

Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 21 November 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. Declarations of Interest

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

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 24th October 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.

3. Land off Park Spring Road (opposite ASOS), Little Houghton, Barnsley - 2017/0782 - For approval (*Pages 7 - 16*)
4. Land between 24 and 20 Meadstead Drive, Royston - 2017/1203 - For approval (*Pages 17 - 26*)
5. 86A Burton Road, Monk Bretton, Barnsley - 2017/0587 - For approval (*Pages 27 - 36*)
6. Lidl Foodstore, Mitchells Way, Wombwell - 2017/0726 - For approval (*Pages 37 - 44*)
7. The Caravan Park, Shaw Lane, Carlton - 2016/0726 - For refusal (*Pages 45 - 54*)
8. Land at Gunthwaite Lane, Gunthwaite, Penistone - 2016/0215 - For approval (*Pages 55 - 66*)

Planning Appeals

9. Planning Appeals - 1st to 31st October 2017 (*Pages 67 - 68*)

Public Footpaths/Diversions

10. Application to divert footpath at Tyers Hall Farm - minor amendment (*Pages 69 - 74*)

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, 13 November 2017

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

MINUTES

Present

Councillors D. Birkinshaw (Chair), G. Carr, Coates, Franklin, Hampson, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, Mathers, Mitchell, Noble, Richardson, Riggs, Spence, Stowe, Tattersall, Unsworth, Wilson and R. Wraith

60. Declarations of Interest

Councillor Spence declared a Non-Pecuniary interest in **Planning Application Nos 2017/0766 and 2017/0771** – Outbuilding at Cannon Hall – as he works at Cannon Hall Farm.

61. Minutes

The minutes of the meeting held on 26th September were taken as read and signed by the Chair as a correct record.

62. Land at Lee Lane, Royston - 2016/1490 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1490** [Residential development of 164 no. dwellings and associated works (amended plans) at land at Lee Lane, Royston, Barnsley S71 4RT].

Mr Roger Kirk addressed the Board and spoke against the officer recommendation to grant the application.

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

RESOLVED that the application be granted in accordance with the officer recommendation, subject to completion of a S106 agreement (provision of education, public open space and affordable housing); inclusion of the missing notation relating to the approved site layout plan within condition 2 together with an additional condition requiring provision of grit bins.

63. Unit D, land at Capitol Park, Capitol Close, Dodworth - 2017/0987 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0987** [Erection of 7,200 sqm NHS blood centre comprising laboratory and administrative/support function at Unit D, land at Capitol Park, Capitol Close, Dodworth, Barnsley]

RESOLVED that the application be granted in accordance with the Officer recommendation together with an amendment to condition 20 to include reference to the missing word 'noise'.

64. Cannon Hall, Bark House Lane, Cawthorne - 2017/0766 and 2017/0771 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Applications 2017/0766 and 2017/0771** [Conversion of existing outbuilding (Listed Building Consent) and siting of wooden clad container for use as a Pet Crematorium] at Cannon Hall, Bark House Lane, Cawthorne, Barnsley S75 4AT.

RESOLVED that the applications be granted in accordance with the officer recommendation.

65. Cross Inn, Summer Lane, Royston - 2017/1196 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1196** [Retention of beer garden and new car parking spaces to rear of public house (amended details to application 2015/1162) at The Cross Inn, 7 Summer Lane, Royston, Barnsley S71 4SE]

Mr Mick Woolhouse addressed the Board and spoke against the officer recommendation to grant the application.

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

RESOLVED that the application be refused, against officer recommendation, on the grounds of noise and disturbance resulting in harm to living conditions for the residents of adjacent dwellings, loss of on-site parking and unsuitability of the roads outside the public house to cater for on-street parking provision.

In accordance with agreed protocol, a recorded vote was taken on this planning application with the amendment to refuse the application being:-

MOVED by Councillor Makinson and SECONDED by Councillor Stowe with voting being as follows:-

In favour of the amendment to refuse the application:-

Councillors G. Carr, Coates, Hampson, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, Mitchell, Stowe and Wilson.

Against the amendment to refuse the application:-

Councillors D. Birkinshaw (Chair), Franklin, Mathers, Noble, Richardson, Riggs, Tattersall, Spence, Unsworth and R. Wraith.

66. The Barn, off Church Street, Bolton-on-Dearne - 2016/1335 and 2016/1336 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1335** - Demolition of Barn (Listed Building) and **2016/1336** - Outline application for residential development (5 no. units following demolition of barn) (Approval sought over means of access, appearance, layout and scale) at The Barn, Off Church Street, Bolton-on-Dearne.

RESOLVED that the applications be granted in accordance with the officer recommendation.

67. The Stables, Willow Bank - 2017/0392 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0392** [Proposed permanent change of use land for the siting of a residential caravan and touring caravan, shed, children's playhouse and use of stable block as amenity building following expiry of limited period planning permission of application reference 2010/0672] at The Stables, Willow Bank, Woodstock Road, Barnsley S71 1PS.

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

68. Whitegate Stables, Common Road - 2017/1175 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1175** [Erection of day room at Whitegate Stables, Common Road, Brierley, Barnsley S72 9ES]

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

69. Planning Appeals - 1st to 30th September 2017

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2017/18.

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

- **Planning Application 2015/0960:** Installation of a 50kw wind turbine on a 24m monopole mast (34m to blade tip) at Westfield Farm, Royd Moor Road, Thurlstone, Sheffield S36 7RD - (written representation) – delegated/appeal not accepted/non determination

It was reported that no appeals have been withdrawn in September 2017; one appeal was decided in September 2017; 9 appeals have been decided since 1 April 2017, of which 4.5 (50%) have been dismissed and 4.5 (50%) have been allowed.

70. Exclusion of Public and Press

RESOLVED that public and press be excluded from this meeting during consideration of the following item because of the likely disclosure of exempt information.

71. Planning Enforcement Update (Restricted Item)

The Head of Community Safety and Enforcement submitted a report to update members on the activities of the Planning enforcement Service for the Quarter 2 period (July to September 2017). The report included a breakdown of the requests for service received and included details of key actions and enforcement case outcomes during the quarter.

RESOLVED that the update report regarding planning enforcement activity be noted.

Chair

2017/0782

Applicant: Mr Richard Wilkinson, C/o AJA Architects LLP

Description: Formation of car park

Site Address: Land off Park Spring Road (opposite ASOS), Little Houghton, Barnsley, S72 7GX

The application is referred to Planning Regulatory Board because it is subject to a S106 Agreement for Ecological Mitigation.

Description

The site is located to the west of a roundabout forming part of the A6195 Park Spring Road immediately opposite the distribution centre occupied by ASOS. The nearest residential areas are Edderthorpe, Little Houghton, Great Houghton and Middlecliff.

