

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 24 January 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

Please meet at the Town Hall for immediate departure at 10.40 a.m.

Plan Number	Site	Approx Time of Arrival
2016/0738	Planning application for the demolition of existing semi detached bungalow and erection of 10 no. dwellings with garages and car parking at land off Park Avenue, Royston.	11.00 a.m.
2016/0322	Removal of Condition 2 of application 2013/1228 (Removal of former petrol station canopy, formation of 2 car washing bays, new boundary treatment and landscaping to create a new hand car wash and valet centre (sui generis) to remove temporary permission and allow permanent use of site. (Amended Plans) at former petrol filling station, Pontefract Road, Cudworth	11.30 a.m.
2016/1414	Change of use of existing function room on first floor to 3 no B&B guest rooms at 24 The Market Inn, Wentworth Road, Elsecar.	12.15 p.m.

Please note: Local Members are invited to attend in respect of those visits within their Ward.

**The remainder of the agenda will be considered at
2.00 p.m. in the Council Chamber**

2. Declarations of Interest

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

MEETING:

3. Minutes (*Pages 5 - 8*)

To receive the minutes of the meeting held on 20th December 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.

4. Land off Park Avenue, Royston - 2016/0738 - For Approval (*Pages 9 - 22*)

5. 24 The Market Inn, Wentworth Road, Elsecar - 2016/1414 - For Approval (*Pages 23 - 28*)

6. 418 Carlton Road, Carlton, Barnsley, S71 3HX - 2016/1039 - For Approval (*Pages 29 - 36*)

7. 22 Windmill Avenue, (between houses twenty and thirty), Grimethorpe, Barnsley, S72 7AN - 2016/1305 - For Approval (*Pages 37 - 44*)

8. Milefield Primary School, Milefield Lane, Grimethorpe, S72 7BH - 2016/1436 - For Approval (*Pages 45 - 52*)

9. Willowgarth High School, Brierley Road, Grimethorpe - 2015/1134 - For Approval (*Pages 53 - 56*)

Planning Appeals

10. Planning Appeals - 1st to 31st December 2016 (*Pages 57 - 58*)

Public Footpaths/Diversions

11. Diversion of public footpaths at Tyers Hall Farm (*Pages 59 - 70*)

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
Andrew Burton, Group Leader (Inner Area), Development Management
Jason Field, Interim Senior Lawyer (Planning)

Parish Councils

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

Monday, 16 January 2017

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 20 December 2016
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors G. Carr, Coates, Franklin, Gollick, David Griffin, Hampson, Hayward, Higginbottom, Makinson, Mathers, Noble, Richardson, Riggs, Spence, Stowe, Tattersall, Unsworth, Wilson and R. Wraith

53. Appointment of Chair

RESOLVED that in the absence of the Chair, Councillor R. Wraith be appointed as Chair for the purposes of this meeting only.

54. Declarations of Interest

There were no declarations of Pecuniary/Non-Pecuniary interest in respect of any of the items on the agenda.

Councillor Unsworth declared a Non-Pecuniary interest in Minute no. 61 as he is a Berneslai Homes Board Member.

55. Minutes

The minutes of the meeting held on 22nd November 2016 were taken as read and signed by the Chair as a correct record. It was highlighted that Councillor Spence was present at the site visit and the minutes will be amended to reflect this.

56. Former Wood Yard, Tithe Laithe, Hoyland, Barnsley, S74 9DQ - 2016/0999 - For Approval

The Head of Planning and Building Control submitted a report on Planning Application 2016/0999 [Erection of 2 no. detached dwellings with garages (outline)] at Former Wood Yard, Tithe Laithe, Hoyland, Barnsley, S74 9DQ.

Mr Scothorn addressed the Board and spoke in favour of the officer recommendation to allow the application.

Ms Hazlewood addressed the Board and spoke against the officer recommendation to allow the application.

RESOLVED that the application be granted in accordance with the Officer recommendation, subject to the signing of a S106 Agreement and the imposition of an additional condition requiring tree protection fencing during the construction period.

57. Land to the south-east of Dearne Hall Road and 1 and 3 Claycliffe Road, Low Barugh, Barnsley, S75 1LX - 2016/1159 - For Approval

The Head of Planning and Building Control submitted a report on Planning Application 2016/1159 [variation of condition 2 of app 2015/0891 – Residential development with associated public open space, landscaping and link road (2013/0280 – Reserved Matters)] at Land to the south-east of Dearne Hall Road and 1 and 3 Claycliffe Road, Low Barugh, Barnsley S75 1LX.

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

58. Former Garage Site at Kirk Cross Crescent/Pinfold Lane, Royston, Barnsley S71 4PJ - 2015/0895 - For Approval

The Head of Planning and Building Control submitted a report on Planning Application 2015/0895 – erection of 5 no. detached and semi-detached residential dwellings on former garage site at Kirk Cross Crescent/Pinfold Lane, Royston, Barnsley S71 4PJ.

RESOLVED that the application be granted in accordance with the Officer recommendation. It was highlighted that this is subject to a S106 agreement and an amendment to condition 6 to ensure the barrier adjacent Pinfold Lane is in place prior to the commencement of development and to ensure the erection of suitable signage. Furthermore, an additional condition is to be imposed requiring details of the proposed bin storage enclosure to be submitted to the Council for approval.

59. Land off Park Avenue, Royston, Barnsley, S71 4AD - 2016/0738 - For Approval

The Head of Planning and Building Control submitted a report on Planning Application 2016/0738 – demolition of existing semi-detached bungalow and erection of 10 no. dwellings with garages and car parking on land off Park Avenue, Royston, Barnsley S71 4AD.

Mr Chris Noble addressed the Board and spoke in favour of the officer recommendation to allow the application.

RESOLVED that the item be deferred for a site visit.

60. Land off Blacker Green Lane, Silkstone, Barnsley, S75 4NF - 2016/0538 - For Approval

The Head of Planning and Building Control submitted a report on Planning Application 2016/0538 – erection of 1 no. dwelling, including hydro turbine power plant at land at Blacker Green Lane, Silkstone, Barnsley S75 4NF.

RESOLVED that the application be granted in accordance with the Officer recommendation, subject to an additional condition requiring intrusive site

investigations to be carried out to inform any measures necessary to mitigate against historical shallow coal workings or mine entries.

61. Pollyfox Centre, Pollyfox Way, Dodworth, Barnsley, S75 3QR - 2016/1158 - For Approval

The Head of Planning and Building Control submitted a report on Planning Application 2016/1158 – variation of condition no 2 (Approved Plans) of approved application 2015/1073 to allow construction of a single storey extension to house plant associated with the boiler house at Pollyfox Centre, Pollyfox Way, Dodworth, Barnsley S75 3QR.

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

62. Proposed footpath creation/extinguishment orders between Silkstone Fall Wood and Champany Fields, Dodworth

The Assistant Director, Highways, Engineering and Waste Management presented a report in respect of a proposal to create and extinguish a number of public footpaths running between Silkstone Fall Wood and Champany Fields at Dodworth.

RESOLVED that:

- (i) In exercise of statutory powers, the Council makes Public Path Orders under the provisions of sections 26 and 118 of the Highways Act 1980 for the creation and extinguishment of footpaths between Silkstone Fall Wood and Champany Fields at Dodworth;
- (ii) The Common Seal of the Council be affixed to the Orders and that the Director of Legal and Governance be authorised to publish the proposals and to submit the Orders for confirmation by the Secretary of State or to confirm them himself in the event of there being no objections thereto.
- (iii) The Director of Legal and Governance be authorised to make Definitive Map Modification Orders to make the necessary changes to the Definitive Map and Statement for the area.

63. Proposed footpath diversion at the old Bolton Hall

The Assistant Director, Highways, Engineering and Waste Management presented a report in respect of a proposal to divert a non-definitive footpath south of Carr Head Lane, Bolton-upon-Deerne at the site of the old Bolton Hall.

RESOLVED that

- (i) In exercise of statutory powers, the Council makes the proposed Public Path Order under the provisions of section 257 of the Town and Country Planning Act 1990.
- (ii) The Director of Legal and Governance be authorised to publish the Order and to confirm it himself in the event of there being no objections thereto.

(iii) In the event objections are received which cannot be resolved, the Director of Legal and Governance be authorised to submit the Orders to the Secretary of State for confirmation and to take all necessary steps to support the Orders at any public inquiry, informal hearing or written representation as necessary.

(iv) The Director of Legal and Governance be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area.

64. Planning Appeals - 1st November 2016 to 30th November 2016

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

The report indicated that 2 appeals were received in November 2016:-

- **Planning Application 2016/0416** – proposed cellar conversion to form 2 bedroom self-contained flat at 118 Park Grove, Barnsley (written representation) – delegated.
- **Planning Application 2016/0744** – Remove and replace lime tree (T1) within TPO 3/2000 at 2 Ladyroyd, Silkstone Common, Barnsley S75 4SF (written representation) – delegated.

It was reported that 9 appeals have been decided since 1 April 2016, 7 of which (77.8%) have been dismissed and 2 of which (22.2%) have been allowed.

Chair

Item 4

2016/0738

Applicant: Mr C Noble C/o Self Architects

Description: Demolition of existing semi-detached bungalow and erection of 10 no. dwellings with garages and car parking.

Site Address: Land off Park Avenue, Royston, Barnsley, S71 4AD

This application was deferred from the December Planning Board to allow Members the opportunity to visit the site. The remainder of the report remains as presented to the previous Board meeting.

Introduction

The application is referred to the Planning Board for determination as the recommendation proposes that a S106 Agreement is entered into with the applicant to agree compensatory Green space provision. 16 letters of objection have been received from local residents and a petition containing 155 signatures. Councillor Clements also objects to the proposed development.

Site Location and Description

The main body of the application site is approximately rectangular in shape and measures approximately 0.36Ha. The land rises relatively gently from the north-east corner to the south-west corner. The site is currently largely overgrown with some shrubs, hedges and trees around the boundaries. The site is bounded by residential properties on St John's Walk to the East, Plantation Avenue to the South and Park Avenue to the West with Royston Park lying to the North. The site is separated from the park by a row of mature conifers and a drainage ditch. There are a mixture of house types evident within the immediate area including semi-detached bungalows off Park Avenue (East), detached bungalows on Plantation Avenue (South) and detached and semi-detached single storey and two storey properties off St Johns Walk (West).

Access to the site would be via Park Avenue and would require the demolition of number 42 Park Avenue which is a semi-detached bungalow.

Site History

Planning application B/02/0261/RO proposing the erection of one pair of semi-detached houses and a new access road was refused planning permission by the Council 7th May 2002. The planning application was refused as the development would have resulted in the loss of land designated as Greenspace which was considered to contribute significantly to the character and quality of the area. The subsequent appeal to the Planning Inspectorate was dismissed 24th January 2003.

Proposed Development

The applicant seeks permission to demolish number 42 Park Avenue to create a vehicular access into the site and build 10no. dwellings in a courtyard arrangement. There would be 5no. property types as follows:

Type A: 2 bed, 2 storey semi-detached dwellings (2no.)

Type B1: 3 bed, 2 storey semi-detached dwellings (4no. – 2 sets of 2)

Type F1: 4 bed, 2 storey detached dwelling with single integral garage (1no.)

Type G: 4 bed, 2 storey detached dwelling with double integral garage (1no)

Type H: 4 bed 2 storey dwelling with single integral garage (2no.)

Each property would have a driveway or dedicated parking space in accordance with SPD 'Parking'. They would also have a modest front garden and enclosed rear garden.

Plots 1, 8, 9 & 10 would be accessed from a new adopted highway created within the site with the remaining plots accessed off 2no. private access drives which off shoot the main roadway.

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'

CSP3 'Sustainable Drainage Systems'

CSP4 'Flood Risk'

CSP8 'The Location of Growth'

CSP9 'The Number of New Homes to be Built'

CSP10 'The Distribution of New Homes'

CSP14 'Housing Mix and Efficient Use of Land'

CSP25 'New Development and Sustainable Travel'

CSP26 'New Development and Highway Improvement'

CSP29 'Design'

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 and Urban Greenspace

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

Urban Fabric & 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

Drainage – No objections subject to conditions

Highways – No objections subject to conditions

Regulatory Services – No objections subject to conditions

SYMAS – No objections

Ecology – requested additional information which has been received

Tree Officer – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

Policy – No objection subject to compensation payment

Ward Councillors – Cllr Makinson requested the application to go to PRB and Cllr Cements objects for the following reasons;

- Detrimental to the view from the park
- Out of character with the area
- Drainage issues
- Access & Highway Safety issues

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. Re-consultations also took place following a reduction of numbers on the site from 12 to 10.

