

Public Document Pack



MEETING:	Planning Regulatory Board
DATE:	Tuesday, 27 June 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 10.30 a.m.

	Site	Approx Time of Arrival
1.	Planning application 2016/1531 – Outline application for a development of approximately 100 dwellings (all matters of detail reserved apart from means of access), land to the north of Hawshaw Lane, Hoyland Common.	10.50 a.m.
2.	Planning application 2017/0088 – Residential development of 278 no. dwellings (outline including means of access), land south of New Smithy Avenue, Thurlstone.	11.40 a.m.

Return to Barnsley Town Hall at approximately 12.30 p.m.

Please note: Members of Planning Regulatory Board should not become involved in discussions with either the applicant/agent nor local residents when on site visits.

**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 of the meeting held on 23rd May 2017 (Pages 5 - 8)

To receive the minutes of the meeting held on 23rd May 2017.

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 to the north of Hawshaw Lane, Hoyland Common - 2016/1531 - For approval (*Pages 9 - 26*)
5. Land South of New Smithy Avenue, Thurlstone - 2017/0088 - For refusal (*Pages 27 - 38*)
6. Land off Newland Avenue and Carrs Lane, Cudworth - 2017/0577 - For approval (*Pages 39 - 60*)
7. Longcar Conference Centre, Longcar Lane - 2017/0488 - For approval (*Pages 61 - 70*)
8. Site of former Longcar Conference Centre, Longcar Lane, Barnsley - 2017/0251 - For approval (*Pages 71 - 78*)
9. Land off Cobcar Lane, Elsecar - 2017/0436 - For approval (*Pages 79 - 88*)
10. Upper Belle Clive Farm, Hartcliffe Road, Cubley - 2017/0245 - For refusal (*Pages 89 - 96*)
11. Upper Maythorn Farm, Upper Maythorn Lane, Whitley Common - 2017/0383 - For approval (*Pages 97 - 106*)
12. 23 - 25 Carr Head Road, Howbrook - 2017/0173 - For approval (*Pages 107 - 114*)

Planning Appeals

13. Planning Appeals - 1st May to 31st May 2017 (*Pages 115 - 116*)

Public Footpaths/Diversions

14. Application to divert a footpath at Farm Road, Kendray (*Pages 117 - 124*)
15. Exclusion of Public and Press

To consider if the public and press should be excluded from this meeting during consideration of the following item/s because of the likely disclosure of exempt information.

16. Planning Enforcement Update

Reason restricted:

Paragraph (1, 7) Information relating to any individual.

Any action taken or to be taken in connection with the prevention, investigation or prosecution of crime.

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, M. Dyson, Franklin, Gollick, 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, Team Leader (Planning)

Parish Councils

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

Monday, 19 June 2017

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 23 May 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), G. Carr, Coates, Franklin, Gollick, Hampson, Hayward, Higginbottom, Leech, Makinson, Mathers, Noble, Richardson, Spence, Stowe, Unsworth, Wilson and R. Wraith

One minute's silence was held prior to the commencement of the meeting as a mark of respect to those who had lost their lives or sustained injuries following the terrorist attack in Manchester which had taken place the previous day.

1. Declarations of Interest

Councillor Spence declared a Non-Pecuniary interest in **Planning Applications 2017/0213** (Erection of new entrance porch **and 2017/0239** (Erection of new entrance porch, Listed Building Consent) at Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT as he is employed by Cannon Hall Farm.

Councillor Wilson declared a Non Pecuniary interest in the same applications as listed above, as he is involved with the Parks for People project which has funded the project.

2. Minutes

The minutes of the meeting held on 18th April 2017 were taken as read and signed by the Chair as a correct record.

3. Land north of Hawshaw Lane, Hoyland - 2016/1531 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1531** (Outline application for a development of approximately 100 dwellings - all matters of detail reserved apart from means of access) at land to the north of Hawshaw Lane, Hoyland Common.

RESOLVED that the application be deferred in order for a site visit to take place.

4. Lidgett Lane, Pilley - 2016/1308 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1308** (Proposed development of 48 dwellings and associated roads and infrastructure) at land off Pilley Green/Lidgett Lane, Tankersley, Barnsley S75 3AE.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to signing of S106 agreement.

5. Land south of New Smithy Avenue, Thurlstone - 2017/0088 - For Refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0088** (Residential development of 21 dwellings – outline means of access) at land south of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ.

RESOLVED that the application be deferred in order for a site visit to take place.

6. Kingswood Peak Venture, Huddersfield Road, Penistone - 2017/0240 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0240** (Erection of eleven pods, two club lodges, one yurt, one WC/shower block and associated paths and landscaping) at Kingswood Peak Venture, Huddersfield Road, Penistone, Sheffield S36 7GF.

Mr D Clough spoke in favour of the officer recommendation to approve the application.

Mr M Clynch spoke against the officer recommendation to approve the application.

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

7. Dovecote Farm, Westfield Lane, Barnburgh - 2016/1400 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1400** (Erection of detached agricultural workers dwelling – re-submission of application 2016/0822) at Dovecote Farm, Westfield Lane, Barnburgh, Doncaster, DN5 7HS.

RESOLVED that the application be granted in accordance with the Officer recommendation and with additional conditions restricting permitted development rights for conversion of barns.

8. Land to the rear of 11 and 13 Hillside Crescent, Brierley - 2017/0310 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0310** (Erection of 1 no. detached dwelling with attached garage) at land to the rear of 11 and 13 Hillside Crescent, Brierley, Barnsley S72 9JL

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to signing of Section 106 agreement.

9. Land at Sandygate Lane, Stairfoot - 2017/0206 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0206** (Variation of condition 13 of outline planning permission 2016/0288 – landscape strategy for a link through the site from Sandygate Lane to the TPT, buffer to north and west of site to provide secure boundary to TPT relating to proposed residential development) at land at Sandygate Lane, Stairfoot, Barnsley S71 5AW.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to a S106 agreement to upgrade the existing footpath to adoptable standards and any other legal requirements which are required to implement the scheme.

10. Dorothy Hyman Sports Centre, Snyderdale Road, Cudworth - 2017/0453 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0453** (Refurbishment of existing artificial cross pitch, erection of extension to playing area, replacement fencing and floodlights, clean access, site furniture, maintenance equipment and associated storage) at Dorothy Hyman Sports Centre, Snyderdale Road, Cudworth, Barnsley S72 8LH.

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

11. Cannon Hall Museum, Bark House Lane, Cawthorne - 2017/0213 and 2017/0239 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Applications 2017/0213** (Erection of new entrance porch) **and 2017/0239** (Erection of new entrance porch, Listed Building Consent) at Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT.

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

12. Planning Appeals - 1st April to 31st April 2017

The Head of Planning and Building Control submitted an update regarding planning appeals received during the period 1st April 2017 to 30th April 2017.

The report indicated that one appeal was received in April 2017:-

- **Planning Application 2016/1340** – Erection of two storey side extension and a single storey front extension to dwelling at 101 Genn Lane, Ward Green, Barnsley (written representation) – delegated.

It was reported that no appeals have been decided in April 2017.

Item 4

2016/1531

Applicant: Hoyland Developments Ltd, C/o Johnson Mowat

Description: Outline application for a development of approximately 100 dwellings (all matters reserved apart from means of access).

Site Address: Land north of Hawshaw Lane, Hoyland, Barnsley

The application was deferred by Councillors at the Planning Regulatory Board meeting held 23rd May to enable a site visit to take place by Members.

10 objections have been received to the application from local residents. The application is also objected to by the Campaign to Protect Rural England (CPRE). No comments have been received from any of the Ward Councillors.

Site Description

The proposal site is a 3.9ha section of a field which is located to the north west of Hoyland Road and Hawshaw Lane in Hoyland Common. The site is irregular in shape and adjoins open green land on either side and to the north, which is uninterrupted for a considerable distance to the north before reaching the A6135 on the section between the roundabouts at Birdwell and Shortwood.

To the south the site is closely related to the existing built up area of Hoyland Common with the site sharing a boundary with many houses which have addresses on Hoyland Road and Hawshaw Lane. Birdwell and Upper Hoyland are located to the north east and north west respectively with medium distance views through those areas. In addition the site is located near to Kirk Balk Academy and West Meadows Primary School which are both located to the east within a short walking distance of the site. Hoyland Lowe Stand and the Church of St Peter are located in the vicinity of the site which are both grade II listed heritage assets.

The site is relatively open and clear of features with varied topography. The majority of the site is located behind the existing houses on Hoyland Road and Hawshaw Lane. However the site does possess a road frontage via a wide gap situated between No.119 Hawshaw Lane and 124 Hoyland Road in the north east corner of the site. In addition there is a smaller gap located further south in between 110 and 112 Hoyland Road. The latter is not apparent at present where the site is screened by a thick line of mature conifers and a boundary wall which does not contain an entry point at present.

Proposed Development

The application is in outline form and proposes a development of approximately 100 dwellings. All matters of detail are reserved for a future application apart from means of access which is proposed by way of a 'T' shaped give way priority junction in the gap between 119 Hawshaw Lane and 121 Hoyland Road.

The application is accompanied by a concept masterplan which identifies the areas of the site which are proposed to be developed and that which are to form greenspace. The proposal is for the majority of land to be developed with the exception of the western part of the site which would form greenspace. In addition the plan indicates that a surface water drainage attenuation pond would be constructed in the field located to the north

west of the site. Furthermore the plans indicate that a new pedestrian and cycle access would be created in the gap between Nos 110 and 112 Hoyland Road. This would pass through the area of greenspace to connect with an existing public footpath which runs alongside the north west boundary of the site.

Relevant History

The majority of land associated with the proposal has not been the subject of any previous planning applications. The application appears to include land currently or previously belonging to 114 Hoyland Road. This particular property has been the subject of a variety of householder planning applications, including B/01/0404/HN which granted planning permission for a new access/driveway for the property.

Policy Context

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

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policies

UDP notation: Safeguarded Land (HN6, GS10)

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP17 'Housing Regeneration Areas'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

CSP43 'Education Facilities and Community Facilities'

SPD's

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

Others

Planning Advice Note 33 'Financial Contributions to School Places'

South Yorkshire Residential Design Guide

The site is within the Hoyland-Wombwell Housing Zone, which was designated by the Homes & Communities Agency earlier this year with the aim of delivering accelerated housing construction.

Publication version of the Draft Local Plan

Proposed allocation: Housing Proposal (H16)

The development will be subject to the production of a masterplan covering a number of sites including housing site references H16, H77, AC29 and employment site references HOY2, HOY3, HOY4 and HOY5. This should ensure that:-

- All hedgerows and woodland blocks must be maintained, enhanced and managed
- A wildlife corridor should be created across the site
- All hedgerows and woodland areas within the site are protected and enhanced
- Appropriate access is provided
- Appropriate acoustic measures are provided to mitigate against noise from the road
- Development shall be expected to respect the historic setting of Hoyland Lowe Stand and the churchyard of St Peter's Church to the east by the use of an appropriate site layout, sympathetic design that reflects the setting, appropriate scaling, massing, details and materials.
- Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:-
 - *Information identifying the likely location and extent of the remains, and the nature of the remains*
 - *An assessment of the significance of the remains*
 - *Consideration of how the remains would be affected by the proposed 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.

Consultations

Affordable Housing Officer – Request 15% affordable housing provision in accordance with Core Strategy policy CSP15.

Biodiversity Officer – No objections subject to the imposition of a condition requiring full details of the proposed mitigation and enhancement measures to be provided in association with an application for the approval of the reserved matters. These features should be guaranteed to be maintained for a minimum of 5 years post completion of the development.

Coal Authority - The Coal Authority concurs with the recommendations of the Geoenvironmental Desk Study Report; that coal mining legacy potentially poses a risk to the proposed development. However they are content that the desk study report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, published geological maps, and coal mine abandonment plans. As such provided that a condition is imposed requiring further intrusive surveys to inform any mitigation required to protect the development from land instability they are content not to object to the proposed development.

Contaminated Land – No comments have been received.

CPRE – Object to the application due to current status of the land being Safeguarded Land in the UDP. In their view this is a speculative application which is proposing to pre-emptively use up Safeguarded Land that may result in a potential shortage of safeguarded sites and create a pressure for an additional site to be removed from the Green Belt for safeguarding. In addition they consider that no weight should be afforded to the proposal to allocate the site for housing pending the outcome of the local plan examination and consideration of the objections.

Drainage – No objections subject to conditions.

Education – Require a contribution for the development towards funding additional secondary school capacity. Based upon a development of 100 dwellings a contribution of £211,530 would be required. No contribution is required with regards to primary school places.

Highways – No objections in principle subject to conditions..

Pollution Control – No objections at the outline application stage. However it is identified that proposals need to accompany the reserved matters stage to ensure that the dwellings are constructed with adequate soundproofing measures.

SYAS – No objections. The potential for previously unrecorded archaeological remains was considered to be low in light of the fact that the majority of the site has been subject to open cast mining. SYAS agrees with this conclusion and considers the archaeological potential to be negligible. No further archaeological investigation is required.

SYMAS – No objections. They advise that the site is likely to be affected by shallow coal workings and backfill from open cast mining. As such engineering solutions would be expected therefore to ensure that the site is not at risk of unstable ground. A condition to require details of intrusive investigations and mitigation measures to prevent the application being objected to.

Trees - No objection to the proposal. A full tree survey will be required with the reserved matters application so that the potential impacts of the construction can be fully assessed and the information in it be used to inform the scheme. Protection details will also be required for this proposal and as there are potentially excavations etc. close to existing trees for the new access roads as well as potential implications from the construction of dwellings and their associated features when they are approved.

Waste Management – Have commented on the need for the layout to provide appropriate facilities for waste collection and lighting.

Representations

The application was originally advertised by neighbour notification letters, site and press notice. 10 representations of objection have been received. In summary the main concerns expressed are as follows:-

Change to living conditions – Concerns that the development would remove the open outlook experienced by the residents of the houses which adjoin the site, which was the reason for many of the residents buying their houses in the first place. In addition concerns are raised about loss of privacy and increased noise.

Change to settlement character – Concerns are raised that the development would further contribute towards the semi-rural character of Hoyland being altered as a result of the new developments taking place in the area. In addition concerns are raised that the changes are being dictated to local residents, rather than being local community led.

Harm to local landscape/loss of green character.

Concerns that Hoyland is becoming a dormitory town feeding Sheffield and Leeds.

The need for additional housing is questioned given the existence of unsold properties in the area and vacant units on industrial estates.

Environmental concerns are raised about the loss of vegetation and natural habitat. In addition it is questioned where local residents shall walk and play because of the development taking place in the area.

Access/Highway safety – It is stated that access to the development should be via the A6135 rather than Hoyland Road/Hawshaw Lane to reduce the risk of accidents occurring due to existing problems with high traffic speeds and conflicts with accesses to existing developments and Kirk Balk Academy and West Meadows Primary School. Concerns are also raised about the potential for accidents to occur during the construction phase.

Network capacity – Concerns that the development would contribute to existing problems in the area with network capacity.

School Place availability - Concerns about the ability of local schools to accommodate children from the development.

Concerns that Barnsley Hospital and other health care related services in the Borough shall not be able to cope with the increased demands on services.

Concerns that the development would lead to an increase in noise, air and light pollution.

Public participation – Concerns are raised that the views of local people are being ignored. In addition it is stated that evidence has not been provided to substantiate the increase in housing numbers proposed in the area despite requests.

Alternatives – It is asserted that sufficient previously developed land exists to build new houses as an alternative to greenfield sites.

The site is mistakenly referred to as being located within the Green Belt.

It is stated that future generations should not be made to pay for the mistakes of the current generation.

Loss of habitat for numerous types of birds, foxes, rabbits, hedgehogs, frogs, toads and a variety of insects.

It is asserted that the development is unsuitable for building on due to both historic and open cast mining and abandoned mine equipment.

It is stated that the site has a high water table.

Concerns that high levels of Methane gas exist beneath the ground.

It is asserted that a give way priority junction would not create a suitable or safe access because of the alignment on Hoyland Road/Hawshaw Lane in relation to the two junctions . It is therefore asserted that traffic signals, along with a pedestrian controlled crossing would be required to create a safe access.

Non-compliance with proposed Local Plan Policy H16 in that the application is not accompanied by a masterplan covering the site and how it should link in with housing site references: H16; H77; AC29 and employment site references: HOY 2; HOY3; HOY4 and HOY5.

Requests for the permission to be limited - It is requested that the Council impose a variety of conditions to limit the development should it be allowed. These should include imposing an upper limit of 120 houses and preventing permanent and vehicular access from the potential entry point at the side of 110 and 112 Hoyland Road and ensuring the provision of the greenspace corridor on the western boundary of the plans.

Concerns about the disruption in the area when development is taking place on the site and elsewhere in the area and the effect on the quality of life for existing residents. A concern is also expressed that the effects could combine with HS2 depending upon which route is eventually built.

It is identified that the site could be directly affected by HS2 if the route reverts back to the Meadowhall route.

Assessment

Principle of Development

For the time being the saved site specific land use planning policy designation affecting the site is Safeguarded Land. The site is not located in the Green Belt as is asserted in some of the objections from local residents. The Safeguarded Land designation dates back to when the UDP was adopted in the year 2000. Councillors shall be aware from previous cases that this is a policy classed to be out of date following the publication of

the National Planning Policy Framework due the age of the policy. In such circumstances paragraph 14 of the NPPF states that planning permission should be granted for a development proposal unless:-

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

In addition, case law has established that safeguarded land policies restrict the supply of housing and should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This is the present situation that the Council finds itself in prior to the adoption of the new Local Plan. Furthermore Safeguarded Land was land kept out of the Green Belt to allow for development if and when needed. In order to be designated safeguarded land, the characteristics had to be such that it was genuinely capable of development when needed.

The site is located in a priority area intended to accommodate new housing growth in the adopted Core Strategy and this is another consideration that needs to be afforded significant weight. The site is in the Hoyland Principal Town which was targeted to deliver up to 1800 new houses before 2026. Furthermore the site is proposed to be allocated for housing development in the emerging local plan (draft policy H16). This latter consideration can only be afforded limited weight at this time pending the outcome of the forthcoming examination by the Secretary of State. The position therefore reverts back to the presumption in favour of sustainable development stipulated in the NPPF whereby planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or where policies in the NPPF indicate development should be restricted.

The site does only form part of proposed housing allocation site H16 and the draft Local Plan policy states that proposals to develop the land should form part of a masterplan, along with the two other proposed housing allocation sites to the north east (AC29 and H77) and employment land allocation sites HOY2 and HOY5 located to the north and north west. As such it has been necessary to consider whether the release of part of proposed site H16 should be regarded as piecemeal development and whether it would prejudice the remainder of the land being developed. This would seem unlikely to be the case for the reason that the intended access to sites HOY2, HOY5, AC29 (and to a lesser extent from H77) is direct from the A6135 in the location where the roundabouts are located at Rockingham and Shortwood. The draft policies also state that a new link road should be provided between the sites when those sites are developed. The proposed development would not prevent this from happening because of how far south it is in relation to those sites. Also it would not be desirable for the B6096 to be used as the permanent access for the HGV's that would be associated with sites HOY2 and HOY5.

Currently the Council, the applicant and the other land owners involved with these sites are in discussions about the preparation of a masterplan linked to the award of Sheffield City Region Investment Funding (SCRIF) which is intended to ensure that the development of the wider safeguarded land and group of proposed Local Plan allocations around J36/Dearne Valley Parkway is not prejudiced. It is also important to note that the site is within a Housing Zone designated by the Homes and Communities Agency to deliver accelerated construction of housing. The requirement to produce a detailed masterplan in advance of determining this planning application would therefore undermine this objective by delaying the planning process. In itself this isn't a reason not to seek the masterplan but given that the applicant controls land adjoining this site and that the remaining land is in the control of just two other landowners, who are working with the applicant via the SCRIF process, it is in the interest of all parties to work collaboratively to ensure that sites H16, H77, AC29 and HOY2, HOY3, HOY4 and HOY5 are capable of

being comprehensively developed if allocated for residential and employment use following examination of the Local Plan.

Aside from those points it is considered appropriate that development on this part of H16 is accessed from and is connects with the existing Hoyland settlement to the south to services to the shops, services and public transport services on offer for sustainable development reasons. Also the fact that the application is in outline form and the layout is a reserved matter allows for flexibility for the plans to be designed to maintain access routes through to adjoining land as longer term development options. I do not feel that this is an issue worthy of resisting the application therefore.

Visual Amenity

The proposal could be considered sensitive from a visual amenity perspective given that the northern part of the site adjoins a considerable area of open greenfield land. However as has been explained above the site forms part of an area of UDP Safeguarded Land and was therefore kept out of the Green Belt to allow the site to be developed if needed.

There are few existing features within the site to prevent a constraint to the development with the majority of the site being open. There are a small number of trees and hedgerows located on and adjacent to the boundaries of the site. However being as layout and landscaping are reserved matters the Tree Officer is content that a tree survey is carried out at that stage to inform the design of the layout.

Because layout, appearance, scale and landscaping are all reserved for a future application it is not possible to carry out a detailed assessment of visual amenity considerations at this stage. These would all have to be assessed as part of a reserved matters application therefore where the plans would need to comply with the relevant SPD in order to be judged acceptable. I am satisfied however that at 4ha the site is of a size to accommodate 100 dwellings and could be designed to comply with the spacing standards in the SPD.

The reserved matters application shall also need to detail the variety and form of the houses proposed, proposed levels and future landscape, parking solutions and boundary treatment proposals. Hoyland Lowe Stand and St Peter's Church are located in the vicinity of the site and are grade II heritage assets. However neither are located immediately adjacent to the site and so the effects on their setting would be relatively minor and akin to existing developments in the area.

Residential Amenity

The application is sensitive from a residential amenity perspective given that it is overlooked by many existing houses located on Hoyland Road and Hawshaw Lane which currently benefit from views across the site in its existing open form. In addition the proposed new vehicular and pedestrian accesses would be located in gaps between two existing houses, No.119 Hawshaw Lane and 124 Hoyland Road and 110 and 112 Hoyland Road respectively. However loss of view is not a material planning consideration and as such provided that the relationships between new and existing dwellings are designed to meet the standards in the SPD the Council shall not be in a position to resist the application on such considerations as the change to conditions of outlook, privacy and daylight. This will be a matter to be assessed at the reserved matters stage when the detailed site layout and unit type plans are considered and is not a consideration for this application.

The gap in the houses where the road would be constructed is a wide gap that is approximately 35m wide and the alignment is such that a separation distance of several metres would be afforded to the nearest property No.119 Hawshaw Lane. Traffic noise is already a feature of the area for the residents of existing dwellings because of Hoyland Road/Hawshaw Lane being a classified road. Furthermore the noise survey has identified that noise can be heard from traffic using the A6195 and the M1 which are further afield. As such the change in living conditions would not justify planning permission being refused over this issue.

Regarding the new dwellings the noise assessment has determined that the new dwellings would need to be constructed with sound insulation measures to ensure that adequate amenity standards are provided for future residents. This is acceptable to Pollution Control in principle, although it shall be necessary for the proposed scheme to be submitted with the detailed reserved matters application. A suitable condition would need to be imposed therefore. The usual conditions would need to be imposed to limit the effects of noise and disturbance during the construction phase.

The provision of the footpath and cycle link in the gap between Nos 110 and 112 Hoyland Road would inevitably lead to some disturbance experienced by existing residents. However conditions could be used to ensure that suitable planting is put in place as a buffer. Also the footpath would connect to the existing public footpath located to the south west of the site which would open up a recreation route open for all local residents to use.

Highway Safety

The proposal is an outline application to develop the site to provide approximately 100 dwellings. However the Transport Assessment has tested the site for delivery of up to 120 dwellings with the aim of providing a robust analysis.

As has already been stated the proposal is to access the site via a new priority junction with the B6096 Hoyland Road/Hawshaw Lane along the site's southern frontage, to the east of West Street. In addition a dedicated pedestrian / cycle only access into the site is also proposed connecting to the existing footway provision located along the north side of the B6096 Hoyland Road, opposite its junction with the B6097 Fearnley Road.

The access arrangements provide visibility splays of 2.4 x 82.5m to the north and 2.4m x 70.4m to the south. The site access has been located as far north as possible in order to maximise the stagger distance to West Street and visibility to the south.

Internal design matters including the new roads and parking provision are for a future reserved matters application due to layout being a reserved matter.

The assessment has identified that the site is in an accessible and inclusive location which is conveniently located in relation to local services and amenities. The site would also benefit from an acceptable level of access to public transport with the distance and the range of service provision being located within recommended standards. 2 of the bus services, 72 and 72A stop at Elsecar Train Station which has service provision to Barnsley, Leeds, Meadowhall and Sheffield. A travel plan is proposed as a formal means of working with the residents of the development to reduce the amount of car journeys. This can form part of any S106 Agreement.

