing Developments, all residential development over 20 units are expected to provide green space, whether that be on site or a financial contribution to upgrade existing offsite facilities

General open space requirements require a minimum of 15% of the gross site area of new housing development must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses as per 'SPD: Open Space Provision on New Housing Development' standards. An initial green space assessment suggests that an off-site contribution would be required, in connection with the requirement for new green space as per policy requirements. The amount required is based on a formula and will only be known should a reserved matters application be submitted. A condition is therefore recommended at the outline stage to secure this, as per the original approval.

Highways Safety

The site would remain accessed in the same manner as approved application 2013/1007 i.e. via New Road which connects Pilley (west) to Tankersley (east). The carriageway measures 5.5m wide and is served with a continuous 1.6m wide footway.

Highway safety issues have been a prevalent concern expressed within the many representations received on the previous applications and also the representations received for this application. Principle concerns relate to the volume of traffic on local roads, inadequacy of Lidgett Lane and annual Flooding along New Road. In accordance with policy CSP26 new development must be designed to ensure that safe, secure and convenient access for all road users can be achieved. Mitigation must be secured where there is either a known or potential safety issue on hand.

The crux of resident's highways objections remains one of safety and capacity for the highway infrastructure to accommodate the proposed scale of growth. In response to this, the previous application was accompanied with an independent Transport Assessment, despite falling below the relevant threshold. The conclusion reached was that the site can be accessed safely and would not have a detrimental impact on the local highway network.

It is acknowledged that the current application would result in 15 additional dwellings which would inevitably generate additional vehicular movements. However, this has been reviewed by Highways who consider that, given the previous approval, the increase in numbers would not have a significant adverse impact on the highway network and, as such, no objections have been raised.

Drainage & Flood Risk

No watercourses run directly through the sites but Birdwell Dyke is located adjacent to the southern side of New Road. Both sites lie within Flood Zone 1 on the Environment Agency's Flood Risk map. Development located within Flood Zone 1 is identified as being suitable for all types of development and the risk of flooding from rivers etc. is low. The Environment Agency was previously consulted and raised no objections.

The location of the New Road access point has previously been agreed with Highways DC as well as the Drainage Authority. It occupies the higher ground which is not prone to flooding. This would ensure that access and egress to the residential site can be maintained at all times.

The increase in numbers would not significantly affect drainage and flood risk, therefore, the Drainage Officer has not raised objections subject to the previous conditions on the outline permission being carried forward.

Conclusions

The proposals are contrary to saved UDP policy with regard to the Safeguarded Land designation of the site. However, the principle of residential development has been set with the approval of application 2013/1107 and still at present the authority is unable to demonstrate a five year supply of specific, deliverable sites for residential development. In addition, the proposals are considered to be sustainable taking into account the three dimensions of sustainable development (economic, social and environmental) referred to in the NPPF. Accordingly, the NPPF Presumption in Favour of Sustainable Development applies.

Having thoroughly assessed the revised proposals and increased unit numbers against other relevant development plan policies and taking into account other material considerations, including those raised in representations, it is not considered that there are adverse impacts which significantly and demonstrably outweigh the benefits of the scheme (subject to securing the necessary mitigation sought within the S106 agreement and recommended planning conditions). On this basis, the proposals are considered acceptable.

Recommendation

Members resolve to grant subject to the conditions given and completion of Section 106 Agreements securing off site affordable housing and financial contribution towards education.

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before 02/12/2017, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) the layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) landscaping**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**
- 3 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels.
Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.
- 4 The development hereby approved shall not exceed a maximum of 56 residential units, the details of which shall be submitted as part of the application for approval of reserved matters.
Reason: To ensure the development conforms with the approved outline planning Permission and stays with the maximum assessed level of development.
- 5 No residential property shall be more than two storeys in height.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.
- 6 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Core Strategy policy CSP35 and the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the off-site open space shall be provided prior to completion of the development in accordance with the approved scheme.
Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 29.

- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 8 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.**
- 9 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
- Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 10 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.
- Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 11 All on-site vehicular areas shall be 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 to the detriment of road safety in the interests of policy CSP26.**

- 12 Visibility splays, having the dimensions 2.4m x 60m, shall be safeguarded at the junction of the access road with New Road, 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 Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 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 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: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.
- 14 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26.
- 15 Prior to the occupation of the dwellings a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.
Reason: In the interests of sustainable development.
- 16 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 2m wide strip on the New Road frontage;
Provision of right turn lane, pedestrian islands and associated pedestrian crossing facilities;
Provision of/any necessary changes to street lighting;
Provision of/any necessary changes to highway drainage;
Reconstruction/resurfacing as required;
Provision of/any necessary changes to 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 interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

- 17 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).
- The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".
- Reason: To protect the environment and ensure the site is suitable for the proposed use.**
- 18 Prior to the commencement of development a Phase 2 intrusive site investigation must be undertaken and submitted for approval in writing by the Local Planning Authority. The site investigation and subsequent development should be undertaken in compliance with CIRIA publication 32 "Construction over abandoned mine Workings" where applicable.
- Reason: To accord with sections 120 & 121 of NPPF and Policy CSP29 of the Core Strategy.**
- 19 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 has been submitted to and approved in writing by the Local Planning Authority:
- Tree Survey
 - Tree protective barrier details
 - 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 well being of the trees in the interests of the amenity of the locality.**
- 20 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the properties.
- Reason: In the interests of the visual amenities of the locality.**

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

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

22 Notwithstanding the details submitted within the ecological assessment detailed plans shall be submitted with the Reserved Matters application indicating biodiversity mitigation and enhancement measures. Thereafter the development shall proceed in accordance with the approved details.

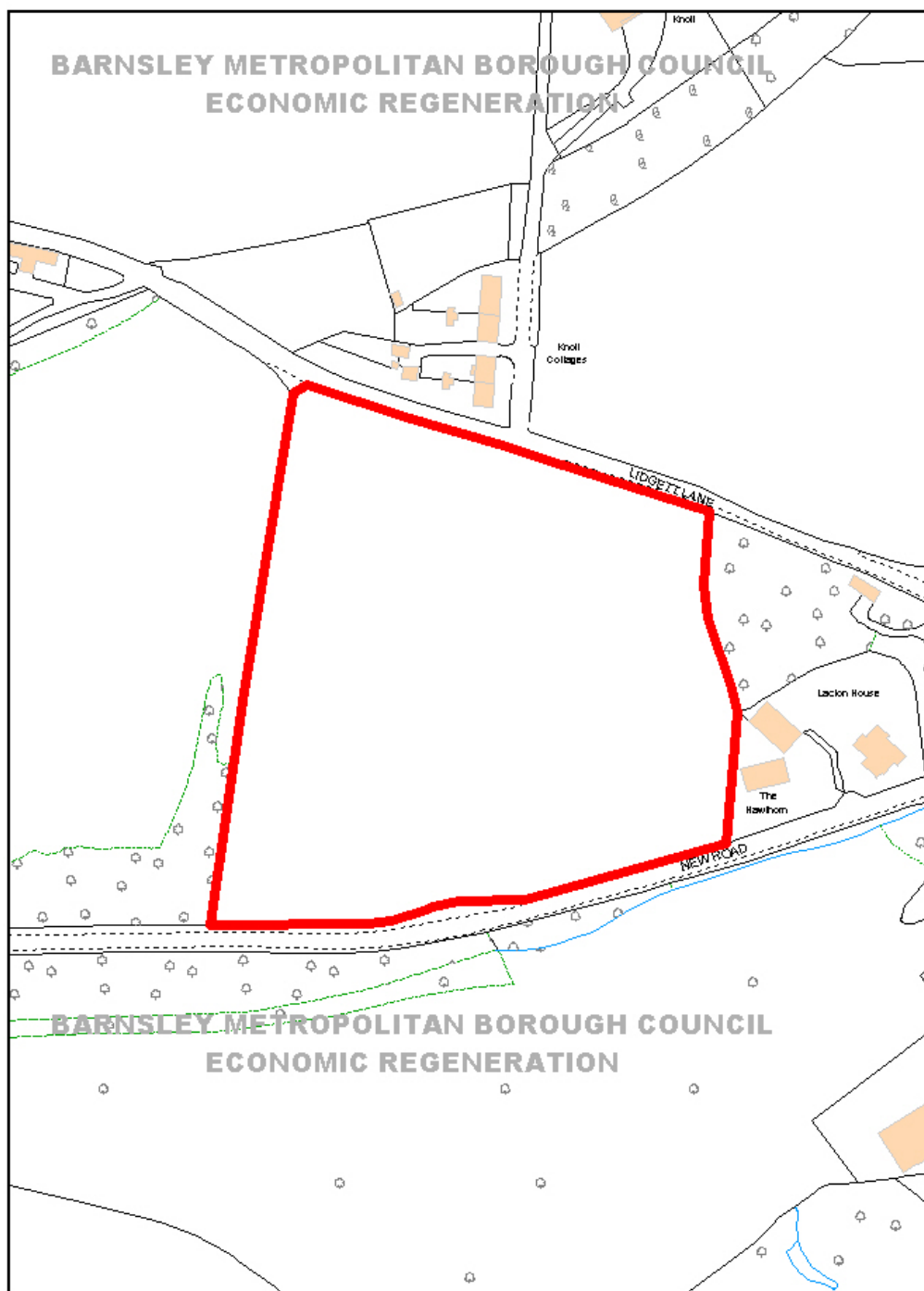
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

PA reference :-

2016/0952

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BARNSELY MBC - Economic Regeneration

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



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2016/0924

Applicant: Mr Jeremy Sykes C/o Miss Katie Daniels (BMBC)

Description: Reserved matters application including details of access, appearance, landscaping, layout and scale in relation to the construction of a new public library (Phase 1) of outline application 2015/0549.

Site Address: Barnsley Markets and adjoining land, Cheapside, Barnsley

Site Location and Description

The site fronts onto May Day Green at the heart of the retail core of the Town Centre. Eldon Street is located to the north and Cheapside to the south, it backs onto Burlington Arcade to the rear. The new temporary market structure is located directly opposite, beyond which is the transport interchange.

The site is currently occupied by a series of shop units which comprise of retail at ground floor with storage above. They are flat roofed structures clad in brown brush hammered concrete which is identical to that of the Metropolitan Centre.