The site comprises 1.33ha of land in total. The site forms part of a wider area that was previously used for mining between the 1890s and 1991 and was then the subject of open cast colliery workings between 1997 and 2001 by UK Coal. In addition a disused railway line passes along the north west boundary of the site. The land has since been restored and is now covered by grass with scattered shrubs and trees.

The River Dearne runs in a north-south direction to the west of the site. A banking/bund is located on the north western boundaries that form curved flood defence bunds which follow the alignment of the disused rail line.

Apart from ASOS and the A6195 to the east of the site, the land to the north, west and south is relatively open and remote from any residential properties. There are a few scattered farms and properties nearby, the closest being Crook Farm located approximately 0.8km to the west, Store Mill Farm located 1.5km to the north west, Tyers Hall Farm located 1.8km to the south west and a housing development located on Doncaster Road 1.8km south west of the proposed development. Levels across the site are relatively flat except for the bunding at the north-west boundary.

Proposed Development

It is proposed to create a secure car park on the site, providing 370 additional car parking spaces. Access and egress is via an existing spur off the roundabout to the south of the site. The car park is laid out in a linear fashion with the majority of spaces running north to south through the site. Spaces are 2.4m by 4.8m with 6m wide circulation lanes. Pedestrian access is via a gate onto Park Spring Road and along the existing footway adjacent the vehicular access to the south.

The car park is to be secured by a 2.4m palisade fence with security gates at the pedestrian and vehicular access points. Existing planting around the site perimeter in the form of a hedgerow, shrubs and small trees is retained and reinforced. Lighting is provided across the site and at the entrance via a series of lamps mounted on posts at 6m. Plans showing the luminance spread of lighting have been provided with luminance dropping predominantly to between 2 and 5 at the site boundary which is similar luminance levels at the boundary of the main ASOS site opposite.

A substation is proposed at the south east corner.

BMBC Planning History

B/79/3937/HR – Storage on land to the north of colliery and to deposit colliery waste in disused railway cutting. Decision: Grant planning permission with conditions 15/02/1980.

B/96/0208/HR – Extraction of coal by open cast. Redevelopment of site and restore to agricultural, woodland etc. Decision: Grant planning permission with conditions 29/11/1996.

B/96/0728/HR - Application for outline planning permission for use of land for industrial/employment uses B1, B2 and B8. Decision: Grant planning permission with conditions 18/12/1996.

B/99/1064/HR – Application for renewal of outline planning permission B/96/0728/HR for use of land for industrial/employment uses B1, B2 and B8. Decision: Outline planning permission granted with conditions 07/02/1999.

B/03/0726/HR – Application for the modification of condition 1 of outline planning permission B/99/1064/HR. Decision: Approved 09/09/2003.

B/05/1114/HR – Mine gas extraction borehole, ancillary apparatus, mine gas extraction and electrical power station. Granted planning permission with conditions 19/08/2005.

2008/1426 – Erection of 19 industrial units with associated external works and landscaping. Decision: Planning permission granted with conditions 08/12/2008.

2011/1443 - Erection of 19 industrial units with associated external works and landscaping (extension of time limit of planning permission 2008/1426. Decision: Planning permission granted with conditions 22/02/2012.

2014/0559 - Erection of a Renewable Energy Park comprising of a Timber Resource Recovery Centre and Anaerobic Digestion facility. Decision: Refused permission 26/11/2014.

2015/0137 - Erection of a Renewable Energy Park comprising of a Timber Resource Recovery Centre and associated infrastructure. Decision: Approved 29/06/2014

Planning Policy

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: DA4 - Area of Investigation for Potential Employment Development

Barnsley Core Strategy

CSP3 'Sustainable Drainage Systems'
 CSP4 'Flood Risk'
 CSP19, 'Protecting Employment Land'
 CSP24, 'Safeguarding of Former Railway Lines'
 CSP26 'New Development and Highway Improvement'
 CSP28, 'Reducing the Impact of Road Travel'
 CSP29 'Design'
 CSP33 'Green Infrastructure'
 CSP36 'Biodiversity and Geodiversity'
 CSP37, 'Landscape Character'
 CSP39 'Contaminated and Unstable Land'
 CSP40 'Pollution Control and Protection'
 CSP42 'Infrastructure and Planning Obligations'

SPD's

- Parking

Local Plan

Proposed Employment Allocation: Employment Proposal/Urban Fabric/Safeguarded Former Railway Lines

National

NPPF

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

Paragraphs of particular relevance to this application include:

18-22 – Building a strong competitive economy, significant weight should be placed on the need to support economic growth through the planning system.

39-41 - If setting local parking standards....local authorities should take into account: the accessibility of the development, the type, mix and use of development, the availability of and opportunities for public transport and local car ownership levels and an overall need to reduce the use of high-emission vehicles.

58 & 60 – Design considerations.

Consultations

PROW – Have suggested that warning signs should be provided for users of the bridleway near to the entrance of the car park, to ensure highway safety at the entrance to the car park.

RSPB – Have raised concerns that the proposal will block a possible future access to the Edderthope Flash site to the north which is an opportunity to improve the long term accessibility and maintenance of this site.

Pollution, Air Quality – A request was made that the proposed car park incorporates an EVCP and secure cycle storage. However, there are 50 secure cycle spaces in the main ASOS car park and the applicant has confirmed that they are looking at EVCP installation on the site already, which can be conditioned and monitored through the Travel Plan process.

Parish Council – No comments received

Pollution, Noise and Light – No objections

Land Contamination – No comments

Drainage – No objections subject to conditions

Yorkshire Water – Have raised no objections

Highways – No objections in principle subject to conditions.

South Yorkshire Police – Have commented that crime figures in the area are of little concern and recommended that the applicant looks to enter the Safer Car Parking Scheme.

SYMAS – No objections subject to conditions

Ecology – No objections subject to conditions for mitigation on site as well as a commuted sum towards off site biodiversity improvements.

Tree Officer – No objection subject to landscaping conditions

Ward Councillors – No comments received

Representations

The application was advertised through a press advert, neighbour letters and site notices. One representation has been received objecting to the loss of greenspace and impact on air quality associated with additional traffic.

Assessment

Principle of Development

The site is allocated as employment land in the UDP and the emerging Local Plan. Policy DA4 in the UDP identifies the former Houghton Main Colliery, of which this site is part, as an area for potential employment development whilst Core Strategy Policy CSP 19 protects existing employment land, retaining it in order to safeguard existing or potential jobs.

Emerging Local Plan policies LG2, E1 and E2 set the strategic direction for employment land across the borough to 2033. Employment land is focused in Urban Barnsley and the Principle Towns with only 12.9ha allocated outside of these areas which includes the proposed site as part of a larger allocation (N2). Policy E5 provides guidance as to appropriate uses on employment land with ancillary uses (such as car parking) allowed where appropriate in scale.