The transport assessment has also considered the effect of the development on network capacity, including the A6135 Sheffield Road / B6096 Hoyland Road / Tankersley Lane four armed signalised junction. The development is predicted to give rise to generate 90 and 85 two-way vehicle trips during the Weekday AM and PM peak hours respectively. It

has been identified that this junction shall operate above saturation levels on occasions during the future in its present format. As such the report proposes that mitigation should be provided at that junction in the form of the provision of more formalised / clearer lane markings along the B6096 Hoyland Road arm and opposing right turn 'box' markings along the A6135 Sheffield Road.

Subject to this mitigation the development would not give rise to residual cumulative effect that would be regarded as severe, the threshold by which the Government regards that development may be resisted on transport grounds. Highways have resolved not to object to the proposed development taking into account of the advice within the NPPF and considered acceptable and Core Strategy policy CSP26 'New Development and Highway Improvement'.

Other considerations

Drainage/Flood Risk

The site is located in an area that is categorised to be at low risk of flooding and therefore the part of policy CSP4 and national policy requiring developments to be steered towards areas of low flood risk is complied with. Other sources of flooding have been assessed to be low.

The application is accompanied by a proposed drainage strategy. This indicates that sub-soil conditions are unlikely to support the use of soakaways. As such discharge to a local watercourse is proposed (Shortwood Dike). Discharge would be at a restricted rate of 10.3 litres/second which would be achieved via the construction of a surface water storage attenuation pond which would be built adjacent to the development. Following consideration of this information Council's drainage engineer and Yorkshire Water are content not to object to the proposals subject to suitable conditions being in place.

Ground Conditions

The site is likely to be affected by shallow coal workings and backfill from open cast mining. As such engineering solutions are likely to be required to ensure that the development is not the subject of any problems arising from land instability. SYMAS and the Coal Authority have considered the information with the application and have resolved not to object subject to a condition being in place requiring intrusive investigations to be carried out prior to the commencement of development to inform the precise nature of the mitigation measures that shall need to be put in place. This is acceptable in principle to the Council's land drainage section and Yorkshire Water who have not raised any concerns with the application subject to a condition being in place to agree the specific details prior to the construction of the development.

Archaeology

No objections have been received from SYAS. This is because any archaeological remains that did exist within the site were likely to have been destroyed when it was the subject of open cast mining.

Biodiversity

The ecological report has identified that the value of the site is low due to it mainly consisting of improved grassland which is mainly open and clear of features. In addition no harm to protected species has been identified. The survey did identify a hedge worthy of retention on the north east boundary. This would need to be retained along with the

range of other mitigation and enhancement measures proposed by the ecological survey which includes the following:-

- The planting of native trees in the landscaping scheme
- The removal of Japanese Knotweed
- The provision of an open SUDS pond to create a habitat suitable for amphibians, reptiles and invertebrates
- The provision of bird nesting boxes in the development
- The provision of bee nest boxes
- The protection of all retained vegetation

The Biodiversity Officer accepts the findings and has raised no objections against policy CSP36 'Biodiversity and Geodiversity' subject to the imposition ensuring that the proposed mitigation and enhancement measures are delivered.

Trees

The application has not been accompanied by a tree survey. However the Tree Officer is content that this is not required in the circumstances that layout is a reserved matter and as there is not any vegetation of note within the site, with what vegetation there is limited to the boundaries. He has therefore determined that a survey should be carried out prior to the submission of a reserved matters stage to inform the design of the proposed layout. As such there is not an objection subject to suitable conditions being in place.

Archaeology

A desk based assessment report has been identified stating that the potential for the site to contain archaeological remains is low. No objections have been received from SYAS to the contrary.

S106 – Affordable housing, public open space, education and additional proposal

Education have confirmed that a contribution is required towards funding additional secondary school places at Kirk Balk Academy Based upon a scheme of 100 dwellings a contribution would be required amounting to £239,734.00. Education are not seeking a contribution towards primary school provision based upon current forecasts.

Public open space – Green space provision would be required for the development in accordance with the Open Space Provision on New Housing Developments SPD. The development would need to provide a minimum of 15% of the developable area of the site public open space which would need to include a mixture of formal and informal play. In addition it is likely that a contribution for formal recreation provision off the site would be required. A suitable condition would need to be imposed at the outline stage and it is likely that a S106 Agreement would be required at the reserved matters stage once the detailed design is known.

AH – Under current policy CSP15 15% of the houses should be provided as affordable housing in this area of the Borough. This is proposed to change to 10% within the emerging local plan. It was been agreed with the applicant that the 10% threshold shall be applied if the reserved matters application is made if the new policy is adopted following the local plan examination. If it isn't for any reason, or prior to that point in time the 15% requirement would be applied to the development. This can be secured by way of a S106 Agreement.

Conclusion

In summary, the saved site specific land use policy dating back to the Unitary Development Plan is Safeguarded Land. However this policy is classed to be out of date by the National Planning Policy Framework. In such circumstances paragraph 14 of the NPPF states that planning permission should be granted for a development proposal unless:-

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

The site is located in the Hoyland Principal Town which is a priority to accommodate new housing growth. In addition the Council is currently unable to demonstrate a 5 year housing land supply. As such considerable weight has to be afforded to the benefits associated with the development in terms of the contribution that the development would make towards boosting housing land supply and the economic benefits associated with the development of the houses. This is particularly so given the site is located within a designated Housing Zone and the fact the proposal will not prejudice the wider delivery of adjoining sites proposed to be allocated in the emerging Local Plan.

The site is not in the Green Belt. In addition it is not the subject of any special designations and subject to the completion of a S106 agreement and the inclusion of the suggested conditions, it is judged to be accepted when assessed against the development plan as a whole and having regard to other material considerations. Accordingly, it is considered that the presumption in favour of sustainable development applies and the application is therefore recommended for approval.

Recommendation

Grant planning permission subject to conditions and a S106 Agreement (provision of education, public open space, affordable housing and a travel plan).

- 1 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.

- 2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

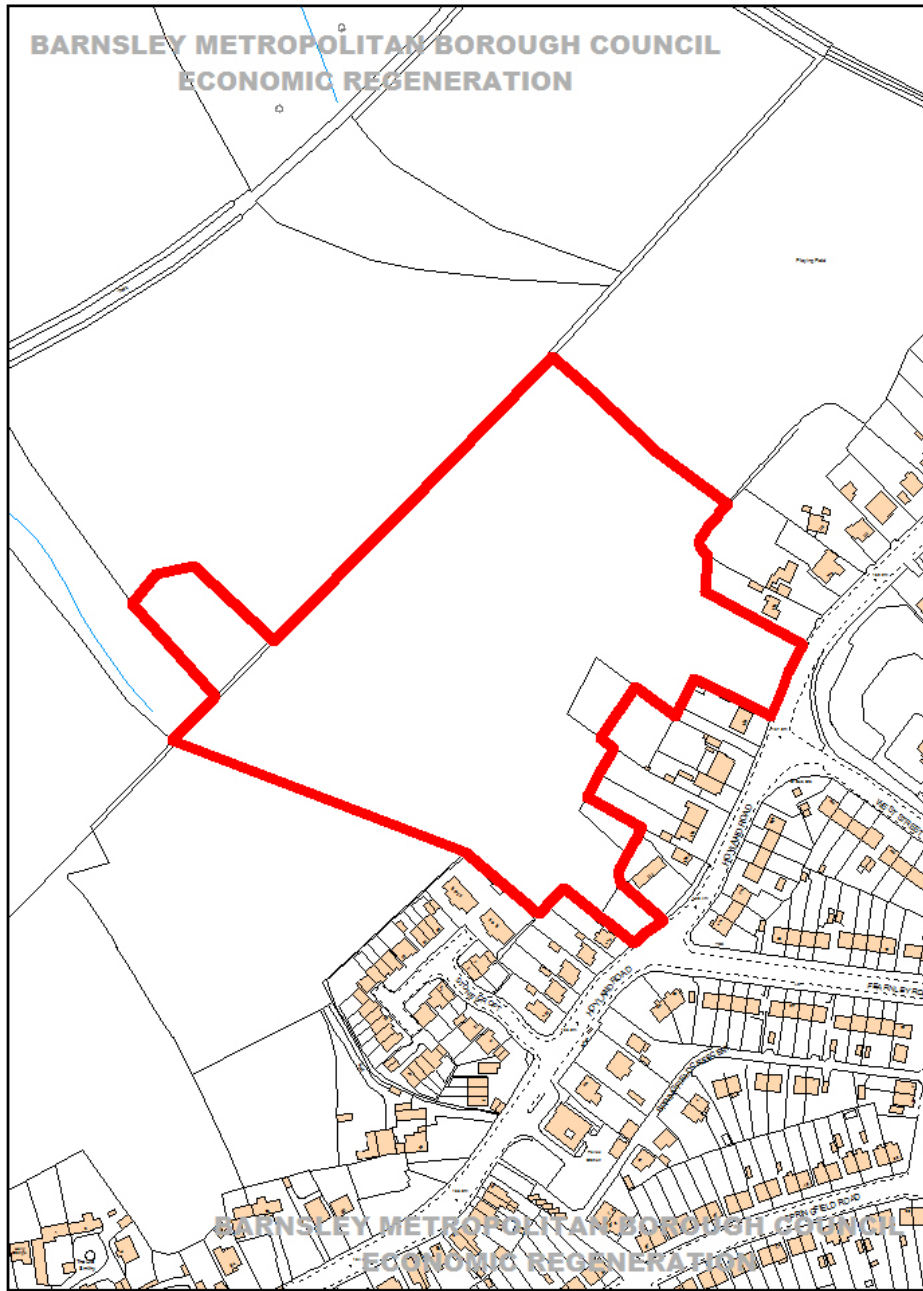
- 3 Plans at the reserved matters stage should have regard to the details indicated on drawing 2053-2001 rev A 'concept masterplan for the residential development of Hoyland Lowe' and the KPP Architects Design, Access and Heritage Statement and the PWP Design 'Landscape Strategy Handbook' ref PWP164 100 (rev02) 12.12.16.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 4 Vehicular access to the development shall be carried out in accordance with Fore plan ref 3406 SK004 001 'Preliminary Access Arrangement onto B6096 Hawshaw Lane' which forms part of the Transport Assessment Version 1 dated 14th December 2016.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 5 Visibility splays, having the dimensions 2.4m x 82.5m to the north and 2.4m x 70.4m to the south, shall be safeguarded at the junction with the B6098 Hoyland Road/Hawshaw Lane, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Provision of new signing/ lining at the junction of Sheffield Road/ Hoyland Road/ Tankersley Lane junction.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 7 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**

- 9 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.
- 10 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.
- 11 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to maintain or reduce surface water run-off from existing greenfield rates, 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 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.
- 12 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree survey
 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.


- 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.
- 14 Detailed proposals shall accompany the reserved matters submission of a scheme of sound insulation measures to ensure that adequate amenity standards are provided for future residents. Proposals shall be designed in accordance with the recommendations contained within the Kilmartin, Plowman and Partners Planning Noise Assessment report ref DC2106-R1
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 15 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.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.
- 16 Detailed proposals shall accompany the reserved matters submission of a scheme of biodiversity mitigation and enhancement. Proposals shall be designed in accordance with the recommendations contained within EnviroTech report 3457, version 4 received by the Local Planning Authority 5th April 2017.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 17 An intrusive site investigation shall accompany the reserved matters submission. The investigation must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- The submission of a scheme of intrusive site investigations for the high walls within the site for approval;
 - The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and
 - The undertaking of both of those schemes of intrusive site investigations.
 - The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;
 - The submission of a layout plan which identifies the opencast high walls and the definition of suitable 'no-build' zones;
 - The submission of a scheme of remedial works for the shallow coal workings for approval.
- Thereafter the development shall be carried out in accordance with the approved report including any remedial options.
Reason: To ensure that the development meets the requirements of the NPPF by demonstrating that the application site is, or can be made, safe and stable for the proposed development.

- 18 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'. The development shall be carried out in accordance with the approved report including any remedial options.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.**
- 19 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with the Open Space Provision on New Housing Development SPD. The provision or enhancement of the off site open space shall be provided prior to completion of the development in accordance with the approved scheme.
- Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 29.**
- 20 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

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BARNSELY MBC - Economic Regeneration
Service Director: David Sheherd
Westgate Plaza One, Westgate
Barnsley, S70 9FD
Tel. (01226) 772621


Scale 1:2500

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2017/0088

Applicant: Mr & Mrs Phil Mullins, C/o Nathaniel Lichfield & Partners

Description: Residential development of 21 dwellings (Outline including means of access)

Site Address: Land South of New Smithy Avenue, Thurlstone, Barnsley, S36 9QZ

The application was deferred by Councillors at the Planning Regulatory Board meeting held 23rd May to enable a site visit to take place by Members.

110 objections have been received from local residents and 1 letter of support. Penistone Town Council and Angela Smith MP also object.

Site Description

The application site comprises a rectangular shaped 0.9ha area of land set to the immediate south of New Smithy Avenue and to the north of High Bank / Manchester Road within the village of Thurlstone. The Thulstone Conservation area runs along the eastern boundary of the site. The site previously formed part of a larger agricultural land holding, known as White House Farm.

The site currently has a gated access directly off New Smithy Avenue and access is provided via a pedestrian gate located in the south-east corner, which serves the adjoining White House Farm. The site is surrounded by residential properties on three sides to the north, east and south and to the west is further agricultural land separated by an existing Public Right of Way which runs between High Bank and Westfield Avenue/Westfield Lane. The site rises from the south-east to the north west.

Proposed Development

The application is in outline form and proposes a development of up to 21 dwellings. All matters of detail are reserved apart from means of access which is proposed via New Smithy Avenue.

The application is accompanied by an indicative site layout plan showing a mixture of detached and semi-detached houses. The properties are arranged around a single cul-de-sac road which features a turning area adjacent to plots 10, 11 and 12. A pedestrian link is proposed through to the existing public footpath along the west. The plans do not show an access through to the remaining safeguarded land to the west.

Whilst the application is in outline, the planning statement states that all dwellings proposed would be two storeys in height. The indicative layout shows a range of house types, ranging in size from 2 to 5 beds. Six of the dwellings (three pairs of semi-detached houses) are proposed to be set aside for affordable housing purposes.

The following documents have also been submitted with the application:-

- Drainage Strategy by Eastwood and Partners Engineers
- Phase 1 and Phase 2 Geo-technical and Geoenvironmental assessment by Eastwood and Partners Engineers
- Transport Assessment by Paragon Highways
- Archaeology desk-based assessment by LS Archaeology

- Preliminary Ecological Appraisal and Preliminary Tree Survey and Arboricultural Impact Assessment by Brooks Ecological

History

No previous planning applications have been made on the land.

Policy Context

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

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policies

UDP Penistone Community Area Proposals Map: Safeguarded Land

The site is also located adjacent to the Thurstone Conservation Area Boundary

Saved UDP Policy GS10 'In areas shown as safeguarded land on the proposals map existing uses shall normally remain during the plan period and development will be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development of such land will only be granted following a review of the land in question'.

Saved UDP Policy H7 'new residential development should safeguard access and service opportunities for adjacent land which is allocated for housing or protected under policy GS10 or GS11.'

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems

CSP4 'Flood Risk'

CSP8 'The Location of Growth'

CSP9 'The Number of New Homes to be Built'

CSP10 'The Distribution of New Homes'

CSP14 'Housing Mix and Efficient Use of Land'

CSP15 'Affordable Housing'

CSP26 'New Development and Highway Improvement'

CSP29 'Design'
CSP30 'Historic Environment'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP43 'Education Facilities and Community Facilities'

SPD's

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

Other

South Yorkshire Residential Design Guide

Planning Advice Note 22 'Financial Contributions to School Places'

Publication version of the Draft Local Plan

Proposed allocation: Safeguarded Land: SAF21

Policy GB6 – The Council shall only grant planning permission on sites allocated as safeguarded land that is needed for the operation of existing uses, or alternative uses where the development will protect the open nature of the land, and will not affect the potential for future development of the site. The permanent development of safeguarded land will only be permitted following the adoption of the replacement Local Plan which proposes development on the land in question.

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

Affordable Housing – Current policy requirement of 25% affordable housing for this area (5 affordable units required from the total of 21 units). The applicant is proposing to provide 6 affordable units on site (2 x 2-bed houses and 4 x 3-bed houses). This would be acceptable from our perspective, but we would ask that an overall mix of 80% affordable rented and 20% intermediate housing be provided, in line with the Strategic Housing Market Assessment 2014.

Biodiversity Officer –The Ecological Assessment (Brooks Ecological, October 2016) and with its evaluation is acceptable. The recommendations and ecological enhancements suggested in sections 39 – 42 should be detailed to the satisfaction of the LPA at Reserved Matters stage and the report can be referred to by way of condition. It is requested that any mitigation measures agreed at that stage are evidenced by way of photographic evidence provided to the LPA by the developer within a reasonable period following construction.

Contaminated Land – The levels of contamination encountered are below threshold levels, so there will be no requirement to undertake any remediation.

Drainage – No objections raised subject to conditions

Education – The Financial Contributions to School Places PAN 33 sets out that development of 20 or more dwellings will be required to make a contribution to provision of primary and secondary places. 21 dwellings will generate the need for an additional 5 primary school places and 4 secondary school places. There are sufficient primary school places in the local area but there is a shortage of secondary places.

Highways – Raise concerns with regard to the impact on road safety and the suitability of the highway network to facilitate safe vehicular and pedestrian access to/from the proposed development.

Penistone Town Council – Objects due to serious access issues, and impact on the Conservation Area

Regulatory Services – Due to the site being surrounded by existing residential developments the service would require some conditions to ensure the residents are not adversely affected by noise and dust issues during the development works.

SYMAS – The site is not located within a Coal Mining Referral Area. Therefore a Coal Mining Risk Assessment is not required in this instance.

Tree Officer – Any trees which were in the centre of the site have been removed (as reported by residents) and as such the only arboricultural constraints are located off site or on the boundaries. An unknown number and quality of trees have been removed from site prior to the tree survey and the submission of this application and as such the planting of a substantial number and size of new trees will be required as part of the landscaping scheme.

Yorkshire Water – Do not object to the development subject to the imposition of conditions.

Representations

The application was advertised by neighbour notification letters, site and press notices. 110 individual letters of objection have been received (from 95 separate addresses) Angela Smith MP also objects to the proposal

The following concerns have been raised:-

- The proposal is contrary to the Council's existing and proposed future planning policy designation for the site as Safeguarded Land
- BMBC has already demonstrated it can achieve a 5 year land supply with the site identified within the Local Plan
- The Penistone Neighbourhood Plan is currently being developed in consultation with residents

- The site has already previously been rejected for development due to its village location
- The proposal would harm the character of the village
- Impact on the Conservation Area
- Land should remain safeguarded
- Approving the development would set a precedent for further development in Thurlstone
- Potential impact upon heritage/archaeology
- Loss of trees and ecological impact
- Increased pollution from cars
- The utilities are already overstretched within Thurlstone (Gas/Electricity/Water)
- There is already a lack of school places, increased homes will result in more demand
- Loss of privacy and overlooking to adjacent properties
- Loss of view/overbearing impact/loss of light
- The development would restrict access to properties on High Bank that would need to use the site as a fire escape in an emergency
- The development may impact the retaining wall at High Bank and undermine the structural integrity of these properties at a lower level
- The proposal includes all luxury homes and there is no provision for starter homes
- Photographs submitted with the Transport Statement are misleading
- Parking occurs on the bend of New Smithy Avenue reducing its width
- The majority of properties on New Smithy Avenue do not have off street parking
- Communal garages are not used for parking
- Towngate is heavily trafficked and on street parking occurs which results in passing vehicles and HGV's an issue
- The junction of Towngate and Manchester Road is dangerous and vehicles cannot turn easily towards Penistone
- The bus times used in the traffic statement are incorrect
- The school drop off/pick up times result in Thurlstone becoming congested
- Additional houses would result in significant vehicle movements (110 a day) and would result in more on street parking
- Emergency services would not be able to access due to congestion and parking
- Thurlstone is a small village and is already at saturation point for traffic
- Impact upon highway safety/pedestrians/cyclists
- BMBC previously rejected the site due to serious access issues
- Impact during construction, heavy vehicles, noise, dust, disturbance
- Unsustainable location
- Design/layout does not respect Thurlstone or the Conservation Area which consists of mainly terraced and semi detached dwellings
- The proposed layout does not meet the minimum separation distances and as there is a change in levels on site then greater separation distances should be proposed
- Drainage/flood risk to properties on High Bank

1 letter of support has been received which states:-

- Of all the proposed development sites within Thurlstone this is most suitable
- We have been assured that access from this site to the safeguarded land will not be granted so the prospect of sprawling development is contained
- There are few detached houses in Thurlstone so this enables people to progress up the housing chain
- The houses will provide more council tax and would provide additional business for the local shops and pubs

A letter has also been received from the New Smithy Drive Residents Association which states that NSDRA recognises the very real concerns and distress felt by residents regarding access and future safety and wishes to see these comments adequately addressed by the Planning Committee, beyond this we are unable to comment. NSDRA reserve the right to lodge future detailed objections in light of detailed plans being submitted.

Assessment

Principle of Development

The current Safeguarded Land designation dates back to when the UDP was adopted in the year 2000. Councillors shall be aware from previous cases that this is a policy classed to be out of date following the publication of the National Planning policy Framework due to the age of the policy. In such circumstances paragraph 14 of the NPPF states that planning permission should be granted for a development proposal unless:-

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- *Specific policies in the NPPF indicate development should be restricted*

In addition, case law has established that safeguarding land policies restrict the supply of housing and should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. This is the present situation the Council finds itself in prior to the adoption of the new Local Plan.

This site is not located in a priority area intended to accommodate new housing growth in the adopted Core Strategy. The site is not located within Urban Barnsley, nor is it located in a Principal Town. As the site is located in a village, the proposal is contrary to the spatial strategy set out in the Adopted Core Strategy 2011. Core Strategy CSP8 'The Location of Growth' states that development in villages will only be allowed if it is consistent with Green Belt policy or is necessary for the viability of the settlement and to meet local needs. The spatial strategy for the Borough is aimed at accommodating the majority of new housing growth in Urban Barnsley and the Principal Towns. This is reflected in the proposals maps accompanying the Publication Version of the Local Plan, which does not propose any housing development allocations in the villages and this application site is proposed to remain Safeguarded Land through to the year 2033. Allowing this site to be developed would be contrary to the aims of the spatial strategy for new housing development in the Borough as set out in the adopted Core Strategy and the emerging Local Plan.

The Safeguarded Land allocation (site ref SAF21) has also been carried over to the Publication version of the Draft Local Plan which establishes policies and proposals for the development and use of land up to the year 2033. The supporting text associated with Policy GB6 in the emerging Local Plan, states that '*safeguarded land can only be released in exceptional circumstances which may include a lack of five year land supply or a local need. Where there is a local need a safeguarded land site may be considered, for example, through a neighbourhood plan.*'

The Local Plan Publication Draft was consulted upon for eight weeks 2016. Following this consultation and as part of the Local Plan Examination, the Council submitted the emerging Local Plan to the Secretary of State for Communities and Local Government on the 23rd December 2016. The examination to determine whether the plan is sound will be conducted by an independent Inspector with the first of the examination hearings commencing on the 16th May 2017.

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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

In terms of the above, the Council's Statement of Consultation 2016 considered the representations received following the consultation on Barnsley's Local Plan Publication Version 2016. This document sets out how many representations were received and summarises the main issues raised by the representations and contains response to the main issues raised.

The Local Plan Publication Version 2016 was out to consultation for a period of eight weeks from 24 June to 19 August 2016. The document states that 613 representations had been tagged to consultation point Policy GB6, which relates to Safeguarded Land, as the individual sites that are proposed as Safeguarded Land were not individual consultation points. In reference to the application site, known as SAF21, the following comments had been made: *'The eastern edge of this site adjoins the boundary of the Thurlstone Conservation Area. The Council has a statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act, 1990 to pay "special attention" to "the desirability of preserving or enhancing the character or appearance" of its Conservation Areas.* However, there appears to be no evidence of any assessment having been undertaken of the potential impact which the loss of this open area and its eventual development might have upon the character or appearance of the Conservation Area.' No significant objections have been made in relation to the re-allocation of this land as safeguarded from future development and it is considered that greater weight may be given to this allocation.

In addition to the above, the site is not considered to be a sustainable location. The site was assessed as part of the Local Plan Housing Site Selection process (Site Ref: 255) and was rejected as it scored poorly against a number of sustainability indicators. The site is located in a village, is greenfield, is not well served by public transport and is remote from a Doctor's surgery (a key service). Serious access issues were also identified as a reason for the sites rejection as a Local Plan housing site. The site has therefore been rejected as it is within a village location, at the bottom of the settlement hierarchy, in a location that is not sustainable, and as such it is considered the proposal is contrary to development plan policy.