Proposed Development

The application has been submitted as phase 1 of Reserved Matters to the approved outline application 2015/0549. The outline application covers the broad masterplan for the comprehensive redevelopment of the town centre across several strategic sites, it established the following new development:

- Up to 12,000sqm of refurbished retail / market floorspace (Metropolitan Centre) - to re-anchor Barnsley as a Market Town
- Up to 30,500sqm of new retail / food and drink (Use classes A1, A3, A4)
- Up to 4,500sqm of cinema (Use Class D2)
- A 3,000sqm public Library (Use Class D1)
- New public open space / public realm
- Closure of Jumble Lane railway crossing in lieu of a new pedestrian footbridge across the railway towards the approved CEAG surface car park.
- Associated access roads, parking and servicing arrangements

This application relates to the development of the Public Library only, this will form the principle public/civic building within the overall regeneration proposals and will replace the existing (temporary) library service that is located at Wellington House.

The proposals comprise of a contemporary 4 storey building that will be located on what will become the western edge and backdrop of the town's new Market Square. The building will be principally constructed from a honey tone aluminium curtain wall that will support large sections of glazing. A total of 2831m² of multi-functional space will be accommodated across the 4 floors to support dedicated library services. This will include:

- Dedicated Adult/Children's sections
- Quiet Study/Meeting area
- IT facilities/training room
- Demonstration/exhibition areas

- Staff accommodation and Welfare facilities
- Functional Roof Terrace
- Dedicated Café which can accommodate 285 covers

The library will be designed to be the beacon of the town, the transparent glazed skin will emit light to illuminate the new public Town Square. It will have an enhanced IT suite and the building's low energy use will cost less to run and the usable roof terrace will offer excellent opportunities for functions and events.

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 the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Core Strategy

CSP 1 Climate Change
 CSP 3 Sustainable Drainage Systems
 CSP4 Flood Risk
 CSP5 Including Renewable Energy in Developments
 CSP8 The Location of Growth
 CSP25 New Development and Sustainable Travel
 CSP26 New Development and Highway Improvement
 CSP 27 Parking Strategy
 CSP29 Design
 CSP30 The Historic Environment
 CSP31 Town Centres
 CSP39 Contaminated Land
 CSP40 Pollution Control and Protection
 CSP43 Educational Facilities and Community Uses

Saved UDP Policies

S1 'Shopping/Commercial Centres'
 TC1 – 'Development of the Defined Central Shopping Area'
 TC20 – Design and Materials'
 SPDs/SPGs

Emerging Local Plan

Proposed allocation: Town Centre
Town centre area action plan policies:
BT13
AAP3 – Public Spaces

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:

Chapter 1 Building a strong, competitive economy
Chapter 2 Ensuring the vitality of town centres
Chapter 4 Promoting sustainable travel
Chapter 7 Requiring good design
Chapter 10 Meeting the challenge of climate change
Chapter 12 Conserving and enhancing the historic environment

Consultations

Civic Trust – Supportive of the proposals for the new town centre library to replace poor quality buildings on the site with an innovative landmark building marking the initial phase of the new public square. The Trust believes the siting of the new library in a more central location will provide easier access for library and customer service users.

Coal Authority – No objections but raise awareness to the need for appropriate site investigation works being undertaken prior to the commencement of development.

Conservation Officer – No objections subject to the samples of the material being provided.

Contaminated Land Officer – No objections subject to recommended conditions.

Design officer – No objections, the library will form an essential element to the wider regeneration objectives of the town centre.

Drainage – No objections subject to recommend conditions.

Environment Agency – Have reviewed two designs to address the culverted watercourse (Sough Dyke) Provided no loading is placed on the culvert both proposals are acceptable in principle and we would have no objection to the development.

Environmental Health – No objections subject to recommended conditions.

Highways – No objections, the site is located in a highly sustainable central location that is readily accessible to public transport.

SYPTTE – No comments.

SYPALO – All doors and windows and curtain walling should be to PAS 24: 2016 the required standards for Secured by Design. The lighting scheme for the building should be to BS 5489 and it is strongly recommended LED both for its longevity and for its similarity to sunlight therefore giving a better brighter feel to the night time street scene. These initiatives should in turn lead to greater public confidence, witness perception, safety etc.

SYMAS – No objections.

Waste Management – No objections.

Yorkshire Water – No objections

Representations

The application has been advertised by the display of several sites notices, a press notice and premises which share a boundary to the site have been consulted directly in writing. No letters of representation have been received.

Since the initial conception of the Better Barnsley scheme there has been an established approach to communication and consultation with the commercial partners and the general public. This has been running in conjunction to both the original Outline Planning Consent and the current Reserved Matters.

The strategy has endorsed a wide range of activities to engage with the community and stakeholders in the project, whilst not exhaustive this has included:

Better Barnsley Shop

A dedicated 'drop in' shop for the project is situated in the centre of Barnsley. It displays all the plans and proposals for the redevelopment and provides the opportunity for members of the public to give feedback and ask questions. The shop is staffed by the town centre ambassadors who are able to answer queries and provide information. The shop is also used as a space to hold workshops and events relating to the scheme. All the feedback from the drop in shop is collated by the project team to inform the development of the project.

Website

There is a dedicated web page for town centre development (Better Barnsley), with regularly updated information and links to the weekly newsletter. Opportunities for consultation are promoted here.

Newsletter

A weekly electronic 'Better Barnsley' newsletter is published and the link to it shared with local media (currently on its no.111 issue). The Newsletter has a circulation of 1000+ readers who are predominantly local residents and businesses. The newsletter provides an update on the progress of the project, the team involved and events and activities taking place in the town centre. Printed copies of the newsletter are displayed in the Better Barnsley shop.

Social media

Regular updates and news items are shared via the council's Facebook and Twitter accounts. Any comments are shared with the development team. The project specific Twitter Page has 1230 followers; it is updated on a daily basis to keep people informed of the latest news about the project.

Targeted events

Regular meetings, presentations and workshops have been held with the consultees and stakeholders. A series of town centre walkabouts have also taken place to give people the opportunity to discuss existing issues in the town centre and to gain a better understanding of the redevelopment proposals and how they integrate into the town. All the feedback from these targeted events is utilised by the project and design teams to inform the development of the project.

Consultation Feedback and conclusion

The public and stakeholder consultation undertaken to date has proved invaluable to the project delivery team.

The feedback provided to date has helped to shape the details of both the outline and this Reserved Matters submission.

Assessment

Principle of Development

Planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The principal policies that are considered most relevant in the determination of this application are highlighted above. The National Planning Policy Framework is a material consideration in planning decisions and this advises that Local Planning Authorities should approach decision making in a positive way to foster the delivery of sustainable development.

Local Planning Authorities are advised to look for solutions rather than problems and decision takers at every level should seek to approve applications for sustainable development where possible.

Within this overall framework, and given that outline planning permission has already been granted, the main issues in considering this application relate to:-

- The acceptability of the library at this town centre site in policy terms;
- The impact of the proposed new building and associated works on the character and appearance of the adjacent Conservation Area and setting of the Listed Civic Hall;
- The contribution to place making;
- The impact of the activity from the new use in terms of traffic and pedestrian movements and associated parking requirements
- The sustainability credentials of the proposals.

New development needs to support the centre so that it can actively contribute to the growth of the Boroughs economy as well as serving the needs of local residents. To achieve this objective, it is important that the existing centre diversifies in terms of its retail and leisure function and overall capacity, this will have the added benefit of also promoting the existing cultural and tourism offer within the town.

The site is identified within the UDP as being within the central shopping area, whilst not fulfilling a retail function it is nonetheless considered that the library would be complimentary to this function, a fact that was established on the granting of the Outline Approval. Accordingly it is considered that the proposal accords with the principles of saved policies S1, TC1 and TC20 and Core Strategy Policies CSP31 and CSP43 which seek to focus such activities/uses within defined central shopping areas, this also meets with the overall spatial strategy of the Core Strategy.

The redevelopment of the town centre has been a long term objective of the Council, it is a critical scheme from a Barnsley economic and regeneration perspective. The Council committed itself to the delivery of a new library when it disposed of the previous facility at Shambles Street to accommodate, the now constructed Sixth form centre. The application will see this commitment come to fruition; it comes off the back of extensive consultation with relevant stakeholders and user groups and represents a key milestone within the delivery of the Better Barnsley development.

May Day Green is located at the heart of the retail core and has excellent links to the transport interchange. Intentionally, the library will provide the western backdrop to the new market square and enhanced public realm, it will therefore form a key focal point at a strategic location of the redeveloped Town Centre.

The provision of a new Library at the heart of the town is a key priority to the Council, it will provide an essential educational, cultural and community facility that is accessible to all residents of the Borough with excellent access to transport links. Accordingly the development of a building for such mixed uses is seen as appropriate within a town centre setting, with uses being complementary to many of the services which the centre has to offer. The library is considered to be economically and socially sustainable as the facility will drive footfall within the town centre that will complement the overall retail function. This is considered to be environmentally sustainable.

Accordingly the proposals complies fully with policy CSP43 'Education Facilities and Community Uses', which states that new facilities should be located centrally to the communities that they serve, in places where they shall be accessible by walking, cycling and public transport. As such these considerations should be afforded significant weight in favour of the development.

Design & Layout

The NPPF recognises the role of the planning system in creating a high quality built environment; it notes that well-designed buildings and places can improve the lives of people and communities. One of the NPPF's Core principles is that planning should always seek to secure high quality design, and a good standard of amenity for all existing and future occupants of land and buildings.

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraphs 61 the NPPF is of particular significance, it advises;

'Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

The library has been designed, amongst other things, to meet the needs of its future users, to create a backdrop that contributes to the future public realm that also complements the adjacent Conservation Area and setting of nearby Listed Buildings. Ultimately these principles have shaped the scale, layout and form of the development that has been presented.

The building adopts a contemporary style, and would occupy the same footprint as the existing May Day Green parade of shops that it will replace. It would stand at 4 storeys in height, this has been deemed essential in the context of providing the building with an appropriate presence within the town centre and the backdrop to the market/public square that it will front. The external elevations of the building will be largely glazed, the concept of

providing this degree of transparency is considered important as it will enforce the overall sense of the buildings public use, in addition to providing welcomed interaction and improved surveillance to the street scene.