As a result of the consultation 16 letters of objection have been received as well as a petition containing 155 signatures. The main points of concern are;

- Errors in the submission
- Demolition of existing bungalow unacceptable
- Park Avenue unable to accommodate additional traffic
- Reduced highway safety
- Over development
- Reduced residential amenity levels
- Reduced privacy levels
- Impact on wildlife
- Drains are at capacity
- Out of keeping with surrounding area
- Loss of Green Space

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.

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

The site is designated Green Space in the currently adopted UDP and Green Space within the publication draft of the Local Plans maps. It is also acknowledged that a previous application was refused, and an appeal dismissed via a hearing, due to the loss the green space and the negative impact it would have on the adjacent park. However, that decision was over 14 years ago and the Council has since adopted an ambitious target for the number of new homes to be delivered within the Core Strategy. Within the Core Strategy the policy regarding Green Space has altered to focus on the public amenity, recreation, wildlife or biodiversity function of a particular site. The overall planning policy outlook has significantly altered therefore. Furthermore, a hedge has been established between the park and the site which visually separates the two. The Councils Policy department accept that the loss of the site would not affect the existing and potential green space needs of the borough, especially given the proximity of the neighbouring park/green space. As such they have resolved not to object to the loss of the site under policy CSP 35 'Green Space', subject to the applicant paying a commuted sum for the enhancement of greenspace off the site as compensation.

It is also important to note that 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. This means that permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits.

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.

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 increased spending within the local area, creation of jobs etc.) and social dimensions (increased housing provision to meet identified needs/targets, contributions for improving local green spaces). In addition the site is located in an established residential area which is a priority to accommodate new homes growth within the Borough. Furthermore, the site is located within a sustainable position with all the facilities within Royston Centre a short distance away as are a recreation ground and open countryside. On this basis, it is considered the presumption in favour of sustainable development applies.

Visual Amenity

A number of the objections to the scheme have cited the fact that the proposed dwellings would be two storey houses whereas the majority of the existing dwellings within the immediate area are bungalows. However, although the site would be accessed from Park Avenue it would be set back from it and would not be read in the same context.

There would be some views of the development from neighbouring highways and public vantage points but, these would be largely over existing dwellings or mature trees/hedges which would be largely retained around the boundary. As such, the site would be relatively non-prominent and would not have a significant impact on neighbouring streetscenes or viewpoints, despite the height difference. It should also be acknowledged that the surrounding area is not exclusively made up of bungalows as there are some two storey dwellings evident from St Johns Walk to the North West. As a result, 2 storey dwellings would not be unacceptable.

A previous application for residential development on the site was refused partially due to the impact it would have on vistas from the neighbouring Welfare Park. However, the site was previously open to the park and was considered as an extension to it despite it being in private ownership. However, the site is now separated from it by both a drainage ditch and mature hedge, which is to be retained. In any case, as the site is enclosed on 3 sides by existing residential development, given current pressures for residential development, it forms a logical infill site and would not have a significant impact on the visual amenity of the park or surrounding area.

Regarding the development itself, the dwellings would be arranged in a courtyard setting with the majority facing onto the courtyard/access roads. There are 5 different house types proposed which would provide a mix and variation of house design, in accordance with CSP 14, to provide visual interest while still maintaining a level of continuity across the different types.

The plans show parking solutions across the site including side/tandem parking, out of curtilage parking and attached garages. As a result, there would be ample space for soft landscaping and the car, or hard landscaping, would not dominate the development to the detriment of visual amenity.

All the plots would have pedestrian access to their rear gardens to store the bins. Therefore, bins should not be in prominent positions or detrimentally affect the streetscene.

Residential Amenity

It is acknowledged that the site has not previously been developed and the introduction of 10 dwellings would inevitably introduce a level of noise and disturbance associated with residential activity and vehicular movements, especially as an existing property would be demolished to create an access road passing between 2 existing properties. However given that residential use is proposed within an established residential area, the development would not introduce types of noise and disturbance activity that would be out of character with the area.

A number of objections have been received regarding the demolition of the existing semi-detached property and, the impact this would have on the elderly occupant of the remaining half of the pair of semis. This is obviously unfortunate, however, although there is some sympathy with the situation, the personal circumstances of that resident are not a material planning consideration, and that particular aspect of the development would be addressed by the Party Wall Act, which is separate to both Planning and Building Control.

As mentioned above, the site adjoins existing residential development to 3 sides with a number of properties backing onto the site. The side elevations of plot 10 would be to the rear of numbers 36 and 38 Park Avenue. However, there would be a separation distance of over 15m from the attached 1.5 storey garage and approximately 19m from the side elevation of the dwelling itself; therefore, the separation distances would exceed those

recommended in the SPD. There would be no side elevation windows facing the shared boundary so overlooking would not be to an unreasonable degree.

Plot 6 would be within close proximity to the Western boundary adjacent to the properties on St Johns Walk. The side elevation of the proposed dwelling would be approximately 20m from the rear elevation of number 17 and would be separated from the dwelling by an attached single storey garage and a private access road, again the recommended separation distances would be exceeded.

There are 4 plots proposed (2-5) which back onto the private access road and in turn the rear elevations and amenity spaces of the existing dwellings fronting St Johns Walk. The proposed dwellings in that area would all be 2 storeys. Although there would be rear habitable room windows facing the existing amenity spaces and elevations, there would be separation distances in excess of 10m from neighbouring gardens and 21m from habitable room windows, in accordance with the SPD.

The side elevation of plot 2 would face the front elevation of number 5 Plantation Avenue. As with the plots above, the side elevation would be 12m from the neighbouring front elevation and there would be no habitable room windows on the side elevation.

The rear of plot 1 and the front of 7 Plantation Avenue would oppose each other by a separation distance of 16m. The 21m standard is usually only applied back to back with the SPD potentially allowing a distance of 12m if the relationship was two front elevations facing one another. The 16m splits these two standards and is judged acceptable accordingly for a relationship which is a rear elevation facing a front elevation, particularly as the area to the front of number 7 is also a parking area and not a private amenity space. Furthermore, there is mature planting between the two properties which would reduce overlooking from the ground floor and the majority of the first floor. This hedge/planting could not be removed by the applicant or future residents as it is outside of the redline boundary. In addition, there would only be 2 habitable room on the first floor of the rear elevation facing the neighbouring habitable room windows which serves the 2nd and 4th bedroom. As a result no significantly overlooking issue would occur.

In terms of the amenity of the future residents of the scheme, the recommended separation distances within the site are met in accordance with the SPD. Furthermore, the internal spacing would generally meet the requirements of the South Yorkshire Residential Design Guide and the external amenity areas meet or exceed the requirements of the SPD and the South Yorkshire Residential Design Guide.

Ecology

The site is relatively heavily vegetated. However, the applicants have submitted an ecology report and the Councils Ecologist is satisfied that the site has relatively low ecological value. The remaining issue is that there is the potential for the roofspace of the existing dwelling to be suitable to contain bat roosts as with most types of building. However this potential has been identified to be low. Nevertheless to be sure of this a condition is recommended for a survey to be submitted and approved prior to the demolition of the dwelling. It would have been preferable for this to be undertaken prior to the determination of the application. However a condition is considered appropriate in this case because of the low risk involved as being as such a survey can only be taken between May and August.

Trees

The applicants have submitted a Tree Report to accompany the application. The Tree Officer has confirmed that there are no trees of note within the site. However, there are some specimens located just outside the boundary which, due to being outside the applicant's ownership, will have to be retained and remain unharmed by the development proposal. Given adequate protection measures it should be possible to implement the proposed layout without detriment to the off-site trees and screening they provide. As such, the Tree Officer has raised no objections subject to conditions.

Green Space

The site is allocated as Green Space on the currently adopted proposals maps and also on the publication draft of the Local Plan maps. However, Policy have accepted that, in accordance with Policy CSP 35 'Green Space' the loss of the site would not affect the existing and potential green space needs of the borough, especially given the proximity of the neighbouring park/green space. However, compensation would be required to be spent on improving local Green Spaces to the tune of £2,000 per plot which equates to £24,000 in total. This would need to be the subject to a S106 agreement.

Highway Safety

The applicant proposes to demolish the existing bungalow and bring an adopted road with 700mm hard margins into the site from Park Avenue. There would be 2 no. private drives which off shoot the adopted road and would serve no more than 5 dwellings each, in accordance with the South Yorkshire Residential Design Guide. There are a mixture of parking options available including allocated spaces, in curtilage parking, tandem parking and attached garages.

Highways have been consulted on the application and are satisfied with the proposed adopted road within the site and associated visibility and turning and manoeuvring space. It is acknowledged that a number of objections were received regarding the suitability of Park Avenue to serve the new development but the Highways Officers have stated the access to the site already exists and is adequate.

Each of the properties would have access to off road parking spaces in accordance with SPD 'Parking' i.e. 1 space for dwellings with 2no. bedrooms and below and 2 spaces for dwellings with 3 bedrooms and above. It is acknowledged that the proposed garages fall marginally short of the 3m x 6.5m set out in the South Yorkshire Residential Design Guide at 3m x 6m. However, they would still be large enough to be considered a parking space. The applicant has also proposed 3 of visitor parking spaces within the site due to the limited availability of on road parking.

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 for the Green Space contribution payment.

- 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 (Nos4200-03-U, 4200-04-H, 4200-05-J, 4200-06-P, 4200-07-O, 4200-10-A, 4200-11-B, 4200-16, 4200-18 & 4200-19) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The development hereby approved shall be carried out strictly in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey by Whitcher Wildlife Ltd. Ecological Consultants (Ref: 160519) dated 6/05/2016.
Reason: In accordance with CSP 36 'Biodiversity and Geodiversity'
- 4 The demolition of the bungalow shall not commence until a bat survey is carried out, and submitted to the LPA for approval, in accordance with the Bat Conservation Trust (BCT) Good Practice Guidelines which includes a dusk emergence survey. The survey shall be carried out by a suitably qualified surveyor and the development carried out in accordance with the recommendations/mitigation measures.
Reason: In accordance with CSP 36 'Biodiversity and Geodiversity' and in the interest protected species.
- 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 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 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 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.
- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 11 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.
- 12 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.
- 13 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 14 No development shall 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.

- 15 The window at first floor level on the Southern elevation of plot 1 serving bedroom number 2 and the roof lights on the Southern Roof plain of plot 2 facing 7 Plantation Avenue shall at all times be fitted with obscure glass and retained as such thereafter.
- Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 16 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.**

- 17 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.

- 18 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.

19 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.

20 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
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

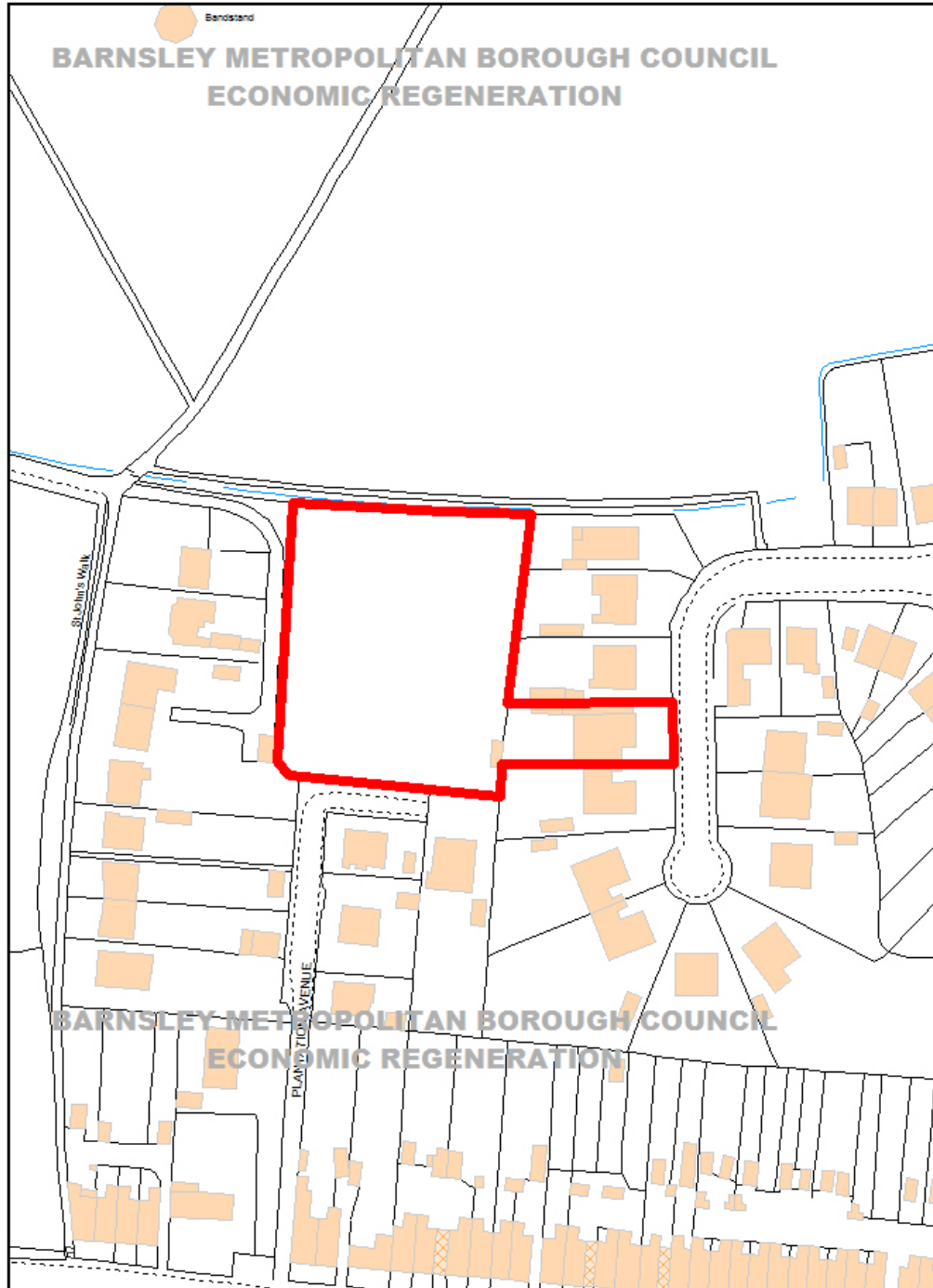
Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.