Impact on Future Development

The site forms a small part of a much larger area of Safeguarded Land which is set to the west of the site. The plans do not show an access through to the remaining safeguarded land, nor has consideration been made to the impact of this development on the adjacent Safeguarded Land. The purpose of Safeguarded Land is to retain land on the edge of settlements which may be required for future development needs. It is important to protect areas designated as Safeguarded Land from being constrained in the future by access/development difficulties. The development of this land is considered to be piecemeal development, which would restrict access to and prejudice the potential comprehensive development of the larger area of land, should it be allocated in a future plan period, contrary to The SPD Designing New Housing Developments.

Saved UDP Policy H7 also states that new residential development should safeguard access and service opportunities for adjacent land which is allocated for housing or protected under policy GS10 or GS11. This proposal does not allow for access to the adjacent safeguarded land and would therefore prejudice access and would not allow for the comprehensive redevelopment of the site, if it was allocated as such, in the future contrary to Policy H7.

Highway Safety

A number of objections have been received from residents with regard to the impact of additional traffic upon the highway network. Thurlstone is a traditional village which has developed over the years, resulting in narrow roads and a lack of off street parking. The village is accessed from the main Manchester Road which runs to Penistone to the east and Millhouse Green to the west.

Highways Development Control have raised concerns about the impact on road safety and the suitability of the highway network to facilitate safe vehicular and pedestrian access to/from the proposed development. The transport statement which accompanies the application states that the development would result in an additional 110 vehicle movements per day. The highway network from the junction with Manchester Road is substandard in many places, with narrow carriageway widths, poor pedestrian provision and is the subject of extensive on street parking. The junction with Manchester Road has a severely substandard alignment, resulting in vehicles having to enter the opposing carriageway, to the detriment of the free and safe flow of other traffic on the highway. No improvements to this junction are proposed as part of this application.

The site is accessed via a residential cul de sac off New Smithy Avenue. Significant on street parking occurs to New Smithy Avenue which is only 5m in width, this results in a restricted access to the site. A fire appliance requires a minimum clear running width of 3.1m, therefore would struggle to access the site with parking occurring on both sides of the road as it is at present. The Transport Statement states that many properties rent garages within the garage courts on New Smithy Drive, this is to establish that there is not an on street parking problem. It is apparent from site visits that the garages may be used at night, however, during the day it is more likely that residents would park on the street in front of their houses. In addition the garage courts are private parking arrangements that could cease at any point. As many of the properties do not have the ability to provide their off street parking bays, this has potential to exacerbate the parking issues further.

It is therefore considered that the development fails to provide a suitable and safe access and concerns are raised with regard to the suitability of the highway network to facilitate safe vehicular and pedestrian access to/from the proposed development. The proposal is considered to be contrary to policy CSP 26 of the Core Strategy.

Residential Amenity

Objections have been raised with regard to the impact of the proposal upon the residential amenity of the adjacent dwellings. An indicative site plan has been submitted, however the layout of the development does not form part of the outline application.

More detailed information would be required within the reserved matters application including siting, dimensions and elevational details of the proposed dwellings, positions of windows and doors and section plans due to the difference in levels between the existing and proposed dwellings. The relationships between existing and new properties shown on the indicative plan would potentially be satisfactory in relation to the spacing standards required by the Designing New Housing Development SPD.

In terms of any impact during construction, due to the site being surrounded by existing residential developments, conditions would be required to ensure the residents are not adversely affected by noise and dust issues during the development works.

Visual Amenity

The land is allocated as Safeguarded Land in order to retain land on the edge of settlements which may be required for future development needs. The application is in outline form with all matters of detail reserved for a future application, with the exception of the proposed means of access to the development. An indicative layout plan has been submitted which shows a mixture of detached and semi detached properties which could be designed and built to a high standard in order to complement the adjacent Conservation Area. There are no objections raised at this stage from a visual amenity perspective.

In terms of impact upon trees, the Tree Officer states that any trees which were in the centre of the site have been removed (as reported by residents) and as such the only arboricultural constraints are located off site or on the boundaries. An unknown number and quality of trees have been removed from site prior to the tree survey and the submission of this application and as such the planting of a substantial number and size of new trees will be required as part of any future landscaping scheme.

Drainage/Flood Risk

Yorkshire Water and the Council's Drainage Officer have not raised any concerns at this stage subject to the imposition of conditions. The proposal is considered as being acceptable with regards to flood risk and drainage impacts.

Contamination/Coal Mining Risk

The levels of contamination encountered are below threshold levels, so there will be no requirement to undertake any remediation.

SYMAS state that the site is not located within a Coal Mining Referral Area therefore a Coal Mining Risk Assessment is not required in this instance.

Biodiversity

The Biodiversity Officer is satisfied with the Ecological report and no objections are raised on biodiversity grounds subject to conditions requiring the recommendations to be followed.

S106 – Affordable housing, public open space, education

Affordable Housing – Current policy requirement of 25% affordable housing for this area (5 affordable units required from the total of 21 units). The applicant is proposing to provide 6 affordable units on site (2 x 2-bed houses and 4 x 3-bed houses). This would be acceptable number of units however an overall mix of 80% affordable rented and 20% intermediate housing would be required, in line with the Strategic Housing Market Assessment 2014

Education - The Financial Contributions to School Places PAN 33 sets out that development of 20 or more dwellings will be required to make a contribution to provision of primary and secondary places. 21 dwellings will generate the need for an additional 5 primary school places and 4 secondary school place. There are sufficient primary school places in the local area but there is a shortage of secondary places. A S106 contribution would be required for the 4 additional secondary pupils at £14,102 per pupil, which equates to a total contribution of £56,408.

Public open space – In accordance with CSP35, CSP42 and the Supplementary Planning Document (SPD): Open Space Provision on New Housing Developments, all residential development proposals of 20 or more dwellings are required to provide a minimum of 15% of the gross site area as appropriate open space. Where this is not possible off site improvements will be sought.

The indicative layout provided does not indicate any green space provision on site. However, it is considered that the site affords little opportunity to accommodate a green space of sufficient size. In the context of the greenspace assessment, it is likely that an off-site contribution will be sought in entirety.

Based on the layout plan provided by the applicant, and in accordance with the figures provided in Appendix 2 of the SPD, the off-site contribution for this application would be as follows:-

£1436.82 x 2 two bed dwellings = £2,873.64
£1723.66 x 8 three bed dwellings = £13,789.28
£2013.13 x 11 four bed dwellings = £22,144.43
21 dwellings totalling £38,807.35

Additional Commuted Sums - The applicant is proposing to make an additional fixed contribution of £58,000 towards sustainability initiatives within Thurlstone. The applicant is also proposing to allocate a fixed fund of £20,000 towards car parking improvements on New Smithy Avenue.

Conclusion

The site is designated Safeguarded Land in the UDP and this allocation has been carried over to the Publication version of the Draft Local Plan *Safeguarded Land Allocation SAF21) which establishes policies and proposals for the development and use of land up to the year 2033.

The release of the site for housing would not comply with the aims of the spatial strategy for the Borough that is contained within the Core Strategy, or the emerging Local Plan which aims to direct new housing growth to Urban Barnsley and the Principal Towns. This is reflected in the proposals maps accompanying the Publication Version of the Local Plan which does not propose any housing development allocations in any of the Western Rural villages, including the application site, which is proposed to remain Safeguarded Land through 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. Given that the site is located in a village, the proposal is contrary to the spatial strategy set out in the Adopted Core Strategy 2011 and the proposals maps accompanying the Publication Version of the Local Plan. The site is greenfield, located in a village, it is not well served by public transport and is remote from key services. The site is not considered to be in a sustainable location and as such, the proposal is contrary to development plan policy.

The development of this land is also considered to be piecemeal development, which would restrict access to and prejudice the potential comprehensive development of the larger area of Safeguarded Land contrary to The SPD Designing New Housing Developments and contrary to Saved UDP Policy H7.

In addition to the above, the access to the site is constrained by existing on street parking. The proposal fails to address this issue and does not provide a suitable and safe access. Significant concerns have also been raised with regard to the suitability of the highway

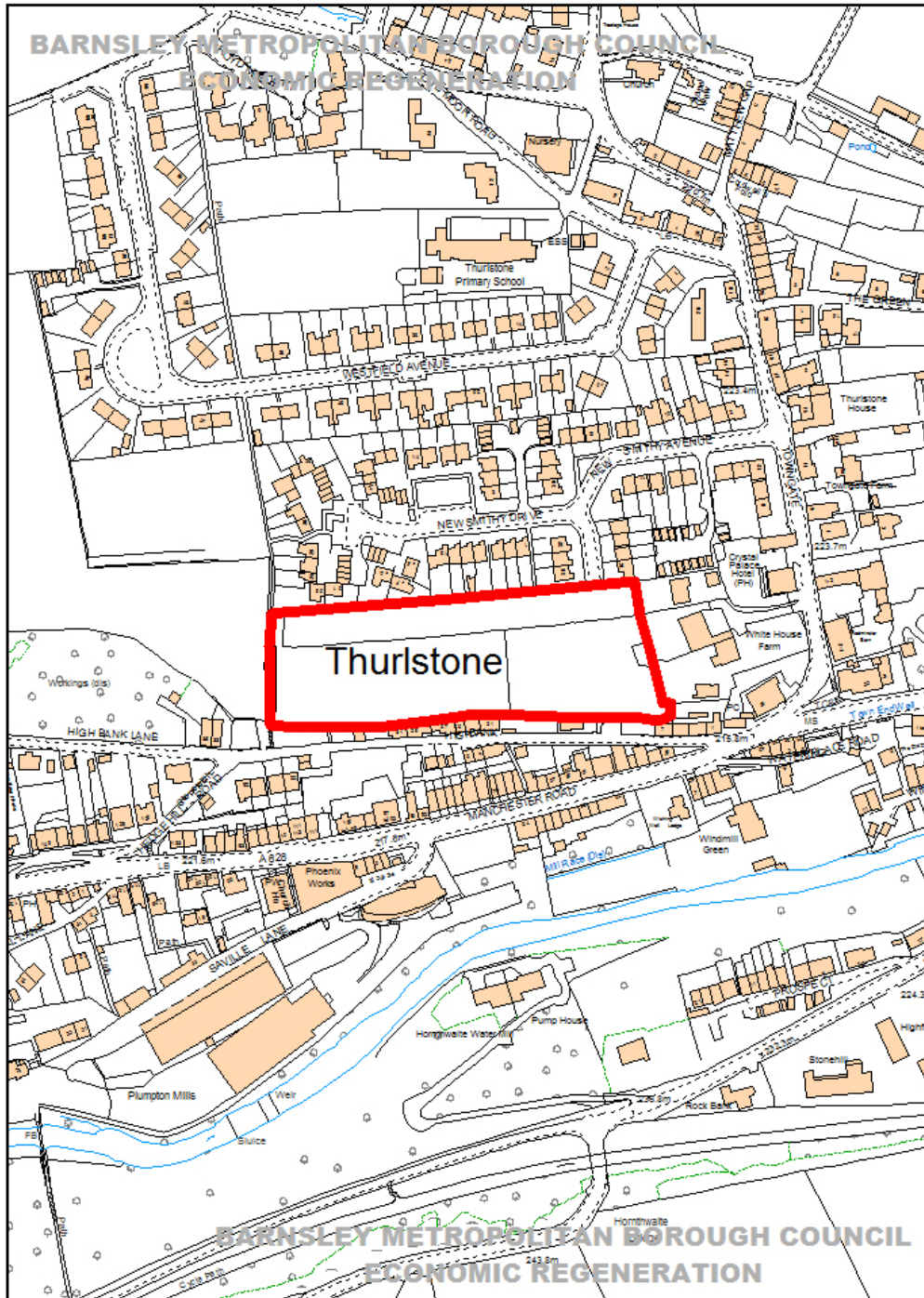
network to facilitate safe vehicular and pedestrian access to/from the proposed development. The applicant has failed to demonstrate that the impact of vehicular movements associated with a residential development of the scale proposed would not add to highway safety problems and detrimentally impact on the efficiency of the highway for all road users. On this basis the scheme is contrary to Core Strategy policy CSP 26.

Recommendation


Refuse planning permission

- 1 In the opinion of the Local Planning Authority, due to the site's current allocation as Safeguarded Land, which is due to be carried forward within the Local Plan Publication Draft, and it's location outside of Urban Barnsley and the Principle Towns, the proposal for residential development would be contrary to the Core Strategy Policy CSP8 which states that development in villages will only be allowed if it is consistent with Green Belt policy or is necessary for the viability of the settlement and to meet local needs. In addition the site is considered to be in an unsustainable location and is therefore contrary to Paragraph 14 of the NPPF.
- 2 In the opinion of the Local Planning Authority the development of this land is considered to be piecemeal development, which would restrict access to and prejudice the potential comprehensive development of the larger area of Safeguarded Land should it be allocated in a future plan period, contrary to the SPD Designing New Housing Development and Saved UDP Policy H7.
- 3 In the opinion of the Local Planning Authority the access to the site is constrained and narrowed by existing on street parking. In addition the applicant has failed to demonstrate that the impact of vehicular movements associated with a residential development of the scale proposed would not add to highway safety problems and detrimentally impact on the efficiency of the highway for all road users. On this basis the scheme is contrary to Core Strategy policy CSP 26.

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Scale 1:2500

Item 6

2017/0577

Applicant: Barratt Homes, C/o PB Planning Ltd

Description: Residential development of 278 no dwellings with associated roads, public open space and landscaping.

Site Address: Land Off Newland Avenue and Carrs Lane, Cudworth, Barnsley.

21 objections have been received from local residents and 1 letter of support.

Members will be aware that this is a re-submission of application 2015/1070. PRB resolved to grant the previous application, subject to a S106 agreement in January 2016. However, the application was subsequently refused by Officers in August 2016 when the Council and Developer were unable to agree an acceptable financial contribution package in relation to the provision of education, formal recreation provision and affordable housing. The matter is now the subject of an Appeal, although the situation has progressed to the point that a figure of £1.8 million has been agreed between the two parties, following independent arbitration from the by the District Valuation Service. Officers shall not be contesting the appeal on that basis.

The application as resubmitted is broadly the same as the 2015 scheme. There has been a change in the house types to reflect an update in Barratt's product range; however, these are broadly the same as the house types previously proposed. In addition there has been a change to the overall housing mix on the site with an increase in 4 bed properties and a reduction in 3 bed properties. This is covered in more detail in the assessment below.

Site Description

This is a large 11.62ha site located immediately beyond the existing south west edge of the built up settlement of the Cudworth. The site is irregular in shape and spans across a number of fields located to the south of houses located on Newland Avenue/Newtown Avenue and to the west of houses located on Carrs Lane.

The site is currently used for agricultural purposes, comprising in the main of large open fields. Field boundaries are defined by established hedgerows. It has varied topography but the prevalent slope falls from north to south east, (approximately 20m). Levels do however, fall to the west from the entrance point located off Newland Avenue.

Large sections of the northern and eastern boundaries abut rear gardens of existing residential properties (Newtown Avenue & Carrs Lane). The site continues to adjoin the countryside to the south and south west. Immediately beyond the south east corner is Ring Farm which was previously home to the horses that were part of the mounted division of South Yorkshire Police.

The land to the west slopes down steeply into a valley before rising again, on the other side of this valley is Lundwood. The preferred route for the HS2 rail line follows the valleys alignment.

Proposed Development

The application is for full planning permission to construct a development of 278 dwellings. The plans are to construct an estate that would contain a mixture of detached, semi-detached and terraced dwellings. The overwhelming majority would consist of two storey houses (263 out of the 278) with the remaining 15 properties being bungalows (9 x 3 bed and 6 x 2 bed). Overall the accommodation split of the properties would be:

22no x 2 bedroom
127no x 3 bedroom
129no x 4 bedroom

The site would be served by two accesses, these being taken from Carrs Lane and Newland Avenue both of which link to Barnsley Road that is the main thoroughfare passing Cudworth.

The plans include a central area of public open space which would include a LEAP standard play area and various footpath linkages. Further provisions would be an area of informal open space in the north western part of the site and a drainage attenuation pond in the south eastern area.

History

Outline planning application B/85/1638/CU was refused permission by the Council 19th December 1985 on a strip of land adjoining the site for a proposed residential development. The 2 reasons were that the site was not allocated for development in the Cudworth and Grimethorpe town map; 1) *there was adequate land to meet the housing needs of the locality for the foreseeable future*, 2) *It would have been an undesirable form of ribbon development along the western side of Carrs Lane into an area of pleasant, open countryside to the detriment of the visual amenities of the locality.*

A full planning application was submitted on the site in 2015 (2015/1070) by Barratt's for a Residential Development of 278 dwellings with public open space and landscaping. Planning Regulatory Board resolved to grant planning permission subject to a S106 agreement in January 2016. However, the application was subsequently refused by Officer in August 2016 for the following reason:-

The proposed financial contribution offered by the developer would not provide sufficient education, public open space and affordable housing provisions necessary to satisfy the NPPF, Core Strategy policies CSP15 'Affordable Housing', CSP35 'Green Space', CSP43 'Education Facilities and Community Uses', along with Open Space Provision on New Housing Developments SPD and Planning Advice Note 33 'Financial Contributions to School Places' despite the Council being in receipt of independent advice that payment of the contribution requested by the Local Planning Authority would not make the development financially unviable. As such the scheme is considered contrary to the aforementioned policies.

Policy Context

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

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policies

UDP notation: Safeguarded Land

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

SPD's

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

Planning Advice Note's

33- Financial Contributions to School Places

Other

South Yorkshire Residential Design Guide

Emerging Local Plan

Policy GD1, General Development
Policy H1, The Number of Homes to be Built
Policy H2, The Distribution of New Homes

Proposed allocation: Housing Proposal (H32). The accompanying text states the following:-

Archaeological remains are known/expected to be present on the site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:-

- *Information identifying the likely location and extent of the remains, and the nature of the remains*
- *An assessment of the significance of the remains*
- *Consideration of how the remains would be affected by the 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.

Consultations

Affordable Housing Officer – The policy requirement is for provision equivalent to 15% of the overall number of dwellings on site unless a viability assessment is able to demonstrate that this level of provision would make the construction of the development unviable.

Biodiversity - The Extended Phase 1 Habitat Report (SLR, Sept. 2014) is unaltered since the previous application (2015/1070) which was approved from a biodiversity point of view at that time. It is normal that if a period of 2 years or more elapses that the ecology report should be updated, however, our own ecological assessment (in support of emerging Local Plan decisions) also found the site appearing to be of relatively low ecological value. Therefore the survey is acceptable and the application can be supported subject to conditions.

Coal Authority – No objections subject to the remedial measures in the Geoenvironmental Appraisal report being implemented on the site, where necessary.

Contaminated Land Officer – No objections.

Drainage – No objections subject to the condition that full foul and surface water drainage details are submitted prior to the commencement of development for approval by the Council and Yorkshire Water.

Environment Agency – No comments as outside the scope on which they wish to be consulted.

Education – The development raises issues with regards to the availability of primary school places. Therefore a commuted sum of £925,000 would be required to fund the potential expansion of either Birkwood, Churchfield and Cherry Dale Primary school.

Highways – No objections subject to conditions including arrangements to secure off site mitigation works and implementation of the measures set out in the travel plan, a

construction method statement and the proposed parking/manoeuvring arrangements being put in place prior to the occupation of the properties.

Natural England – No comments.

PROW – There are currently no public rights of way on the site, however, the landscaping plan shows potential footpath routes in the POS on site. Maintenance of these should be included in the maintenance agreement for the POS.

Regulatory Services – No objections subject to conditions.

South Yorkshire Police ALO – Comments have been received detailing a number of physical security measures which would assist to enable the development to comply with Secured by Design scheme.

SYAS – No objections subject to conditions.

SYMAS – No objections as they are satisfied with the conclusions of the Geotechnical Report that the risk of mining legacy issues affecting the proposed development is low.

SYPTTE – No comments have been received in response to this application. Previously they had identified that site was located further than the recommended walking distances of 400m to the nearest bus stops. However they welcomed the applicant's travel plan proposals which includes employing a travel plan co-ordinator as well as the other measures proposed to encourage sustainable transport such as travel information and personalised journey planning.

Tree Officer – No objections subject to conditions.

Yorkshire Water – State that a 381mm diameter public sewer is recorded to cross the site and that no development should take place within an easement along its alignment.

Waste – No objections subject to conditions

Representations

The application has been publicised by press and site notices and individual neighbour notification to 228 households. 28 objections have been received from local residents. And 1 letter of support.

The main objections to the proposals are summarised as follows:-

Highway Safety

Concerns that the safety improvements proposed for Low Cudworth Green are insufficient and will not improve safety on this route for pedestrians, cyclists or horse riders.

Concerns that Carrs Lane is not suitable for the volume of traffic associated with the development. On street parking would create a narrow carriageway unsuitable for the farm vehicles and larger service vehicles. Pedestrian safety will be compromised as there are lengths of the lane with no footpaths and widening the footpath will reduce the width of the carriageway further adding to safety concerns.

There is no mention of speed calming in the application.

The junction at the top of Carrs Lane is dangerous as it is at a blind bend with cars turning into Carrs Lane stopped on the corner and cars exiting on a steep incline.

Issues associated with flooding on Carrs Lane and Newland Avenue making them unpassable which will be worse when the greenfield site has been built on.

Manor Road will be the main access route into the area and is already very busy with parked cars narrowing the road. This is the same for Lunn Road and St Johns Road.

The area is already struggling with the volume of traffic and lack of off road parking spaces. Many cars park in the pavements reducing roads to single lanes and impacting on the ability for emergency services to access the area.

Newland Avenue will become the main access to the development.

Newland Avenue should be used as the only access/egress.

The junction of Manor Road onto Barnsley Road has regular queues and accidents have occurred here. This will get worse.

It is unrealistic to state the proposed will promote sustainable transport when roads are unsafe. People will use cars and not sustainable transport meaning the transport assessment has underestimated the impact on roads.

Where will Barratt's construction traffic and workers parking be?

A bypass is needed to resolve the traffic issues.

Concerns that Summerdale Road will be used as an access and impacts of safety for children.

Don't agree with the traffic counts calculated in the Transport Assessment. Concerns that the Transport Assessment is out of date.

Infrastructure

Primary Schools are oversubscribed and residents have to look outside their catchment areas.

Children have to travel out of the village to access secondary schools with the journey being a safety risk.

The medical services in the area are overstretched.

Dentists are closed to new patients and people have to travel to access other practices in other areas.

The Sewage Works already has to transport sewage sludge from the site by HGVs. The proposed will add pressure to this facility and increase the number of trips made by HGVs.

How will waste water and run off be dealt with without detrimental impact on the surrounding properties.

How will the emergency services and other essential services access the area, particularly during construction.

What will happen to the access to the cycle way through the woods off Carrs Lane during construction?

Residential Amenity

Loss of outlook will be detrimental and properties bordering the site will be overlooked, losing privacy. They will also be affected by noise from the site.

Concerns about severe disruption during the construction period in terms of noise, dust, vibration and traffic and the length of time it will take.

Loss of the existing village character felt by residents living in the area.

Need to consider boundary treatments between the proposed and properties backing onto the field.

Inaccuracies in the Planning Application

There are no banking services in Cudworth.

There is no post office on Darfield Road.

Distances to the Centre and local facilities are underestimated. It is:

- 1.4km to the nearest co-op
- 1km to the Dorothy Hyman Stadium
- 1.5km to Churchfield School.

There are no bus stops within walking distance from the site and the plans refer to bus stops and services which have ceased to be operational.

The site is not within 800m of train services.

Play park will attract anti-social behaviour.

Loss of Greenfield Land

The site is greenfield and worked for agriculture.

The proposed landscaping and children's play park is not a benefit for most people.

Housing should be on brownfield land such as the derelict Barnsley Brewery site or other greenfield sites such as next to Cudworth / Lundwood roundabout.

Will create the joining up of two urban sprawls.

Biodiversity

Concerns about the impact on wildlife and the delicate ecosystems in the area.

There is a bat colony in a disused bomb shelter close to the site with bats flying over the site to forage. There are also bats in the trees surrounding the site. The development will destroy the micro climate as a result of the loss of buildings and increased artificial lighting.

Hedgehogs, snakes and rabbits have all been seen in the area and hedgehogs in particular are in decline. There is also a healthy population of various birds in the area whose habitat will be harmed by the proposed.

Concerns about the impact on the many a varied birds that visit the site including: owls, buzzards, falcons, kestrels, fieldfares, redwings, great spotted woodpeckers and swallows. Roe Deer have been sighted on the site and there is a rabbit warren. All would be lost.

Loss of hedgerows which should be treasured.