The proposal is for car parking, required to support an existing employer who employs circa 4,000 staff working shifts with additional staff employed to meet seasonal peaks. The site currently has parking for 553 cars which equates to 1 space per 2 staff members (based on an average of 1,100 per shift as stated in the Transport Statement). This is in excess of the 1 per 3 staff recommended for storage and distribution in the Parking SPD. At seasonal peak periods staff numbers increase by circa 400 per shift. This brings the total parking on site (currently available) broadly in line with the SPD at 1 space per 2.7 members of staff. The increase in parking by 370 spaces will, therefore, take the parking available on site well above the guidelines in the parking SPD.

Nevertheless, whilst ASOS is a storage and distribution business (B8) it operates in a different way to traditional warehouses, with higher volumes of staff employed to pick and package individual items for delivery to multiple destinations. The current car park is accessed from Park Spring Road (A6195) via the main site access alongside service vehicles. This creates a conflict, particularly during shift changes where high numbers of staff are leaving the site at the same time as others are trying to gain access, alongside delivery vehicles. This conflict has led to an ongoing problem of staff parking on grass verges and lay-bys around and near to the site, which is a significant risk to highway safety. The proposed car park seeks to address this through providing additional parking on land opposite the ASOS site. The additional parking capacity, separate to the existing access, allows for appropriate car parking management strategies to reduce conflict between staff leaving and arriving as well as providing additional capacity to cover seasonal variations in staff. A car park management strategy is conditioned and parking restrictions will also be applied to address highway safety concerns associated with parking on the highway.

In terms of sustainable travel, a variety of options are available to ASOS staff including: walking and cycling (via a network of footpaths and bridleways linking ASOS to surrounding villages), bus (with stops located on both sides of the A6195 near to the site) and car share. Rail travel is possible via Thurnscoe train station, albeit this is a 15 minute cycle from the site. However, it is generally accepted that the availability of car parking is a major influence on a person's choice of travel. In this regard the proposed could have a negative impact on sustainable travel use. Therefore it has been agreed that a travel plan will be provided by ASOS with clear targets and strategies to promote sustainable travel. This will be secured by condition.

Taking account of the specific circumstances of ASOS both in relation to the high numbers of staff employed and accessing the site at specific times, the location of the development and existing constraints to the access, alongside the proposed car parking management plan and introduction of a formal travel plan, the additional parking is justified in this instance and the development is acceptable in principle.

Visual Amenity

The applicant has provided a Landscape and Visual Appraisal of the site and preliminary Landscaping Proposals. This demonstrates that the site is not highly visible being located in a low lying valley and surrounded by existing trees, hedgerows and shrubs. Additional planting is proposed around the site perimeter and as far as it is possible, existing planting is retained. The shrubs and trees that will be cleared are relatively young, self-seeded species which the tree officer has confirmed won't be a constraint to the proposed development.

The car park will be available 24 hours a day (in line with ASOS working hours) and as such security is a concern. The plans provided show a 2.4m perimeter fence with secure gates at both the vehicular access and pedestrian access. These should be screened in the most part by existing and proposed vegetation. In addition, the colour can be controlled through condition to minimise visual impact. A lighting layout has been provided showing Luma Micro LED lights mounted on 6m poles across the site. These lights are likely to be more visible, especially at night than the car park itself. However, detailed plans have been provided showing the luminance spread of the lights which is largely contained within the boundary and in the context of the existing development on the ASOS site which is also well lit at night, the overall impact is acceptable. Therefore the visual impact of the proposed is acceptable.

The proposed site lies in the Dearne Valley Green Heart Corridor as identified in the Core Strategy with Policy CSP33 seeking to protect, maintain, enhance and create an integrated network of connected and multifunctional Green Infrastructure assets. Directly to the north of the site lies Edderthorpe Flash, an RSPB owned site. Beyond this are Cudworth Common and New Park Springs (owned by the Land Trust) and West Haigh Wood (owned by BMBC). To the south is Houghton Washland, owned by the Environment Agency and managed by the RSPB both for wildlife and flood resilience purposes. It is a long term aspiration to link these sites creating a network of green spaces through which the public can move freely. However, currently the RSPB cannot access Edderthorpe Flash which restricts the ability to effectively manage the site. Public access is also unavailable. The proposed development of car parking at ASOS provides an opportunity to establish an access route into Edderthorpe Flash, through the car park and land to the north. Whilst the need for ASOS's car park to be secure negates any potential for public parking, the applicant has agreed to allow RSPB staff access through the site with maintenance vehicles. This is a significant benefit of the planning application.

Highway Safety

A highway safety scheme is currently being considered on Park Spring Road to provide two new pedestrian islands. These would be located near to the existing bus stops and footpath routes from Darfield and Cudworth. The islands would increase highway safety by providing safe refuge to pedestrians crossing Park Spring Road and act as a traffic calming measure. These islands are being put in place to address existing concerns related to bus users and cyclists / pedestrians accessing the site. The proposed pedestrian access from the car park has been located so as to utilise one of these islands although if these weren't to be implemented a condition is recommended to ensure alternative measures are put in place to facilitate pedestrian access across the A6195.

There will be no increase in traffic movements on the network, rather the proposed car park has been applied for to address existing issues accessing and egressing the ASOS site during shift changes.

Therefore the proposed is acceptable on highway safety grounds.

Residential Amenity

The site is in a relatively isolated location, away from residential properties. As such the impact on residential amenity is very low.

Biodiversity

The application is accompanied by a detailed ecology report and, following discussions with the Council's ecologist the applicant has agreed to additional ecological survey work and various mitigation measures including:

- An Ecological Clerk of Works (ECoW) to be present on site during construction;
- A Construction Environmental Management Plan;
- Any herpetile species caught will be released to Houghton Washlands; and
- A commuted sum of £25,000 for offsite biodiversity enhancements.

Conclusion

The proposed car park is ancillary to the existing employment use and as such complies with Core Strategy Policy CSP 19 and emerging Local Plan Policy E5. Whilst levels of parking on site will be in excess of guidance contained in the Parking SPD, the nature of ASOS's business and volumes of staff employed differs from a traditional B8 use and, taking account of existing highway safety concerns associated with staff parking on the highway, is justified in this case. Therefore the proposed is recommended for approval.

Recommendation Grant subject to conditions and the signing of the S106 agreement

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (6057-009, 6057-006, 6057-002, 2113-PL001 and E01) 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 unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area and comply with Core Strategy Policies CSP 3 and CSP4.
- 4 No surface water shall be discharged to the drainage system from any areas of the site used by vehicles, without the use of petrol/oil/grit interceptors, the details of which shall have been submitted to and approved in writing by the Local Planning Authority before any work on site commences.
Reason: To prevent pollution of the water environment in accordance with Core Strategy Policy CSP 40.