PA reference :-

2016/0738

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Item 5

2016/1414

Applicant: Gary Manterfield, C/o M2 Design

Description: Change of use of existing function room on first floor to 3no B&B guest rooms.

Site Address: 24 The Market Inn, Wentworth Road, Elsecar, Barnsley, S74 8EP

The application is being considered by Board at the request of Cllr Tim Shepherd. 2 Councillor representations.

Site Description

The Market Inn is a 2 storey, stone built public house located at the convergence of Wentworth Road, Forge Lane, Fitzwilliam Street and Wentworth Road within the Elsecar Conservation Area. It is located within a predominantly residential area and is adjacent to the Elsecar Heritage Centre, a group of Grade II listed buildings.

The property benefits from 2no functions rooms, a ground floor room, predominantly used as a pool room and an upstairs room primarily for large functions, each room accommodates approximately 100 people.

In 2013 planning permission was granted for the conversion of an outbuilding to 2no en-suite bedrooms.

Proposed Development

The applicant seeks permission to change the use of the upstairs function room to 3no. en suite bedrooms. There are no external alterations proposed following the removal from the plans of the raised rear balcony which was considered unacceptable.

Policy Context

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

The 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.

Saved UDP Policies

Policy H8B Non Residential Uses in Residential Areas states that non-residential uses may be allowed in residential areas where they do not harm the amenity of existing residential occupiers or the street scene.

Core Strategy

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

Core Strategy Policy CSP 30 –The Historic Environment – Development which affects the historic environment and Barnsley’s heritage assets and their settings will be expected to protect or improve the character of the area.

SPD

SPD ‘Parking’ provides parking requirements for all types of development.

NPPF

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

In respect of this application, these policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

With Regards to Conservation, paragraph 133 of the NPPF is relevant ‘Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Consultations

Ward Councillors –have raised concerns with regard to the lack of on-site parking at the pub.
Highways DC – No objections
Pollution Control – No objections
Conservation Officer – No objections
Culture/Sport – No objections
CAMRA – Support

Representations

Neighbour notification letters were sent to surrounding properties and a site notice posted adjacent to the site. A letter of representation has been received from Milton Hall in relation to the lack of parking at the public house and the current problems they have with cars parked in front of their building. Concerns were also raised with regards to the changes to the rear elevation and its impact on the Conservation Area although this was before the plans were changed and the rear balcony removed from the scheme.

Assessment

Principle of Development

The site is located within within a Housing Policy Area where Policy H8B allows, in some circumstances, non-residential uses in residential areas where it can be demonstrated that, amongst other things they would not harm the amenity of existing residential occupiers or the character and appearance of the area. In this case the use is established and as such consideration can only be given to the impact of the extension on residential and visual amenity. The site is also located within a designated Conservation Area where development is expected to preserve or enhance the character of the conservation area.

Highway Safety

It is acknowledged that there is no off street parking which serves the pub. There is a car park directly behind but this serves the heritage centre and is locked at night. However, there is a public car park located to the south of the site which serves the woodland and the park with 24 hour access. This is within walking distance of the pub.

Notwithstanding the above, the creation of 3no 2 letting rooms is relatively minor in terms of the traffic movements and parking requirements associated with the site given that the proposal sees the change of use of a function room which currently accommodates approximately 100 people. The proposed three bedrooms are unlikely to give rise to more than one vehicle per room and it is therefore considered that the proposal would not result in any significant increase in traffic generation or parking demand in the area compared to the existing use. In addition, the frontage of the site is already affected by waiting restrictions, double yellow lines, for approximately 240m to the north, 120m to the south and 30m to the North West. Forge Lane, to the east is not accessible to private vehicles. The Council's Highways Section have been consulted and consider that the scheme would not have a detrimental impact on highway safety and have raised no objections.

The concerns raised in relation to the parking to the front of Milton Hall are acknowledged however this is an existing parking issue which cannot be solely attributed to the patrons of the public house and, if highway safety is currently being compromised, would be subject to separate highways enforcement.

Visual Amenity

There are no proposed alterations to the external appearance of the property and as such, the character of the conservation area and the setting of the neighbouring listed buildings would be preserved in accordance with CSP 29 and CSP 30.

Residential Amenity

The conversion of the upstairs function room to residential rooms would not increase levels of overlooking of the surrounding residential properties as the proposed windows serving the habitable rooms would not extend beyond to building line of the original building where habitable room windows exist. In addition, the proposed rooms would provide acceptable levels of accommodation and light.

Given the current use of the site as a public house with function rooms, the proposed increase in accommodation and subsequent reduction in function room would be relatively modest and could potentially reduce noise and disturbance to the benefit of residential amenity and as such is considered acceptable.

Summary

The conversion of the upstairs function room into 3no letting rooms would maintain visual amenity and preserve the character of the conservation area. The rooms would provide adequate levels of residential amenity for future occupants and would maintain residential amenity levels for existing residents. Despite no off street parking being provided, the proposal would not significantly increase traffic movements or demand for parking. Therefore, the proposal would comply with Saved UDP Policy H8B and Core Strategy policies CSP29 and CSP 30.

Recommendation

Grant subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

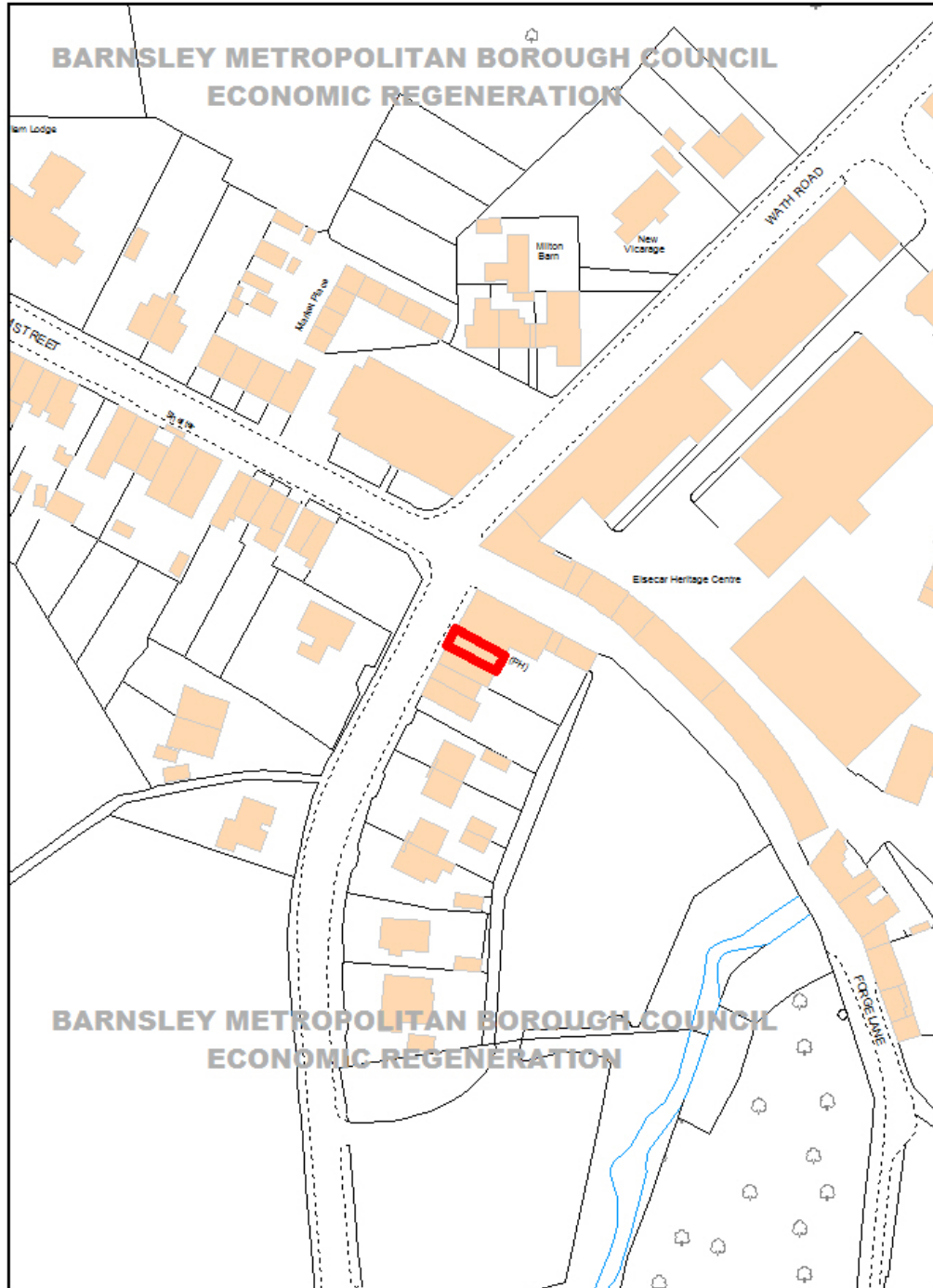
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (16024/01 Rev A, 16024/02 Rev A, 16024/03 Rev B & 16024/04 Rev C) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

PA reference :-

2016/1414

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Item 6

2016/1039

Applicant: Glass Recycling Ltd, C/o Ian Williams Design and Build

Description: Erection of an extension to current warehouse/processing facility with car parking.

Site Address: 418 Carlton Road, Carlton, Barnsley, S71 3HX

Councillors Platts and Tattersall have made representations.

Site Description

The application relates to a glass recycling business located on the corner of Carlton Road and Longfields Road. The site is made up of several large metal framed buildings, in addition to areas of hardstanding, storage and parking and manoeuvring. The building subject to the proposed extension is situated in the east of the site with the rear elevation being in close proximity to the eastern boundary. The building is metal framed with cladding of brickwork and metal sheeting. To the north and west elevations of the building are external storage areas and to the West and South is mature hedging separating the site from Longfields Road.

The surrounding area is predominantly industrial/commercial in nature although there are some residential properties opposite Carlton Road to the South West.

Proposed Development

The applicant seeks to extend the existing operations building to cover the existing outdoor operation. The extension would be on the western front elevation and extend the full width of the premises measuring 88m in length, projecting 13m from it with a height of 11m. The extension would result in the building having an asymmetrical roof.

The development also proposes to create an additional 22 car parking spaces, 8 to the south-east of the site entrance from Longfields Road and 14 to the north west.

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.

Publications 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 the 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.

Saved UDP Policies

Policy ED4 'Economic Development and Residential Amenity' – proposals for economic development adjoining or close to housing will be assessed with particular regard to the likely impact on residential amenity.

Policy ED 7 'Existing Employment areas' – states that areas defined as Employment Policy Areas will remain in employment use. Development will normally be permitted for business, industry and storage and distribution. Other employment generating uses may also be permitted if they are compatible with adjoining uses.

Policy ED10 'Growth of Existing Firms' - the expansion of existing firms will normally be permitted subject to satisfactory standards of design, the amenity of neighbouring uses, and adequate car parking, loading and vehicle manoeuvring facilities.