The Eastern elevation of the library will be the most pronounced as this will face onto the new Market Square. This elevation will have a strong 3 storey façade, the fourth floor will be recessed and would open up onto an accessible roof terrace that would be multi-functional. The building would be wrapped in a glazed curtain walling system, the glazing would be broken by mullions constructed from an aluminium frame that would be coloured champagne.

The design and choice of materials give the building a clear vertical hierarchy, and the extent of the glazing is welcomed, in particular it is noted that the depth and relief of the mullions would provide some texture and shadow to the building, this will in turn give interest to the elevations as influenced by the positioning of the sun throughout the day. The level of glazing will mean that the internal lighting will ensure the building appears like a 'beacon' in the evening.

The choice in colour is intended to reflect the heritage of the honey-hued stone buildings that make up so much of the townscape. The material and colour is considered to be a welcomed reference point to the town's heritage which is considered acceptable. The fenestration has been designed to communicate the internal organisation of the buildings programme. The windows follow a simple hierarchy whereby the proportions of the ground floor windows are larger to give a more open and transparent impression. The spacing of the mullions within the curtain walling become tighter as the building rises to reflect the more private activities associated with the buildings upper floors.

The height of the building is important to its role in framing the backdrop to the future public square. Conversely, to this it is equally important that the buildings overall height does not appear too overbearing in the context of the properties along Burlington Arcade and Eldon Street, which it will also be presented to and read in the context of. This has been achieved with the building stepping down in height so that the transition between heights is softened, as a result the building also engages with Eldon Street in a more positive manner, particularly when compared to the existing parade of shops that it replaces.

Levels are consistent across the site and there will not be any requirement for any significant engineering/retaining works that would influence the design. The library's entrance would be taken directly from the square, there would also be two entrances provided for the adjoining Café, which would in turn be linked internally to provide complementary function to library users.

With regard to external works these will be kept to a minimum, the public realm works will follow under latter phases of Reserved Matters submissions. In the interim areas around the building will be levelled and made good with a tarmac finish.

Heritage

The demolition of the May Day Green Units was established when outline planning permission was granted for the Town Centre Masterplan. The building themselves are of a dated appearance, reminiscent of the brutalist architecture of the Metropolitan Centre and former Central Office block. Consequently their utilitarian appearance is considered to contribute very little in terms of aesthetic value to the locality and local streetscape.

The application site is located on the immediate Southern boundary of the Regent Street/Church Street/Market Hill Conservation area, it is also within the setting of the Civic

Building, which is grade II listed and located to the north of the site. Policy CSP30 'The Historic Environment' requires that development which may influence the setting and character of heritage assets should only be approved whereby a positive impact can be achieved.

The separation distances between the site and the Civic building helps to mitigate the influence of the building on the assets setting. Conversely the demolition and rebuilding of a modern development will ensure that overall the setting of these assets is enhanced. This view is supported by the Conservation officer, who considers that the proposed development is for an iconic and intentionally modern building that demonstrates adequate sympathy to the setting of nearby heritage assets.

Overall the materials, scaling, massing and form of the proposal, as indicated, will enhance the area by significantly regenerating the site. This in turn would have a very positive benefit upon the character and appearance of the Conservation Area. This would comply with the requirements of polices CSP29, 30, 31 and 43.

Highways and Access

Owing to the sites central location, it is ideally located for access to public transport services and the strategic highway network. The outline application was supported by a Transport Assessment which demonstrated that the quantum of development could be accommodated, and identified the mitigation measures required (condition no.18).

The transport interchange is immediately on hand to the east of the sites boundary, from here Borough and Regional wide bus and train connections can be accessed. Given the immediate connectivity the site is located within a very sustainable location, which is also preferable in terms of accessibility to the location of both the previous Central Library facility and current Wellington House premises. The principle of the location is accordingly supported by the transport related policies of the Core Strategy and the wider Sheffield City Region Transport Strategy.

The library needs to be accessible for diverse range of users and the new facility, the favourable levels ensure that universal access can be achieved that does not prejudice the needs of any user groups. Internally the building has been designed to be fully compliant with the provisions of the Equality Act.

It is not anticipated that the library would have any a significant traffic impact with regard to the local highway network given that it is an existing facility already operating from within the Centre. Car trips may reassign to the various car parks which serve the town centre and that are also within a reasonable walking distance. It is noted that a large proportions would visit the facility as part of a linked trip to other services within the town centre.

The lack of any real frontage to the Highway presents a problem when considering the access requirements for servicing the building. The intention is that the immediate area of the new public square will be constructed as a pedestrian priority shared surface, waste collections and deliveries would therefore be taken from the frontage of the building at specified times. This is wholly acceptable in principle, but the ability for it to be achieved is slightly complicated owing to the current designation of the access to Kendray Street as 'one way'. The issue is not insurmountable and the Highways Authority has recommended that this can be addressed, and suitably controlled by way of a planning condition. Essentially it is considered that arrangements would be relatively infrequent and they can be largely secured outside of peak time to avoid any conflict with pedestrians from occurring.

In general the Highway Authority have considered the impact of the development on parking in the vicinity of the application site, the potential impact on public transport and the impact of the increased traffic flows on the surrounding highway network. The conclusion is that it lies within a highly sustainable location, and that in comparison to the existing use of the library, and former shops there would be a comparative reduction in vehicle trips over the existing vehicle generation. No objections are therefore raised on highways grounds against the provisions of policy CSP26 or relevant guidance of the NPPF.

Economic Benefit

As alluded to earlier within the report the Council is committed to the delivery of an improved town centre which offers good quality retail and leisure facilities. This represents the first significant phase of the planned regeneration for the town, this will indirectly assist with increasing employment opportunities with the wider town centre. This is consistent with the economic objectives of the Core Strategy.

Sustainability

Broad sustainable objectives are achieved by virtue of the regeneration of a brownfield site within a highly accessible location. The Design & Access Statement covers the sustainability credentials of the development in great detail. In general a holistic approach has been taken to the buildings energy performance to promote efficiency and reduce its overall running costs to the Council, this also includes a robust approach to materials to reduce long-term maintenance of the building. The design utilises the buildings thermal mass to create a stable internal environment whereby air will be circulated via an underfloor distribution system. Prefabrication techniques would also be employed throughout the construction to minimise disruption and waste. The design incorporates materials and efficient technologies to ensure that the buildings performance would achieve a BREAAAM 'Very Good' Standard as per the requirements of condition no.7 of the Outline Approval. Overall the combination of measures would ultimately ensure that the policy expectations of CSP2, CSP3, CSP4 and CSP5 are met terms of overall environmental performance, energy production and use of natural resources.

Drainage

Sough Dyke is a culverted watercourse that runs partially beneath the site. The Outline approval conditioned that a 6m wide easement should be secured along the alignment of the watercourse. The Culvert has since been fully surveyed, subsequent discussions have also taken place with the Environment Agency whereby two designs have been presented. This includes either a cantilever or bridging design solution, both of which are deemed acceptable and allow the deletion of the condition. The EA have confirmed approval to this approach, it is also noted that the maintenance of the culverted falls within the riparian ownership of the Local Authority, accordingly there are no objections to the maintenance responsibility.

The site is less than 1ha in area and is not located within an area that has any risk of flooding. Drainage to the development will pick up existing connections with separate provision made for foul and surface water disposal. It is however, likely that flows would have to be reduced accordingly to meet relevant drainage authority standards. Full details of the drainage strategy would need to be submitted as per the requirements of the conditions secured on the outline consent.

Ground Conditions / Mining Legacy

A Geotechnical risk assessment has been provided which assesses ground conditions and mining legacy risks. The site has been subject to several site investigations and Geotechnical appraisal's since the conception of the original town centre redevelopment proposal. The assessment provided draws upon the previous site investigations and concludes that mining legacy risks at the site are low, however shallow coal is present beneath the site and limited areas could possibly have been mined. Precautionary measures/remediation may therefore be required in some instances of the detailed design, a matter which will be addressed through the Building Control process.

Conclusion

The principle of a library/community facility was established on the granting of the outline planning permission.

The Reserved matters represent an important phase in the development of the Better Barnsley development. The library will be located at an accessible gateway into the retail core of the town centre that forges excellent links to the Transport Interchange and Eldon Street. The development will help to inform the sense, quality and character of the spaces and buildings beyond the proposal site. The proposals would address this and contribute positively to the town Centre skyline and streetscape by providing a significant 'landmark' building on a principal gateway within the town centre. The chosen design provides a very desirable backdrop to the future Market Square and the boundary of the adjacent Regent Street/Church Street/Market Hill Conservation Area which would mark a significant uplift in the quality of the local environment.

In addition to the environmental improvements, it is also considered that the proposal would contribute significantly towards the economic regeneration of the town centre. The associated footfall from visitors to the site would not only add to a sense of vitality and vibrancy within the area, but this will contribute significantly to the positive fortunes of the town centre as a whole.

The proposal has been assessed against the National Planning Policy Framework, the Core Strategy, and the provisions of the development plan and other relevant material considerations. The library represents development in a highly accessible location and is in accordance with general planning policy principles aimed at promoting sustainable growth and spatial planning. The proposal is for an appropriate use and form of development within this town centre location and would have an acceptable impact on heritage assets including the setting of the (nearby) Grade II listed Civic Building and Regent Street/Church Street/Market Hill Conservation Area.