- 5 Prior to the commencement of development, suitable site investigation works (as per those recommended in the supporting material) must be undertaken to fully investigate mining legacy risks and ensure the car park is suitably designed and constructed. The site investigation and subsequent development should be undertaken in compliance with CIRIA publication 32 where applicable.
Reason: To comply with NPPF paragraphs 120/121 Land Stability.
- 6 Prior to the commencement of use of the car park full details of the mitigation measures identified in the Ecological Survey(s), 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.
- 7 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 9 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 10 Prior to the commencement of use of the car park a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage sustainable travel and travel by modes other than the private car, including the potential for cycle spaces and the installation of Electric Vehicle Charging Points, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter
Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.

- 11 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) Physical measures to prevent parking on the highway
- b) Measures to facilitate pedestrian access across the A6195

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.

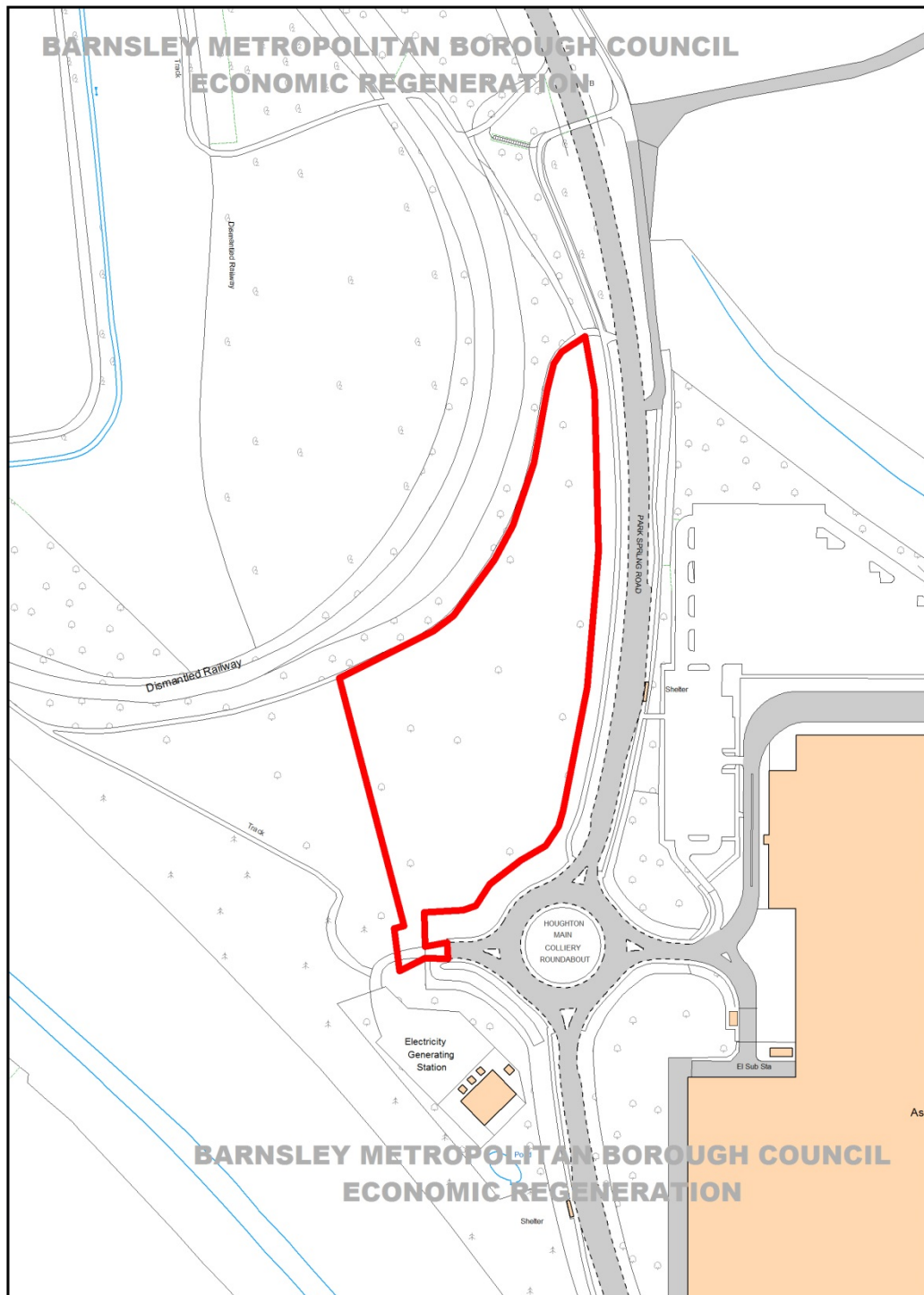
- 12 Prior to the commencement of use of the car park a Car Park Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to monitor and manage staff car parking on the site, linked to sustainable travel measures in the Travel Plan and address safety concerns regarding parking on the surrounding highway. The Plan will must be submitted to the Planning Authority and once approved it shall be fully implemented and retained as such thereafter.

Reason: In the interest of highway safety and promoting the use of public transport, in accordance with Core Strategy Policies CSP 25 and CSP 26.

- 13 The Palisade Panel Fencing and gates around the car park boundary shall be painted green, the specific shade to be agreed with the Local Planning Authority and applied prior to the commencement of use of the car park.

Reason: In the interests of good design and to accord with Core Strategy Policy CSP 29.

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BARNSELY MBC - Economic Regeneration

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

NORTH
Scale 1: 2500

2017/1203

Applicant: Barnsley MBC

Description: Erection of 7 no. bungalows with provision of associated access road and landscaping.

Site Address: Land between 24 and 20 Meadstead Drive, Royston, Barnsley, S71 4LN.

The application is referred to the Board as the Council is the applicant. 2 letters of objection have been received from local residents.

Site Location & Description

The application relates to an area of land, measuring approximately 0.24Ha, located to the North of Meadstead Drive and within a predominantly residential area. The land is mainly laid to grass and slopes up from South to North. The site has a frontage onto Meadstead Drive, between numbers 20 and 24. The site shares boundaries with residential properties to the North, East and West. There are a number of property types within the immediate area including 2 storey semis to the East and West, 2 storey terraced dwellings to the North East and a subdivided, grade II listed Farm house (Malt Kiln Farm) directly to the North.

There is currently vehicular access into the site from Meadstead Drive with an unmade track running along the Western Boundary.

Proposed Development

The applicant seeks to erect 3no. pairs of semi-detached bungalows and 1no. detached bungalow. 1no. pair of semi-detached bungalows would have a frontage, and vehicular and pedestrian access, onto Meadstead Drive. The remaining 5no. dwellings would share an access which would utilise the existing dropped kerb to the West of the site. A new roadway would be created along the Western boundary with a turning head in the top North Western corner.