Core Strategy Policies

CSP 19 – Protecting Existing Employment Land – states that existing employment land, or land last used for employment purposes will be retained in order to safeguard existing or potential jobs.

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

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

CSP 40 – Pollution Control and Protection – We will not allow development of new housing or other environmentally sensitive development where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that these can be mitigated against.

Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP)

WCS 1 – refers to the overall strategy and states that provision will be made to maintain, improve and expand the network of waste management facilities to achieve sustainable waste management across all waste streams.

WCS 4 – refers to waste management proposals on non-allocated sites and states that they will be permitted provided they demonstrate how they do not significantly adversely affect the character or amenity of the site or surrounding area; contribute towards the aims of sustainable waste management in line with the waste hierarchy; and do not undermine the provision of waste development on strategic sites. The types of location where waste proposals may be acceptable in principle include existing waste sites and designated employment and industrial areas/sites.

WCS 6 – refers to general considerations for all waste management proposals (access, highway capacity, noise, dust, drainage, wildlife, and habitats etc.). Proposals must include sufficient information to demonstrate that they comply with the requirements within the policy.

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, paragraph 19 is relevant which states 'The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.

Consultations

Highways DC – No objections subject to conditions

Pollution Control – No objections

Coal Authority – No objections subject to conditions

SYMAS – No objection

Environment Agency - No objections

Drainage – No objection

Ward members – Concerns have been raised from Councillors Platts and Tattersall with regards to complaints they have received about smells and dust particles emitted from the site.

Waste Management – No comments

Health & Safety Executive – No comments

Representations

Neighbour notification letters were sent to surrounding occupiers and a site notice posted adjacent to the site. No comments have been received.

Assessment

Principle of Development

The Government is committed to ensuring that the planning system does everything it can to support sustainable economic growth. Planning should operate to encourage and not act as an impediment to sustainable growth. Therefore significant weight should be placed on the need to support economic growth through the planning system'.

The site is an existing commercial site within predominantly industrial surroundings and the expansion of existing firms will normally be permitted subject to satisfactory standards of design, the amenity of neighbouring uses, and adequate car parking, loading and vehicle manoeuvring facilities.

Environmental and Amenity Issues

There are residential properties to the South West of the site opposite Carlton Road, however, there would be a separation distance of over 150m, and, the addition in floorspace would be relatively small compared to the existing floor space on the application site, as well as neighboring industrial/commercial sites. The purpose of the extension is to enclose existing outdoor operations rather than creating additional space to expand the current operations. The proposal should therefore enable the company to reduce the current dust/odour issues that have been referred to by the Ward Members.

In consideration of the scale and nature of the proposal (enclosing existing operations) the operations (glass recycling), location (industrial estate) and distance to the nearest residential property, no significant issues are anticipated in respect of odour, dust or vibration and the Council's Regulatory Services and the Environment Agency have raised no objections to the proposal, with the latter suggesting that the proposal would improve dust suppression.

Given the above it is considered that the extension would not increase overshadowing or be an overbearing feature, nor would it result in a significant increase in noise and disturbance, in accordance with policy ED4.

Visual Amenity

The proposed extension would be located on the western elevation of the existing building, between it and the highway, however the site is set at a lower level than the highway and would be separated by 90m and the shrubbery located along the boundary would provide screening of the building from the highway. Nevertheless the extension has been designed to harmonise with the existing building in terms of materials used and, although it results in an asymmetrical roof, it is not considered to be out of character with the surrounding area, nor would it be significantly detrimental to the visual amenity of the area or the street scene, in accordance with CSP 29 and ED 10.

Highway Safety

The proposed extension, as mentioned previously is to cover the existing outdoor operation and would not project into an area currently used for parking or maneuvering.

The development also proposes to create an additional 22no parking spaces; 8no to the south east of the site entrance from Longfields Road and 14no to the north west.

The parking provides adequate turning within the site and allows entry and exist to the highway in forward gear. Highways DC have raised no objection to the proposal. As such, the development would not have a significantly detrimental effect on parking or highway safety, in accordance with CSP 26 and ED10

Landscaping

It is acknowledged that the inclusion of the 14 bay parking area located to the north of the site entrance off Longfields Road would reduce the 10m deep landscaping strip between the office building and the highway, however the area is unkempt and provides little to the area. A landscaping strip 75m in length, 1m deep is to be included between the site boundary and the parking bay and is to increase to 2m deep for 2, 10m intervals at the passing places. It is considered that the loss of the 10m deep landscaping strip would not have a detrimental impact on the character of the area as a more maintainable area could be included, in addition a condition can be included to ensure appropriate types of vegetation are included within the landscaping strip.

Coal Mining Legacy

It has been noted that the a mine shaft is located within 20m of the proposed extension; The Coal Authority have been consulted and it has been confirmed that the mine shaft is located under the original building and has been capped and filled.

The Coal Authority have requested that a condition be included on any approval for the foundation details to be submitted and approved in writing by the Local Planning Authority prior to commencement on site. It is considered that in this instance a condition would not be appropriate as the foundation construction would be dealt with by Building regulations.

Biodiversity

The site is located within an active industrial estate and is in a semi maintained condition; therefore it is unlikely that there would be any significant species within the site and is unreasonable to request an ecology survey

Conclusion

The proposed extension would provide satisfactory standards of design, amenity for neighbouring uses, and adequate car parking, loading and vehicle manoeuvring facilities, in accordance with CSP 26, CSP 29, CSP 30, ED4, ED10 and SPD 'Parking'.

Recommendation - Grant subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans 64.03.08.16, 64.01.06.16, 64.02.06.16 & 65.01a.06.16 and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The external materials shall match those used in the existing building.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 Prior to the development being brought into use, full details of 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 shall be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are

provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

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

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

- 7 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.

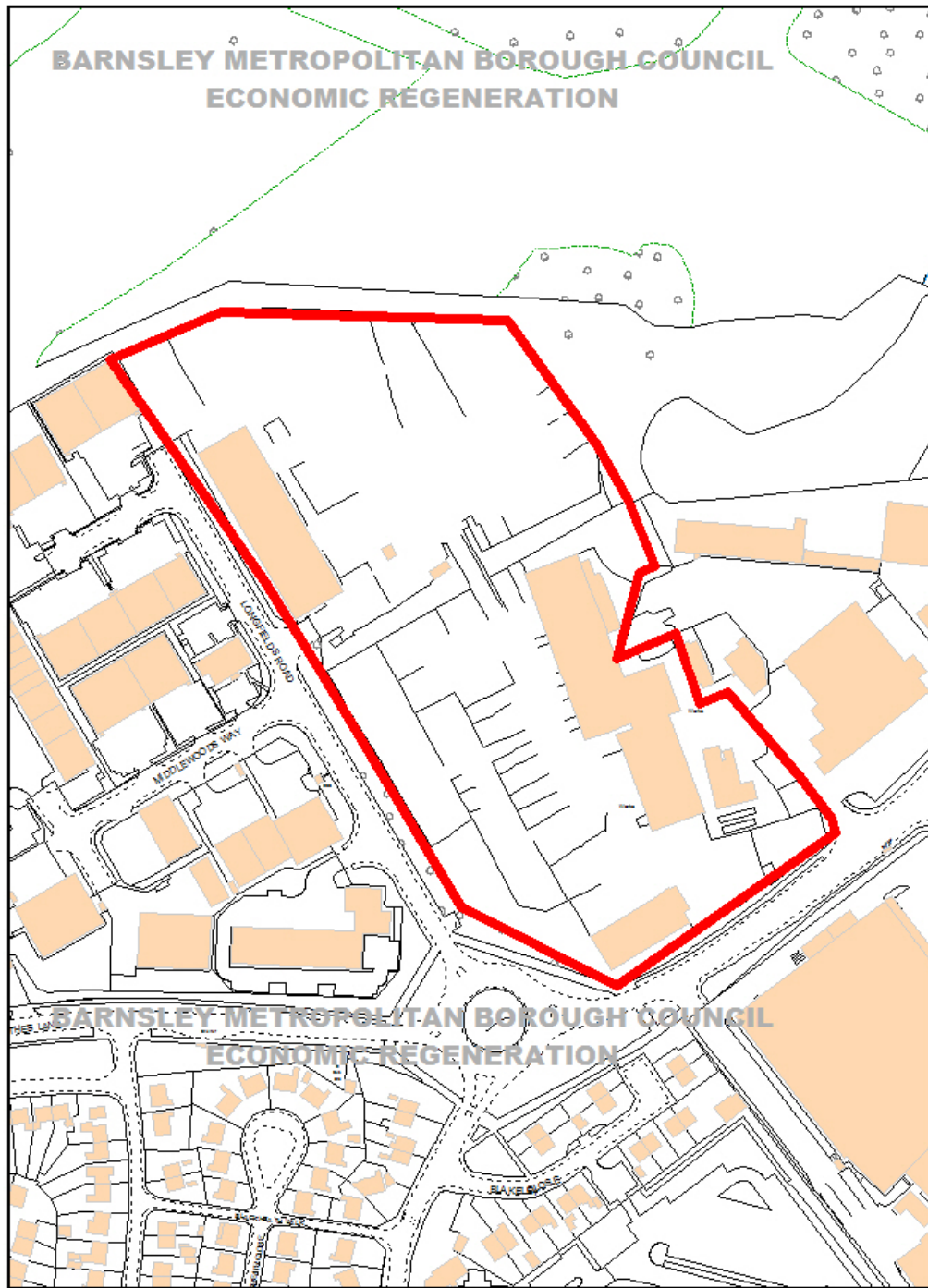
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

PA reference :-

2016/1039

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Item 7

2016/1305

Applicant: James Nippers, C/o Chris Race

Description: Development of one pair of semi-detached dwellings (2 No. houses) and one detached dwelling including driveways and private gardens.

Site Address: 22 Windmill Avenue, (between houses twenty and thirty), Grimethorpe, Barnsley, S72 7AN

This application is brought to PRB due to the requirement for a section 106 agreement.

Site Description

The application site is an area of greenspace on Windmill Avenue, which is located within residential surroundings on the northern edge of Grimethorpe. Greenspace currently extends across both sides of the road. The greenspace is more steeply sloping on the opposite northern side of Windmill Avenue but the street also slopes from east to west. Outline planning permission has been granted on the northern section of greenspace for 7 dwellings in 2015.

The site backs onto Manor Grove to the south at a point where development is only on the opposite side of the road. Therefore development would be clearly visible from the south.

Site History

There have been no previous planning applications at this site of relevance to the proposed development.

Proposed Development

The application is for a large detached house and two smaller semi-detached houses. The detached dwelling is two storeys with a single storey forward projecting garage extension. The semis are two storeys but with utilisation of rooms in the roofspace and driveways to the site to provide off street parking. All the properties would have brick walls and a tiled roof.

The agent has indicated that the applicant wishes to live in the detached house and sell off the two smaller properties. This is the reason given for the large plot for the detached dwelling. It is noted, however that the layout for the detached dwelling is such that it allows the potential for further development at a later stage if the extensive garden was not required. This would however be the subject of a separate application if it was to be utilised as such.

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

CSP14 Housing mix and efficient use of land
CSP26 Highways issues.
CSP29 Design matters.
CSP35 Green space
CSP40 Pollution protection.

Saved UDP Policies

Greenspace

SPDs/SPGs

Designing New Housing Development
Parking

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. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

Paragraph 59 requires good design and indicates that whilst design codes should be prepared. However, guidelines should not be unduly prescriptive, they should not go into too much detail and you can look at reflecting the character of the immediate street scene or the local area.

Consultations

Pollution Control- no objections
Highways- no objection subject to conditions
Highways Drainage- no objection subject to conditions
YWA-no objections
SYMAS-no objections

Representations

Neighbouring properties were notified about the application and a site notice posted. No representations were received. It was, however, noted that two properties to the south-east of the site weren't sent a letter originally, Although the nearest of these properties is over 40m away from the nearest proposed dwelling the back garden of these existing properties would adjoin the back of the site. Neighbour letters have therefore been sent to these properties but the consultation period for these neighbours expires after the Planning Board. The impact on these properties has been fully considered and referenced in this report but if Members are minded to agree with the recommendation it is requested that they defer the decision to Officers till after the consultation period has expired and after consulting with the Chair of Board if any representations are received.

Assessment

Principle of Development

The NPPF contains a presumption in favour of sustainable development provided no other policies are contravened.