Recommendation

Grant subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of this approval of reserved matters.
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
- | | |
|-----------------------------|---|
| BBTC_IBI_LR_A_F100_EL_001 | 2. Front and Rear Elevation |
| BBTC_IBI_LR_A_F100_EL_002 | 2. Side Elevations |
| BBTC_IBI_LR_A_F100_EX_EL_00 | P1 Existing Elevations |
| BBTC_IBI_LR_A_F100_EX_PL_00 | P1 Existing Ground Floor Plan |
| BBTC_IBI_LR_A_F100_EX_PL_01 | P1 Existing First Floor Plan |
| BBTC_IBI_LR_A_F100_EX_SE_00 | P1 Existing Sections |
| BBTC_IBI_LR_A_F100_EX_SP_00 | 1 Existing Site Plan |
| BBTC_IBI_LR_A_F100_PL_00 | 1 GF Plan |
| BBTC_IBI_LR_A_F100_PL_01 | 1 FF Plan |
| BBTC_IBI_LR_A_F100_PL_02 | 1 2F Plan |
| BBTC_IBI_LR_A_F100_PL_03 | 1 3F Plan |
| BBTC_IBI_LR_A_F100_PL_RF | 1 RF Plan |
| BBTC_IBI_LR_A_F100_SE_001 | 1 Section AA |
| BBTC_IBI_LR_A_F100_SE_002 | 1 Section BB |
| BBTC_IBI_LR_A_F100_SE_004 | 1 Section EE |
| BBTC_IBI_LR_A_F100_SP_00 | 1 Site Plan |
| BBTC_IBI_LR_A_F100_SP_XX_00 | Location Plan |
| BBTC_IBI_XX_A_F100_PL_00_02 | 1 BBTC Site Phasing Plan |
| BBTC_IBI_LR_A_F100_EL_003 | 1 West Elevation - Site Context to Eldon Street |
- and specifications within the Design & Access Statement (July 2016) 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 construction 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 construction of the building shall only take place after a one-metre-square sample panel of all external materials has been constructed on site and the details approved in writing by the Local Planning Authority. The approved panel shall be retained on site until construction of the building has been completed. 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 LDF Core Strategy Policy CSP 29, Design.

- 4 The development hereby approved shall not commence unless and until a servicing strategy, including a schedule of loading and unloading locations and times, has been submitted to and agreed in writing by Local Planning Authority. Servicing to the building shall thereafter take place in strict accordance with the approved strategy.

Reason: In the interests of public and highway safety in accordance with policy Core Strategy Policy CSP26.

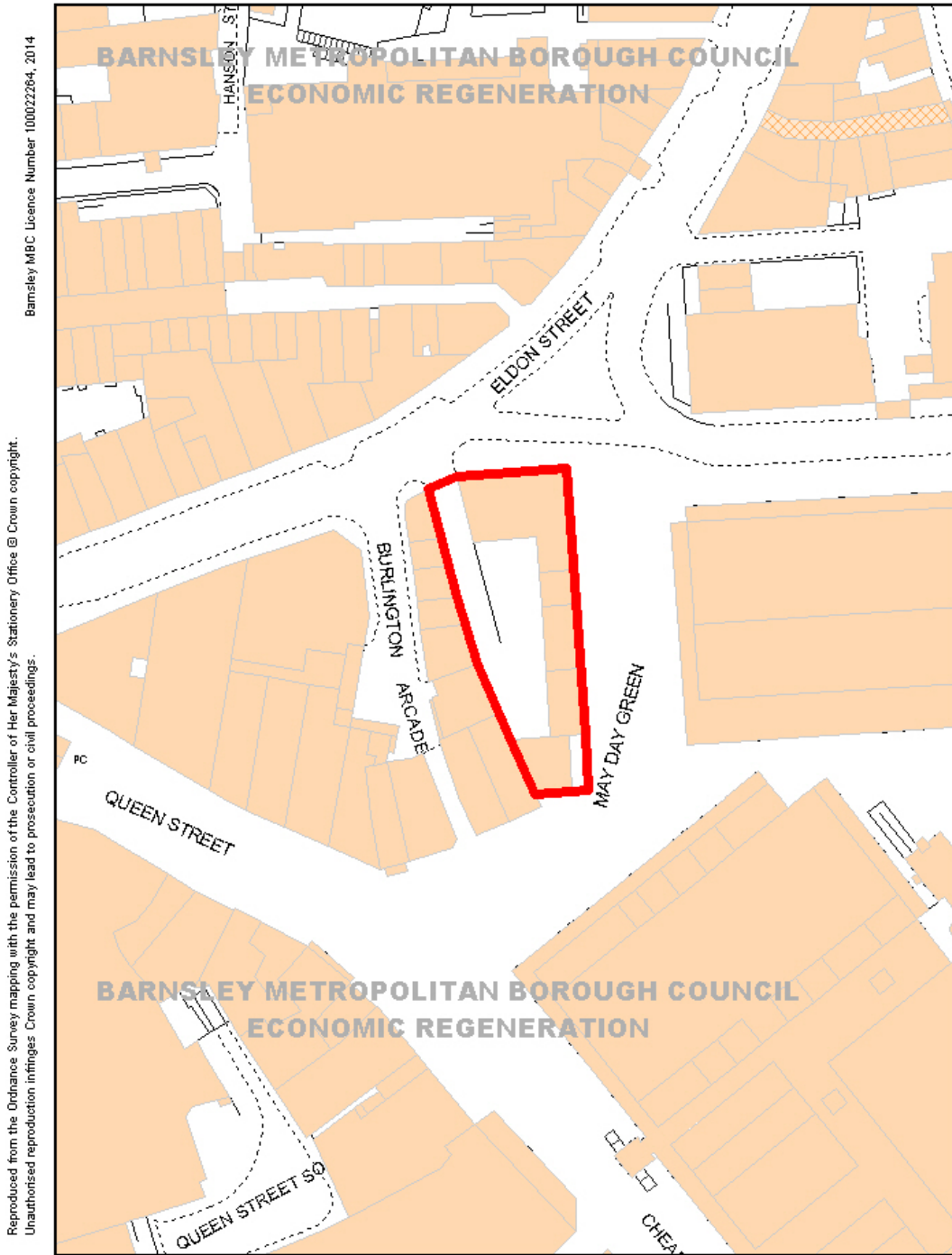
- 5 Upon commencement of development full details of an external lighting strategy for building shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the specification, location, orientation, angle and luminance of the proposed lighting. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.

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

- 6 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.

PA reference :-

2016/0924



BARNLSLEY MBC - Economic Regeneration

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



Scale 1:1250

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Item 8

2016/0705

Applicant: Mr John Duggan

Description: Erection of 3 no. detached dwellings

Site Address: Land at Priory Road, Bolton Upon Dearne, Rotherham, S63 8AE

2 objections received

Background

This application is brought to PRB due to a requirement for a section 106 agreement relating to a financial contribution.

Site Description

This application relates to an enclosed area of open land located at the end of Priory Road, which is a cul-de-sac off Station Road.

Priory Road is primarily residential in character but also contains the former Lacewood Primary School, which has recently been sold. The site was used as a playing field associated with the former school. The land is flat and contains no topographical feature but does contain a large mature tree near the northern and eastern boundaries.

The site is overlooked to the west by a new gated development of 3 houses with an access at the end of Priory Road and older terraced houses to the north fronting Chapel Street. Immediately adjacent to the south of the site is a former Chapel of Rest that has been used for clothing manufacture. To the east there are houses fronting Edna Street.

Proposed Development

The submitted plans show three large detached 5 and 6 bedroom houses that would have rear gardens of about 15m in length. The dwellings are close to each other with only 1m gaps. The distance to the three new houses to the west is about 22m. The gated access onto Priory Road is shown as 4.1m wide, there is then a private drive with a turning area for each property.

The houses would be individually designed and would be between 2 and 2 and a half storeys in height. The house on plot one would have a large projecting double door garage at the front with a master bedroom over. The window of the bedroom and garage doors would face the driveway and front garden of plot two at a distance of about 7.5m. The house on plot two would have an integral garage that faces the access road. Plot 3 does not have a garage but has enough space for two parking spaces.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies and The Joint Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

Core Strategy

CSP26 Highways issues.
CSP29 Design matters.
CSP35 Green Space
CSP39 Biodiversity and Geodiversity
CSP40 Pollution protection.

Saved UDP Policies

The site is located within a Housing Policy Area.

SPDs/SPGs

Designing New Housing Development.

Provides guidance regarding, amongst other things space about buildings and garden sizes.

Parking

Sets out parking requirements for housing relating to numbers of bedrooms.

Publication Consultation Document

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

SD1 Presumption in favour of sustainable development
GD1 General development
D1 Design
T4 New Development and Highway Improvement
GS1 Green Space
BI01 Biodiversity and Geodiversity
Poll1 Pollution Control and Protection
CC4 Sustainable Drainage Systems (SuDS)

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.

Consultations

Pollution Control - No objections subject to conditions

Highways- On submission of additional details, no objections subject to conditions.

Tree Officer - No objections.

Sport England. No response received.

Representations

Two objections received from residents on Chapel Street raising the following matters:

- My property at 32 chapel street will lose all the light to my garden, as they are three storey.
- The development would be right up to the boundary which would stop objector being able to repair and maintain their wall and outbuildings
- The development will adversely affect my enjoyment of my garden and home,
- The tree that is to be retained in the corner plot 3 overlooks objectors garden. During the Autumn/winter months the leaves and branches fall causing damage and the leaves block drains. A branch broke away last year and almost caused an accident.

Assessment

Principle of Development

The application site is within a Housing Policy Areas as designated within the Unitary Development Plan and is also within predominantly residential surroundings.

The site was previously a playing field in connection with Lacewood Primary School. However, the old school has since been demolished and the site has therefore been gated off and remained unused. However, it is identified as a greenspace in the greenspace register and as such consideration needs to be given to Policy CSP35.

Policy CSP35 is clear that where green space is no longer considered to be required for its existing use it should first be considered for its ability meet other green space needs arising from local or wider shortfalls, through a needs assessment in accordance with the Green Space Strategy. There are deficiencies of greenspace in the area at district and borough level. However, it is considered that the site offers minimal potential to reduce this deficiency due to its size, shape and location and could, therefore, be released for development without negatively impacting on the function of the remaining green space, subject to compensatory provision in line with CSP35.

In these circumstances it would be would be appropriate to seek a compensatory figure of £3,000 per dwelling in instances which result in the loss of informal open space. As such a Section 106 for £9,000 would be required with any approval.

Residential Amenity

There are existing dwellings around the site that could be affected by the development. In this regard the Council's SPD Designing New Housing Development contains guidance on separation distances and garden sizes. There would be a minimum distance of 22m between the front of the proposed houses and the front of the opposing dwellings on Priory Road. This is in excess of the guidance of 21m and more than is generally found elsewhere in the vicinity.

There are houses overlooking the site on Chapel Street. The average rear garden is about 12m long and there is a 2m gap between the side of plot 3 and the northern boundary. This exceeds the guidance of 12m.