All properties would have accommodation on 1 level and have a hallway, an open plan lounge/living/dining area, 2 bedrooms and a bathroom. The overall accommodation on offer would equate to circa 67m².

The design of the properties would be relatively simple with brick built walls, a tiled hip roof and a small front projecting gable. The main entrance to the properties would be on the side elevation with a porch over.

Each property would have 1no. parking space to the front as well as a front garden area. They would also have an enclosed private amenity space to the rear consisting of a patio and lawn.

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 Proposal

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
CSP 30 The Historic Environment
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations

Local Plan Submission Version

Green Space

Relevant Supplementary Planning Documents and Advice Notes

Designing New Housing
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 objections subject to conditions

Highways DC – No objections subject to conditions

SYMAS – No objections subject to conditions

Coal Authority – Have currently stated their objection to the application due to the lack of a coal mining assessment report. A report has been submitted and has been forwarded on to the Coal Authority.

Conservation – No Objections

Drainage – No objections subject to conditions

Housing – Support the application, high demand for bungalows

Representations

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter. As a result 2 letters of objection have been received. The main points of concern are:

- The proposal incorporates some land which is not owned by the applicant
- Reduced highway safety
- Reduced privacy levels
- Loss of existing access

Assessment

Principle of Development

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

The site is also located to the South of a grade II listed building, as such, development which affects the historic environment and Barnsley's heritage assets and their settings will be expected to protect or improve the character and/or appearance of the Listed Building.

Appearance

The site is currently at odds with its immediate surrounding given that it is an open field within a relatively densely developed residential area.

Plots 1 and 2 of the development would have a frontage onto Meadstead Drive and continue a similar front building line as the existing properties to the East and West. The properties would effectively infill the gap in the current streetscene. It is acknowledged that the proposal is for bungalows and the immediately adjacent properties are 2 stories, however, there are a number of bungalows within the immediate area, along Meadstead Drive, which are juxtaposed with 2 storey dwellings. As such, the development would reflect the streetscene and would not appear alien.

Plots 3-7 would be partially visible from the streetscene, given that the level of the site rises from South to North. However, views would be limited given the position of the neighbouring properties and, as mentioned above, the development would be reflective of the streetscene.

The dwellings themselves are relatively simple in design and would be constructed from brick and tile to reflect the local palette of materials. Interest would be added to the front elevations of the dwellings through the front projecting gables. Plots 3 & 4 and 5 & 6 would, given the site levels, have a split ridge line.

Parking would be provided to the front of the properties, as a result, vehicles would be highly visible from the streetscene. However, this is a common parking solution in the area and the hardstanding would be balanced by an adequate front garden. The garden area would also aid to soften the dwellings themselves.

There are a number of differing boundary treatments proposed across the site, including a number in relatively prominent positions. Full details have been submitted with the application which shows more robust and better quality treatments in the more prominent areas. The proposed mix of treatments would also be reflective of the area and not result in dominant features on the streetscene.

As set out in the description above, the site is located to the South of a grade II listed farmhouse building. However, there is a small buffer between the Northern site boundary and the building itself, and, the proposed dwellings would be built on lower levels, as such, there would still be views of the listed building from Meadstead Drive. Furthermore, the listed building is located closer, and relates more, to High Street to the North. The farmhouse is partially surrounded by existing residential development, some of it relatively recent, as such; the relatively modest proposed development would not significantly affect the character or setting of the listed building, in accordance with CSP 30. The Conservation Officer has been consulted on the application and raised no objection.

Residential amenity

It is acknowledged that the site is currently undeveloped and the creation of 7no. dwellings would increase noise and disturbance through residential activity and vehicular movements. However, there is already an access track across the land in a similar position to the proposed road way and the site is surrounded on all sides by residential development. As such, the addition of 7no. modest 2 bedroom properties within the area would not increase noise and disturbance to an unreasonable degree.

Plots 1 and 2 would be in close proximity to numbers 20 and 24 Meadstead Drive. The front elevations would be on a similar building line as the neighbouring properties but the rear elevations would project beyond the neighbouring rear elevations. However, they would be on a similar level and the proposed properties are modest bungalows with modest eaves heights and hipped roofs which slope away from the shared boundaries. There is also an access road separating plot 2 from number 24. In addition, the orientation of the properties means that overshadowing would not be to an unreasonable degree.

The rear elevations of plots 3-7 back on to private amenity spaces and would be built on a higher level than plots 1 and 2. The proposed rear habitable room windows would also fall short of the 10m separation distance recommended in SPD 'Designing New Housing Development'. However, accommodation is only on 1 level and views of neighbouring private amenity spaces from the proposed dwellings would be limited by the boundary treatments separating the sites.

The rear of plots 5 to 7 would face the rear of 78a High Street. The distance in-between would range from 19.5m to 20.5m. Although this is just below the 21m guidance, given that the proposed and existing properties are both bungalows, and 1.8m boundary treatment will form the boundary, it is not considered that there would be any significant detriment to this neighbouring property.

The front elevations of plots 3-7 also face boundaries which are shared with existing private amenity spaces, and, in some cases face neighbouring habitable room windows. However, in this instance the 10m separation distances to the boundary are met and the recommended separation distance of 21m between existing and proposed habitable room windows is exceeded. As outlined above, boundary treatments would also aid maintain privacy levels.

Generally, a 12m separation distance between elevations containing habitable rooms and side elevations is required. It is acknowledged that the separation distance between the rear elevations of plots 1 and 2 and the side elevation of plot 3 is between 8.5-10m. However, as with all the proposed dwellings the proposed side elevation is relatively modest with the roof sloping away from the rear boundary. Furthermore, given the level differences, views of the side elevation would be limited given the proposed retaining wall with fence on top. The proposed rear boundary treatments would be an adequate distance from the rear windows so would not be overbearing. Also, due to the orientation, the boundary treatments would not result in excessive overshadowing of the property or garden. Given this distance is between proposed properties and not proposed to existing properties, any potential occupiers would be aware of the situation and as such it is considered acceptable in this instance.

The proposed dwellings would have an internal floor area of circa 67m² which exceeds the 62m² set out in the South Yorkshire Residential Design Guide for 2 bedroom properties. The dwellings would also have adequate outdoor amenity space consisting of a front garden and private rear garden containing patio and lawn. As such, residential amenity levels for future residents would be to a reasonable degree.

The objection letters received raised concerns regarding land ownership and rights of access. These are separate to planning but the comments were passed on to Berneslai Homes who have addressed these issues separately. The plan was also amended in-line with comments received from the owner of number 24.

Highway Safety

The access point to serve plots 3-7 already exists off Meadstead Drive and the proposed roadway would be in a similar position to the existing access track. The proposed roadway would have a turning head to the top to allow vehicles to enter and exit the site in a forward gear. Each property would have 1no parking space, in accordance with SPD 'Parking'.