This is a greenspace where development would not normally be permitted in accordance with Core Strategy policy CSP35. The site currently functions as local neighbourhood green space and offers an informal amenity/recreation function although there is no formal recreational equipment on the site. The immediate locality does have a lack of green space in relation to formal children's play and outdoor sports facilities. As the site is small and adjacent to residential properties it is however considered to offer limited potential to reduce those deficiencies whilst meeting distance standards and thus protecting the residential amenity of existing residents. There are also other informal green spaces within the locality. Given these factors it is considered that in this case, the loss of the Green Space can be appropriately compensated for with a monetary contribution which could go to improving other recreational areas. This would be secured by a S106 agreement which would contain a clause that would require further payment if further properties were proposed for the site.

Given an offsite contribution, the principle of development is considered acceptable subject to all other criterion being adhered to. The proposal is therefore considered to satisfy the requirements of policy CSP35 of the Core Strategy and the principle of the development is therefore considered acceptable given it borders onto existing residential properties

The other key policy is CSP14 which seeks higher density development than that proposed. Whilst, it would not be appropriate to refuse this application as there room is left for further development to take place the potential additional development would also be subject to a compensation payment.

Residential Amenity

There are dwellings either side of the site on Windmill Avenue and houses on Manor Grove overlook the site. There is ample separation as the development is low density. There would be no overlooking impact provided that side windows are non-opening and obscure glazed. These are not the only windows in these rooms so there is still an outlook and ventilation for future residents. The orientation of the site is roughly north south so there would be some limited overshadowing either early in the morning or late in the afternoon. However, given the separation distances at the sides this would only affect a small area of garden land on the eastern side of the detached house. The impact on the properties to the south-east, given that they are over 40m away and orientated at a different angle, would also be minimal and therefore there would be no significant detriment to the amenities of near neighbours.

Visual Amenity

The plans have been amended to follow the established building line and dormers have either been relocated or replaced with rooflights. There is a large forward projecting double garage on the detached house. This is acceptable as it is an integral garage and would not project significantly out into the street scene.

The original designs were more fussy e.g. front dormer windows and a chimney on the detached house compared with the simpler details on the existing houses on Windmill Avenue. However, with the removal of dormer windows from the frontage the designs would not be sufficiently different to be considered out of character with the area. The use of red brick and concrete tiles to match the existing will help reduce any differences due to design. The main difference is the detached house but the applicant wants this as his family home with the semi-detached dwellings to be sold.

The NPPF indicates that LPA should ensure good design but not try to prevent innovation in design and suggests looking at the wider context not just the immediate vicinity. In this part of Grimethorpe there are large detached houses on Brierley Road.

Furthermore, the land immediately opposite has outline permission for 7 dwellings and this is likely to introduce some variation to the street scene so there is a sound reason to accept a different approach in this case.

The site backs onto Manor Grove to the south at a point where development is only on the opposite side of the road. Therefore any development would be clearly visible from the south. The boundary treatments will be particularly important to ensure that they fit in with the character of the area and as such a condition is recommended to cover this.

Highway Safety

The proposal provides adequate off-street parking provision and vehicular access onto Windmill Avenue. Highways DC have been consulted and have raised no objections to the scheme.

Conclusion

This is a greenspace so there needs to be compensation paid at £2,500 per dwelling for the loss of greenspace. As the development does not wholly meet the development potential of the site the section 106 should also seek future payments if further dwellings are applied for in the future.

Recommendation

Grant subject to deferring to Officers to await the end of the consultation period and subject to the signing of a Section 106 Agreement and conditions.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans 0100-XX-XX-DR-A--02001, 0100-XX-XX-DR-A--02002-RevA, and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.
- 5 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.
- 6 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.
- 7 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.

- 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 Sightlines, having the dimensions 2m x site frontage, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 10 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.
- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Measures to 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.**
- 12 The upper floor side windows to bedroom 2 and 4 in the detached house shall be non-opening and obscure glazed and thereafter retained as such.
Reason: In order to prevent overlooking of adjacent land and associated impact on living conditions or prejudicing future development in accordance with Core Strategy policy CSP29 Design.
- 13 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.

- 14 No development shall take place until full foul and surface water drainage details, including a scheme to maintain or reduce existing Greenfield run-off rates and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

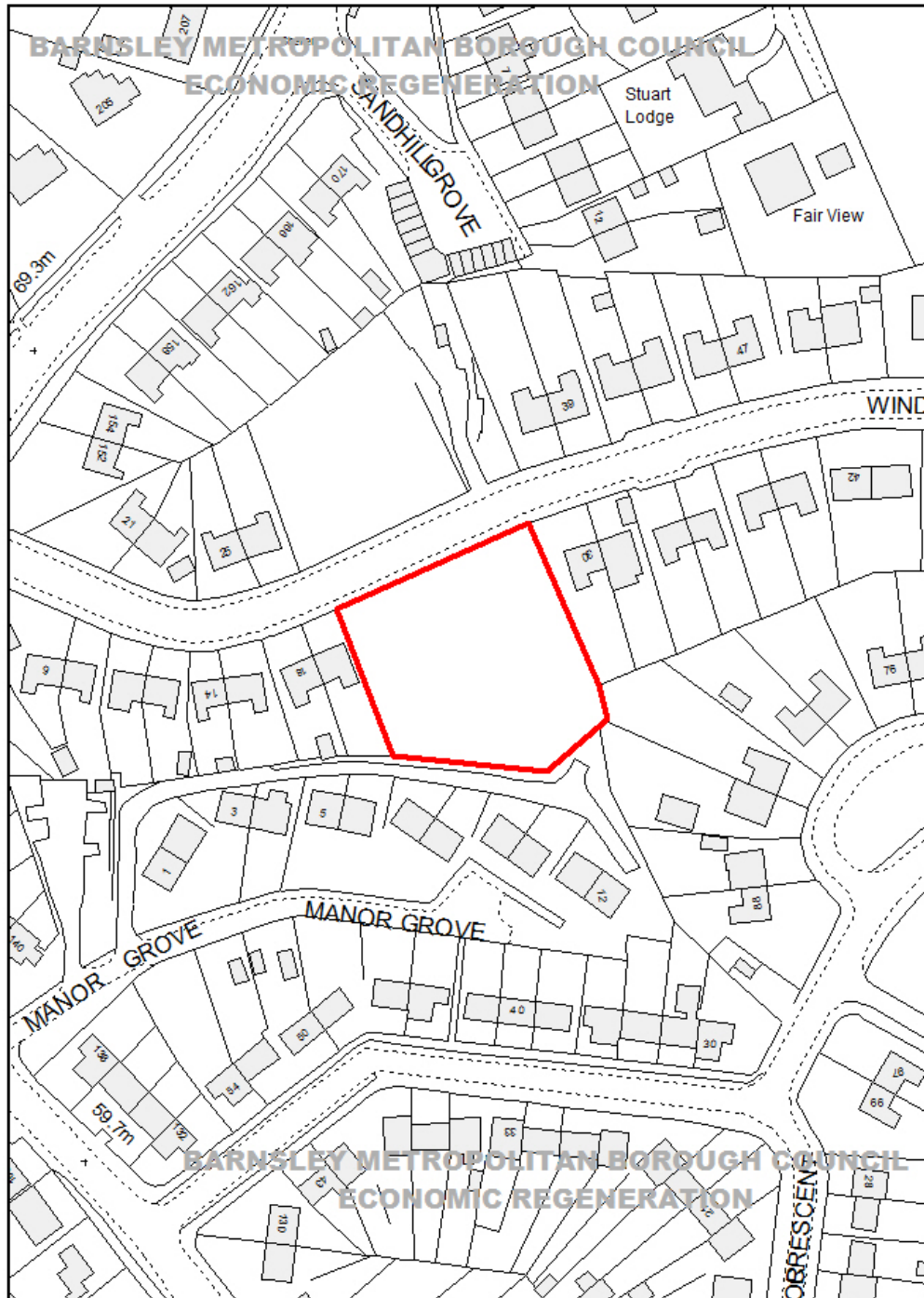
Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

PA Reference:-

2016/1305

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BARNSELY MBC - Economic Regeneration



Scale 1: -----

Item 8

2016/1436

Applicant: Richard Waterhouse (BMBC)

Description: Erection of single storey classroom extensions to school and additional parking, bin store and siting of container and alterations to access road and footpaths.

Site Address: Milefield Primary School, Milefield Lane, Grimethorpe, S72 7BH

Site Description

Milefield Primary School is located on the Western outskirts of Grimethorpe, accessed off the Ferrymoor Roundabout along the A6195. The school is situated on a large plot which incorporates the main school building, playing fields and hard surface multi-use games area, with an area to the South of the site that houses a small number of farmyard animals.

The entire site is bordered by a palisade fence, with a landscaped and wooded bank along the North West boundary, with gated pedestrian access from both the North East and South East of the site and a secured vehicle access on the South West, which is used by staff and service vehicles. Along the Northern Boundary are approximately 10 no. detached bungalows on Stacey Crescent.

The school building itself is constructed in an industrial style, with buff and red brickwork with red aluminium windows and a grey sheet roof.

Planning History

B/90/1736/HR – Erection of Junior and Infant School – Engine Lane, Grimethorpe
B/95/0774/HR – Erection of 2.4 metres high palisade security perimeter fencing – Milefield Primary School, Engine Lane, Grimethorpe

Proposed Development

The applicant is seeking approval for the erection of two, single storey extensions to the school, a timber screen around existing mechanical plant, erection of a permanent bin store and the creation of additional parking to increase capacity for a proposed increase in staff numbers. There will also be the creation of a new pedestrian footpath in the North West corner of the site.

The design and access statement provided with the application states that the main reason for the extensions is to meet the forecast for pupil demand in the Grimethorpe area. From the start of the 2016/17 academic year it is necessary to increase the school admissions number from 30 to 45. This will aid the school's long term aim to increase capacity from 210 to 315 pupils.

The proposed extensions will be located along the North West elevation of the school and will provide additional capacity to the school and associated children's' centre.

The school extension will have a sideways projection of 10.4m and a rearward projection of 15.8m and will form an 'L-Shape' extension to the school building. The proposed extension will have a flat roof with a height of 3.3m. The extension will be constructed out of red brick materials, with grey uPVC windows and green cladding panels on the entrance and corners of the extension. The extension will also provide ramped access to the main entrance.

The proposed extension to the children's centre will also be located on the North West elevation, but closer to the northern boundary of the site. The proposed extension will have a sideways projection of 8.35m and a rearward projection of 9.25m. This extension will also have a flat roof with a height of 3.2m. Red brick materials are proposed for its construction, with grey uPVC windows and pink cladding on the corner and upper part of the front elevation.

Currently, the bin storage area for the school is located where the proposed extension to the children's centre will be and so a new permanent location is proposed. The bin storage area will be re-located to the South West of the school building, in the corner of the service road to the site. The bin storage area will measure 4.7m by 6.5m and be bordered by a 1.8m high palisade fence with a gated entrance. At present, the proposed new bin storage area is occupied by two steel shipping containers, which will be relocated to the north west of the proposed storage area, closer to the boundary fence.

The proposed new parking area will be located at the top end of the service road, parallel with the rear elevation of the school extension and will consist of 5 standard parking spaces and 1 disabled parking space.

Located to the North of the proposed new parking area will be the new footpath and access in the North West corner of the site. The footpath will run through an area that currently has trees in situ; some of these will be removed and others will be cut back to make space for the footpath. The footpath will run along the side of the children's centre play area, before terminating at the North West corner of the site, where a new pedestrian access will be created in the fencing.

A Multi Use Games Area (MUGA) was originally included in the proposal however, as per the instructions of the client, the MUGA has been removed from the proposal and is therefore no longer under consideration.

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.

Core Strategy

CSP29 – Design Matters – sets out the overarching design principles for the borough to ensure that development is appropriate to its context. The policy is applied to new development and to the extension and conversion of existing buildings.

CSP 25 – New Development and Sustainable Travel sets out the principles that will be applied in regards to transport and parking provision for new development within the borough

CSP 43 – Educational Facilities and Community Uses states that the Council will support the provision of schools, educational facilities and other community facilities.

UDP Designation

UDP Existing Community Facility

SPDs/SPGs

SPD – Parking supplements Core Strategy Policy CSP 25 New Development and Sustainable Travel and sets out the parking standards that the Council will apply to all new development.

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.

The emergent policies of the Local Plan that are attributable to this development are GD1 and D1. In general they resonate with the requirements of Core Strategy Policy 29.

NPPF

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

Consultations

Drainage – No objections to proposal.

Forestry Officer – No objection to this proposal subject to a condition being attached regarding replacement tree planting.

Highways DC – No objections to proposal, subject to conditions regarding surfacing, travel and construction.

Pollution Control – No objections since proposed MUGA was removed from proposal.