The development would be located to the south of these gardens and as such there would be overshadowing of the gardens on Chapel Street adjacent to plot 3. Nevertheless, this would be a situation replicated elsewhere in the vicinity and an objection on this basis would not be sustainable.

Within the development the side window in the upper floor bedroom over the projecting garage at the front of plot one would be within 7.5m of the boundary with plot 2. However, this overlooks the front garden so would not reduce privacy into the neighbouring property or its rear private amenity space.

Visual Amenity

There would be a loss of an open area and this will clearly have a visual impact. However, the majority of the land is not readily visible from the rest of Priory Road as it is located behind the existing buildings and is fenced off. Whilst, the site is overlooked by three houses erected at the end of Priory Road and terraced houses on Chapel Street the protection of a view is not a planning matter so the visual impact would need to be assessed in the wider context. In this regard the only impact would be a narrow view of the parking and access. This is shown to be gated development as has happened on the adjacent development. Therefore the impact on the character and appearance of the area in general would be minimal.

In terms of the dwellings themselves, they are large properties. However, directly opposite the site there are three detached properties and there are a mixture of house types along Priory Road. The dwellings would be set back from the road and whilst the front of Plot 1 would project forward, this would be close to the adjacent factory and, given that the property at No. 23 already has a detached garage at the front of their property, would not be seen as overly prominent in the street scene. The materials can be conditioned to ensure they harmonise with the surrounding area.

Trees

The main tree of any significance on the site is a large mature tree towards the north-eastern corner. The plans that have been submitted show this tree to be retained and show that the rear elevation of plot 3 would be about 4m from the edge of the canopy of the tree. The Council's Tree Officer is satisfied with the layout and subject to suitable conditions has raised no objections to the scheme.

Highway Safety

The site gains access off the end of Priory Road and would lead into a new private access road to serve the three dwellings. Each plot has sufficient off-street parking and the council's Highways Section are satisfied that adequate access and maneuvering is catered for within the development.

Conclusion

The application site is within a Housing policy Area and within residential surroundings. The principle of residential development is considered acceptable and it is not considered that the scheme results in any significant detriment to highway safety, residential amenity, or visual amenities. A compensatory figure for the loss of greenspace can be agreed via a S106 agreement.

Recommendation

Grant subject to section 106 agreement.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (the location plan, Drawing nos 2 of 4, 3 of 4, 4 of 4 and drawing No. 5 which was received on the 15th September 2016.) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 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 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.

- 6 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), for plot 3 no enlargement, improvement or other alteration of the dwellings 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, and no garages or other outbuildings shall be erected.
Reason: To safeguard the health of a mature tree in accordance with Core Strategy policy CSP36 Biodiversity and Geodiversity.
- 7 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.
- 8 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.
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 10 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

11 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed unless agreed in writing by the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.

12 No development or other operations being undertaken on site in connection with the development shall commence until the following documents prepared in accordance with BS5837: 2012 (Trees in relation to design, demolition and construction Recommendations) have been submitted to and approved in writing by the Local Planning Authority:

Root Protection Area
Tree constraints plan
Tree protection plan
Arboricultural impact assessment
Arboricultural method statement

Details of no-dig construction proposals for areas of car park and drive including cross-sections and plans showing relevant area.

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.

13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

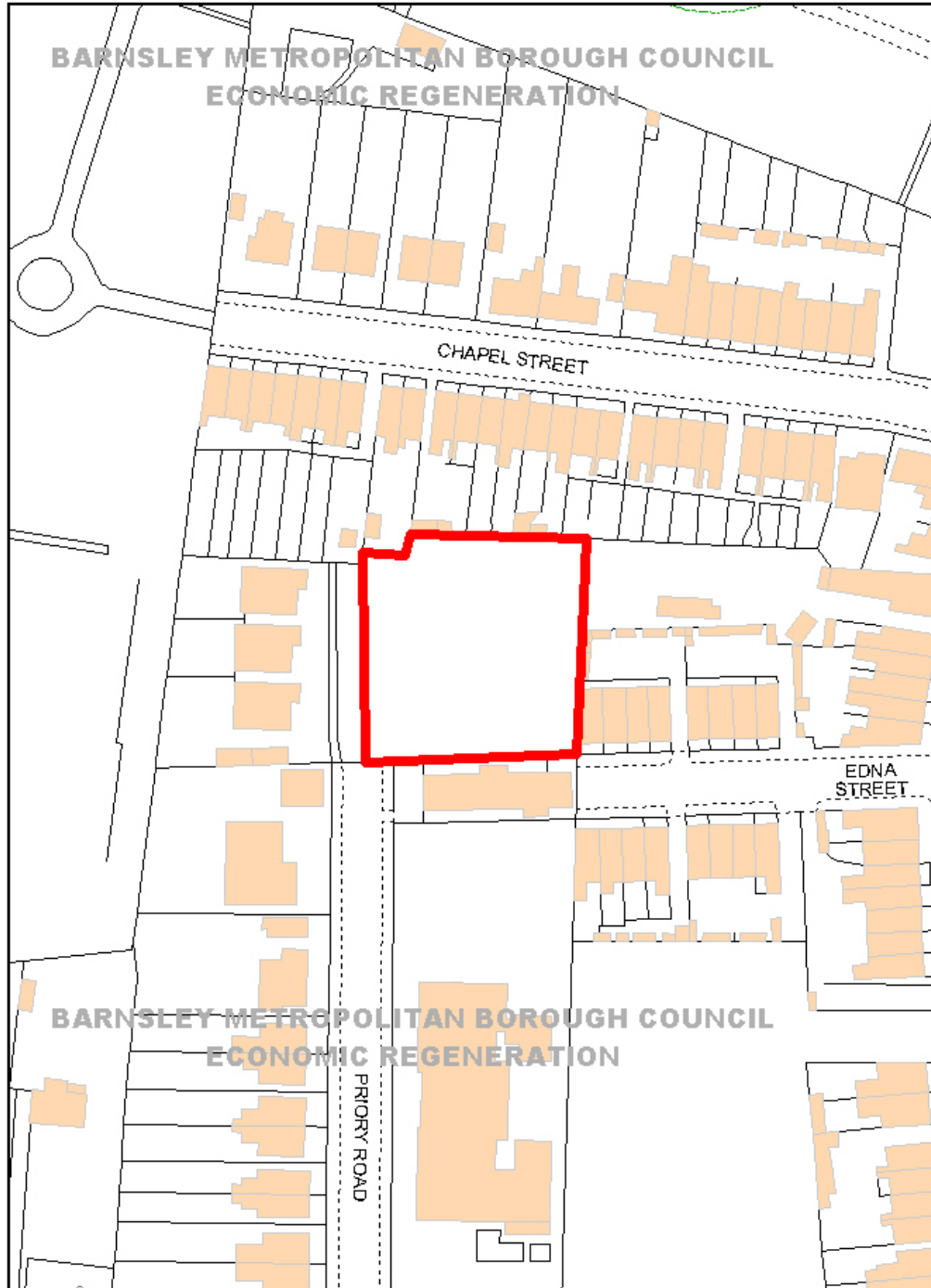
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

Reason: In the interests of residential amenity and visual amenity and in accordance with Core Strategy CSP 29, Design.

PA reference :-

2016/0705

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BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

2016/1050

Applicant: Mr & Mrs David Allen C/o Mr Simon Elliott

Description: Erection of 1 no. detached bungalow

Site Address: 4 Robin Lane, Royston, Barnsley, S71 4EA

No objection letters received. Cllr Caroline Makinson supports the application and has requested that it is referred to PRB on the basis that it would be an appropriate form of development given the context.

Site Description

4 Robin Lane is an 'L' shaped detached bungalow constructed in the late 1980's. It was constructed alongside 2 Robin Lane, which sits to the West, as a mirror image pair. It sits within a large plot with gardens to the front, side and rear. Robin Lane is a single track which serves allotments to the North, a farmer's field to the East and the 2 aforementioned bungalows. The bungalows share a driveway which peels away from Robin Lane and runs parallel.

Site History

2011/0152 - Erection of 1 no. detached dwellinghouse – refused for the following reasons;

- 1 In the opinion of the Local Planning Authority the proposed dwelling would be contrary to Policy H8D of the Unitary Development Plan, the Council's Supplementary Planning Guidance Note 3 and the principles of PPS 1 and 3 in that its design (in terms of eaves height, roof design and fenestration) would be architecturally inconsistent with the character of the host and immediately adjacent properties, to the detriment of visual amenity.
- 2 In the opinion of the Local Planning Authority, the proposed development would be contrary to UDP Policy H8D and SPG 3, in that it would be an undesirable form of backland development, materially detrimental to the amenities of the host property by reason of disturbance from increased residential and vehicular activity.
- 3 The proposed development fails to provide sufficient and suitable accommodation within the site for the turning of emergency and refuse vehicles in order to enter and exit the site in a forward gear. Consequently, the proposal would not meet Building Regulation standards and reduce highway safety to an unreasonable degree, contrary to UDP Policy T2.

2011/0556 – Erection of detached bungalow (Resubmission of 2011/0152) – refused for the following reasons

- 1 In the opinion of the Local Planning Authority, the proposed development would be contrary to UDP Policy H8D, Core Strategy (submission version) policy CSP 29 and SPG 3, in that it would be an undesirable form of backland development, materially detrimental to the amenities of the host property by reason of disturbance from increased residential and vehicular activity.

- 2 The proposed development fails to provide a convenient vehicular access with sufficient and suitable accommodation within the site for the turning of emergency and refuse vehicles in order to enter and exit the site in a forward gear. Consequently, the proposal would not meet Building Regulation standards and would lead to servicing vehicles waiting in Polar Terrace for long periods reducing the free flow of traffic to an unreasonable degree, contrary to UDP Policy T2. In addition, the excessive man-carry distance from Poplar Terrace to the dwelling would be detrimental to the amenity of the occupants of the proposed dwelling, contrary to UDP policy H8A and policy CSP 29 in the submission version of the Core Strategy.