Plots 1 and 2 would have direct access onto Meadstead Drive. It is acknowledged that there are no in site turning facilities and cars would likely reverse onto the highway, however, this is the current situation at numerous properties within the immediate area which have a

frontage onto Meadstead Drive. The road is not classified and the addition of 2no. additional driveways would not reduce highway safety to an unreasonable degree.

There is a bus stop to the front of the site which would need moving. The applicant is aware of this and has been informed they will need to work with SYPTE on agreeing a suitable movement of the bus stop. As such, Highways have no objections subject to standard conditions.

Mining Legacy

The site is predominantly within a Coal Mining Referral Area due to the likely presence of a shallow workable coal seam beneath the land that will pose some risk of instability should any voided old workings be present. The Royston coal seam is conjectured to outcrop just to the South of the site, which will dip beneath the land to the North East. Nearby mining records suggest that the thickness of this coal is around 500mm.

The application is accompanied by a report which states that the risk from underground mine workings and uncharted mine entry is low. However, a limited borehole site investigation to check the depth and nature of the shallow coal in order to provide any necessary mitigation requirements for safe development is needed. As such, a condition will be recommended for site investigation work to take place prior to commencement.

Green Space

As outlined above, the site is within a Housing Proposal area in the currently adopted UDP but is to be allocated as Green Space in the Local Plan and is on the Green Space Register. Although there is limited weight given to future allocations at this stage it is considered appropriate to have regard to CSP35. CSP35 defines Green Space as any land within or close to towns and villages that has or could have demonstrable value for recreation or wildlife, and states that we will only allow development proposals that result in the loss of green space where there is a surplus or compensation is provided.

The land has been fenced off and rented out for numerous years and offers minimal positive green space attributions, in that, it does not have any public access and does not perform any formal recreational function. There are no trees or hedges on the site itself and it is bordered on either side by residential properties. Furthermore, there are recreational grounds to the North East of the site off Oakwood Road and to the South East off Redwood Avenue. There is also access to open countryside to the West and South of the site. As such, given that the current UDP allocation is for Housing, and this proposal is for a much needed social housing scheme of bungalows, the proposal is not considered contrary to CSP 35 and the loss of the green space is considered acceptable.

Conclusion

In conclusion, it is considered that the proposal represents a sustainable development which accords with the objectives and principles of the UDP policies H8A, H8D, core strategy policies CSP 26 and 29 and SPD 'Designing New Housing Development' in that it will successfully integrate into the existing residential environment without harming the amenity of existing residents.

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 NPS-DR-A-(00)-011-P4, NPS-00-00-DR-A-(00)-012-P4, NPS-00-00-DR-A-(00)-013-P2, NPS-DR-A-(00)-020-P3 & NPS-DR-A-(00)-021-P3) 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 Upon commencement of development details of the proposed external materials 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 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 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
 - 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.**
- 6 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.
- 7 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 8 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to maintain surface water run off at 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. 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.**
- 9 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
- Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 10 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'.**
- 11 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 12 No development shall take place until details of the proposed means of disposal of surface water drainage, including details of any balancing works and off -site works, have been submitted to and approved by the Local Planning Authority. If discharge to public sewer is proposed , the information shall include:
- i) evidence that other means of surface water drainage have been properly considered and why they have been discounted ; and
 - ii) the means by which the discharge rate shall be restricted to a maximum of 5 (five) litres per second.
- Furthermore, unless otherwise approved in writing by the Local Planning Authority, there shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works.
- Reason: To ensure that no surface water discharges take place until proper provision has been made for its disposal in accordance with CSP4.**

- 13 No building or other obstruction including landscape features shall be located over or within 3 (three) metres either side of the centre line of the sewer i.e. a protected strip width of 6 (six) metres, that traverses the site. If the required stand-off distance is to be achieved via diversion of the sewer /water main, the developer shall submit evidence to the Local Planning Authority that the diversion has been agreed with the relevant statutory undertaker

Reason: In order to allow sufficient access for maintenance and repair work at all times in accordance with CSP4.

- 14 All planting, seeding or turfing comprised in the approved details of landscaping shown on the approved plans, shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

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

- 15 The boundary treatment shown on the approved plans shall be completed before the dwellings are 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.

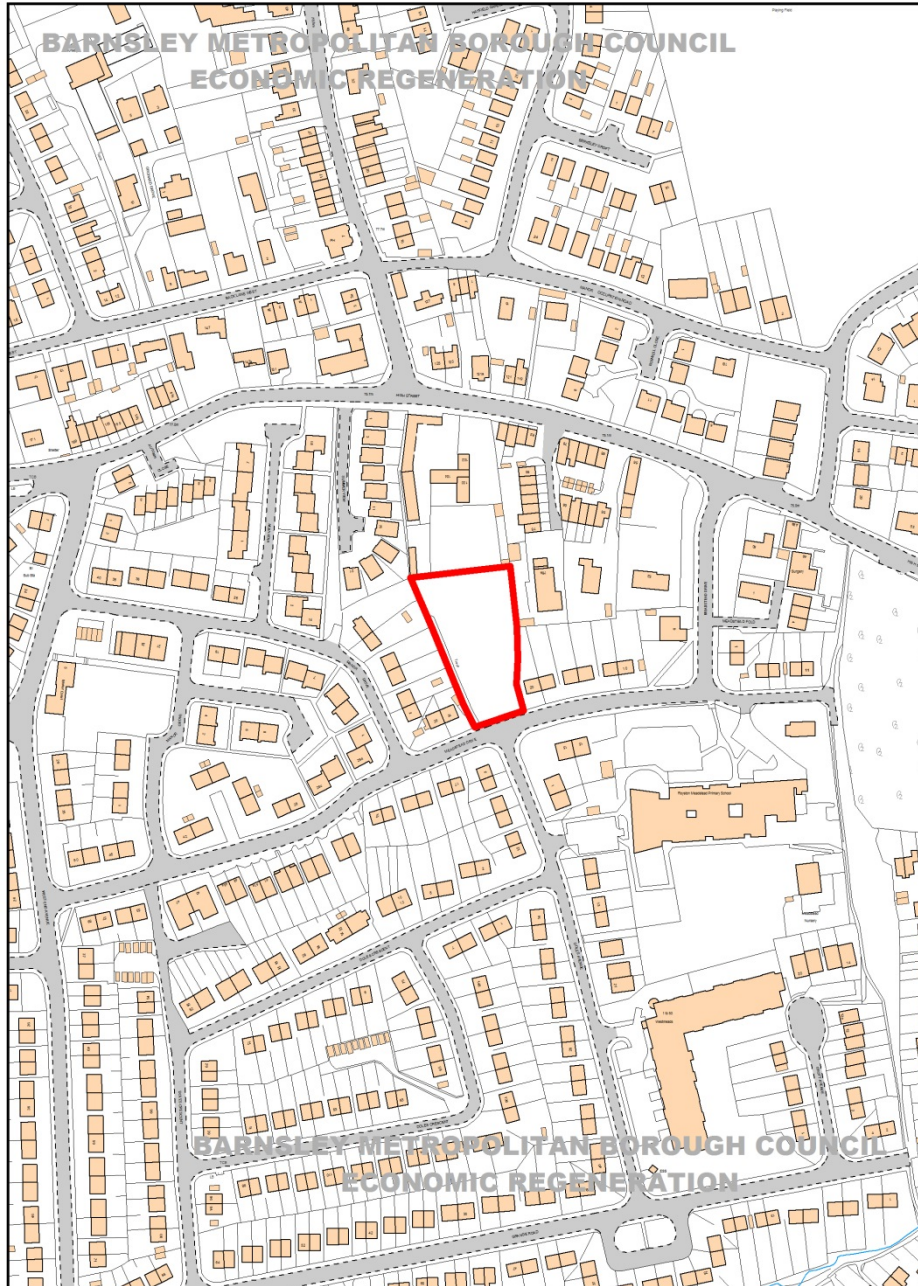
- 16 Prior to the commencement of development a site investigation must be undertaken to fully investigate potential mining legacy risks. The investigation should be carried out in compliance with CIRIA publication 32 'Construction Over Abandoned Mine Workings', and a report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority. The development thereafter shall be carried out in accordance with the approved details.