Ward Councillors – No objections to proposal.

Yorkshire Water Services Ltd – No objection to proposal, subject to condition regarding discharge of surface water drainage.

Representations

Neighbour notification letters were sent to surrounding properties and site notices were posted. No comments or representations were received.

Assessment

Principle of Development

This is an extension resulting in an increase in classrooms in order to provide for the anticipated increase in pupil numbers going forward and would not raise any issues of planning principle. Policy CSP43 Education Facilities and Community Uses would support the scheme.

Residential Amenity

Along the Northern boundary of the site are approximately 10 no. dwellings situated on Stacey Crescent. There is potential for noise nuisance to occur from the new footpath and access along the Northern boundary, which lead onto Stacey Crescent however; the footpath and access will mainly be used for short periods in the morning and afternoon during term time. Therefore, a significantly detrimental effect on local residents is considered unlikely.

The two proposed extensions are both proposed to be single storey, are modest in size and will be located at least 40m from the nearest property. Therefore it is highly unlikely that there will be any detrimental effect in terms of overshadowing, overbearing or overlooking. The bin storage area and new parking area are located far away from any residential properties and it is unlikely that there will be any significant increase in levels of activity to what there currently is; and so there would be no detrimental effect on local residents. The proposals are therefore considered to be acceptable in this context.

Visual Amenity

The school is set quite far back from Milefield Lane, which is the main vehicles access to the site and is partially screened by the boundary fence and willow trees within the school grounds. The extensions are proposed to be of a similar material construction to that of the main school building.

In terms of the cladding to both extensions; the design and access statement provided with the application states that:

'The cladding surfaces are to contrast, yet complement the existing building ... The aim of the extensions are to provide a more prominent entrance point for both the school and Children's Centre, which is currently unclear in their existing location ... The proposed glazed curtain wall connection between the existing building and the development are to create an unnoticeable transition between the old and the new'.

As the school is not highly visible from public vantage points and there are so few residential properties nearby, it is unlikely that the additions would have a detrimental effect upon the street scene and are not considered to be an unsightly addition to the building.

The fencing for the bin storage area is similar to the existing boundary fence and provides screening from the large refuse bins and so is considered acceptable. The timber screen around the existing plant will also provide adequate screening and given its position it would not be a prominent feature when compared to the overall school building.

The footpath and parking area are screened from public vantage points by the existing trees on the site and will not have a harmful visual impact and so are acceptable.

Highway Safety

SPD – Parking states that schools should provide a maximum of 1 parking space per 3 staff members and that disabled parking provision should be on a scale of 4% of the total number of spaces; and at a distance of no more than 50m from an entrance to the building. The school anticipates an increase in staff numbers of 14 and so the provision of 5 additional spaces complies with guidance set out in SPD. The addition of one disabled parking bay that is within 50m of the proposed new entrance also complies with SPD and so the new parking area is considered acceptable.

The development will involve altering the existing access road to make space for the extensions. As such, Highways DC requested that provision be made for service vehicles to enter, manoeuvre and exit the site in a forward gear. Details were provided and considered satisfactory by Highways DC and so the proposal is considered acceptable in a Highways context.

Conditions will be attached regarding the surface materials to be used for the parking area, that alternative methods of transport (other than car) are promoted and that a Construction Method Statement is submitted prior to any work commencing; which will provide details of how vehicles will access the site, unload plant/machinery etc. and prevent debris from being deposited onto the highway.

Conclusion

Overall, the proposal is modest in scale and enables Milefield Primary to help alleviate some of the shortfall in school places in the area. The extension will harmonise well with the existing building as well as provide a new focal point for entering the building. The new bin storage and parking area demonstrate that sufficient provision is being made for the construction of the extensions and an increase in staff numbers. The creation of the new footpath and access will make it easier for local parents to enter the site from Stacey Crescent and may help to encourage more to walk their children to school instead of using the car.

The proposal complies with the standards set out in both the Core Strategy and SPD and so is considered acceptable.

Recommendation

Approve – subject to conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing No. NPS-DR-A011 Rev. P3, Drawing No. NPS-DR-A012 Rev. P1, Drawing No. NPS-DR-A022 Rev. P3, Drawing No. NPS-DR-A030 Rev. P3, Drawing No. NPS-DR-A035 Rev. P3, Drawing No. NPS-DR-A105 Rev. P4, Drawing No. NPS-DR-A110 Rev. P3 and Drawing No. NPS-DR-A700 Rev. P2) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

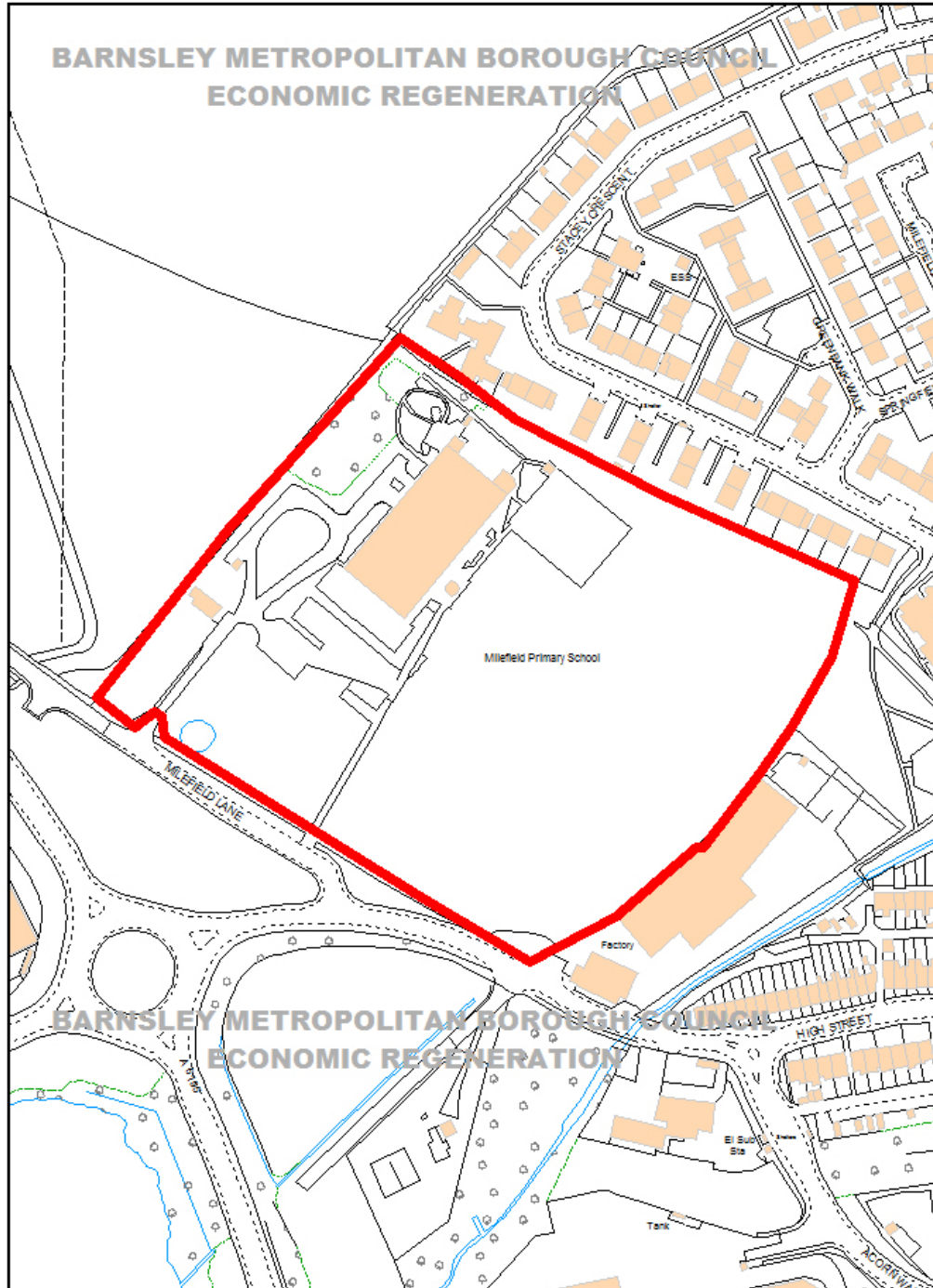
- 3 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the 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.

- 4 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off-site works, have been submitted to and approved by the local planning authority. There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
Reason: To ensure adequate control of surface water drainage in accordance with CSP4.
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 Prior to the occupation of the building 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, in the interests of sustainable development.
Reason: In the interests of highway safety in accordance with CSP26.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - Measures to prevent mud/debris being deposited on the public highway.
- Reason: In the interests of highway safety in accordance with CSP26.**
- 8 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.
- 9 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 :-


2016/1436

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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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Item 9

Report Ref No:

Report of the Head of Planning
& Building Control to the
Planning & Regulatory Board
on 23rd January 2017.

2015/1134: Application for approval of reserved matters of outline planning permission 2012/0537 - Proposed development of 97 dwellings with associated access, parking and landscaping. Willowgarth High School, Brierley Road, Grimethorpe

1. **Purpose of report**

To seek the approval of PRB to make a minor modification to the site layout, which originally showed a Local Equipped Area for Play (LEAP) on public open space close to the southern boundary of the site. It is proposed to remove the LEAP from the layout and instead provide an additional S106 contribution to upgrade an existing LEAP facility in the vicinity.

2. **Recommendation**

That PRB agrees to the minor amendment to the site layout and the inclusion of a further contribution of £58,314.80 towards off-site play equipment within the S106 agreement.

3. **Background**

On 26th July 2016 PRB resolved to approve the reserved matters subject to conditions and a S106 agreement that secured:

- 10 affordable housing units on site (including 2 bungalows)
- An off- site public open space contribution for formal recreation of £95,441.86.

The approved plan showed a large area of land for informal open space but it also made reference to the provision of suitable children's play requirement. This was to be to LEAP standard. After discussions with Parks Services an amended proposal has been submitted to upgrade an existing LEAP facility off-site.

Public Consultation was carried out on 13th December 2016 allowing 21 days for comment. There were no local resident concerns raised about this change.

4. **Proposal and justification**

Parks Services are unable to commit to maintaining play equipment on the site and would rather upgrade the council-managed EPA and LEAP standard facilities in the locality to provide for younger children and meet Green Space Strategy Standards. These facilities would be accessible for occupants of the proposed dwellings and their upgrade would benefit the wider area. The

developer has considered this suggestion and is willing to make a contribution of 58,314.80 in accordance with the 'Open Space on New Housing Developments' Supplementary Planning Document. This revised proposal therefore remains policy compliant and would have wider benefits.

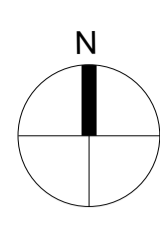
9. List of appendices

Appendix 1 – Extract from site plan showing original location of play equipment

Office Contact: Joe Jenkinson

Tel: 01226 772588

Date: 12th December 2016



- LEGEND**
- 4no. Plan Type A ('Holly') 2B/3P Bungalow at 77.5m² approx. (integrated single garage at 16m² in addition)
 - 3no. Plan Type Aa ('Birch') 3B/5P Bungalow at 98m² approx. (single garage at 16m² in addition)
 - 6no. Plan Type B ('Hawthorn') 3B/5P 2 storey House at 89m² approx.
 - 17no. Plan Type C ('Poplars') 4B/6P 2 storey House at 108m² (integrated single garage at 16m² in addition)
 - 10no. Plan Type D ('Malherb') 4B6P 2 storey house at 135m² (integrated single garage at 16m² in addition)
 - 13no. Plan Type E ('Swaine') 3B5P 2 storey house at 126.86m² (integrated single garage at 16m² in addition)
 - 10no. Plan Type F ('Chestnut') 4B7P 2 storey house at 117.96m² (integrated single garage at 16m² in addition)
 - 16no. Plan Type G ('Aspen') 3B5P 2 storey house at 88.34m²
 - 4no. Plan Type H ('Willows') 3B5P 2 storey house at 96m²
 - 4no. Plan Type L ('Elm') 2B4P 2 storey house at 78m²
 - 5no. Plan Type M ('Rowan') 3B5P 2 storey house at 88.34m² (integrated single garage at 16m² in addition)
 - 5no. Plan Type N ('Mountain Ash') 3B6P 2.5 storey house at 128m² (integrated single garage at 16m² in addition)
 - 97no. Dwellings in total
 - Properties have 2no. designated car parking spaces, or a single garage and designated parking space
 - Site area: 5.57ha approx. (13.78 acres) (inclusive of Green Belt undeveloped land)
 - Density: 17.41 dwellings per hectare