Other comments

The development is aimed at profit over the needs of the local community.

It is asserted that the Council should prioritise residents views over monetary gain.

Barnsley Council have been offered more money and this is their only concern, they are ignoring residents' concerns.

Loss of value to existing properties on Carrs Lane with no compensation to residents.

Concerns about emissions from increased traffic and large construction vehicles.

The S106 money is less than what was asked for and less than the independent assessment said would be viable. Who is paying for the shortfall and what infrastructure is not provided?

Assessment

Principle of Development

Planning law is that decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise.

The current position is that the Development Plan consists of the Local Development Framework Core Strategy and the saved Policies of the Unitary Development Plan. The Council has submitted our emerging Local Plan to the Secretary of State containing intended policies and proposals for the development and use of land up to the year 2033. However this cannot be afforded full weight at this stage pending the outcome of the Examination process by the Planning Inspectorate/Secretary of State.

The National Planning Policy Framework (NPPF) is also a significant material consideration. The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

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

The existing Unitary Development Plan notation on the proposed housing site is Safeguarded Land (not Green Belt as is stated in a number of representations). This term is derived from the former Planning Policy Guidance Note 2 'Green Belts' which was National planning policy prior to being cancelled by the NPPF. However, Safeguarded Land is a

slightly misleading term because this designation actually represents *“areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period. It should be genuinely capable of development when needed.”* (PPG2, Annex B, para B2).

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

The Unitary Development Plan was adopted in 2000 and therefore the extent it can be relied upon in terms of current development needs is now very dated. Indeed, the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Given that the Core Strategy has superseded large parts of the UDP and identifies Cudworth as a Principal Town where 1,800 homes are expected to be distributed between 2008 & 2026, it is considered that the Safeguarded Land designation is out of date. Accordingly, the proposal should be judged against relevant Core Strategy policies and the NPPF, in particular paragraph 14, which indicate that planning 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 taken as a whole; or specific policies in the Framework indicate development should be restricted.

Furthermore, in accordance with NPPF at para 216, increased weight can be afforded to the allocation of this site for housing in the emerging Local Plan following submission and the ongoing Examination. The site has been included as a housing site in the emerging Local Plan since 2014. The allocation was formally consulted on with the public in 2014 and 2016. In total, 5 representations were made in 2014, 3 objecting, 1 supporting and 1 supportive, subject to conditions. In 2016 only 2 representations were received, one in support and one supporting the allocation subject to the number of units being increased. Concerns related to highway impacts, loss of agricultural land, and the impact on existing residents. All these issues are addressed in the assessment of the planning application below.

Design and Layout

The relevant local planning policies for assessing the plans are the Designing New Residential Development SPD, CSP29 ‘Design’, CSP14 ‘Housing Mix and Efficient Use of Land’. In addition it is necessary to consider the effect of the development on the visual amenity of the adjacent Green Belt.

The first aim of CSP14 ‘Housing Mix and Efficient Use of Land’ is to ensure that housing developments achieve a mixture of house size, type and tenure. There has been a change to the housing mix from that previously applied for in the 2015/1070 application. The table below sets out the previous housing mix and the mix proposed now:

2015	2017
22 x 2 bedrooms	22 x 2 bedrooms
150 x 3 bedrooms	127 x 3 bedrooms
106 x 4 bedrooms	129 x 4 bedrooms

Whilst there has been a change in the mix, the fundamental aim of this policy is still considered to be satisfied given that the plans contain a variety of house types including detached, semi-detached and attached houses and bungalows. These would host a mixture of two, three and four bedroom dwellings that would be suitable to meet a range of needs.

Policy CSP14 also aims to achieve a minimum density of 40 dwellings per hectare in the interests of making efficient use of land. However, this is difficult to achieve in some areas where current market conditions do not lend themselves to apartments. The proposed density equates to 34 dwellings per hectare of the sites developable area, this considered to represent an appropriate balance when having regard to relevant design and separation distances, the scale is also considered to be more reflective of the existing housing stock within the vicinity.

The plans are to build on a greenfield site and so the development would not contribute towards one of the aims of CSP14 being satisfied which targets the building between 55% and 60% of new dwellings on brownfield land. However there is insufficient brownfield land available to deliver the new homes target in the Core Strategy and draft local plan without greenfield sites being needed. In addition the Council is currently unable to demonstrate a deliverable 5 year housing land supply. These considerations would significantly outweigh this aspect of the policy.

The development would comprise of 14 different house types, which adds to the vibrancy of the estate. There would be 4 character areas to the development (Central Court/Central Street/Boulevard/Landscape Edge) where different material pallet would be used. This variation in materials should avoid the development appearing monotonous. In addition, the plans incorporate tree planting proposals, including a tree lined boulevard around the primary estate road serving the development, at a level which are considered satisfactory to the Council's Tree Officer.

The broad mix of house types would appeal to a range of accommodation needs from family housing to older person's accommodation, it is especially welcomed that some bungalows would also be provided. The range of the accommodation meets the policy aspirations of CSP14.

The layout includes two areas of POS, a central area with LEAP and an area to the west of the site, located adjacent the access from Newland Avenue. In addition, there is an area to the south of the site, albeit this forms part of the SUDs strategy for the site reducing its accessibility. The overall quantum of POS on site is considered to be acceptable and complies with the SPD. However, although the landscaping plan submitted with this revised application includes some planting details and the general layout of POS on the site (including potential footpath routes) further information is required regarding the detailed landscaping works, including the species of planting proposed, ecological enhancements to be provided on site and equipment to be included in the LEAP. This can be secured through conditions and the S106 agreement.

The western and southern boundaries of the site are located adjacent to the Green Belt. In these instances the houses are set back from that boundary and include space for tree planting which has been informed by a landscape assessment.

In summary the plans are assessed to be acceptable in relation to housing planning policy and design/visual amenity considerations taking into account a range of policies including CSP14 'Housing Mix and Efficient Use of Land', the Designing Residential Development SPD and CSP29 'Design'.

Residential Amenity

The application is sensitive because the site borders a number of existing properties which have established open views across the sites fields. However, loss of view is not a material planning consideration.

In the main the plots have been designed so that they are compliant with SPD spacing distances. An exception to this is the relationship of plots 140, 141 and 145 on the eastern boundary to No.s 18 and 26 Carrs Lane. However, to provide a greater degree of openness and privacy, bungalows are proposed on these plots.

Some of the plots within the site fall slightly short of the minimum back to back separation distance and minimum garden sizes aimed for by the SPD. This is mainly a problem for the plots turning corners and where space is lost in order to accommodate the number of parking spaces required by the SPD and connections between some of the houses and remote parking spaces. However, as the difference between what is proposed and the SPD standards is marginal, it is considered that removal of permitted development rights will be sufficient to ensure adequate levels of amenity for potential occupants of the dwellings affected.

Proposed levels for the plots have not been fully detailed. Therefore it would be necessary to agree plot levels prior to the commencement of development by way of a condition. The usual construction method statement would also need to be put in place to mitigate the effects of noise and dust during the construction phase.

Highway Safety

It is recognised that highways concerns form the crux of the majority of objections to the proposals. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development would be severe.

The development is predicted to generate some 161 and 164 vehicle trips in the respective morning and evening peak hours. This equates to less than two vehicles every three minutes during the AM and PM peaks. A Transport Assessment and an independent Phase 1 safety audit have been undertaken. They conclude that the local road network would operate safely and within capacity following the addition of traffic flows from the development.

A level of mitigation would be required in the form of improvement to some of the existing footpaths on Carrs Lane. These details would be addressed by a condition that would ensure they are delivered within an appropriate timescale.

The site layout plan reflects revisions made during the previous planning application process to ensure that the design of the roads meets the required standards in terms of carriageway width, visibility, speed calming, manoeuvrability and parking. The amendments undertaken meet with approval Highways Officers but will continue to be refined as part of a S38 agreement associated with the eventual adoption of the estate roads by the Council.

Access to local services and public transport are other considerations in terms of judging the overall sustainability of the site in a highways context. The Transport Statement indicates that essential facilities are located within 800m of the centre of the site. These include a primary school, greenspace area, a convenience shop, a sports centre, and church. In terms of public transport, the nearest bus stops are located between 600m and 1000m from the site following the cancellation of the number 31 bus service. The site therefore does not score as well as it did previously for public transport accessibility but it is noted that the site

is located within 1200m of Cudworth town centre, which is a principal town and provides immediate access to a variety of shops including a supermarket, a health centre, a dentists practice, pubs and banks. For these reasons, the site is considered to represent a sustainable location. The cancellation of the number 31 bus service is unfortunate but it is not considered that the loss of this service materially affects whether or not the site should be judged as sustainable. It remains within a Principal Town, scores well when judged against other criteria and, unlike many of the allocations proposed in the Consultation Draft Local Plan and the subsequent Additional Sites Consultation, it is not within the Green Belt. The applicants have also agreed to continue discussions with SYPTTE and the operator about getting the bus service restored (these have been delayed since the previous application refusal) although no weight is being given to this because a resolution is yet to be identified. In addition, mitigation is proposed in the form of a travel plan. Measures set out aim for a reduced reliance on individual car usage include the appointment of a travel plan-coordinator who would be tasked with working with the residents to prepare personalised journey plans, information on public transport, car sharing, cycle routes and discount purchase options. The plan also sets out a regime for monitoring and sharing the results with residents. This would be important in order for the development to comply with CSP25 'New Development and Highway Improvement'.

Section 106 considerations

Education – The Head of School Organisation has considered the effect of the development on Birkwood, Churchfield and Cherry Dale Primary Schools. It has been identified that a contribution would be required in order to increase capacity at one of these schools. The commuted sum has been calculated as £925,000, which will be secured within a section 106 agreement.

Open space provision – The plans include a central area of public open space which is indicated to host a LEAP standard play area with at least 4 items of play equipment. Maintenance of POS on site (including footpaths) will fall to the developer or a private management company. This complies with the SPD insofar as the area being a minimum of 15% of the developable area. However the formal recreation (sports pitches, courts and greens etc) is not covered as the needs assessment have indicated that existing facilities in the area would be in greater need of enhancement. An off site contribution of £273,306.92 is therefore required.

Affordable housing – The policy requires an affordable housing provision of 15% of the overall number of dwellings unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable. In this case, it has been determined that provision would be met best via the payment of a commuted sum to the Council to invest in provision off the site. The Housing team have calculated that the commuted sum equivalent to the value of 15% of the dwellings forming the plans would be £2,839,064.00. The applicant has indicated that this figure would render the proposed development unviable taking into account the other contributions that have been requested. The District Valuation Service has independently assessed the applicant's viability appraisal and agreed that the maximum contribution towards affordable housing that is achievable, taking account of the other contributions agreed above and costs associated with the development including off site highway improvements, is £601,693.00. Whilst this figure is well below the Policy requirement, Policy CSP 15 does allow for issues of viability to be considered and a reduced contribution where appropriate. In this respect the reduced contribution is acceptable.

The applicants have agreed to the above contributions and a S106 agreement has been drafted.

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is located outside of flood zones 2 and 3. This means that the site is not classed to be at any significant risk of flooding complying with CSP4 'Flood Risk' and the advice in the NPPF. Management of surface water run off from the development is another important consideration in order to prevent an increase in the risk of flooding off the site. Surface water run off from the development is proposed to be channelled to a large attenuation basin in the south eastern most part of the development. This has been designed with sufficient capacity to accommodate surface water run off associated from the development. Water will then be discharged into Small Bridge Dyke at a restricted rate equivalent to the present Greenfield conditions (5l/s/ha).

In terms of foul sewerage, Yorkshire Water has confirmed that there is capacity in the local network to accommodate the development. However, given that they have identified that a public sewer has the potential to be affected by the development, a condition would be required preventing development until such a time that the applicant has entered into agreement regarding a diversion.

Ground Conditions

The site is located in a Coal Mining Referral Area. The submitted Coal Mining Risk assessment has concluded that the layout has been appropriately designed taking into account the constraints posed by areas of risk on the site.

Other risks to the development including geological fault lines and the potential for any contaminated land have been considered as part of a desk top ground investigation report (previously submitted) and the intrusive site investigation undertaken to support the Geoenvironmental Appraisal Report (April 2017) submitted with this revised application. The updated report confirms that there is no significant contamination on site and no specific remedial measures are required. The report makes recommendations with regards foundation design of individual properties. The Coal Authority, SYMAS and the Contaminated Land Officer are satisfied that the risks have been appropriately assessed, and have not objected to the application.

Ecology

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is supported by a phase 1 habitat survey which has concluded that the ecological potential of the site is low taking into account the habitat on site and its potential to support protected species including bats and Great Crested Newts. The report does identify that bird nests would have the potential to be affected during site clearance works. Provided that such works are undertaken outside of March to August the relevant legislation would not be breached.

The report does also contain details of mitigation proposals which would include the planting of trees favourable towards nesting and foraging birds as part of the landscaping scheme. In addition it is proposed to include a number of bird nesting boxes within the development. The Biodiversity Officer has considered the report findings and recommendations and has not raised any CSP36 objections subject to a condition requiring further details of the mitigation proposals, and some enhancements to reflect the sites location within a Nature Improvement Area as designated on the emerging Local Plan, prior to the commencement of development.

Archaeology

SYAS have advised that although there are no known heritage assets within the application area, there is potential for unrecorded heritage assets with archaeological interest to exist within the site. Any groundworks associated with the development could cause harm and destroy finds or features of archaeological importance. As such, a scheme of archaeological work is required to ensure any remains present on this site are recorded as mitigation. SYAS have therefore requested that a condition is imposed to secure the necessary archaeological investigation work. As a first stage, a geophysical survey of the site followed by trial trenching should be undertaken to quantify any potential and inform any necessary mitigation strategy.

The Balancing Exercise

The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision.

The NPPF also states that development proposals which accord with the development plan should be approved without delay. As has been established above, the proposal does not accord with the existing site specific land use policies affecting the site. However, in this case, the UDP policy is classed as out of date by the NPPF and as such the NPPF indicates that planning 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 NPPF as a whole; or
- specific policies in the NPPF indicate development should be restricted

The proposal is compliant with the Core Strategy insofar that Cudworth is identified as a Principal Town which is prioritised for housing growth (1800 net new dwellings before 2026). The proposals therefore accord with policies CSP8 and CSP9. These are considerations that need to be afforded significant weight in the consideration of the application.

The proposal is also compliant with the emerging Local Plan Policies H2 and H3 relating to the distribution of homes and housing site allocations. The development of 278 dwellings here will help to meet the Council's target for new homes as set out in Policy H1. Policies which can be afforded more weight since the submission of the Local Plan in 2016, taking account of the limited number and nature of objections.

In addition to the above, the NPPF states that there are three dimensions to sustainable development; economic, social and environmental.

The delivery of 278 net new homes would make a significant contribution towards the Borough wide and local targets being met. The development would also contribute towards addressing the deficiency in the 5 year housing land supply. The proposal would therefore score highly in terms of the economic and social aims of the Borough that are set out in the Core Strategy. In addition, the plans include proposals for policy compliant levels of public open space on site and a commuted sum for the enhancement of formal recreation facilities off site. The development does raise issues for the availability of primary school places off site, but this would be appropriately mitigated through the payment of a commuted sum. This would not be a negative social consequence therefore. In addition, payment of a commuted sum for the provision of affordable housing off the site will also be a social benefit.

The environmental considerations of the development have been assessed. The site would contribute housing delivery without requiring loss of any Green Belt land which is a positive. Whilst green field, the ecological value of the site has been assessed to be low and can adequately be compensated for by the measures set out in the ecological report. In addition,

the site is not classed to be at risk of flooding and includes acceptable measures to prevent an increase in flood risk downstream. Furthermore the Transport Assessment identifies that the local road network would continue to operate within capacity without any significant impacts, and mitigation would be provided in the form of a travel plan and improvements to footpaths on Carrs Lane. In addition, the plans appropriately take into account ground conditions and the risks posed by shallow coal workings. Overall, it is judged that the environmental implications of the development would not be significant or adverse.

The development would therefore deliver a number of benefits which would indicate that the presumption in favour of sustainable development would apply and is also considered acceptable when taking into account other development plan policies and material considerations.

It is also worth recognising that the assessment of the previous application concluded in support of the development. The issues that arose subsequently were about the financial package offered by the development being insufficient in relation to the provision of education, formal recreation and affordable housing requirement. The £1.8 million figure that has been agreed during the Appeal process (following independent arbitration) would ensure that the education and formal recreation provision requirements are met in full, whilst a substantial contribution of approximately £600,000 would be available to be invested in affordable housing provision in the Borough. As such these matters have been satisfactorily resolved.

Recommendation

Grant planning permission subject to a signed S106 Agreement (Education, Public Open Space, Affordable Housing, Maintenance of the SUDS facility and a Travel Plan) and the planning conditions listed below.

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:-
 - YW-04-03, Site Location Plan
 - YW-04-03 AA, Proposed Site Layout
 - BALD 00CD Drawing 01, Embassy range, Alderney Classic (Det)
 - BCSR 00CD Drawing 01, Embassy range, Chester Classic (Det)
 - BENN 00CE Drawing 01, Ambassador range, Ennerdale Classic (Det)
 - BENN 00CE Drawing 01, Ambassador range, Ennerdale Classic (End)
 - BHLN 00CD Drawing 01, Embassy range, Halton Classic (Det)
 - BESK 00CS Drawing 01, Embassy range, Eskdale Classic (Semi)
 - BESK 00CD Drawing 01, Embassy range, Eskdale Classic (Det)
 - BFKS 00CI Drawing 01, Statesman range, Folkestone Classic (Mid)
 - BFKS 00CE Drawing 01, Statesman range, Folkestone Classic (End)
 - BKEY 00CD Drawing 01, Embassy range, Kingsley Classic (Det)
 - BMAI 00CI Drawing 01, Statesman range, Maidstone Classic (Mid)
 - BMAI 00CE Drawing 01, Statesman range, Maidstone Classic (End)
 - BRAD 00CD Drawing 01, Embassy range, Radleigh Classic (Det)
 - BRIP 00CD Drawing 01, Embassy range, Ripon Classic (Det)
 - BWAJ 00CI Drawing 01, Statesman range, Washington Classic (Mid)

- BWA1 00CE Drawing 01, Statesman range, Washington Classic (End)
 - BWIE 00CD Drawing 01, Embassy range, Windermere Classic (Det)
 - BBLD 00CS Drawing 01, Statesman range, The Beadle Classic
 - BAOD 00CD Drawing 01, Statesman range, The Alford Classic
 - Garage Type SSGIS, single detached side gable
 - Garage Type SD2S, single semi detached side gable
 - Tanalised Timber Post & 4 Rail Stock Proof Fence
 - ST-04-04, Boundary Treatment A, 1800mm high screen wall
 - ST-04-04, Boundary Treatment B, 1800mm high close-boarded timber fence
 - SCP report ref GWB/14923/TA/01 'Transport Assessment'
 - SCP report ref GWB/14923/TP/01 'Travel Plan'
 - Bryan G Hall stage 1 road safety audit
 - SCP/14923/SK014 Rev A, Off site highway works White Cross Road and Low Cudworth Green Footway Improvements
 - SCP/14923/SK016 Rev A, Proposed Footway Improvements, Carrs Lane
 - ARP report ref 1048/69r1a 'Flood Risk Assessment'
 - FDA Landscape Ltd 'Landscape Appraisal'
 - Sirius report ref C6138A Rev 3 'Geo-environmental appraisal'
 - Sirius letter C6138/JL/6572 rev 2 'Gas assessment letter (rev 2)'
 - C6138B/MB/6765 Rev 3, Sirius Supplementary Mining Investigation letter
- Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 3 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.
- 4 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.
- 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 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**

- 7 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- a) Footway widening on Carrs Lane
 - b) Provision of footway on the south side of Low Cudworth
 - c) Provision of footway to connect the western footway on Low Cudworth to the steps to White Cross road
 - d) Provision of signs warning of pedestrians in carriageway on Low Cudworth in the vicinity of White Cross Road
 - e) Provision of new road markings at the Carrs lane/Lunn Road/White Cross Road junction
 - f) Provision of "junction ahead "warning sign on Lunn Road
 - g) Measures to control footway parking on Lunn Road Manor Rd/Barnsley Rd need to give this further consideration
 - h) Provision of/any necessary alterations to street light lighting
 - i) Provision of/ any necessary alterations to highway drainage
 - j) Any necessary resurfacing/reconstruction
 - i) Any necessary signing/lining

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

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

- 8 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access road with Carrs Lane, such that there is no obstruction to visibility and forming part of the adopted highway.

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

- 9 Development shall not commence until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.

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 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 12 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. The Local Planning Authority may require further surveys during the course of the development if in the opinion of the Local Highway Authority there appear to be new defects attributable to the traffic ensuing from the development that require remedial action prior to the completion of the development. Any remedial works identified by the Local Highway Authority as a result of these further surveys shall be completed within a reasonable period of time specified by the local highway authority at the developer's expense. On completion of the development a final condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify any remaining defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 13 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.
- 14 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to limit surface water run off to the greenfield run off rate 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 Notwithstanding the Landscape Masterplan (R/1789/1B) submitted with this application, 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 (updated to reflect ecological mitigation measures); 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.
- 16 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.
- 17 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.
- 18 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.**
- 19 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.
- 20 Deliveries shall be only take place between the hours of 0800 & 1800 Monday to Friday and 0900 & 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.

- 21 The boundary treatment as shown on the Landscape Masterplan (R/1789/1B) shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 90, 91, 140-145, 153, 154, 172, 173, 191-192, 195-197, 200-201, 215-217 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Core Strategy Policy CSP 34, Protection of Green Belt.
- 23 Notwithstanding the details shown on the Landscape Masterplan (R/1789/1B), prior to the completion of the surface water attenuation pond, a plan indicating the position of boundary treatment to be erected for the area located around the attenuation pond should be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the pond is brought into operation or in accordance with a timescale to be agreed. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29
- 24 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (SLR Ref: 424-03696-00024), including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 25 No construction of buildings or other structures within 5m of the sewer that is laid within the site shall take place until measures to divert or otherwise formally close those lengths of sewer that would otherwise conflict with the proposed development have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.
Reason: In the interests of satisfactory and sustainable drainage.
- 26 The development shall be carried out in accordance with the recommendations in Sirius report ref C6138A Rev 3 'Geo-environmental appraisal', and Sirius Supplementary Mining Investigation letter C6138B/MB/6765 Rev 3
Reason: In order to ensure safety and stability of the proposed development in accordance with CSP39.

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

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

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

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

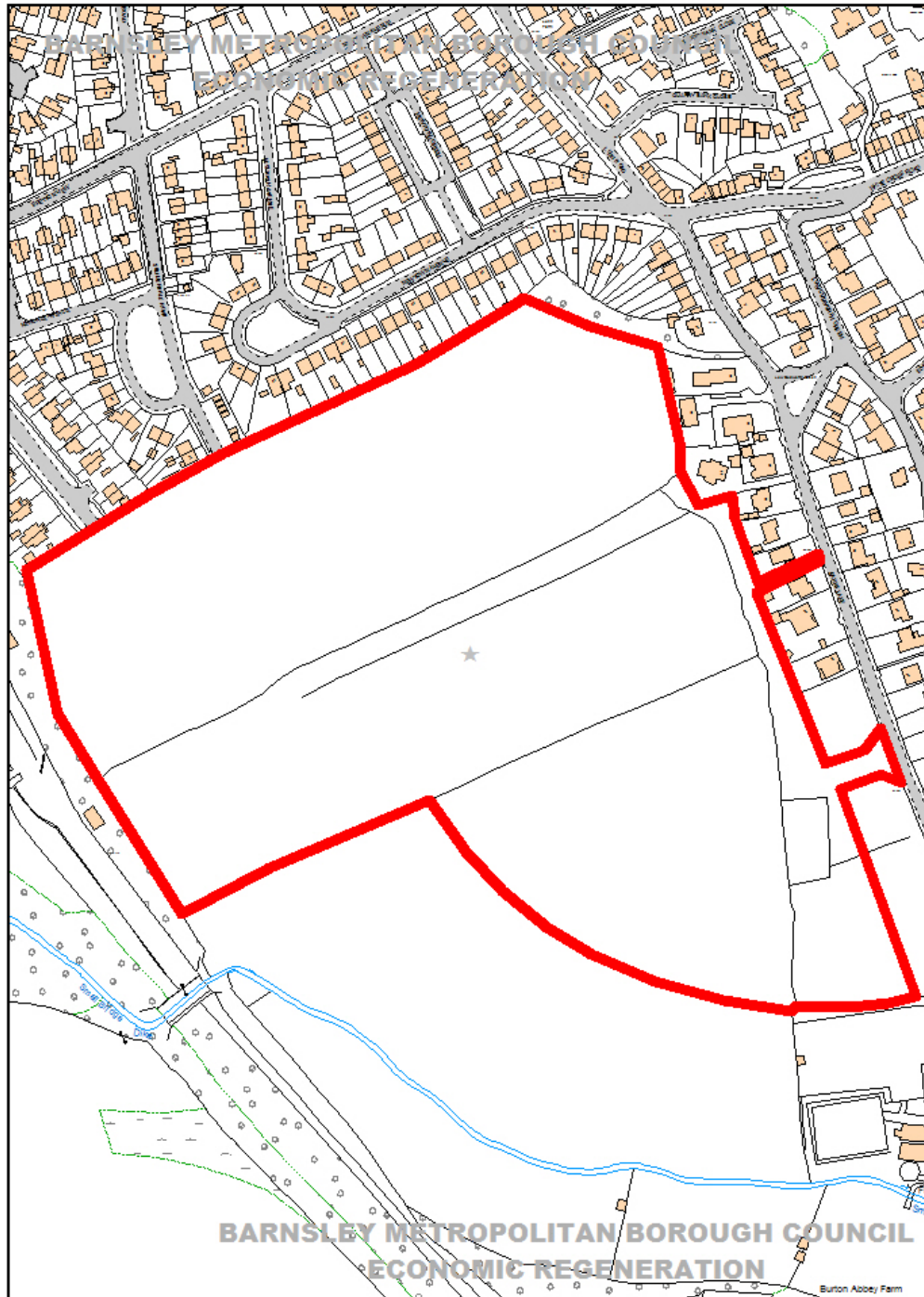
28 Notwithstanding the Landscape Masterplan (R/1789/1B) and Proposed Site Layout Plan (YW-04-03 AA) submitted with this application, no development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of bin storage areas. The approved bin storage shall be implemented in accordance with the approved details prior to the occupation of the building(s).

Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29 and in the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

29 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.

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BARNSELY MBC - Economic Regeneration

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Scale 1: 3000

Item 7

2017/0488

Applicant: Barnsley MBC, C/o West and Machell Architects

Description: Proposed variation of condition 2 of outline planning permission 2015/1277 (Erection of 32 dwellings and access road) to enable minor material amendments to the approved site layout plan.

Site Address: Land off Longcar Lane, Barnsley, S70 6BB

The application is referred to the Board as the Council is the applicant. Members are advised that the application is related to application 2017/0251 which is also on the agenda to be considered at the 27th June meeting. No representations have been received on this application. However Councillors are advised that 15 letters of objection have been received from local residents on associated application 2017/0251.

Site Location & Description

The application relates to the recently demolished Longcar Conference Centre located on the corner of Longcar Lane and Racecommon Road. The site is roughly rectangular in shape and measures approximately 0.87Ha. It is situated within an established residential area and borders residential properties to the East and South, with further dwellings opposite the highways to the North and West. There are a mixture of property designs, styles and ages surrounding the site with traditional terraces to the East, red brick semis to the South and South East and modern 2, 2.5 and 3 storey townhouse to the North.

There are a number of trees and hedges on the site which are generally located around the site's boundary. Vehicular access is taken from Longcar Lane to the North.

Proposed Development

The existing outline planning permission (ref 2015/1277) is for 32 dwellings including access, layout and scale. This application seeks permission to make some small amendments to the approved layout and individual property accesses which will then form the basis for reserved matter application 2017/0251. The reserved matters application could not address the amendments to the layout as the only matters to be considered at that stage are appearance and landscaping.

The main differences between the approved outline layout and the current layout are as follows;

- Plots 1 and 2 substitute dwelling type B for A
- Plots 3 and 4 substitute dwelling type A for B4 and B2 respectively
- Access for plot 3 moved from Racecommon Road to the internal access road
- Plot 6 substitute dwelling type B for A
- Plot 23 rotated 90 degrees on its plot and position of parking area amended
- Plot 24 substitute dwelling type A for B3 and vehicular access moved from internal access road onto Longcar Lane
- Plots 31 and 32 substitute dwelling type A for B2
- Introduce a curve along the section of internal access road to the West of the site

Planning History

2015/1014 – Demolition of existing building (prior notification) – It was determined 17/09/2015 that prior approval was not required for the proposed works.

2015/1277 – Erection of 32 no. dwellings and access road (outline) – Outline planning permission with conditions was granted on 29th January 2016.

2017/0251 – Erection of 32 no. dwellings and access road (Reserved Matters of outline planning permission 2015/1277 - appearance and landscaping details)– This application is also referred to the Board for determination at the 27th June meeting and is recommended for approval by Officers.

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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Unitary Development Plan

The UDP designation is Existing Community Facility

The Core Strategy

CSP1 Climate Change
CSP3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP8 The Location of Growth
CSP9 The Number of New Homes
CSP10 The Distribution of New Homes
CSP14 Housing Mix and Efficient Use of Land
CSP15 Affordable Housing
CSP26 New Development and Highway Improvement
CSP29 Design
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations
CSP43 Educational Facilities and Community Uses

Local Plan Submission Version

Proposed housing allocation (AC36)

Relevant Supplementary Planning Documents and Advice Notes

Designing New Housing
Open Space provision on New Housing Developments
Parking
Financial Contributions to School Places

NPPF

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

Consultations

Drainage – No objections

Yorkshire Water – No objections

Regulatory Services – No objections subject to conditions

Ecology – No comments but no objections to previous application

Highways DC – No objections subject to conditions

Affordable Housing Officer – No Objections

Ward Councillors – No comments

Barnsley Civic Trust – No comments but no objections to previous application

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter. No letters of objection were received to this application. However 15 representations have been received to associated application 2015/0251.

Assessment

Principle of Development

The previous decision to grant outline planning permission for application 2015/1277 established that residential development was acceptable in land use planning policy terms and that 32 dwellings was an acceptable amount of development. This is reflected in the submission version of the local plan which identifies the site as housing proposal AC36.

These matters are not up for consideration therefore. The assessment is solely about the acceptability of the proposed amendments compared to the previously approved layout.

Design & Visual Amenity

This section 73 application relates to the outline approval, as such only the proposed changes to layout, access and scale are to be considered.

As the number of dwellings and layout remains largely the same as the existing outline planning permission it remains the case that the development is acceptable in SPD design terms. An assessment of the elevations from an appearance point of view and landscaping are considerations for associated application 2017/0251.

Residential Amenity

Relationships between existing and proposed dwellings were considered and judged acceptable as part of the previous outline application which approved the position of the houses when layout details were approved. This application seeks to make minor changes to the previously approved layout. However the changes are sufficiently minor not to materially alter any of the proposed relationships. As such the proposal does not raise any new implications from a residential amenity perspective.

Highway Safety

Access arrangements for the development was approved as part of the existing outline planning permission and are essentially unchanged as a result of the proposed amendments, aside from the alignment of the new estate road within the site and the driveways of a small number of plots (Nos 3, 23 and 24) being altered to either be served off the new estate road, or Longcar Lane in the case of plot 24. Highways have not raised any concerns regarding the proposed changes.

Others

Education, Green Space and Affordable Housing

The outline planning application established a need for contributions towards primary school places and the provision of green space and affordable housing. This was covered by conditions 15, 16 and 17 of the outline which would need to be carried across to the new decision. Provisions are to include 4 on site affordable housing units, a contribution of £56,330 towards recreation/green space and £49,168 towards primary school places.

Ecology

An Ecological Impact Assessment was submitted with the original outline planning application. The survey identified that the site was of a low ecological value. A series of enhancement measures, such as bat roof boxes, are proposed which align with the objectives of the NPPF and policy CSP 36. These measures would be the subject of a condition.

Trees

As with the previous approval this application would retain the majority of the trees, with new tree planting also proposed as part of the scheme. The majority of the existing trees are category 'C' and the only 'B' category tree, an Ash to the front of plot 31 and adjacent to Longcar Road, would be retained given its prominent location and contribution to the

streetscene, despite the proposed plot substitution. Landscaping is a consideration for associated application 2017/0251.

Drainage

The Council's Drainage Engineer and Yorkshire Water have raised no objections to the proposed changes subject to conditions.

Conclusion

An assessment has been carried out of the proposed amendments to the plans associated with outline planning permission 2015/1277. None of the changes proposed are considered to be materially significant and are therefore minor material in nature. As such it remains the case that the plans would satisfy the relevant policies including the Designing New Housing Development SPD and CSP29. The application is recommended for approval by Officers accordingly.

Recommendation:

Grant variation of condition 3 of outline planning permission 2015/1277 to enable minor material amendments to the layout

- 1 The development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) The design and external appearance of the proposed development.
 - (b) Landscaping**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**

- 3 The access, layout and scale hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission. This includes the mitigation measures recommended in the supporting reports and surveys referenced below. The approved plans and documents are as follows;
 - 3382(1)002M - 'Site Layout - external works'Documents
 - Preliminary Land Contamination and Geotechnical Risk Assessment - 12-17-16-1-6005/DSR1
 - Tree Survey - 150703
 - Ecological Impact Assessment - 0885-A
 - Design and Access Statement**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.
- 5 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.
- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. 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.
- 7 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.
- 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.

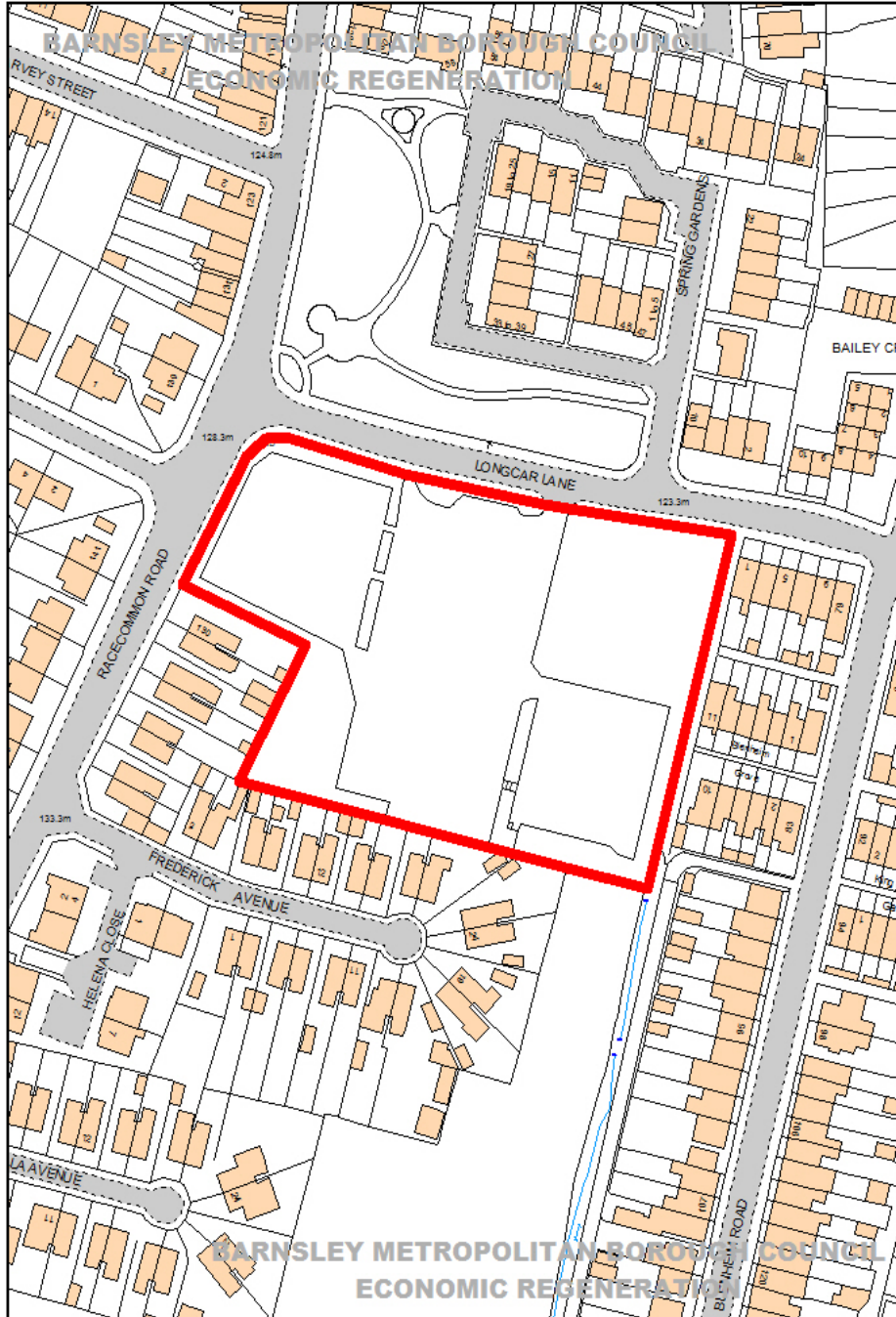
- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 10 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
- Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 11 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 12 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
- Reason: In the interests of road safety in accordance with Core Strategy Policy CSP26 'New Development and Highway Improvement'.**
- 13 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
- The development shall be carried out in strict accordance with the approved details.
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.**

- 14 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.
- 15 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:
i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units/bed spaces;
ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.
- 16 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Core Strategy policy CSP 35 and the Open Space Provision on New Housing Developments SPD.
Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 35 and the Open Space Provision on New Housing Developments SPD.
- 17 Prior to commencement of development details of a scheme to provide a contribution to meet the needs of the development in accordance with Planning Advice Note 33 'Financial Contributions to School Places or an equivalent replacement policy shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In order to mitigate against the effect of the development in light of the insufficient capacity within local primary schools.
- 18 Notwithstanding details submitted within the ecological assessment detailed plans shall be submitted with the reserved matters application including biodiversity mitigation and enhancement measures. Thereafter the development shall proceed in accordance with the approved details.
Reason: In accordance with CSP 36 'Biodiversity and Geodiversity'.

PA Reference:-

2017/0488

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BARNSELY MBC - Economic Regeneration

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Tel. (01226) 772621



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Item 8

2017/0251

Applicant: Barnsley MBC, C/o West and Machell Architects

Description: Erection of 32 no. dwellings and access road (Reserved Matters of outline planning permission 2015/1277 - appearance and landscaping details).

Site Address: Site of Former Longcar Conference Centre, Longcar Lane, Barnsley, S70 6BB

The application is referred to the Board as the Council is the applicant. 15 letters of objection have been received from local residents. Members are advised that the application is related to application 2017/0488 which is also on the agenda to be considered at the 27th June meeting.

Site Location & Description

The application relates to the recently demolished Longcar Conference Centre located on the corner of Longcar Lane and Racecommon Road. The site is roughly rectangular in shape and measures approximately 0.87Ha. It is situated within an established residential area and borders residential properties to the East and South, with further dwellings opposite the highways to the North and West. There are a mixture of property designs, styles and ages surrounding the site with traditional terraces to the East, red brick semis to the South and South East and modern 2, 2.5 and 3 storey townhouse to the North.

There are a number of trees and hedges on the site which are generally located around the site's boundary. Vehicular access is taken from Longcar Lane to the North.

Proposed Development

Following on from the approval of the outline planning application (2015/1277) for 32no dwellings (including access, layout and scale) the applicant now seeks approval of the outstanding reserved matters of appearance and landscaping.

The scheme is for 32 dwellings consisting of 22no. 3 bedroom, 2 storey properties and 10no. 4 bedroom 3 storey properties. There are 8 different house types proposed, 30 of those would be semi-detached and 2 would be detached. This differs from the original layout which has also resulted in minor material amendment application 2017/0488 which is also referred to Councillors for determination at the 27th June meeting.

The layout has been designed with 11 of the properties fronting Longcar Lane and Racecommon Road, although the majority, 19 out of 24 would front the new internal access road which has been designed in a loop arrangement. Each property would have private amenity space and access to 2 off road parking spaces.

Planning History

2015/1014 – Demolition of existing building (prior notification) – It was determined 17/09/2015 that prior approval was not required for the proposed works.

2015/1277 – Erection of 32 no. dwellings and access road (outline) – Outline planning permission with conditions was granted on 29th January 2016.

2017/0488 - Proposed variation of condition 2 of outline planning permission 2015/1277 (Erection of 32 dwellings and access road) to enable minor material amendments to the approved site layout plan – This application is also referred to the Board for determination at the 27th June meeting and is recommended for approval by Officers.

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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Unitary Development Plan

The UDP designation is Existing Community Facility

The Core Strategy

CSP1 Climate Change
CSP3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP8 The Location of Growth
CSP9 The Number of New Homes
CSP10 The Distribution of New Homes
CSP14 Housing Mix and Efficient Use of Land
CSP15 Affordable Housing
CSP26 New Development and Highway Improvement
CSP29 Design
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations
CSP43 Educational Facilities and Community Uses

Local Plan Submission Version

Proposed housing allocation (AC36)

Relevant Supplementary Planning Documents and Advice Notes

Designing New Housing
Open Space provision on New Housing Developments
Parking
Financial Contributions to School Places

NPPF

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

Consultations

Drainage – No objections

Yorkshire Water – No objections

Regulatory Services – No objections subject to conditions

Traffic Officer – No objections subject to waiting restrictions

Tree Officer – No objection subject to conditions

Highways DC – No objections

Ward Councillors – Cllr Williams requested a light controlled crossing on Race Common Road

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter. As a result 15 letters of objection have been received. The main points of concern are;

- Increase traffic movements
- Loss of school crossing
- Request Pelican crossing
- Increased overshadowing
- Loss of privacy

Assessment

Principle of Development

The previous decision to grant outline planning permission for application 2015/1277 established that residential development was acceptable in land use planning policy terms and that 32 dwellings was an acceptable amount of development. This is reflected in the submission version of the local plan which identifies the site as housing proposal AC36.

Application 2015/1277 also approved details of the access, layout and scale for the development (now sought to be varied under associated application 2017/0251). As such this application only seeks approval of the details of appearance and landscaping. These will be assessed below.

Appearance

Both the layout of the scheme and the scale, including the inclusion of 3 storey properties, were previously considered and supported within the outline planning permission. However, the indicative house types have changed from the outline. The applicant proposes 8 different house types across the scheme which would deliver a variety of different house types. The majority of the dwellings are relatively traditional in design and would be constructed from stone. This would reflect the area which incorporates some stone built Victorian properties as well as more recently constructed stone town house and apartments on the site to the North.

There are 6no. 3 storey properties fronting Longcar Lane in a relatively prominent position. However, each side of the semi-detached pair is different with the left half incorporating a dormer within the roof plain and the right half having a gable above the eaves height. This adds to the mix of the streetscene and reduces the dominance of the dwellings as the second floor accommodation is within the roof space. The dormers and gables would not be out of character of the street scene as both the Strata development to the North and the period properties to the East incorporate the two elements.

The properties would sit comfortably in their setting as they would each have front boundaries to create defensible spaces and have front gardens containing soft landscaping to aid soften the buildings. Furthermore, the existing tree to the North East corner of the site would be retained and incorporated within the front garden of plot 31. The tree provides an important visual element to the streetscene and further helps to soften the development. In addition it provides an important vista at the junction between Spring Gardens and Longcar Lane.

There are a number of corner plots throughout the development, resulting in side elevations on both existing and proposed roads. The house types have been carefully chosen for those plots to ensure there are features and fenestrations on both elevation fronting the highway to create 2no. active frontages and avoid large areas of blank stone work.

Car parking has been integrated into the scheme to minimise the amount of plots with spaces to the front. The majority of the parking space would be to the side of the properties, partially hidden from the highway. In addition the properties would have front garden areas to aid soften the vehicles and hard landscaping.

Overall the plans are considered that the development would achieve a high standard of appearance that would comply with the policy aims of CSP29 and the Designing Residential Development SPD.

Landscaping

A Tree Report was been submitted with the outline application and the Councils Tree Officer raised no objections to the proposal. As with the previous approval this application would retain the majority of the trees, with new tree planting also proposed as part of the scheme. The majority of the existing trees are category 'C' and the only 'B' category tree, an Ash to the front of plot 31 and adjacent to Longcar Road would be retained given its prominent location and contribution to the street scene. In addition the plans commit to planting new trees throughout the development and shrubs and hedges, although as planting specifications have not been submitted with the application a condition would be required to agree the precise details.

An Ecological Impact Assessment was submitted with the original outline planning application. The survey identified that the site was of a low ecological value. A series of enhancement measures, such as bat roof boxes, are proposed which align with the objectives of the NPPF and policy CSP 36. These measures have been conditioned on the outline approval.

Residential amenity

As has already been explained layout was approved at the outline stage and are also under consideration within associated application 2017/0488. Indicative elevations were provided. However as appearance was a reserved matter it is the elevation plans that have submitted under this application which are under assessment as part of this application.

The most sensitive considerations are with regards to the relationships between plot 5-14 and the properties and the existing dwellings which are located to the rear of the site on Frederick Avenue as the existing and proposed properties would be located directly behind one another back to back. Having assessed this issue however I am satisfied that the proposed relationships will be very similar in nature to what was approved at the outline stage. In summary the separation distances were judged acceptable taking into account that over 10m would be achieved from the rear of the existing properties to the boundaries of the gardens of the houses on Frederick Avenue. In some cases the separation distances were below the 21m distance sought by the SPD. However it was felt that as the application site is on a lower level and to the north suitable relationships would be provided. It is also the case that half of the first floor windows would be obscured glazed bathroom windows.

Highway Safety

Access was determined at the outline planning application stage. It is not within the scope of the reserved matters to revisit this therefore. It is acknowledged that a number of residents, as well as a ward member, stated that a crossing should be considered on Racecommon Road. This suggestion was put forward to Traffic Officers but it is not something that they would pursue. Instead there would be provision of waiting restrictions at the junction of Racecommon Road and Longcar Lane.

Others

Education, Green Space and Affordable Housing

The outline planning application established a need for contributions towards primary school places and the provision of green space and affordable housing. This is covered by conditions 15, 16 and 17 of the outline. Provisions are to include 4 on site affordable housing units, a contribution of £56,330 towards recreation/green space and £49,168 towards primary school places.

Drainage

Preliminary site investigation reports identify that the underlying geology is unlikely to be suitable for soakaway drainage. This will be investigated further by an intrusive survey, in the event that ground conditions are unsuited then an onsite retention system would be required that controls runoff as per the requirements of CSP4. The Council's Drainage Engineer and Yorkshire Water have raised no objections subject to the safeguarding of the recommended conditions which will address SUDS techniques.

Biodiversity

The application is not accompanied by biodiversity mitigation proposals. As such the condition on the outline planning permission cannot be relied upon meaning that a new condition is required to agree the details prior to the commencement of development.

Conclusion

The previous decision to grant outline planning permission for application 2015/1277 established that residential development was acceptable in land use planning policy terms and that 32 dwellings was an acceptable amount of development. This application seeks approval of the appearance and landscaping reserved matters, details of which have been assessed to be acceptable taking into account of the relevant policies and guidance which include policy CSP29 and the Designing New Housing Development SPD, as have changes to the layout proposed under application 2017/0488. The application is recommended for approval by Officers accordingly.