Reason: In the interest of Land stability NPPF sections 120 & 121.

- 17 Sightlines, having the dimensions 2.4m x site frontage shall be safeguarded at the drive/entrance/exit such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.

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

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BARNSELEY MBC - Economic Regeneration

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



Scale 1: 2500

2017/0587

Applicant: Mr Simon Cooper, C/o Jamie Hanson

Description: Erection of split level part 2 storey/part 3 storey detached dwelling with partially exposed basement floor and associated areas of hard and soft landscaping including retaining walls.

Site Address: 86A Burton Road, Monk Bretton, Barnsley, S71 2AA

The application is referred to Councillors for determination as the recommendation is subject to a S106 agreement requiring the provision of compensatory Green Space provision.

Site Location & Description

The site measures approximately 1575m² and is located to the rear of a row of terraced properties which front onto Burton Road. The site is relatively overgrown and is enclosed by metal fencing and is accessed via a single, unmade track which runs along the rear boundaries of the terraced properties with an access point into Burton Road between properties to the South East and South West. The site slopes up from the access track to the rear boundary which forms part of a quarry wall.

Beyond the northern boundary is an area of Green Space which runs towards to the west from the side of 70 Shelley Drive and forms part of the Green Space which is subject to this application.

To the east are two 2 storey dwellings and to the south, the access track with the rear amenity spaces associated with the properties fronting onto Burton Road beyond. The terraced properties are built on a lower level than the site in questions.

The area has been identified as allotments on the green space register, however it has not been functioning as such.

Proposed Development

The applicant seeks permission for the erection of a split level detached dwelling, providing guest room and laundry at ground floor, kitchen and living areas at first floor and 3no bedrooms and bathroom at second floor. A terrace area is to be provided to the west of the dwelling which is to be accessed from the living areas at first floor and provide access to the garden area beyond.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicated 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 Plans policies, the Council has also adopted a series of Supplementary Planning Documents and Supplementary Guidance Notes, which are other material considerations.

The Council has submitted its emerging Local Plan to the Secretary of State but it is 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

CSP 2 – Sustainable Construction – states that all new dwellings will be expected to achieve at least Code Level 3 under the Code for Sustainable Homes.

CSP 4 – Flood Risk – states that all new development is located and designed to reduce the risk of flooding

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

CSP 29 – Design – states that 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 35 – Green Space – the Council will only allow development proposals that result in the loss of green space where an assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or an appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provided in the area which it serves; or the development is for small scale facilities needed to support or improve the proper function of the green space.

CSP 40 – Pollution Control and Protection – states that development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise, smell, dust or other pollution which would unacceptably affect or cause a nuisance to the surrounding environment.

Barnsley Unitary Development Plan Saved Policies

Policy H8A indicates the scale, layout, height and design of all new dwellings must ensure that high standards of living conditions and amenity are provided for both existing and proposed residents.

Policy H8D indicates that planning permission for an infill development within existing residential areas will only be granted where there would be no harm to residential amenity or the local environment, traffic problems or prejudice the future development of an adjacent larger area of land.

SPDs/SPGs

Supplementary Planning Document – Design New Housing Development

Supplementary Planning Document – Residential Amenity and Siting of Buildings

Supplementary Planning Document – Parking

Good Practice Document

The South Yorkshire Residential Design Guide (SYRDG) does not directly form part of the development plan but is used by the council as good practice to help inform how some of the related policies are interpreted.

National Planning Policy Framework

The National Planning Policy Framework sets out the Governments 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'.

Consultations

Highways DC – No objections subject to conditions
Drainage – No objections
Forestry Officer – No objections subject to conditions
Planning Policy – No objections subject to conditions
Northern Power Grid – No objections
Biodiversity Officer – No objections subject to conditions
SYMAS – No objections subject to conditions
Coal Authority – No objections subject to conditions
Public Rights of Way – No comments
Ward Councillors – No comments

Representations

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site. 3 letters of comment have been received raising the following issues:

- Provision being retained for existing residents to access their existing parking arrangements.
- Ensuring the existing access track running along the rear of the properties 64-86 and 88—106 remains clear
- Confirmation of boundary treatment.

Assessment

Principle of Development

The site is allocated as Urban Greenspace in the currently adopted UDP proposals maps, as green space on the Green Space register and partly as Green Space and Urban Fabric within the consultation draft of the Local Plan Document. It is therefore necessary to assess the application against Policy CSP35 and then, if acceptable against this policy, to assess the impact of the development on the surrounding area.

Green Space

The site is identified on the greenspace register as Burton Bank Road allotments (GS761). Policy CSP35 states that green spaces are valuable for amenity, recreation, wildlife or biodiversity purposes. With regards to this site, whilst it is shown as allotments on the register, it is currently not used as allotments. Indications from the landowner/applicant suggest that the allotments are located further to the west. This is partly backed up by looking at aerial photos over the last 10 years which appear to show the site as overgrown and not used as allotments. The site therefore does not have any current formal use as allotments.

In terms of wildlife and biodiversity the applicant has submitted an Ecological Report which confirms the site has little ecological value and this has been supported by the comments of the Biodiversity Officer who has raised no objections to the scheme. In terms of recreation, there are no formal or informal recreation facilities on this site which is a private piece of land, enclosed by metal fencing, and therefore not open to the public.