- Ibstock red brick Mercia Antique
- Ibstock buff mix brick Argyll Multi
- Ibstock buff brick Caledonian buff blend
- Accompanied with a 'c' to the house type reference denotes a corner plot variation
- ▨ Denotes raised plateau to aid traffic calming and indicate shared surface residential access
- Denotes Visibility Splay
- ▨ Denotes Sales area
- ▨ Denotes area likely to be banked
- Denotes vegetation buffer to North and North-East site boundaries. See drawing P103 Proposed Landscaping Plan for detail
- ▨ Denotes spaces formed for public use and identification within the development
- ▨ Denotes public open space for informal play. Natural overlooking from Plots 84 - 89 to the North and existing properties on Windhill Avenue
- ▨ Denotes space for children's play area. Space and equipment TBC. Natural overlooking from Plots 84 - 89 to the North and existing properties on Windhill Avenue
- Denotes footpath access
- ▨ Denotes managed area of undevelopment Green Belt land.
- ▨ Denotes private drive
- ▨ Denotes residential refuse collection point
- ▨ Denotes proposed location of sub station
- ▨ Denotes block paving to flush junction for speed mitigation

7.5m easement provided for Yorkshire Water maintenance to proposed foul and s/w sewer route

Existing Sycamore to be retained

7m easement provided for adopted sewer to proposed pond

Maintenance access incorporated for balancing pond

Size of balancing pond to suit discharge rate of 42l/s as agreed with Highways, Engineering & Transportation Department of BMBC

REV	DATE	DESCRIPTION	DRW	CHKD
Y	04-01-17	Road line boundary amended following discussion with BMBC	CY	CY
X	11-10-16	Plots 12 and 13 amended to type A units with external works amended to suit	CY	CY
W	22-06-16	Assessments made to junction (adj Plot 08) following BMBC meeting on 16.06.16	CY	CY
V	20-05-16	Equipment access provided to sewers in NE corner and balancing pond in SE corner	GM	CY
U	04-05-16	Sub station location identified to rear of Plot 07. General layout of drainage to Highways comments from BMBC: 01.05.16. Plots 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000	AD	AD
A	14-01-15	Amendments made to reduce oil-de-ice road formation and increase street scene presence	AD	AD

MICHAEL HYDE AND ASSOCIATES LIMITED
chartered architects

MANCHESTER □ SHEFFIELD ■

PROJECT TITLE
WILLOWGARTH FORMER SCHOOL SITE,
BRIERLEY ROAD, GRIMETHORPE

DRAWING TITLE
PROPOSED SITE PLAN

51 BARTON ARCADE ALLIANCE HOUSE
 D E A N S G A T E L E P O L D S T R E E T
 MANCHESTER M3 2BJ SHEFFIELD S1 2GY
 TEL 0161 834 1018 TEL 0114 275 9666
 FAX 0161 834 4788 FAX 0114 275 7751
 Manchester@MHA Sheffield@MHA
 architects.com architects.com

DRAWN / CHECKED AD / AD **DATE** JUN 2015 **SCALE** 1:500 @ A1

JOB NO. 3SC8 **DRAWING** P101 **REVISIONS** Y

DO NOT SCALE FROM DRAWING

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Item 10

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 December 2016 to 31 December 2016

APPEALS RECEIVED

1 appeal was received in December 2016:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2016/1234	Raising of roof level to existing garage to create additional accommodation. (Re submission). 118 Smithies Lane, Barnsley, S71 1NL	Written Representations	Delegated

APPEALS WITHDRAWN

No appeals were withdrawn in December 2016. .

APPEALS DECIDED

2 appeals were decided in December 2016.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>	<u>Decision</u>
2015/1162	Conversion of rear car park into beer garden/patio area with raised decking (Retrospective) Cross Inn, 7 Summer Lane, Royston, Barnsley	Written Representations	Delegated	Dismissed and Enforcement Notice Upheld
2016/0404	Raising height of roof to form loft conversion and erection of single storey rear extension to dwelling 89 Rotherham Road, Monk Bretton, Barnsley	Written Representations	Delegated	Dismissed

2016/2017 Cumulative Appeal Totals

- 11 appeals have been decided since 01 April 2016
- 9 appeals (82%) have been dismissed since 01 April 2016
- 2 appeals (18%) have been allowed since 01 April 2016

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Item 11

BARNSELEY METROPOLITAN BOROUGH COUNCIL

Report of Assistant Director,
Highways, Engineering and
Transportation to Planning
Regulatory Board on
24th January 2017

Diversion of public footpaths at Tyers Hall Farm.

1.0	<u>Purpose of Report</u>
1.1	To consider an application to divert Darfield public footpaths 3, 4 and 5 and to extinguish part of Darfield public footpath no. 19 and two short sections of undefined footpath at Tyers Hall Farm, between Ardsley and Darfield.
2.0	<u>Recommendations</u>
2.1	That, in exercise of statutory powers, the Council makes Public Path Orders under the provisions of sections 118 and 119 of the Highways Act 1980 for the diversion of Darfield footpaths 3, 4 and 5 and the extinguishment of part of Darfield footpath no. 19 and two short sections of undefined footpath at Tyers Hall Farm as shown on the plan attached to this report.
2.2	That the Director of Legal and Governance be authorised to publish the Orders and to confirm them himself in the event of there being no objections thereto.
2.3	In the event objections are received which cannot be resolved, the Director of Legal and Governance be authorised to submit the Orders to the Secretary of State for confirmation and to take all necessary steps to support the Orders at any public inquiry, informal hearing or written representation as necessary.
2.4	That the Director of Legal and Governance be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area.
3.0	<u>Background and Proposal</u>
3.1	The owner of Tyers Hall Farm has applied to divert and extinguish a number of public footpaths on their land.
3.2	The main purpose of the application is to divert the current path running through the farmyard (A-B-C-D on the plan at Appendix B) onto a new line further away from the farm buildings (A-E-F-D).

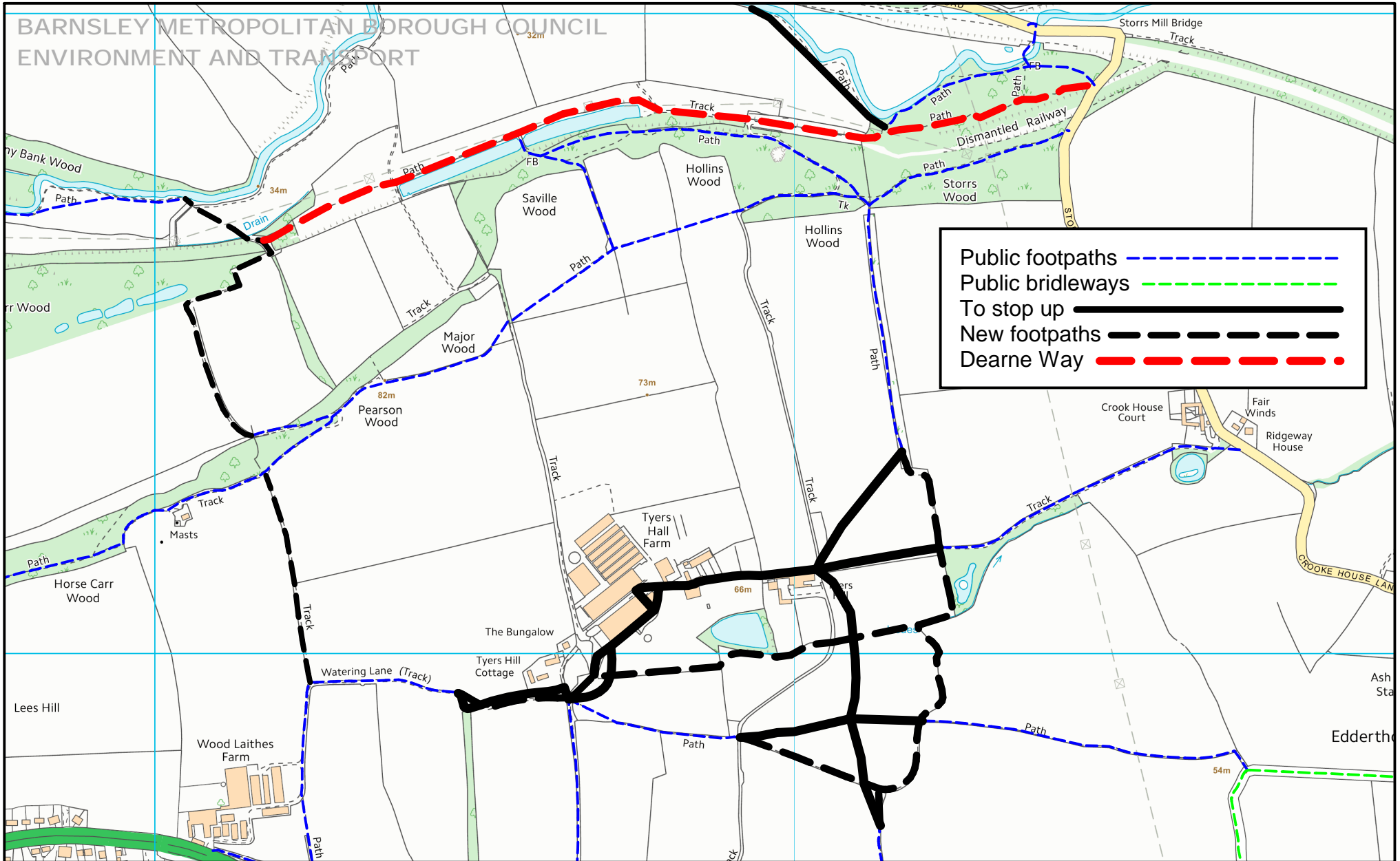
<p>3.3</p>	<p>This diversion is sought in order to improve the security and privacy of the farm. There are two principal reasons for the application:</p> <ul style="list-style-type: none"> • To reduce the existing conflict between the working farm and the public, with large farm machinery using the track on a regular basis, little room for the public to walk alongside vehicles and poor visibility around a number of tight corners, and to prevent people approaching the animals kept in the isolation area adjacent to the track, which are often carrying illnesses. • To improve security following problems with vandalism, theft and arson by preventing public access through the farm buildings, especially at night.
<p>3.4</p>	<p>The new route would have a 2 metre bound surface (stone sub base and 40mm to dust smooth surface) and medium height fencing on both sides to separate it from livestock in the adjacent fields. The proposed route is 60 metres longer than the existing path between points A and D but would provide an accessible traffic-free through route with improved views of the farm buildings.</p>
<p>3.5</p>	<p>Additional minor changes are also proposed around the farm buildings to resolve minor mapping errors, including moving the recorded legal line of the path between the farm track near point A and point K onto the walked line and extinguishments of non-definitive paths near points A and B where the recorded and walked lines do not match.</p>
<p>3.6</p>	<p>As part of the proposals, the farm also wishes to divert the cross field footpaths to the east of the farm around the field edge. This involves moving the path G-C-E-H onto G-D-F-J-H, and the path I-J onto I-J around the field edge.</p>
<p>3.7</p>	<p>These diversions are sought because they fit in better with the diversion of the farm track and because the current cross-field lines are unclear for the public. The new routes would be easier to sign and for the public to follow, with no loss of amenity. They would have a grass surface and a 1.8 metre recorded width.</p>
<p>3.8</p>	<p>The farm has also applied to stop up the dead end Darfield footpath no. 19 alongside the River Dearne (shown alongside the river at Appendix A). There is no physical path continuing along the river and therefore the farm considers that it is no longer required for public use.</p>
<p>3.9</p>	<p>By way of a separate dedication agreement, 2 well used but non-recorded paths will be formally recognised as public footpaths to the west of the farm buildings, linking Watering Lane to the Dearne Way and paths running alongside the River Dearne (shown on the plan at Appendix A).</p>
<p>3.10</p>	<p>Informal consultations have been carried out with user groups, ward councillors and utilities companies. No objections have been received</p>