2013/0042 – Erection of 1.no detached bungalow – refused for the following reasons;

- 1 In the opinion of the Local Planning Authority, the proposed development would be contrary to saved UDP Policy H8D, Core Strategy policy CSP 29 and SPD 'Designing New Housing Development', in that it would be an undesirable form of backland development, materially detrimental to the amenities of the host property by reason of disturbance from increased residential and vehicular activity.
- 2 The proposed development fails to provide a convenient vehicular access with sufficient and suitable accommodation within the site for the turning of emergency and refuse vehicles in order to enter and exit the site in a forward gear. Consequently, the proposal would not meet Building Regulation standards and would lead to servicing vehicles waiting in Polar Terrace for long periods reducing the free flow of traffic to an unreasonable degree, contrary to saved UDP policy H8D, Core Strategy policies CSP 26 & 29 and SPD 'Designing New Housing Development'. In addition, the excessive man-carry distance from Poplar Terrace to the dwelling would be detrimental to the amenity of the occupants of the proposed dwelling, contrary to UDP policy H8A and policy CSP 29 of the Core Strategy.

A subsequent appeal was dismissed (Ref: APP/R4408/A/13/2196520) for the following reason;

I conclude that the development would not provide a safe and convenient access and would therefore conflict with Policies CPS 26 and CPS 29 of the Core Strategy and the principles of the Supplementary Planning Document "Designing New Housing Development", March 2012, and the National Planning Policy Framework. Amongst other things these require developments to provide safe, secure and convenient access and to avoid the introduction of vehicular and pedestrian movements close to an existing garden or its boundary.

2014/1226 – Erection of detached bungalow – refused for the following reason;

- 1 In the opinion of the Local Planning Authority, the proposed development would be contrary to saved UDP Policy H8D, Core Strategy policy CSP 29 and SPD 'Designing New Housing Development', in that it would be an undesirable form of tandem/backland development, materially detrimental to the amenities of the host property and neighbouring property by reason of disturbance from increased residential and vehicular activity. Furthermore, the proposal would not integrate well within the immediate area to the detriment of the overall character and layout resulting in an 'ad-hoc' form of development.

A subsequent appeal was dismissed (Ref: APP/R4408/W/15/3130601) with the inspector concluding as follows;

I conclude that even though the driveway would serve only one additional dwelling, the noise and disturbance associated with its use, together with the associated parking and turning area, would cause significant harm to the living conditions of Nos. 2 and 4 Robin Lane. The proposals would conflict with Policies H8A & H8D of the Barnsley Unitary Development Plan (2000)(UDP) and the Council's Supplementary Planning Document 'Designing New Housing Development' March 2012 (SPD) which seek, amongst other things, to ensure that new residential development, including tandem development, does not harm the amenities of existing residents.

I conclude that the layout of the appeal proposal would have a harmful effect on the character and appearance of the area, and would therefore conflict with Policies CPS 29 of the Barnsley Local Development Framework Core Strategy 2011 and the SPD which seek to ensure that new residential development, amongst other things, takes account of local distinctiveness and has a suitable and convenient means of access.

Proposed Development

The applicant seeks permission to erect a detached, 2 bedroom (one en-suite) bungalow to the East of the existing bungalow. Access would be taken from the shared drive serving numbers 2 and 4 Robin Lane which in turn links to Robin Lane and Poplar Terrace beyond. The main entrance to the bungalow would be on the Western elevation with the main habitable room windows on the North and South elevations. The side and rear garden of number 4 would be divided to provide a long, relatively narrow plot for the proposed dwelling. A parking area would be provided to the North of the proposed dwelling.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Core Strategy

CSP 4 'Flood Risk' The extent and impact of flooding will be reduced by expecting all development proposals on brownfield sites to reduce surface water run-off by at least 30%.

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

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

Saved UDP Policies

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

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

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

SPDs/SPGs

SPD 'Designing New Housing Development'

SPD 'Parking' provides parking requirements for all types of development.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Paragraph 53 also states that LPAs should consider the case for setting out policies to resist inappropriate development of residential gardens.

Consultations

Yorkshire Water Services Limited – No comments

Highways DC – No objections

Drainage – No objections subject to conditions

Cllr Tim Cheetham – No objections

Representations

None

Assessment

Principle of Development

Saved UDP policies H8A and H8D and Core Strategy policies CSP 26 and 29 provide the policy framework for assessing infill developments, they are reinforced further by guidance provided within Supplementary Planning Guidance Document 'Designing New Housing Development', which states 'Dwellings should be orientated to have a frontage to the existing public highway', 'The space between the proposed dwelling and adjacent dwellings should reflect the prevailing character of the street.' & 'The siting of the dwelling should reflect the building line of the dwellings on the same side of the street'. The National Planning Policy Framework also has many parallels to above policies and states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Infill developments can represent an 'ad-hoc' form of development, which can fundamentally undermine the proper (comprehensive) planning of an area. To allow such proposals can indicate a departure from the long established local pattern of development, this can also make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area's character.

There have been several refusals and appeals dismissed for detached bungalows on the site, however, the previous proposals have been for backland or tandem development with the proposed dwelling to the rear of the existing dwelling.

Residential Amenity

The proposed dwelling would be positioned in close proximity with number 4 Robin Lane and its north elevation would project beyond the neighbouring properties front elevation. However, given the orientation and the amount of projection it would not significantly increase overshadowing to an unreasonable degree or result in an overbearing feature.

The proposed driveway serving the dwelling would run to the front of numbers 2 and 4 Robin Lane and could potentially increase noise and disturbance as a result of additional vehicle and pedestrian movements within close proximity to their front elevations. This could potentially be disturbing to the existing residents and reduce residential amenity levels.

In terms of the amenity of the future occupants, the internal spacing generally accords with the technical guidance set out within the South Yorkshire Residential Design Guide (SYRDG) and the external spacing exceeds the requirements of the SYRDG and the SPD.

Visual Amenity

The site is at the end of a private drive shared by 2no. bungalows, numbers 2 and 4 Robin Lane. The existing bungalows are 'L' shaped, sited on large plots and are separate from the more dense, terraced dwellings to the West. There is a relatively open aspect around the bungalows with allotments to the North and open fields to the East and South East.

The proposed dwelling would be situated between the East elevation of number 4 and the existing hedge separating the curtilage of number 4 from the fields beyond. The resultant plot would be approximately 10m wide compared to the existing widths of the plots serving numbers 2 and 4 Robin Lane which are approximately 27m and 30m respectively. As such, the dwelling would be contrary to the existing development pattern of the area, appearing 'shoehorned' into the site, cramped and 'ad-hoc', contrary to SPD 'Designing New Housing Development' which states 'The space between the proposed dwelling and adjacent dwellings should reflect the prevailing character of the street'.

Furthermore, the two existing bungalows are wider than they are deep and front the access drive. The proposed dwelling would be deeper than it is wide and would have the main entrance facing the side elevation of number 4, not towards the driveway or Robin Lane. As such it would appear at right angles to the neighbouring dwellings and again not reflect the development pattern of the area, contrary to the SPD.

The SPD also states that 'the siting of the dwelling should reflect the building line of the dwellings on the same side of the street'. The existing bungalows, given their 'L' shape, have a projection to the front on part of the front elevation, however, the proposed dwelling would project approximately 4m beyond that, contrary to the SPD.

In terms of the proposed parking layout, the spaces would be to the front of the proposed dwelling, separated from the North elevation by a lawn which is in contrast to the neighbouring dwellings. Although the parking for numbers 2 and 4 are to the front of the properties, they are located adjacent to the internal angle of the 'L' shape so do not significantly project beyond the projecting front elevation. This is contrary to the SPD which states 'Parking provision should be accommodated in a similar manner to how it is accommodated elsewhere on the street'.

In summary, the proposal would not integrate well within the immediate area to the detriment of the overall character and layout resulting in an 'ad-hoc' form of development. To allow such proposals can indicate a departure from the long established local pattern of development and could make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area's character.

Highway Safety

The proposal would provide off road parking in accordance with SPD 'Parking'. There are concerns regarding the distance of the property from the adopted highway in terms of man carry distance for bins, however, impact on highway safety would not be significant and a refusal on those ground could not be sustained.

Manoeuvring out of the proposed parking spaces could also be compromised, especially if the parking spaces to the front of number 4 are occupied, however, again the impact would not be significant enough to raise objection from Highways Officers.

Summary

The proposal would not integrate well within the immediate area to the detriment of the overall character and layout resulting in an 'ad-hoc' form of development, contrary to SPD 'Designing New Housing Development'. To allow such proposals can indicate a departure from the long established local pattern of development and could make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area's character.