Recommendation:

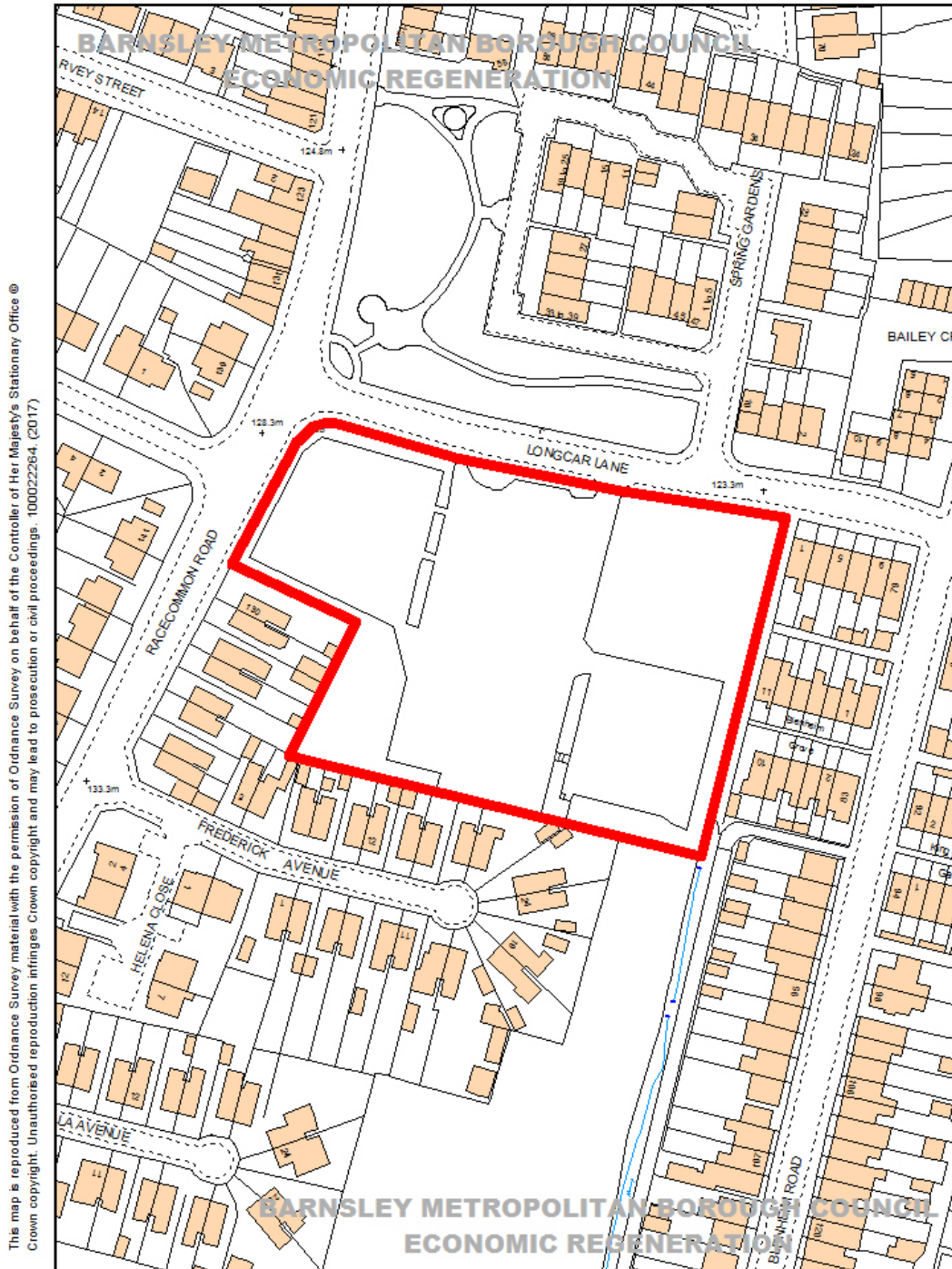
Grant approval of reserved matters subject to conditions:-

- 1 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 3382(4)001B, 3382(1)003D, 3382(2)003B, 3382(2)004B, 3382(2)005B, 3382(2)006, 3382(2)007 & 3382(2)008) 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.
- 2 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.
- 3 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with 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.

- 4 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.


PA Reference:-

2017/0251



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BARNLSLEY MBC - Economic Regeneration
Service Director: David Sheherd
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Scale 1:1250

2017/0436

Applicant: NPS Group, C/o NPS Barnsley

Description: Application for variation of condition 3 of planning permission 2014/0735 to enable minor material amendments to the previously approved plans - Erection of 6 no. dwellings.

Site Address: Land off Cobcar Lane, Elsecar, Barnsley

The application is referred to the Planning Board as the Council is the applicant. 1 letter of objection received from a local resident.

Site Description

The site measures approximately 0.16Ha and is situated on the corner of Cobcar Street and Cobcar Lane in Elsecar. The site is mainly laid to grass and is on the Council's register of Green Space land. Access to the site is via an access road which runs adjacent to, but is separate from, the highway. The surrounding area is predominantly residential in nature and mainly consists of 2 storey, semi-detached Local Authority/ex Local Authority dwellings.

In terms of properties which share a boundary with the site there is number 61 Cobcar Street (which has been extended) which shares a side boundary to the North West, 62 Cobcar Lane which shares a side boundary to the South East and several properties on Gray Street which share a rear boundary with the site to the South West. There are also several dwellings opposite the site on Cobcar Lane and Cobcar Street.

Site History

Having checked historic maps of the site it appears never to have been developed. The site was, however, used as a site compound for several months a number of years ago while properties within the area were undergoing investment and improvement.

Approval was given for 6no. dwellings on the site under application 2014/0735. The dwellings comprised 3no. of semi-detached pairs with 1 pair fronting Cobcar Street and 2 pairs fronting Cobcar Lane. Each property had parking spaces and a small garden to the front and a private garden to the rear. The scheme incorporated 2no. house types, a 2 storey 3 bedroomed property and a 2 storey 2 bedroom property.

Proposed Development

The applicant seeks permission to make amendments to the previously approved scheme. The proposal remains at 6no. of properties arranged in 3no. semi detached blocks, however, the house types would be changed. The previously approved hipped roof 2 bedroom properties fronting Cobcar Lane would be replaced with 3 bedroomed gable properties. This property type would also replace the previously approved 4 bedroomed gable properties fronting Cobcar Street.

Each of the properties would have 2no. parking spaces and private amenity space.

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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Unitary Development Plan

The UDP designation is Housing Policy Area

The Core Strategy

CSP1 Climate Change
CSP3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP8 The Location of Growth
CSP9 The Number of New Homes
CSP10 The Distribution of New Homes
CSP14 Housing Mix and Efficient Use of Land
CSP26 New Development and Highway Improvement
CSP29 Design
CSP35 Green Space
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection

Saved UDP policies

H4 'Development on Housing Sites' promotes residential development
H8A 'Existing Residential Areas'
H8D 'Infill Development'

Relevant Supplementary Planning Documents and Advice Notes

SPD 'Designing New Housing'
SPD 'Parking'

NPPF

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

Consultations

Yorkshire Water– No comments on this application but no objections to previous approval

Highways DC – No Objections subject to conditions

Drainage – No comments but no objections subject to conditions on previous application

Ward Councillors – No comments

Representations

1 letter of objection has been received from a local resident. The main concern raised is that the development would not allow access to the rear of 59 Cobcar Street. It was also queried whether the application had been publicised wide enough.

Assessment

Principle of Development

The site is allocated within a Housing Policy Area in the UDP. Policy CSP8 gives priority to development within Urban Barnsley and Principal Towns. Elsecar falls under the Principal Town of Hoyland. Furthermore, there is currently an extant permission for 6no. properties on the site, consisting of 3no. pairs of semi-detached dwellings. The principle of development is established and supported therefore. This application merely seeks to amend the house types previously approved and make minor amendments to the layout.

Green Space

Green space was covered at length under the extant permission and, as such, the principle to develop on the site has been established. However, for reference the previous Green Space comments have been included below;

Whilst the site is not formally designated as green space on the UDP Proposals map it is included on the Green Space Register as GS1069 Cobcar Lane Green Space. There are no formal recreation facilities on the site and it is open on two sides to an access road which would create some concerns about children running out onto the road. However, it is acknowledged that the space is of value to local people as an amenity function/opportunity for informal recreation. In addition Policy CSP35 seeks to protect green space from development unless there is a surplus in the area it serves, or replacement provision is provided of an equal or improved quality, accessibility and value.

It is acknowledged that the Green Space Strategy does not identify a surplus in the area but it is apparent that there are a number of alternative green spaces within easy walking distance of the site. These include land off Zetland Road to the South, land off Church Street to the South, the Trans Pennine Trail to the East, Jump fields to the North West and slightly further afield (approximately 700m from the site) are Simon and Kings Wood and Elsecar Park to the South/South East. These spaces offer informal green space as well as formal play equipment and sports pitches.

In addition, the proposal put forward is not for a private housing development but is for a social housing scheme, which would help address unmet need in the area, which is identified as a focus for housing growth. The proposal would therefore be of benefit to the area in providing much needed social housing opportunities.

Given the other facilities in the local area, the lack of formal recreation facilities on this site, the benefits of enabling social housing in the area, and the small number of dwellings proposed, it is not considered in this instance that replacement provision would be required to be given. On balance, whilst the loss of this green space is acknowledged as a concern to local residents, it is not considered to be of detriment to the locality to warrant refusal of the application.

Residential Amenity

It is acknowledged that the pair of properties fronting Cobcar Street would have a similar front building line to number 59 and 61 Cobcar Street but would project beyond their rear elevations. However, the proposed dwellings would be built on a lower level and be orientated to the North East, as such, overshadowing would not increase significantly and the dwellings would not result in overbearing features. Furthermore, the proposed 3 bedroom properties would replace 4 bedroom properties which had a larger footprint and projected further beyond the neighbouring properties.

There are no habitable room windows proposed in the side elevations of the Cobcar Street units facing shared boundaries. The front elevation windows would be a significant distance to the properties opposite the highway and the rear elevation windows would be in excess of 12m from the proposed side elevations of the remaining proposed units, in accordance with the separation distances set out in Supplementary Planning Document 'Designing New Housing Development'.

As with the previous approval the units fronting Cobcar Lane would be set further back on their plots than the adjacent existing dwelling. However, the proposed properties would be set away from the original rear elevation of the adjacent dwelling and would be orientated to the West/North West. Despite the proposed properties incorporating gables rather than the previously approved hips, overshadowing would not increase significantly and the proposed dwellings would not result in overbearing features to the detriment of residential amenity, in accordance with H8D.

There are no habitable room windows on the proposed side elevations and the habitable room windows on both the front and rear elevations would be a significant distance from neighbouring dwellings. As such, the revised proposal would meet the separation criteria set out in Supplementary Planning Document 'Designing New Housing Development'.

In terms of the amenity levels of the future occupants of the dwellings, the internal spacing largely conforms to the technical guidance within the South Yorkshire Residential Design Guide and the garden areas exceed the 60m² required by the design guide and the SPD. As such, residential amenity levels would be to an acceptable level, in accordance with policy H8D.

It is acknowledged that the owner of 59 Cobcar Street has objected to the scheme as, given he has built a side extension, the only pedestrian access to his rear garden, other than through the house, is via the field. This would be a private legal matter however.

Visual Amenity

The proposed position of the dwellings is similar to the previous development which results in a familiar layout. However, instead of having 2 house types on the development, as previously approved, it is now proposed to have just 1 relatively simple 3 bedroom property type. It is acknowledged that the proposed dwellings would have gable roofs rather than the hips that the immediate area is characterized by, and which were included in 4no. of the previously approved plots. However, there are gables evident within the immediate area, particularly to the North West, and the 4 bedroom properties previously approved incorporated both side and front gables. As such, the proposal would not appear an alien feature on the streetscene or compromise the visual amenity of the area.

The parking arrangements have been amended since the previous approval resulting in the plot on the corner of Cobcar Street and Cobcar Lane having 1 space to the front and one to the rear, as opposed to the previous layout which had both spaces to the front. However, the space to the rear would be adjacent to the parking for the properties fronting Cobcar Lane so would not appear isolated.

With regards to the parking for the properties fronting Cobcar Lane, the number of spaces to the front has increased from 1 to 2 given the increase in bedrooms from 2 to 3. There would be more hardstanding as a result, but areas of soft landscaping/garden would be retained to help soften the development. There would also be different materials for the used for the parking spaces and the pedestrian pathways which would add interest and help visually divide the plots.

Unlike the previous application, there is limited information regarding the boundary treatment to the side of the corner plot. Obviously given the prominent location this would have to be carefully designed and not just a run of close boarded fencing. A condition will be recommended for full details to be submitted.

Highway Safety

As with the previous approval, vehicular and pedestrian access to the site would be taken from the access road which runs parallel to Cobcar Street and Cobcar Lane, separated from the main highway by grass verges. This would be similar to the existing situation of the neighbouring properties and is considered acceptable by Highways DC.

All the properties would have 2 parking spaces each which is in accordance with the guidelines set out in Supplementary Planning Document 'Parking'.

Summary

The site is located in a UDP Housing Policy and Hoyland is a Principal Town that is intended to accommodate new housing growth. Usually those factors would make the proposed development automatically acceptable in principle. The fact that the site is on the Council's register of Green Space sites has meant that this was an additional consideration in this case. However this is outweighed by the fact that the site does not have a specific amenity function and as the development would contribute towards the unmet need for affordable housing in the Borough. The proposal is therefore acceptable in principle, especially considering the extant permission, reflecting the objectives of policies CSP 8, CSP 10 and CSP 14. The proposal would appear as a logical infill development and is of a density

befitting of its context. It would also ensure sufficient levels of amenity are provided for existing residents and those of the proposed dwellings and would not have a detrimental impact on highway safety. The proposal therefore complies with policies CSP 26, CSP 29 and the Designing New Housing Development SPD and is considered acceptable when assessed against other relevant development plan policies and material considerations.

Recommendation

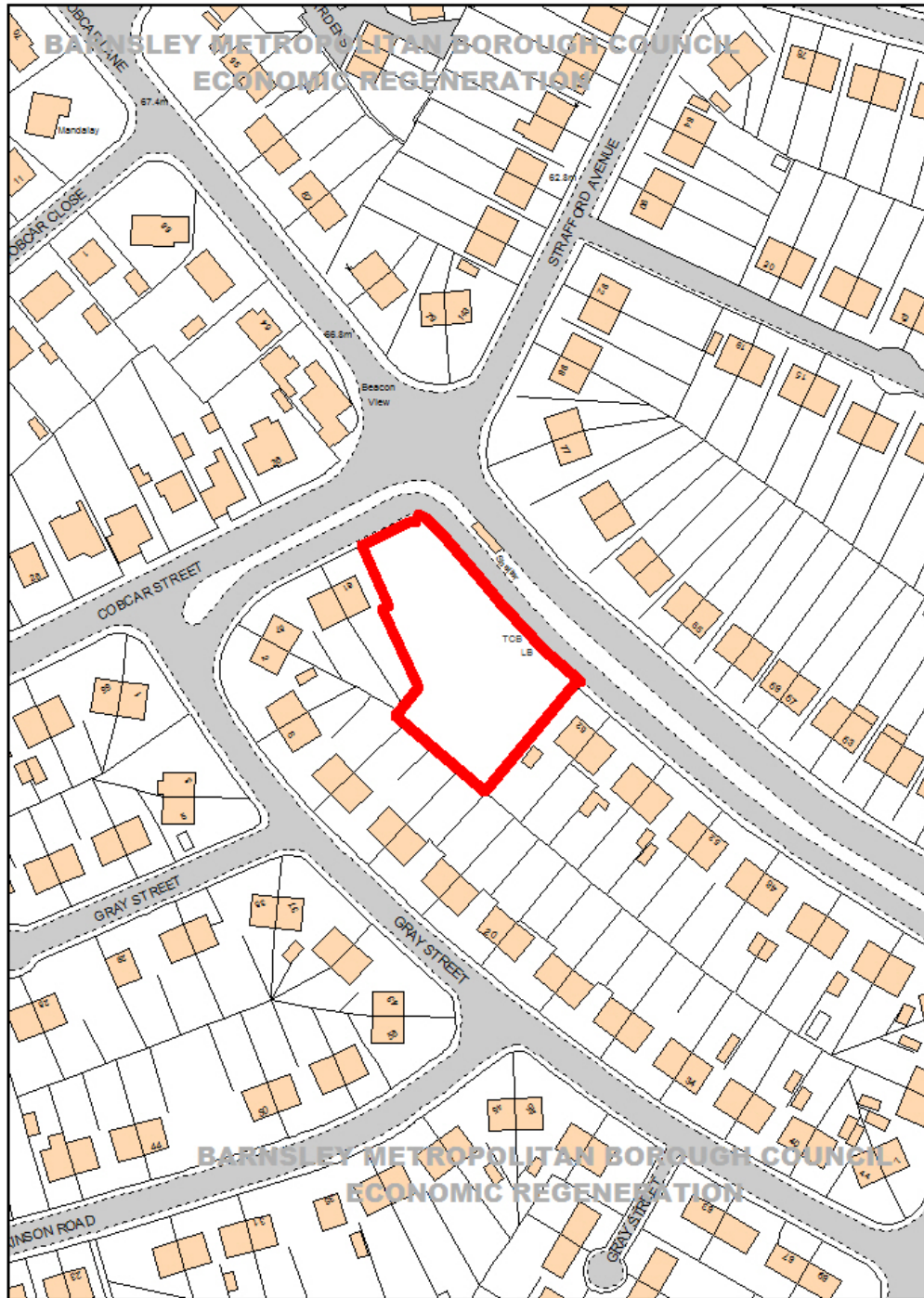
Grant planning permission subject to conditions

- 1 The development hereby permitted shall be begun before 24th September 2017.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990 and in accordance with condition 1 of 2014/0735.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos NPS-DR-A-(00)-012-P1, NPS-DR-A-(00)-020-P3 & NPS-DR-A-(00)-120-P4) 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 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 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.

- 7 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.
- 8 Development shall not commence until arrangements have been entered into to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of: -
a) provision of 2.0 metre wide footway;
b) relocation of existing letter box and telegraph pole;
c) any necessary signing and lining;
d) provision of/any necessary amendments to street lighting;
e) provision of/any necessary amendments to highway drainage;
f) any necessary resurfacing/reconstruction
The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction
Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.
- 10 Unless otherwise agreed in writing by the local planning authority, no building, means of enclosure or other obstruction shall be located over or within 3 metres either side of the centre line of the water main, that crosses the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 11 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 12 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.
- 13 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: In the interests of road safety in accordance with Core Strategy Policy CSP26 'New Development and Highway Improvement'.

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BARNESLEY MBC - Economic Regeneration

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Tel. (01226) 772621



Scale 1: 1250

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Item 10

2017/0245

Applicant: Mr John & Mrs Barbara Martin, C/o Design Space

Description: Erection of 1 no. detached dwellinghouse.

Site Address: Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE

Councillor Milner requests the application is taken to the Planning Board for a decision
No representations have been received from any members of the public.

Description

The site is a 667sqm area of land located adjacent to Upper Belle Clive Farm off Hartcliff Road, Cubley within the open Green Belt countryside. The front boundary of the site faces onto Hartcliff Road, and is accessed from a gap within the dry stone walling on the corner of Hartcliff Road and the access to Upper and Lower Belle Clive Farm. The remains of a small stone building stand on the site, with the east elevation showing two windows and one door opening. There are currently only two out of the four walls standing, and part of the remains of a third wall. The remains of a small stone outbuilding are seen in the north eastern corner of the site.

Background

No planning history

The agent has provided a brief history of the site and states that the structure was previously used as a dwelling known as 'Hartcliffe Cottage' and was last known to be occupied in approximately 1939. No official documents have been provided, only the statement sent in by the agent. A historical painting and photograph has been submitted but are not dated. The applicant has submitted historical aerial photographs from dated approximately 2000, and the Councils aerial photos from 2002 and 2009 show a dilapidated structure, overgrown with trees and shrubs internally and externally. The photographs clearly show walls on only three sides and then later only two sides shown, with no roof or internal floor structures remaining.

The Council have no planning history to show that the building has ever used as a residential property.

Proposed Development

The applicant states that the works involve the repair of the two walls and 're-building' of the previous walls and roof and the erection of an extension to the structure. However the works are significant and as most of the structure is not evident, then this is considered to be the erection of a new dwelling in planning terms.

The proposed dwelling is approximately 100sqm in floor area, consisting of what was the original building 50sqm and an area of additional floorspace of 50sqm. The proposal would provide a two bedroom property with a kitchen diner and living room at ground floor. The agent states that the intention would be to repair the stone walls which are still standing and two further walls rebuilt to match. The 'extension' would be constructed to match. The site access would remain as existing with a 5 bar field gate and a driveway and parking area

around the building. Ground mounted solar PV panels are proposed to the rear of the building.

The application documents state that the building would be occupied by the applicant's son, who would live and work on the small holding as a secondary income. The agent states that there is a functional need for the applicant's son to live on site. No further evidence of working hours or extent of the farm business has been submitted with the application.

A letter of Structural Inspection has been submitted which states that the walls which are standing could be incorporated within the new dwelling.

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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policy

Policy GS8 - Within the green belt, the construction of new buildings will not be permitted, except in very special circumstances, unless it is for the following purposes:

- a) Agriculture or forestry
- b) Essential facilities for outdoor sport or outdoor recreation, for cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it
- c) The replacement of existing dwellings in compliance with policy GS8E.

Policy GS8A: The re-use & adaption of buildings in the Green Belt:

Core Strategy

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

Core Strategy Policy 34: Protection of Green Belt - In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged. The Council will not allow proposals for development unless it can be shown that there is very special circumstances that justify setting aside local and national policy.

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

NPPF

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

In respect of this application, relevant policies include:

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

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

Core Principle 9: Protecting Green Belt Land – The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

As with previous Green Belt policy, inappropriate development in the Green Belt where “the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building”.

Consultations

Langsett Parish Council - Langsett Parish Council discussed planning application 2017/0245 (1 dwelling house at Upper Belle Clive Farm) at their recent meeting and do not object to the plans, however they would like to comment on the roof. It states that the roof will be done in blue slate. The Parish Council would prefer that the roof is done with stone slates, so that it is more in keeping with the other buildings in the vicinity.

Highways DC – No objection. The site access is also a PROW which must remain unobstructed and clear of mud.

Drainage – Details to be checked by Building Control

Pollution Control – No objection subject to conditions

Ward Councillors – Councillor Milner requests the application is taken to Planning Board for a decision and that members visit the location to understand what is being proposed. Councillor Milner considers the proposal is sympathetic to what was originally built.

Representations

None

Assessment

Principle of Development

The proposed dwelling is located within the Green Belt. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The main issues regarding this application are whether the proposal would constitute inappropriate development within the Green Belt, the effect on the openness of the Green Belt and if found inappropriate, whether the harm is clearly outweighed by very special circumstances.

The agent considers that the application proposes a re-instatement of a dwelling. However it is felt that the any previous use has clearly been abandoned, and given the dilapidated state of the building therefore could not be considered re-instatement. Green Belt policy does allow for the re-use and adaption of buildings within the Green Belt. However policy GS8A clearly states that any building proposed for conversion is structurally sound and capable of conversion without the need for substantial alterations. The structure cannot be considered to be capable of conversion, as significant works would be required to the walls which are left, together with the large new built element of new walls, a roof and a new built addition of 100% of the floor area of what was the original building. These works would be considered substantial alterations.

In terms of abandonment, if a building or land remains unused for a considerable time, and it can be reasonably concluded that the previous use has been abandoned, then the concept of abandonment can be applied. It involves a cessation of use in such a way, and for such a time, as to give the impression to a reasonable onlooker that it was not to be resumed. The evidence shows that this building has not been in use for a long period of time, as evidenced within the historical aerial photographs from the applicant's own aerial photo dated approx 2000 and the Councils aerial photos from 2002 and 2009. The photographs clearly show walls on only three sides, with no roof or internal floors.

The applicant has described the building as a 'cottage' although there is no evidence that the building was ever in residential use, and the Council have no planning history to show that the building has ever used as a residential property. Consequently, even if it is accepted that the former structure had been used as a dwelling, this use has long since been abandoned and by the agents own statement, the site has not been used for any purpose for almost 80 years. The structure is in a dilapidated state, overgrown with trees and shrubs internally and externally and any residential use that may have been associated with this site has long been abandoned. Furthermore, the structure has gone beyond being a 'building' as it is only the remains of a building that are evident within the site, this together with the cessation of its use many years ago and the absence of any evident intent to erect a replacement at that time or subsequently, it is concluded that any residential use of the site associated with a former dwelling has long been abandoned. On this basis the proposed

development would constitute the erection of a new dwelling rather than reinstatement or replacement.

Local and National policy seeks to protect the Green Belt, and does not allow proposals for development of new buildings unless very special circumstances are demonstrated. In terms of very special circumstances, the agent has stated that the building would be occupied by the applicant's son, who would live and work on the small holding as a secondary income. The agent states that there is a functional need for the applicant's son to live on site. Agricultural workers dwellings relate to full time workers only and not part time staff. No further evidence of working hours or extent of the farm business has been submitted with the application. Any applications for agricultural workers dwellings should be supported by robust justification, including working hours, financial information and an assessment of the local housing available. None of this information has been submitted with the application, and it is unlikely that the applicant could justify the construction of a new agricultural workers dwelling for his son at this time, as the need is only based on a part time worker, therefore this aspect cannot be considered as very special circumstances.

There have been no very special circumstances demonstrated as part of this application, therefore the proposal is constituted as inappropriate development within the Green Belt and as such the proposal is considered contrary to the Core Strategy, and relevant policies in the NPPF.

Visual Amenity

One of the fundamental aims of Green Belt policy is to prevent urban sprawl by keeping land permanently open and one of its main purposes is to assist in safeguarding the countryside from encroachment. Whilst the proposed dwelling would be relatively small in relation to other dwellings in the vicinity it would nevertheless affect the openness of the Green Belt. It is acknowledged that the site is currently occupied by the dilapidated structure, however this over time would become nothing more than a pile of rubble which could be easily moved, and its effect on openness is therefore not as severe as the much larger new dwelling would be.

The site is highly prominent as it is set immediately adjacent to Harcliff Road, with no natural screening and only low dry stone walls surrounding the site. The proposed erection of a building of almost 11m wide and twice the size of the original building on the site is considered to be detrimental to the openness and visual amenity of the Green Belt, and would bring a residential use and all the domestic items associated with such a use, such as cars, washing lines and other residential paraphernalia close to the road and would be highly visible from surrounding areas. The proposal is therefore considered to be harmful to the visual amenity and openness of the Green Belt, contrary to Core Strategy Policy CSP34 and the NPPF.