	from any of those groups.
3.11	A different set of proposals were previously considered at this site which were ultimately not taken forward as the new routes were considered to be significantly less convenient for the public. The members of the public who expressed concerns about the original proposals were also consulted.
3.12	2 responses were received. The first stated that he had no objections to the proposals. The second stated that they 'see no reason for them [the paths] to be moved or altered' but did not outline any specific objection to the proposed new routes.
4.0	<u>Statutory Criteria</u>
4.1	<p>Section 119 of the Highways Act 1980 enables a path to be diverted where it is considered expedient to do so in the interests of the owner, lessee or occupier of the land crossed by the path or in the interests of the public. Before confirming such an order the Secretary of State or the Council, as the case may be, must be satisfied that the diversion is expedient and that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which –</p> <ul style="list-style-type: none"> (i) the diversion would have on public enjoyment of the path or way as a whole, (ii) the coming into operation of the order would have as respects other land served by the existing public right of way, and (iii) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.
4.2	The proposed diversion of the path running through the farmyard is considered to benefit the landowner. The diversion would remove the existing conflict between vehicles on the farm track and the public using the footpath and would enable the farm to prevent public access to the site in the evenings, helping to improve security and management of the land.
4.3	It is considered that the diversion would have no negative effect on public enjoyment of the path as it would be of a similar character to the existing path with a 2 metre width, bound surface and fencing to separate it from the adjacent livestock field. The additional 60 metre length is relatively minor on what is primarily a rural leisure route, while the proposed new footpath would be traffic free and arguably provides an improved view of the farm buildings.
4.4	The other diversions move existing undefined footpaths onto field edge locations and are considered to be of benefit to both the landowner and the public by clarifying their location. The new routes will be easier to sign and follow, causing less disturbance for landowners and greater clarity for

	pedestrians. They are therefore considered to have a positive impact on both public enjoyment of the paths and management of the land.
4.5	The Council also has to have regard to the likely impact of the diversion on agriculture, forestry and biodiversity. The proposed diversions are not considered to have any negative impact on these matters.
4.6	Section 118 of the Highways Act 1980 enables a path to be extinguished on the grounds that it is not needed for public use. Before confirming such an order, the Secretary of State or the Council, as the case may be, must be satisfied that it is expedient so to do having regard to the extent to which the path or way would be likely to be used by the public; and the effect which the extinguishment of the path would have as respects land served by the path or way.
4.7	The Council is satisfied that the footpaths proposed to be extinguished are not needed for public use. The riverside path is a dead end route with no physical continuation along the river. Instead, the public use the Dearne Way which runs along the nearby disused railway line. The other short extinguishments will remove undefined sections of the footpath along the farmyard track, which are the result of mapping errors and will not connect to other rights of way if the diversions are approved.
5.0	<u>Options</u>
5.1	The Council makes the orders applied for. Officers are satisfied that the necessary statutory criteria are met and that the proposals are the best available.
5.2	The Council could decline to make the orders applied for, but as the relevant statutory criteria have been satisfied, it is not considered reasonable to do so.
6.0	<u>Local Area Implications</u>
6.1	There are no implications for the local area beyond minor changes to the rights of way network.
7.0	<u>Compatibility with European Convention on Human Rights</u>
7.1	These proposals are considered to be compatible with the Convention.
8.0	<u>Ensuring Social Inclusion</u>
8.1	The proposals will have no negative impact on social inclusion. The gradients, surfaces and widths of the new paths would be similar to those of the existing paths in order to ensure that they are no less accessible.
9.0	<u>Reduction of Crime and Disorder</u>

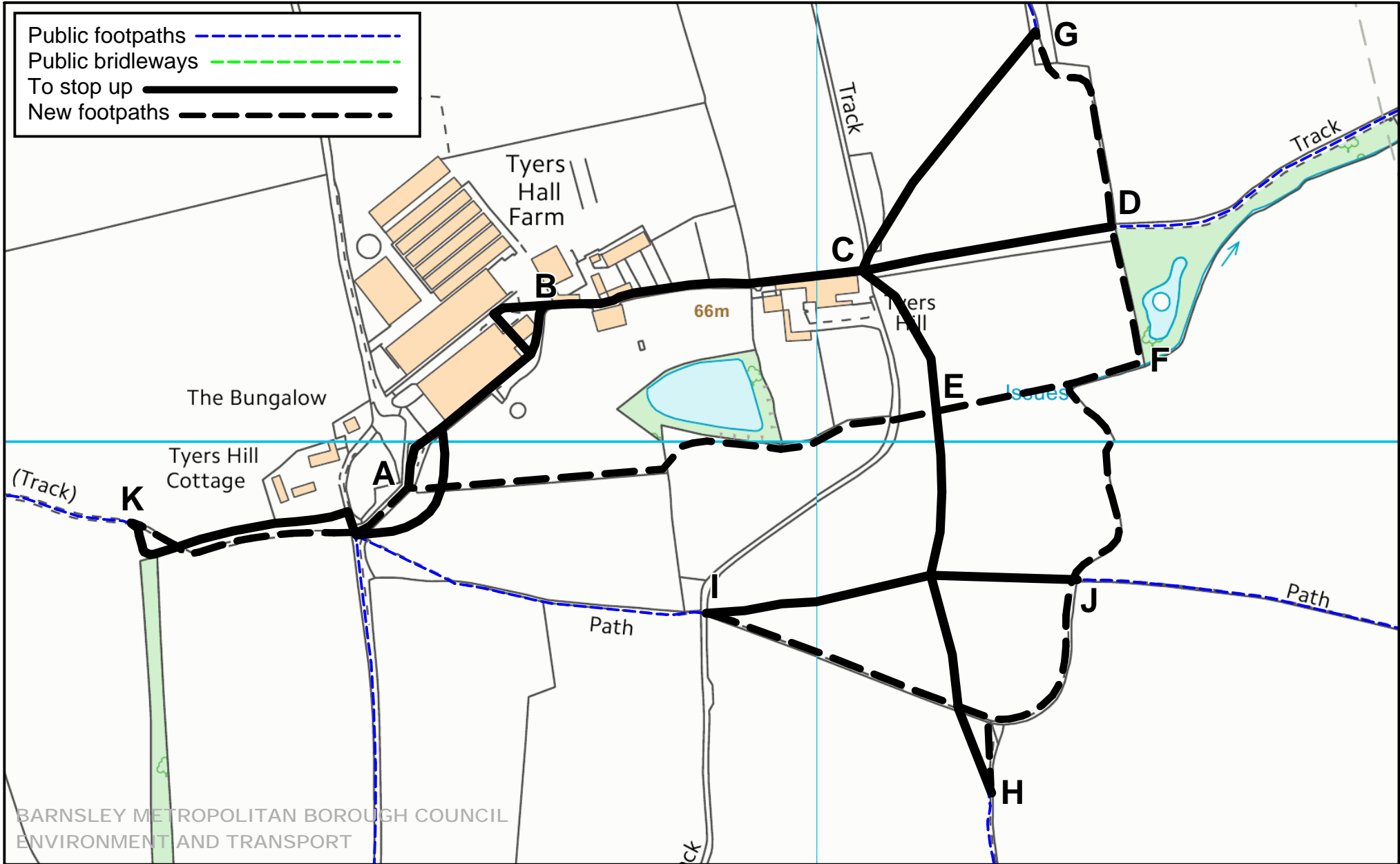
9.1	The proposals are partially motivated by concerns about crime at the site. Moving the public footpath away from the farm buildings will enable the farm and properties to be secured at night and is therefore considered to help reduce crime. In response to consultations, South Yorkshire Police's Crime Reduction Officer stated: 'Having visited this farm on several occasions in the past following reports of crime I would concur that the diversion will help the farmer to keep his property and stock more safe and secure. I have no objections to the diversion.'
10.0	<u>Financial Implications</u>
10.1	If the Orders are made and objections are received there will be additional costs to the Council that cannot be passed on to the applicant. This is especially the case if the matter has to be resolved at a public inquiry.
11.0	<u>Risk Assessment</u>
11.1	The Council has powers under the Highways Act 1980 to make the orders applied for. The statutory process provides an opportunity for objections which, if upheld, may result in the order not being confirmed by the Secretary of State.
11.2	Objections may be received to the application. However, the Council is satisfied that no relevant grounds for objection have been raised during the consultation period, that the application meets all of the statutory criteria and that the best possible alternative routes have been identified for the diversion orders.
12.0	<u>Consultations</u>
12.1	User groups (including the Barnsley Local Access Forum), ward councillors, other Council departments and utilities companies have been consulted on the application and notices have been placed on site.
12.2	No objections have been received.
13.0	<u>Proposal</u>
13.1	Councillors approve the recommendations in section 2.
14.0	<u>Glossary</u>
15.0	Appendices Appendix A – Map 1; overview. Appendix B – Tyers Hall Farm close-up Appendix C – Map 3; Tyers Hall Farm post-diversion (if accepted)
	Officer Contact: Rik Catling Tel: ext 2142
	Date: 24 th January 2016

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Public footpaths ————
Public bridleways ————
To stop up —————
New footpaths ————



BARNSELY METROPOLITAN BOROUGH COUNCIL
ENVIRONMENT AND TRANSPORT

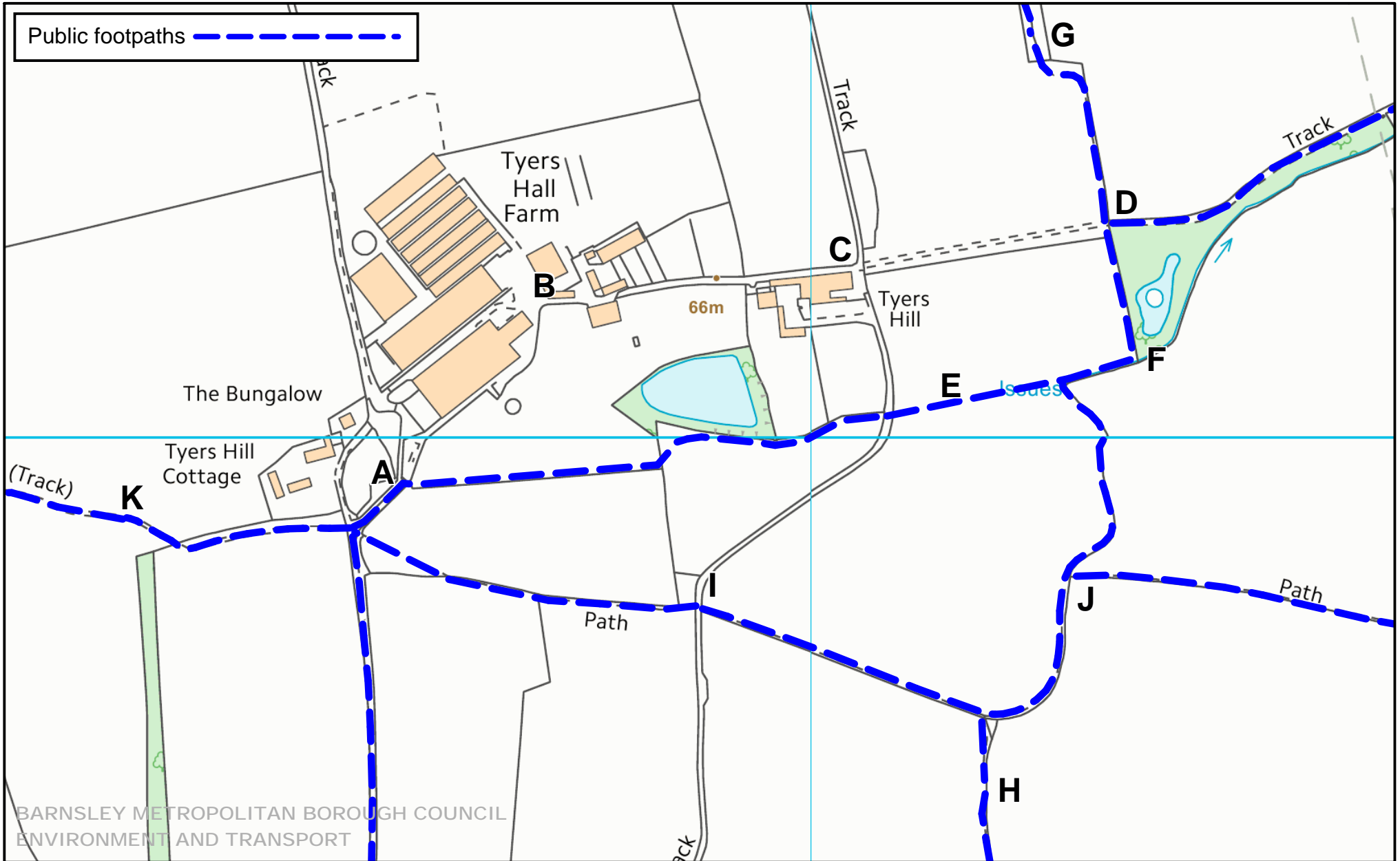
BARNSELY MBC - Environment and Transport

Environment and Transport.
PO Box 604, Barnsley, S70 9FE.
Tel: (01226) 770770 Fax: (01226) 772599

Map 2: Tyers Hall Farm close-up



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PO Box 604, Barnsley, S70 9FE.
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Map 3: Tyers Hall Farm footpaths post-diversions (if accepted)



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