Recommendation

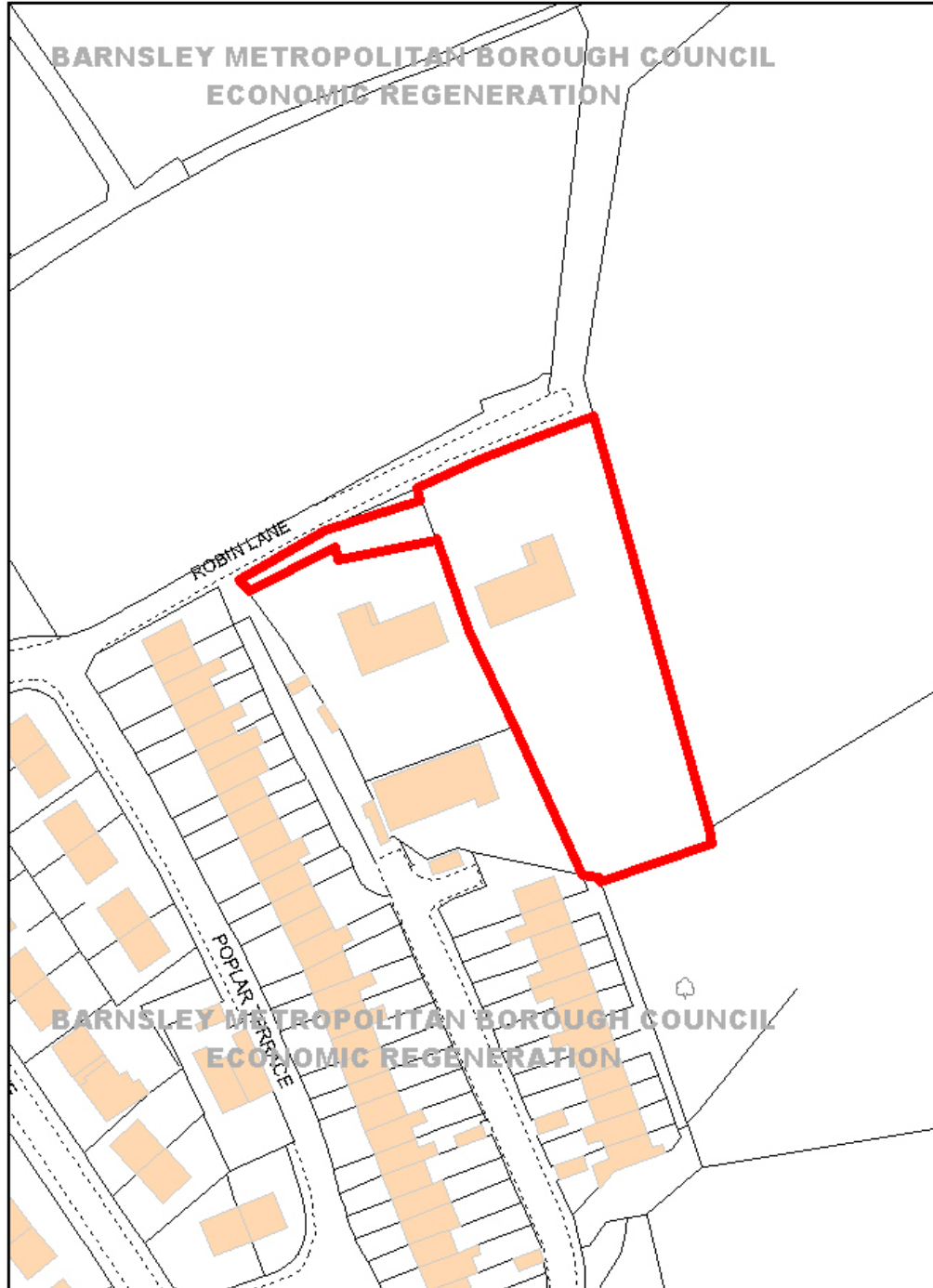
Refuse

- 1 In the opinion of the Local Planning Authority, the proposal dwelling would not reflect the development pattern of the area and not integrate well within the immediate surroundings, to the detriment of the overall character and layout, resulting in a cramped 'ad-hoc' form of development. As such, the proposed development would be contrary to saved UDP Policy H8D, Core Strategy policy CSP 29 and SPD 'Designing New Housing Development' and the NPPF, in that it would be an undesirable form of infill development that represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

PA reference :-

2016/1050

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BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

Item 10

2015/0416

Applicant: Mr Geoffrey Rook

Description: Change of use of land to gypsy/traveller site (8 no. pitches) including associated buildings and infrastructure.

Site Address: Land adjacent Burntwood Cottages, Moor Land, Brierley, Barnsley, S72 9HD

The application is referred to the Planning Board as an appeal has been made to the Secretary of State against the Council not giving notice of its decision on the planning application within the target determination period. Councillors are therefore required to give notice to the Planning Inspectorate of what its decision would be if it was still the determining authority.

9 objections have been received from persons including local residents, members of the existing traveller community living on the site and Brierley Town Council. No comments have been received from local Ward Councillors.

Site Description

The site is located to the west of the B6273 Moor Lane in a predominately rural location between Great Houghton and Brierley.

The site is a 0.35ha rectangular shaped area of land that is within the former walled garden area that belonged to the grade II listed Burntwood Hall. The hall is located a short distance to the north east of the site on the opposite side of Moor Lane and is now in use as a care home as a separate entity. Also within this walled area is Victoria Gardens, which is a site containing 8 static caravan pitches that are occupied by a single family from the gypsy and traveller community. In addition 3 houses are located immediately to the south of the walled area (Nos 1-3 Burntwood Cottages). The site has wooded surroundings on three sides (West Haigh Wood). A public footpath through the woodland also begins in this area. Access to the site is via a lay-by situated off the main road.

Proposed Development

The proposal is for a change of use of the remaining land within the former walled area to provide a site containing a further 8 pitches that would be made available for use by the gypsy and traveller community.

A layout plan has been submitted which indicates how the pitches and static caravans would be distributed throughout the site and shows that a new cul-de-sac road would be constructed within a central position within the site to serve the various pitches. In addition 4 utility blocks would be constructed for shared usage. The plan also indicates that a landscaping buffer would be planted around the perimeter of the development. Access via the existing gated entrance to within the walled area that is shared with the existing gypsy and traveller site. A layby exists to the south of the access gate which avoids access being directly off the B6273.

History

B/80/1165/HR - Siting of one residential caravan and one caravan for the storage of gardening tools and materials. Refused permission 28/08/1980.

B/83/0612/HR - Erection of riding stables (outline) – Withdrawn

B/91/0097/HR - Outline for erection of training establishment for the disabled. Refused 04/05/1992.

2008/1691 - Change of Use to a Proposed Gypsy/Traveller Site. Refused by the Council 17/12/2008. Appeal allowed by the Planning Inspectorate 17/08/2009.

2012/1314 - Erection of tea room, putting green/bowling green and stables. Application withdrawn.

2013/0763 - Erection of changing rooms, putting green/bowling green and stables and associated car park. Appeal dismissed 01/10/2014 following non determination of the planning application within the target time period.

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 the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Local Development Framework Core Strategy

CSP2 'Sustainable Construction

CSP3 'SUDS'

CSP4 'Flood Risk'

CSP8 'The Location of Growth'

CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

CSP26 'New Development and Highway Improvement'

CSP29 'Design'

CSP34 'Protection of Green Belt'

CSP36 'Biodiversity and Geodiversity'

Saved UDP Policies

UDP notation: Green Belt

WR10 'Western Rural Green Belt'
GS6 'Extent of the Green Belt'
GS7 and GS8 'Development within the Green Belt'

SPD's

- Designing New Residential Development
- Parking

Other

South Yorkshire Residential Design Guide

Local Plan Publication Draft 2014

Proposed allocation: Site AC46: Sites for Travellers

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.

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are

out-of-date, granting permission unless:

- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or
- specific policies in the Framework indicate development should be restricted.

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and
- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

87. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.

Planning Policy for Traveller sites – DCLG

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

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

However, subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances

Consultations

Brierley Town Council – Object to the application due to concerns about the ability for the development to be safely accessed and egressed off the B6273 and residential amenity concerns about the proximity of the site to existing dwellings.

Conservation Officer – No objections.

Drainage – No objections subject to conditions.

Environment Agency – No comments received.

Kirklees Council – No comments received.

Highways – No objections.

Pollution Control – No objections.

Tree Officer – No objections subject to conditions.

Ward Councillors – No comments received.

Representations

The application was publicised by notices in the press and on site and by individual neighbour notification to 10 properties. 9 objections have been received. All but 1 are from the existing traveller community on site. In summary the main concerns expressed are as follows:-

Concerns that the development would disrupt the existing travelling community on site who are well settled.

Concerns that the loss of the gate would undermine safety and security of the residents, including the children who play on the site.

Concerns that the applicant is not from the travelling community and that he might allow people to reside on the site that would cause conflicts with the existing residents.

The residents also state that they have invested a lot of money into developing the site without relying on any assistance from the tax payer.

In addition the resident of No.2 Burntwood Cottages has raised the following issues:-

Noise and disturbance harming enjoyment of home and garden.

Highway safety – Concerns that the development would increase the risk of accidents as a result of the site access is off a national speed limit road and near to a bad bend. It is therefore asserted that the access is unsuitable to accommodate an increase in traffic flows, which may include larger vehicles such as caravans.

Assessment

Principle of Development

The site is located in the Green Belt whereby traveler sites (temporary or permanent) in the Green Belt are inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

In addition the Government has also published a planning policy specifically for traveller sites which is also a material consideration. This requires the following issues to be taken into consideration:-

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

In terms of need, current projections are that the 5 year supply requirement is for 18 additional pitches for the period between 2016/17 and 2020/21. On paper therefore the provision of 8 new pitches would make a contribution towards addressing the unmet need. However, the applicant is not a member of the travelling community and as such I would regard the application as speculative. Being speculative no weight can be afforded to the

personal circumstances of the applicant under parts b), c) and e) of the above paragraph of the national policy.

In terms of local policy, CSP18 of the Core Strategy (Sites for Gypsies, Travellers and Travelling Showpeople) states that new sites will be allocated in the Local Plan to meet the shortfall in the provision of permanent sites. Such sites in terms of their broad location will have good access to facilities and be primarily located in urban areas. The site is located in a rural location that is car reliant in order to access facilities. The site therefore does not meet these criteria. Notwithstanding, the Local Plan exercise is demonstrating that there are considerable difficulties identifying suitable sites for new site allocations with willing landowners within the existing urban areas of the Borough. In addition a significant amount of land is required to meet growth targets on new housing and employment development. As a result it is proposed to review the Green Belt boundaries in a number of locations in order to deliver the identified development needs. Taking into account that half of the land within the former walled garden is already in use as a site for travellers the site has been proposed to be allocated as a site for travellers in the Publication version of the Local Plan. Councillors shall be aware however that it is not possible to afford full weight to the Local Plan at the current time for the purposes of determining planning applications as the proposed allocation would also need to withstand examination by a Planning Inspector. As it is acknowledged that there is a degree of conflict with policy CSP18 and as the consultation version of the Local Plan initially proposed that the land continue to form part of the Green Belt it is not a given that the proposed allocation shall be accepted by the appointed Planning Inspector. The application is viewed as being premature therefore.

The appellant contends that unmet need and the opportunity to tidy up the site amount to very special circumstances to justify the development. However this is rejected as the National Policy Statement for Traveller Sites states that unmet local need is unlikely to outweigh harm to the Green Belt and that unmet need should only be addressed through the plan making process and not individual planning applications. In the case of the latter the actions or inactions of landowners regarding maintaining the site in a tidy state is not a reason to justify inappropriate development in the Green Belt. In addition the screening provided by the existing perimeter wall prevents any untidiness from within the site being a problem to the visual amenity of the wider area.