Conclusion

The structure is in a dilapidated state and any residential use that may have been associated with this site has long been abandoned. The structure has gone beyond being a 'building' and as it is only the remains of a building that are evident within the site, this together with the cessation of its use many years ago and the absence of any evident intent to erect a replacement at that time or subsequently, it is concluded that any residential use of the site associated with a former dwelling has long been abandoned. On this basis the proposed development would constitute the erection of a new dwelling rather than reinstatement or replacement.

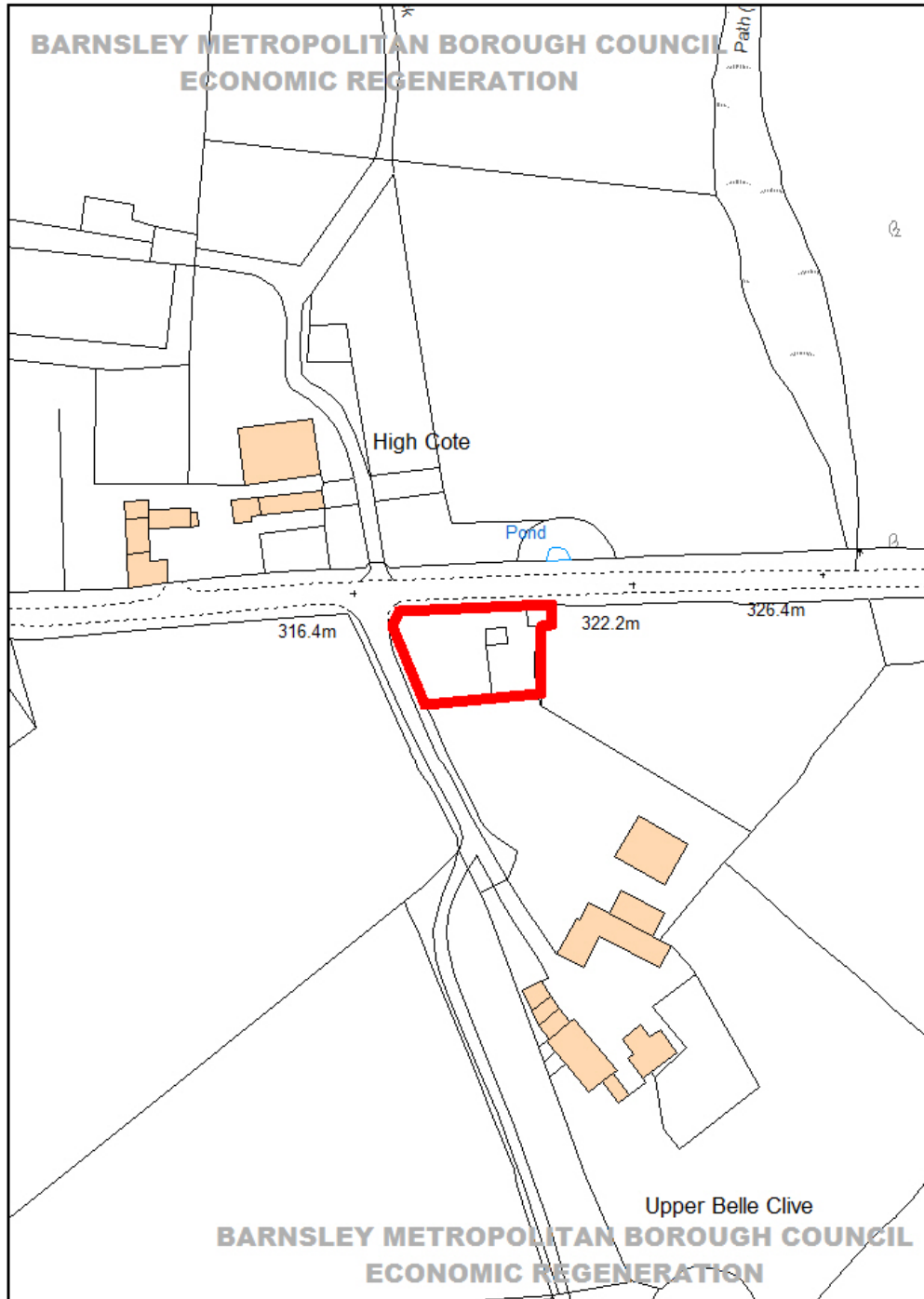
The proposed construction of a new dwelling would be inappropriate development and would harm the openness of the Green Belt. In the absence of any very special circumstances to justify the development and having had regard to all other matters raised it is recommended that planning permission is refused.

Recommendation


Refuse

1. The site lies within the Green Belt on the approved Barnsley Unitary Development Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in the NPPF. Core Strategy Policy CSP 34 reflects national policy guidance and precludes development for purposes other than agriculture, forestry and essential facilities for sport and recreation, which preserve the openness of the Green Belt. In the opinion of the LPA the proposed dwelling constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be insufficient very special circumstances to justify the granting of planning permission in this instance.

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NORTH
Scale 1:1250

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Item 11

2017/0383

Applicant: Ged Parker, C/o Neo Environmental

Description: Relocation and erection of 1 no. wind turbine (measuring 15m hub and 18.5m to blade tip).

Site Address: Upper Maythorn Farm, Upper Maythorn Lane, Whitley Common, Barnsley, HD9 7TF

Background

An application was approved in 2011 for the erection of a single turbine with a height of 19.8m to blade tip, and a hub height of 15m under planning reference 2010/1468. A further application was then submitted under application reference 2012/1323 to change the turbine model to that which is currently in situ on site.

The 2012 permission contained the following condition:

“The noise level from the turbine shall not exceed the following:

A day time (7am to 11pm) level of 35 dB LA90, 10 mins, or the background, expressed as LA90, 10 mins, plus 5dB, whichever is the higher, measured at no less than 3.5 metre from the façade of any residential property not owned by the applicant or a member of their family (but ignoring the effect of that façade).

A night time (11pm to 7am) level of 43dB LA90, 10 mins, or the background, expressed as LA90, 10 mins, plus 5dB whichever is the higher, at 3.5 metre from the window of a habitable room in the façade of any residential property.

In the event of a complaint being received in writing by the LPA, and verified, alleging noise nuisance due to the wind turbine on the development hereby approved, the wind turbine operator shall, at its expense, employ a consultant approved by the LPA to measure the level of noise emissions from the wind turbine at the location of, and external to, the complainant's property (or, in the event that access is not possible, at the nearest publicly accessible location acceptable to the LPA). The results of the consultant's assessment shall be provided to the LPA within 2 months of the date of notification of the complaint. The operator shall cooperate with the LPA to ensure that the development is compliant with the above defined limits for the site.

Reason - In the interests of residential amenity and in order to accord with policy CSP40 of the Core Strategy.”

Complaints were received and verified by the Council indicating that the noise levels were exceeding the aforementioned levels. The applicant attempted to resolve this through repair works and modifications to the existing turbine. However, this ultimately failed to resolve the issue. The applicant has therefore sought a different solution which is to move the turbine further away from the neighbouring properties thereby utilising the distance as the mitigating measure for ensuring compliance with the condition. This application has therefore been submitted to seek planning permission for that.

Site Location and Description

The existing turbine is located in an open landscape, characterised by its windswept, remote and upland farming nature. To the north the land rolls out into open countryside which sits on a slightly lower level where there are extensive views of the countryside including scattered farmsteads off quiet country lanes. To the east the view is framed by Royd Moor wind farm. Views to the south include open countryside with the open moorland of the Peak Park visible well in the distance. Approximately 90m to the west are a collection of farm buildings and a farmhouse which the turbine powers. The nearest dwellings are approximately 80m to the south of the existing turbine

Proposed Development

It is proposed to move the existing turbine approximately 160m to the north-east. It would remain within the same field but would be approximately 240m away from the nearest house rather than the current 80m. The turbine would remain the same in dimensions and appearance as existing but would just be relocated to a different position.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, the Joint Waste Plan, and saved Unitary Development Plan policies. The RSS continues to form part of the development plan but the Government's intention to abolish regional spatial strategies is a material consideration.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Core Strategy

CSP1 – Climate Change – seeks the opportunities to harness the opportunities for the use of renewable energy

CSP6 - Development that Produces Renewable Energy - we will allow development that produces renewable energy as long as there is no significantly harmful effect on;

- The character of the landscape and appearance of the area;
- Living conditions;
- Biodiversity, geodiversity and water quality;
- Heritage assets, their settings and cultural features and areas;
- Highway safety; and
- Infrastructure including radar.

Proposals must be accompanied by information that shows how the local environment will be protected, and that the site will be restored when production ends.

The Core Strategy recognises that undulating landscapes, such as those in the west of the borough, can increase the prominence of turbines. Careful consideration will need to be given to the capacity of the landscape to accommodate turbines, the ability to mitigate visual intrusion and cumulative impacts of individual sites when they are grouped rather than dispersed. We will use the Character Assessment and Policy CSP37 to assess the effect of development proposals.

We will carefully weigh up the environmental, social and economic benefits of the proposals against effects on the local area. We will also refuse planning applications for proposals that are not accompanied by enough supporting information.

CSP29 - Design - states that high quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley, including (amongst other things):

- Topography, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage, townscape and landscape character including the scale, layout, building styles and materials of the built form particularly in and around (amongst other areas), Penistone and the rural villages in the west of the Borough.

CSP30 – The Historic Environment – states that we will positively encourage the management, conservation and enjoyment of Barnsley’s historic environment and make the most of the heritage assets.

CSP40 – Pollution Control and Protection – states that development will be expected to demonstrate that it is not likely to result, directly or indirectly, in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution.

National Planning Policy Framework

The NPPF sets out the Government’s planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development.

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

In respect of this application, relevant policies include:

Protecting Green Belt Land.

- The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.
- Green Belt serves five purposes; to check the unrestricted sprawl of large built-up areas, to prevent neighbouring towns merging into one another, to assist in safeguarding the countryside from encroachment, to preserve the setting and special

character of historic towns, and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

- Local planning authorities should plan to enhance the beneficial use of the Green Belt such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.
- Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
- When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

Supporting a prosperous rural economy.

- A positive approach should be taken to sustainable new development.

Conserving and enhancing the natural environment.

- The planning system should contribute to and enhance the natural and local environment by (amongst other things), protecting and enhancing valued landscapes.

Conserving and enhancing the historic environment.

- Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal
- In determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets.
- When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
- 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.

Requiring good design.

- Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.
- Planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, respond to local character and history and are visually attractive.
- Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Ministerial Statement

The Ministerial Statement (House of Commons: Written Statement (HCWS42), 18 June 2015) states that when determining planning applications for wind energy development involving one or more wind turbines, local planning authorities should only grant planning permission if:

- the development site is in an area identified as suitable for wind energy development in a Local or Neighbourhood Plan; and
- following consultation, it can be demonstrated that the planning impacts identified by affected local communities have been fully addressed and therefore the proposal has their backing.

Consultations

Regulatory Services – fully support the movement of the new turbine to the new suggested location subject to the imposition of suitable conditions

Highways – no objections

Biodiversity Officer – requested further information and an updated ecology assessment has now been submitted.

Dunford Parish Council – no comments received

Conservation Officer – no comments received

Drainage – no objection

NATS – no objections

MoD – no objections

Representations

The application was advertised on site, in the local press and neighbour letters were sent to numerous properties. One representation has been received which states that they are pleased to see the application has been submitted and raise no objections subject to appropriate noise conditions being added.

Assessment

Principle of Development

The proposed turbine is located within Green Belt. As such it is considered that the proposed development would affect openness and that it constitutes inappropriate development. As previously stated, inappropriate development is, by definition, harmful to the Green Belt and such development should not be approved, except in very special circumstances. Such very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

In this case the principle of a turbine has been accepted in this field, albeit in a different position. The principle of renewable energy created by the wind turbine supporting the farm has therefore already been accepted as a justification for a turbine of the size proposed in this location within the Green Belt.

In terms of the Ministerial Statement referred to above, the emerging Local Plan includes a proposal for Wind Turbine Areas of Search and Policy RE AC1 Wind Turbine Areas of Search. The proposal site is within an area that is considered is in general only suited to very small single turbines (up to 24 m to blade tip). The proposed wind turbine would be under this limit.

Green Belt, Landscape and Visual Impact

The existing turbine is located in an agricultural field in the Green Belt. Due to the elevated nature of the site, the turbine is a noticeable feature within the local landscape. When viewed from the A616, which is located approximately 1km to the west, the turbine is set back from the ridgeline and does not therefore appear as a skyline feature. From the immediate west the turbine is hidden by the intervening buildings and topography and, therefore, does not have a significant visual impact.

The movement of the turbine to the north-east is not considered to have any significant effect from long distance views to those described above. Locally, the view will change from the nearest residential property, Lower Maythorne, but this will be to a positive effect as the turbine will be moved further away from them. Furthermore the position it will be moved to is at a slightly lower land level than the current position therefore making it less prominent when viewed from these near neighbours. The turbine will be more prominent to the property at Martin's Nest as the current intervening farm buildings will no longer partially screen the turbine. However, there will still be a distance of over 400m to Martin's Nest and, given the maximum height of the turbine is only 18.5m it would not be considered an overly-prominent feature.

In terms of cumulative impact, there is currently one wind turbine located approximately 500m to the north west close to Martins Nest Farm There are a number of other small scale wind turbines also within the locality falling within both Barnsley and Kirklees. Royd Moor is an existing wind farm which is a noticeable feature of the landscape when viewed from the site and this is located approximately 2.0 km to the south east. However, due to the distances in-between, it is not considered that the proposal would result in any significant detrimental cumulative impact.

Overall, neither the visual amenities of the Green Belt or the landscape character are considered to be significantly harmed by the proposal either in isolation or in accumulation.

Impact on Listed Buildings

Buildings at Lower Maythorn to the south of the site are Grade II listed buildings. The proposal would see the turbine relocated to a position further away from these buildings than it currently stands. As such there would be a reduced impact on these listed buildings compared to the existing situation.

Residential Amenity

This application has been submitted to resolve a current issue of noise disturbance affecting the nearest property at Lower Maythorn. Moving the turbine further away from this property would result in an increased distance and a reduction in the likelihood of noise issues affecting this property. The Council's Regulatory Services Section has inspected the plans and fully support the application. The movement of the turbine would reduce the noise impact on this near dwelling and would enable the turbine to comply with the relevant noise condition.

Ecology

An extended phase 1 habitat survey was carried out at the site. The survey concludes that, subject to appropriate measures during the construction period, that the development would not have a detrimental impact on wildlife at the site. These measures can be appropriately conditioned.

Shadow Flicker

The turbine is considered to be far enough away from nearby properties so that shadow flicker would not be an issue.

Conclusion

It is considered that the proposed relocation of the turbine would not result in any significantly greater impact on the character and openness of the Green Belt compared to the existing turbine. Very special circumstances were previously demonstrated for the existing turbine based on its renewable energy creation and these are still considered relevant to this application. The scheme would however improve the situation with regards to the impact on neighboring amenities. Overall therefore, the scheme is considered to be acceptable and permission should be granted.

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 (Nos NEO00436/012/B and BGY_15M_10kW_P_001 Revision 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 and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The local planning authority shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development hereby permitted.
Reason: In the interests of the visual amenity of the locality in accordance with CSP29 and CSP34.
- 4 All cables from the turbine shall be underground. All excavated ground in connection with cable laying shall be reinstated to its former condition within 1 month of the date of the wind turbine hereby permitted commencing to operate.
Reason: In the interests of the visual amenities of the Green Belt in accordance with CSP34.
- 5 If the wind turbine hereby permitted ceases to be operational for a continuous period of 6 months, then the turbine shall be dismantled and removed from the site and the site shall be restored to a condition suitable for agriculture.
Reason: In the interests of the visual amenities of the Green Belt in accordance with CSP34.

6 The noise level from the turbine shall not exceed the following;

(a) A day time (7am to 11pm) level of 35 dB LA90, 10 mins, or the background, expressed as LA90, 10 mins, plus 5dB, whichever is the higher, measured at no less than 3.5 metre from the façade of any residential property not owned by the applicant or a member of their family (but ignoring the effect of that façade).

(b) A night time (11pm to 7am) level of 43dB LA90, 10 mins, or the background, expressed as LA90, 10 mins, plus 5dB whichever is the higher, at 3.5 metre from the window of a habitable room in the façade of any residential property not owned by the applicant or a member of their family (but ignoring the effect of that façade).

In the event of a complaint being received in writing by BMBC alleging noise nuisance due to the wind turbine on the development hereby approved, the wind turbine operator shall, at their expense, employ a consultant approved by BMBC to measure the level of noise emissions from the wind turbine at the location of, and external to, the complainant's property (or, in the event that access is not possible, at the nearest publicly accessible location acceptable to BMBC). The results of the consultant's assessment shall be provided to BMBC within 2 months of the date of notification of complaint unless otherwise agreed in writing by BMBC.

In the event that the noise level from the turbines is above the stated levels and noise measurements have been carried out in accordance with the details above, then the applicant shall submit a mitigation scheme for the written approval of BMBC in order to identify measures to reduce the noise of the turbines to acceptable levels. The approved scheme shall then be implemented. In the event that the noise level from the turbine cannot be brought within acceptable levels, as defined above, the turbine shall not continue to operate.

Reason: In the interests of residential amenity in accordance with policy CSP40.

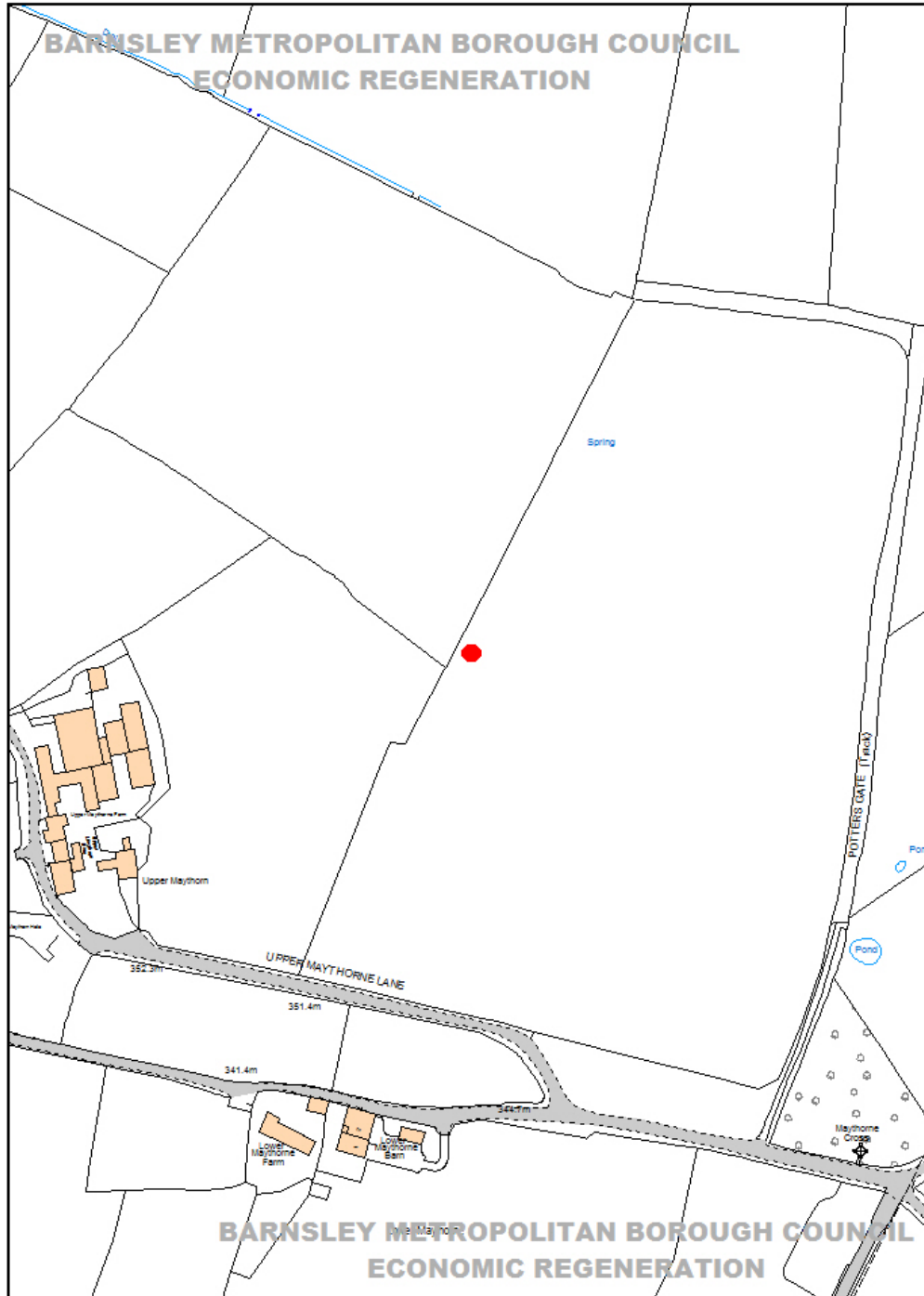
7 The scheme shall be carried out in accordance with the recommendations outlined in Section 6 of the submitted Ecological Appraisal dated 1st June 2017.

Reason: In the interests of biodiversity in accordance with CSP36.

8 This scheme is for the relocation of the existing turbine to a different position within the same field only. The implementation of this permission does not allow for a new turbine to be erected in the position of the former turbine location as shown on approved drawing no: NEO00436/012/B.

Reason: For the avoidance of doubt and to protect the visual amenities of the Green Belt.

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Scale 1: 2500

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2017/0173

Applicant: Geoff Varnham, C/o Paul Goudge

Description: Erection of 1no detached dwelling house and detached garage (Amended Plans)

Site Address: 23-25 Carr Head Road, Howbrook , Barnsley, S35 7HG

The application is referred to the Board for determination as it raises Green Belt planning policy considerations warranting scrutiny by Councillors. Representations have been received from 3 local residents.

Site Description

The application relates to an area of land located to the west of Carr Head Road in the village of Howbrook measuring 0.045Ha. The land has existing vehicular access onto Carr Head Road and accommodates a driveway/parking area, double garage and garden areas. The land level slopes up from the highway to the rear boundary. There is a row of 3no. stone built terraced cottages to the North and a detached, brick built bungalow to the South. Beyond the rear boundary, to the West, are open fields and to the West, opposite Carr Head Road, is the side elevation of a stone built semi-detached dwelling, built on a lower level.

Proposed Development

The applicant seeks permission to erect a 2 storey detached dwelling with living accommodation in the roof space providing 4 bedroom accommodation. The dwelling would measure 10.5m wide, 6.2m deep (7.7m including the porch) and 8.1m high (5.2m to the eaves). The dwelling would accommodate an open plan dining kitchen, lounge, porch and WC on the ground floor, 3 bedrooms (1 en-suite) and a bathroom on the first floor and a bedroom and study within the roof space.

The existing vehicular access would be retained, as would the existing detached double garage. There would be a small garden provided to the front of the dwelling and a private garden, circa 128m², to the rear.

The end cottage, number 23, adjacent to the site would be provided with a 2 car driveway.

It should be noted that the scheme presented to members has been amended during the course of the application. The amendments included setting the dwelling further back on its plot, setting the dwelling on a lower ground level (approx. 650mm), reducing the ridge height by 350mm by changing the pitch from 45 to 42 degrees and the removal of dormer window extensions that were proposed to the rear.

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 Waste Plan. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

UDP

Green Belt

Core Strategy

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

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

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

CSP 34 - 'Protection of Green Belt' in order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

SPDs/SPGs

SPD 'Designing New Housing Development'

SPD 'Parking'

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

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

Chapter 9 of the Framework seeks to ensure that Green Belt land is protected. It sets out that the Green Belt serves the following five purposes:

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

Paragraphs 87, 88 & 89 go on to state 'As with previous Green Belt policy, inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include 'limited infilling in villages'.

Consultations

Drainage – Drainage to be checked by Building Control

Pollution Control – No objections

Highways DC – No objections subject to condition

Tree Officer – No objections subject proposed landscaping

Ward Councillors – No comments have been received

Representations

The application was advertised by way of a site notice and letters to neighbouring properties within the immediate area. A re-consultation exercise also took place following the application being amended. Representations were received from the residents of 3 neighbouring dwellings. In summary the main concerns expressed are:-

Harm to residential amenity via overshadowing and loss of privacy

Reduced highway safety due to additional traffic generation/manoeuvring

Concerns that the development may be built over a private sewer and that this may be affected also by the proposed tree planting. Related concerns are raised about the ability of the local network to accommodate the additional flows.