It could be argued that the site has quasi brownfield status as more than half of the area within the walled garden is occupied by the 8 units which make up the existing community of travellers on the site. However the argument that the site was previously developed before this was dismissed by the Planning Inspector when considering the associated appeal. Whilst the appeal for the travellers site was allowed based upon the personal circumstances involved with the applicants family members, the Inspector considered the previous status of the land akin to an allotment and that the concept of openness means a freedom from development. Ultimately that appeal was allowed because of the very special circumstances of the appellants who have suffered from poor health and distress as a result of being flooded in 2007 at the previous site in Low Valley; such very special circumstances that do not apply to current application.

Visual Amenity

The plans show that the site would be developed in a very similar way to the existing traveller site within the former walled area with a mixture of static caravans and amenity blocks. The amenity blocks would be single storey buildings faced with brick, natural slate covered pitched roofs and timber windows. Whilst I would regard the plans sufficient for the purposes of CSP29 the development would harm the openness of land within the Green Belt and is therefore an inappropriate form of development when assessed against the existing land use planning policy designation affecting the site.

Residential Amenity

I am satisfied that sufficient land has been allocated to each plot so that the plans would not lead to the overdevelopment of the site. In addition the plans include the construction of amenity blocks to provide toilet and bathroom facilities to the occupants of the site.

In the objection letters concerns have been stated that the development would undermine privacy for existing residents and lead to increased noise and disturbance. However the plans include the provision of a 1.8m closed boarded fence along the full length of the boundary between the site and the existing travellers site which would be sufficient to afford a high level of mutual privacy between the two sites. Also the landscaping buffer and existing wall would afford privacy to the residents located in the three cottages located to the south of the site.

As the site is intended to be occupied for residential purposes there is nothing to indicate that noise and disturbance levels would high or sufficient to materially harm the living conditions of existing properties. Whilst being in rural area, there was already activity from the 3 existing cottages prior to the existing traveller site coming into use. Also background noise levels will be affected by large numbers of vehicles passing the site on the B6273. No objections have been received from Pollution Control Officers accordingly.

Highway Safety

It is acknowledged that the site is served off a busy classified road in a location near to a bend affecting forward visibility where the national speed limit is applicable. However the existing layby provides a refuge for vehicles to pull off the road before entering into the site and Highways do not consider that there is a strong enough case for refusing the application on highway safety grounds taking into account the limited amount of additional development proposed.

The development would potentially pose difficulties during the construction phase. However Highways are of the view that further information could be insisted upon via a condition requiring a construction method statement prior to the commencement of any development.

Drainage

The site does not benefit from a connection to the existing public sewer network. Foul drainage is proposed to be handled via the construction of a package treatment plant. In addition soakaways are proposed as a means of disposing surface water. Both measures are acceptable to the Council's drainage section in principle and as such it would have been possible to have dealt with the matter via a suitably worded condition.

Trees

A variety of vegetation would need to be cleared to accommodate the development. However none of this is sufficient to warrant special protection and could be compensated for by replacement planting. Also the plans commit to retaining the existing vegetation located around the site boundaries. Loss of vegetation is not considered a reason worthy of refusal therefore.

Conclusion

In summary the site forms part of the Green Belt in the existing saved UDP policies. The development would harm openness and its typology does not fall into any of the categories of development listed in paragraph 89 or 90 which are exempt from being classed as inappropriate. Also as the applicant is not from the gypsy and traveller community there are no particular personal circumstances to take into consideration in the context of the National Policy Statement for traveller sites. Furthermore the National Policy Statement states that unmet local need is unlikely to outweigh harm to the Green Belt.

The site is provisionally allocated as a site for travellers in the emerging Local Plan. However proposed allocations on sites within the Green Belt must withstand examination by the Planning Inspector appointed on behalf of the Secretary of State before such policies form part of the Development Plan for the Borough. Therefore decision making at the current time should be based upon the existing Green Belt land use planning policy designation affecting the site whereby the relevant policies are saved UDP policies GS6, CSP34 and the NPPF. As has been established the form of development proposed is inappropriate and would harm the openness of the Green Belt.

The other implications of the development have been considered including visual and residential amenity, highway safety, drainage and trees. However it is considered that there are no further issues which would warrant the application being refused planning permission.

Recommendation

Members resolve that the Council provides notice to the Planning Inspectorate that its decision would be to refuse planning permission at the present time for the following reason:-

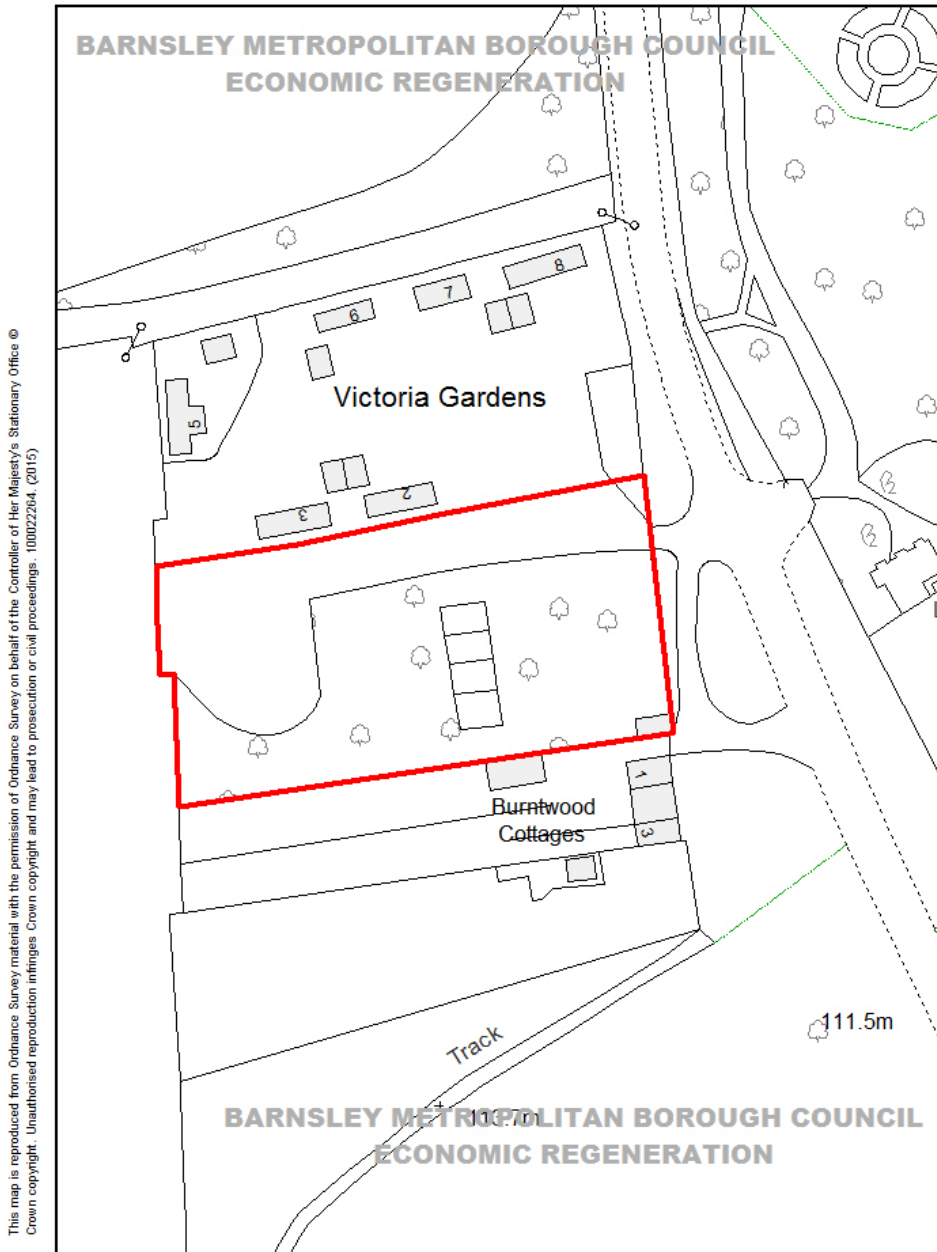
The proposed development is for a form of inappropriate development which would harm the openness of the Green Belt. In the opinion of the Local Planning Authority therefore the development would be contrary to the aims of the National Planning Policy Framework and the Planning Policy for Traveller sites, saved UDP policy GS6 'Extent of the Green Belt' and CSP34 'Protection of the Green Belt'.

Refuse

- 1 The proposed development is for a form of inappropriate development which would harm the openness of the Green Belt. In the opinion of the Local Planning Authority therefore the development would be contrary to the aims of the National Planning Policy Framework and the Planning Policy for Traveller sites, saved UDP policy GS6 'Extent of the Green Belt' and CSP34 'Protection of the Green Belt'.

PA Reference:-

2015/0416



BARNESLEY MBC - Economic Regeneration



Scale 1: -----

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Item 11

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 September 2016 to 30 September 2016

APPEALS RECEIVED

2 appeals were received in September 2016:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2016/0714	Erection of 1 no. detached dwelling (Outline) 66 Longfields Crescent, Hoyland, Barnsley	Written Representations	Delegated
2016/0769	Formation of new access to residential property. Little Royd Farm, Halifax Road, Penistone, Sheffield, S36 7GF	Written Representations	Delegated

APPEALS WITHDRAWN

No appeals were withdrawn in September 2016. 1 notification was received that an Appeal was submitted 'outside of the time limit' and will not be determined.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2016/0345	Raising of roof level to existing garage to create additional accommodation. 118 Smithies Lane, Smithies, Barnsley	Written Representations	Delegated

APPEALS DECIDED

2 appeals were decided in September 2016:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>	<u>Decision</u>
2016/0286	Outline application including details of access and layout for the development of 4 dwelling houses - 2 no. detached house and 2 no. semi-detached houses (Resubmission) 55 Woodstock Road, Barnsley	Written Representations	Delegated	Dismissed
2014/1449	Erection of boundary fence (Retrospective) 60 Wath Road, Elsecar, Barnsley	Written Representations	Delegated	Dismissed

2016/2017 Cumulative Appeal Totals

- 9 appeals have been decided since 01 April 2016
- 7 appeals (77.8%) have been dismissed since 01 April 2016
- 2 appeal (22.2%) have been allowed since 01 April 2016

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