Visual amenity – Concerns that the design of the development would not fit with its surroundings.

In addition the accuracy of the site location boundary has been questioned with regards to land ownership considerations.

Assessment

Principle of Development

The Core Strategy settlement hierarchy lists Howbrook as a village and the Local Plan, which is currently under examination, continues to list Howbrook as a village. The Core Strategy indicates within CSP8 'The Location of Growth' that within villages, development is likely to occur on small infill sites that are consistent with, and sensitive to, Green Belt policy.

The site is located within the Green Belt, where the Framework says that inappropriate development should not be approved except in very special circumstances. The construction of new buildings is usually inappropriate. Exceptions to this however include limited infilling within villages.

A village boundary has not been identified in the adopted UDP plan or Local Plan. The main development is clustered around Carr Head Road with further dwellings and development along Hollinberry Lane. The site itself has a frontage and existing access onto Carr Head Road and has residential properties to the North, East and South. On these facts and, given the scale of the development, It is considered that this proposal would comprise limited infilling in a village and would not be inappropriate development.

Visual Amenity

The proposed dwelling would sit in a gap between existing properties. Carr Head Road supports a number of residential properties and there are limited gaps between them. As such, the proposed dwelling would reflect the rhythm of the streetscene and the development pattern of the area. Furthermore, the site currently has a vehicular access point and accommodates a detached double garage.

It should also be mentioned that a similar gap between existing residential properties along Carr Head Road (no.s 5 & 11), located within 100m to the South of the site, was recently granted planning permission for a detached dwelling (2015/1199). Similar to the proposed dwelling, the approved property was a two storey dwelling immediately adjacent to a bungalow and 1.5 storey property.

The proposed dwelling would be located in between a detached bungalow, to the South, and a row of modest 2 storey cottages to the North. The proposed dwelling would have accommodation over have a ridge height greater than that of the neighbouring dwellings. However, as there are no dormers or rooflights proposed on the front roofplain it would have the appearance of a 2 storey dwelling. The juxtaposition of single storey and 2 storey properties within close proximity is not uncommon within the area as there are a number of similar examples along the streetscene, including the recently approved dwelling highlighted above. As such, the proposed dwelling would not be contrary to the development pattern of the streetscene.

The side elevation of the dwelling would be relatively prominent when travelling North on Carr Head Road, given that it would sit to the front of the neighbouring bungalow. The dwellings fronting Carr Head Road to the South of the Site are generally set back from the highway and the proposed dwelling is no different with a distance of 7m. It should be noted that the properties to the East and Farm buildings to the North East of the site are immediately adjacent to the highway, as such, the proposed dwelling would be viewed

against those when travelling North of Carr Head Road, which would further reduce prominence.

In terms of the design of the dwelling itself, Carr Head Road has a mixture of styles, ages and sizes, therefore, there is no specific architectural language that needs to be followed. The dwelling would take inspiration from some of the older neighbouring properties in terms of materials and design details such as the heads and sills, window sizes etc. Therefore, the dwelling would sit comfortably within the streetscene. Furthermore, the boundary treatments and landscaping scheme proposed would enable the dwelling to sit comfortably within the plot.

As mentioned above, the proposal has been amended throughout the application process and the applicants agent has worked to reduce the prominence of the dwelling as much as possible by resiting it further back on the plot, lowering the ground level off which it would be built and also reducing the pitch of the roof to lower the ridge.

Residential Amenity

The proposed dwelling would sit directly to the South of number 23, be built on a higher level and have a ridge height approximately 1.4m higher than the neighbouring dwelling. However, the proposed dwelling would not project beyond the neighbouring front elevation or rear extension, as such, overshadowing would not increase to an unreasonable degree and the side elevation would not result in an overbearing feature. Furthermore, there are no habitable room windows on the proposed Northern elevation facing the shared boundary; therefore, privacy levels would be maintained.

It is acknowledged that the proposed dwelling would be positioned in-front of the front elevation of number 19, which is a bungalow. However, the dwelling would be orientated to the North East and would not be within 45 degrees of the closest neighbouring habitable room window. As such, it would not significantly increase overshadowing or result in an overbearing feature. Furthermore, there are no habitable room windows on the Southern elevation of the proposed dwelling facing the boundary shared with number 19, therefore, privacy levels would be satisfactorily maintained. The proposed dwelling would be directly opposite the side elevation, which contains habitable room windows, of number 16 which is built on a lower level. Carr Head Road separates the two sites and the proposed dwelling would be orientated to the West/North West. As such, no significant overbearing/overshadowing impact would occur.

There are 4 no habitable room windows on the front elevation of the proposed dwelling facing the side elevation of number 16 and its associated side windows. Given the level difference there would be a level of overlooking, however, as mentioned above the two sites are separated by the highway resulting in an approximate separation distance of 15m. SPD 'Designing New Housing Development' states that where dwellings face a road they should be between 12m to 19m apart, as such, the proposed dwelling falls within this range. Therefore, privacy levels for existing and future residents would be to a reasonable degree.

The proposed dwelling would result in some noise and disturbance as a result of residential activity and vehicular movements. However, there is already a vehicular access point onto the site and a detached double garage which is to be retained. There are also residential properties to three sides of the site, as such; the increase in noise and disturbance would not be to an unreasonable degree.

Highway Safety

The proposed dwelling would utilise the existing vehicular access point from Carr Head Road and also retain the existing double garage. There would be ample space within the site to enter and exit in a forward gear and provide adequate parking, in accordance with SPD 'Parking'. Furthermore, the proposed gates would be set back from the highway so that a vehicle entering the site would not have to wait within the highway while the gates were opened/closed.

The applicant also proposes to provide a separate driveway for the residents at number 23/25. The driveway would provide 2no. of parking spaces in accordance with the SPD.

The proposed access and parking arrangements have been assessed by the Councils Highways Officer who has raised no objections subject to conditions.

Manual for Streets (MfS) published in 2007 highlights that walking offers the greatest potential to replace short car trips, particularly those under 2km. Thus, whilst within Howbrook the availability of services is lacking, there is within 2km a variety of facilities that could provide for the day to day needs of residents within High Green, albeit, it is acknowledged that access is across the A61. Whilst the bus service to Howbrook is limited, bus stops are available within relatively close proximity of the site which are served by service 29 (Sheffield to Penistone). This service operates every 60mins between Monday and Saturday daytime.

Summary

The application site is located within the Green Belt where the NPPF says that inappropriate development should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate development. Exceptions to this however include limited infilling within villages. It is considered that this proposal would comprise limited infilling in a village and would not be inappropriate development. Accordingly, it is unnecessary to consider whether very special circumstances exist to justify the development.

The proposed dwelling would 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. In addition, the development would maintain visual amenity and would not significantly reduce the openness of the Green Belt given its village location, in accordance with policies H8D, CSP 26, CSP 29, CSP 34, SPD's 'Designing New Housing Development' and 'Parking' and the NPPF.

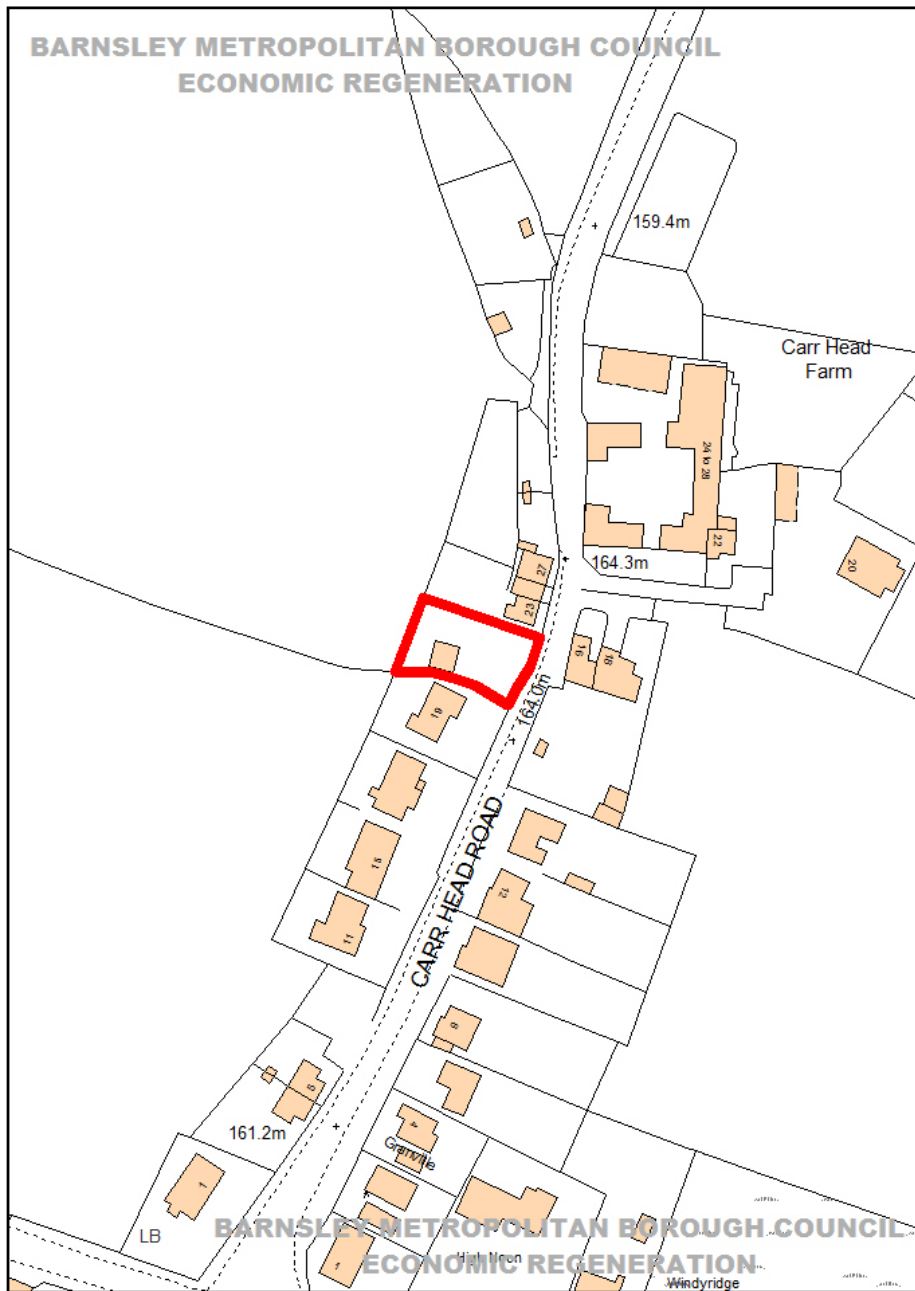
Recommendation

Grant planning permission 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 (Nos 4201/1/17-A, 4201/2/17-A & 4201/3/17-A) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 The external materials shall be in accordance with the 'Materials Schedule' set out in the Design and Access Statement which accompanied the application.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 6 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.
- 7 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.
- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Core Strategy Policy CSP 34, Protection of Green Belt.

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BARNSELY MBC - Economic Regeneration
Service Director: David Sheherd
Westgate Plaza One, Westgate
Barnsley, S70 9FD
Tel. (01226) 772621


Scale 1:1250

Item 13

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 May 2017 to 31 May 2017

APPEALS RECEIVED

4 appeals were received in May 2017:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2017/0010	Painting of 9no window frames. (Listed Building Consent). 30 Market Hill, Barnsley, S70 2QE	Written Representations	Non Determination
2016/1080	Conversion of existing garage to bungalow. 102 Sackville Street, Barnsley	Written Representations	Delegated
2017/0403	Conversion of existing 2 storey annex from garage to games room to dwelling with associated amenity space parking and new access to existing dwelling. Ivy Cottage, 108 Upper Hoyland Road, Hoyland, Barnsley.	Written Representations	Delegated
2014/1570	Demolition of existing bakery and erection of 23 no. dwellings. A & E White Bakers, Charles Street, Worsbrough Bridge, Barnsley, S70 5AF	Written Representations	Delegated

APPEALS WITHDRAWN

No appeals were withdrawn in May 2017.

APPEALS DECIDED

1 appeal was decided in May 2017.

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2016/1402	Felling of Oak Tree (T2 within TPO 3/1980) and replacement. 73 Martin Croft, Silkstone, Barnsley, S75 4JS	Allowed	Delegated

2017/2018 Cumulative Appeal Totals

- 1 appeal has been decided in since 01 April 2017
- No appeals (0%) have been dismissed since 01 April 2017
- 1 appeal (100%) have been allowed since 01 April 2017

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Item 14

BARNSELEY METROPOLITAN BOROUGH COUNCIL

Report of Assistant Director,
Highways, Engineering and
Transportation to Planning
Regulatory Board on
27th June 2017

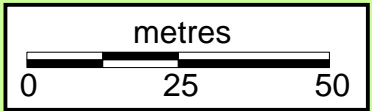
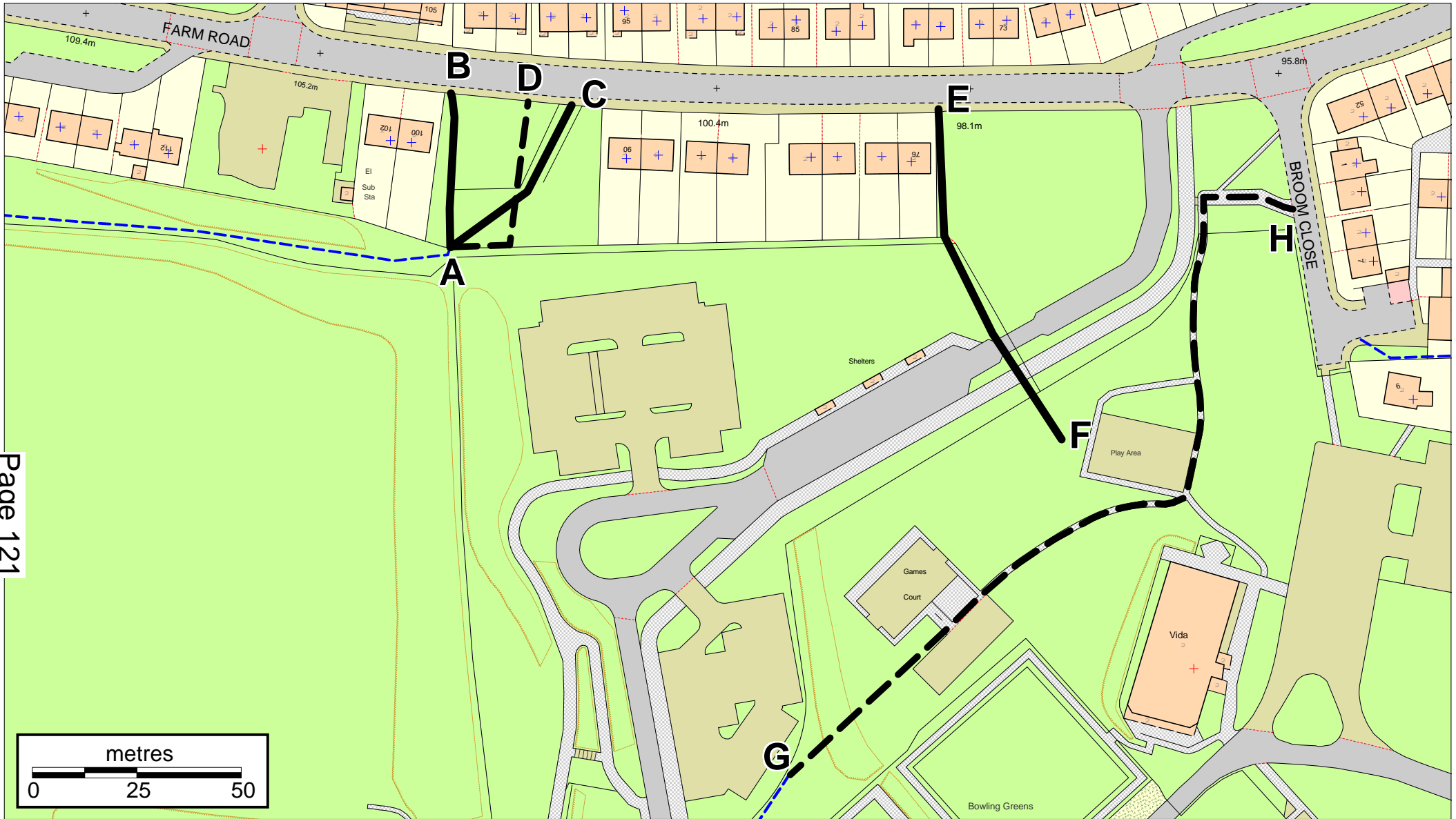
Public footpath diversion application: Farm Road, Kendray.

1.0	<u>Purpose of Report</u>
1.1	To consider an application to divert an unrecorded public footpath at Farm Road, Kendray and stop up a second unrecorded footpath at the site.
1.2	To consider proposals to divert Barnsley footpath no. 423 at the same site.
2.0	<u>Recommendations</u>
2.1	That, in exercise of statutory powers, the Council makes a Public Path Order under the provisions of section 257 of the Town and Country Planning Act 1990 for the stopping up and the diversion of 2 unrecorded public footpaths joining Farm Road and a Public Path Order under the provisions of section 118 of the Highways Act 1980 for the diversion of Barnsley footpath no. 423, as shown on the plans attached to this report.
2.2	That the Executive Director, Core Services and Solicitor to the Council 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 Executive Director, Core Services and Solicitor to the Council 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 Executive Director, Core Services and Solicitor to the Council 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 applicant has been granted planning permission for a new residential development off Farm Road, Kendray, consisting of 2 blocks of 3

	attached properties. (Planning reference 2017/0341.)
3.2	2 unrecorded public footpaths run diagonally across the site through the proposed new properties. These routes were acknowledged as rights of way by the Council at a public inquiry in 2007 and are accepted by the landowner. The continuation was formally recorded as a public right of way following that inquiry.
3.3	To enable development to go ahead and provide an alternative through route for the public, the developer has applied to stop up one of the footpaths and divert the other onto a new route between the 2 proposed new buildings. As end points of the 2 routes are very close together, it is considered that a single replacement path is appropriate.
3.4	The new path would be 2 metres wide throughout with a tarmac surface. Several other features aim to make visibility and security as good as possible for both the public and residents: the turn in the path would be widened to soften the turn, adjacent fencing would be a maximum of 1.5 metres high and existing street lighting at point D would illuminate the majority of the path. These proposals are considered to be the best available that allow the planning permission to be implemented.
3.5	The Council also proposes to divert Barnsley footpath no. 423, which was created following a public inquiry in 2007 and runs across the Barnsley Academy access road (E-F). This footpath is blocked by fencing and has at no time since creation been open to or used by the public. It is therefore considered appropriate to divert this path onto the alternative line marked G-H. This will provide a more practical route and better access for the public.
3.6	Informal consultations have been carried out with user groups, ward councillors and utilities companies. South Yorkshire Police's Crime Reduction Officer questioned the need to create a new path, but the proposals do not create new paths, instead moving existing footpaths.
4.0	<u>Statutory Criteria</u>
4.1	Section 257 of the Town and Country Planning Act 1990 (as amended) enables public rights of way to be extinguished or diverted where the Council, as Planning Authority, is satisfied that it is necessary to do so in order to enable development to take place.
4.2	The existing paths run directly through the proposed properties on Farm Road. Development is not possible unless the path is moved and the application therefore meets the statutory criteria.
4.3	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

	<p>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.
4.4	The proposed diversion of Barnsley footpath no. 423 is considered to benefit both the landowner and public by stopping up the existing recorded alignment of the path, which has never been available to the public, and replacing it with a much more useful alternative. This would clarify the public rights for both the public and landowner and would remove the need for costly works to open up the current recorded alignment for public use.
4.5	It is considered that the diversion would improve public enjoyment of the path, have no affect on any other land that is served by the existing path (which is all enclosed within the school fencing) and would not have any negative impact on the land onto which is being diverted or any other land held with it.
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.
9.0	<u>Reduction of Crime and Disorder</u>

9.1	In response to consultations, South Yorkshire Police's Crime Reduction Officer questioned the need to create a new path, stating that this may create more opportunities for crime. However, the application is not to create a new path but to divert an existing route. Extinguishment is not considered a realistic option as the path is a well-used link to a much longer route through recreational land in a predominantly urban area.
9.2	The proposals take into consideration possible problems on site and several features aim to improve security for both residents and the public, namely: the bend in the path would be widened to soften the turn, adjacent fencing would be a maximum of 1.5 metres high and existing street lighting at point D should illuminate the majority of the path.
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 Town and Country Planning Act 1990 and the Highways Act 1980 to make the orders. 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. 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: Farm Road FP diversions overview Appendix B – Map 2: Farm Road FP diversion with planning layout Officer Contact: Rik Catling Tel: ext 2142 Date: 27 th June 2017



Proposed public footpath changes: land at Farm Road, Kendray	
Drawn by BMBC	Scale 1 : 1250
Map 1	-

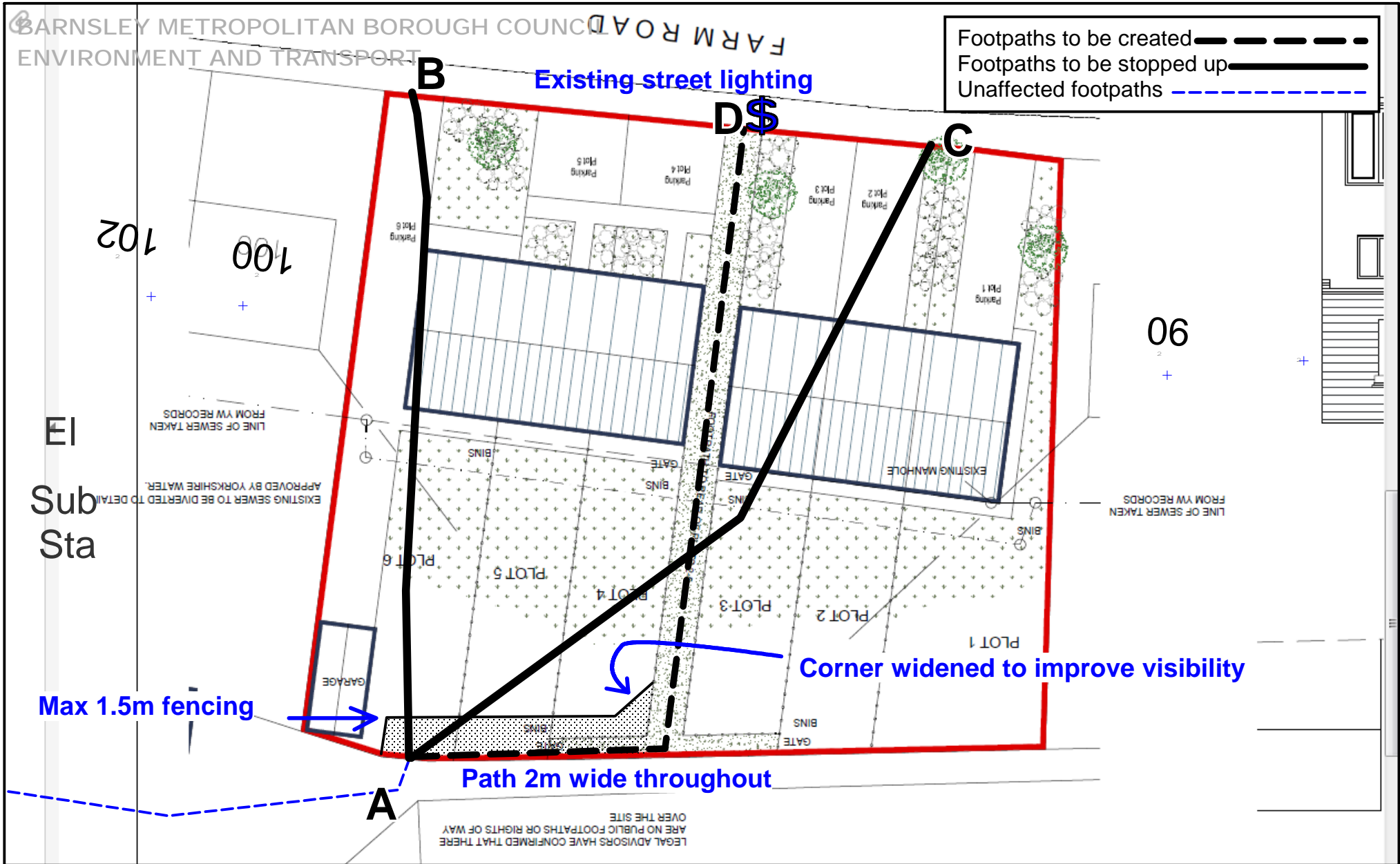
Footpaths to be created

 Footpaths to be stopped up

 Unaffected footpaths
 - - - - -



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