In terms of amenity, the site does have some limited value as an open area but it is adjacent to a much larger area of green space. An assessment of the green space provision in the Monk Bretton area identifies there are deficiencies in terms of open spaces in particular to areas of formal recreation.

In conclusion, whilst the site has some limited value in terms of amenity, due to its size, shape and location, and current private ownership, it does not have the potential to offer any greater value in terms of future green space requirements and as such it is considered that it could be released for development without negatively impacting on the function of the remaining green space to the north and west,, subject to compensatory provision being attained. It has been agreed with the applicant that this compensatory provision can take the form of a compensatory sum. The applicant has agreed a compensatory figure of £2000 for the loss of green space.

Residential Amenity

The introduction of a dwelling on the site would result in noise and disturbance through residential activity and vehicular movements. However, there are two existing properties in a similar position immediately adjacent and vehicular access already takes place to and from the site, as such, noise and disturbance will be to a reasonable degree. It is acknowledged that it is an awkward site to develop and there will be disturbance during the construction phase, however that can be controlled as much as possible through the use of conditions.

It is considered that the site is of a sufficient size to comfortably accommodate a detached dwelling which is of a similar scale to that of the neighbouring properties. The shape of the plot and the orientation of the proposed dwelling ensure that the necessary separation

distances are maintained between facing habitable room windows, gable walls and boundaries with adjacent gardens.

The Supplementary Planning Document – Designing New Housing Development states that where proposed dwellings are more than two storeys in height (excluding rooms in the roof space), the separation distances should increase by 3m for every additional storey. The facing habitable room window located on the southern front elevation maintains 11m to the front boundary, 15m to the rear boundary to the properties fronting onto Burton Road and 25.5m to the rear elevation of these properties. In addition the applicant has agreed to obscure glaze the secondary window located on the southern elevation serving bedroom 3. Whilst it is acknowledged that there are level differences between the proposed property and the neighbouring dwellings to the south, given the distances involved it is considered that the proposed development would not result in a detrimental increase in overlooking of the surrounding properties.

The dwelling is located outside of the building line of the neighbouring property 86a Burton Road, which could lead to an increase in overshadowing however, the proposed dwelling is located approximately 8m from the boundary with this property and as such would not lead to an unreasonable level of overshadowing or loss of outlook from this property.

With regards to the residential amenity of the future occupants of the proposed dwelling; the property is generously proportioned with the majority of the rooms provided meeting or exceeding the technical guidelines set out in the South Yorkshire Residential Design Guide. In addition, the detached dwelling would have a private amenity space in excess of 60m, therefore in accordance with SYRDG and SPD 'Designing New Housing Development'.

As such, residential amenity would be acceptable in compliance with SYRDG, SPD 'Designing New Housing Development' and policy H8D.

Visual Amenity

UDP Policy H8D emphasises the importance of retaining the character of the area and protecting the street scene when considering proposals for new dwellings on small infill plots.

The proposed dwelling would be located to the rear of Burton Road and accessed via the existing access onto Burton Road which serves 86a and 86b Burton Road. Given that there are existing dwellings immediately adjacent, a property in this location would not appear overly dominant within the street scene nor an alien feature and it is proposed to construct the property in coursed stone and slate tiles to match the area. As such the proposed development would not have a detrimental impact on visual amenity, in accordance with CSP 29, H8D and SPD 'Designing New Housing Development'.

Highway Safety

Highways have raised no objections to the development. It has been noted that the parking arrangements are somewhat convoluted, however 2 no parking spaces can be provided within the site, in line with Supplementary Planning Document – Parking.

Concerns have been raised by residents in relation to the access track and its suitability for construction, refuse and emergency vehicles and the implication on the existing residents and the highway network at the junction of the access track and Burton Road. Although no objection has been raised by Highways DM in terms of the existing access being utilised, it is considered appropriate in this instance to include a condition requiring a construction

method statement to be submitted and approved prior to commencement on site to limit impact on the network. In relation to refuse and emergency vehicle access; the dwelling is not located an inappropriate distance from the adopted highway for refuse lorry's to collect wheelie bins. In addition alternative measures can be incorporated into the development to mitigate the lack of turning facilities for fire appliances which would be dealt with by Building Control.

It is considered that the amount of traffic generated by the new development can be accommodated on the existing highway without detriment to road safety and as such complies with Core Strategy Policy CSP 26 and is acceptable.

Trees & Biodiversity

The site once formed part of the wooded bank which is located to the rear of the properties along Burton Road. Aerial photography indicates that some of the trees have been removed sometime prior to the submission of the application.

The tree survey indicates that a Sycamore tree is to be removed to facilitate the development, however it is not protected by a TPO and does not warrant protection. The trees located along the north western boundary are to be retained and will provide screening of the proposed development. The Council's Tree Officer has raised no objections to the scheme subject to suitable conditions.

The ecology survey finds that the site is considered to have little ecological value and that the trees on site are negligible in their potential to support bats.

Conclusion

Subject to appropriate compensation for the loss of greenspace, the scheme is considered to be an acceptable use of this land within mainly residential surroundings which would not have any significant detrimental impacts on highway safety, residential amenity, biodiversity, or the visual amenities of the area. Approval of the application is recommended subject to the signing of a legal agreement in relation to compensation payment due for the loss of green space.

Recommendation

Grant subject to conditions and the signing of a Section 106.

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

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

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved unless required by any other conditions in this permission.
Plan reference:
1100-100 Rev B - Site location & proposed site plan received 24th September 2017
1100-101 - Proposed floor plans
1100-102 Rev A - Proposed elevations received 24th September 2017
Ecology Report dated August 2017 produced by Natasha Estrada for Estrada Ecology Ltd
Coal Mining Risk Assessment produced by Silkstone Environmental Ltd ref 17121/CMRA/0 dated 1st June 2017
Arboricultural Report produced by JCA Ltd ref 13548/ChC dated 19th May 2017
Tree Retention Plan JCA ref: 13548/ChC
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

- 3 Prior to the commencement of development a site investigation must be undertaken to fully investigate potential mining legacy risks. The investigation should be carried out in compliance with CIRIA publication 32 'Construction Over Abandoned Mine Workings'. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority. Thereafter, the development shall carried out in accordance with the approved details, including any necessary remediation measures.
Reason: In the interest of Land stability NPPF sections 120 & 121.

- 4 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 operative and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development.
 - Measures to prevent mud/debris from being deposited on the public highway.**Reason: In the interests of road safety in accordance with CSP26.**

- 5 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

The scheme shall then proceed in 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.

- 6 Upon commencement of development details of the proposed external materials 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 the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

- 7 Upon commencement of development, 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 shall be submitted to and approved in writing by the Local Planning Authority. 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.
- 8 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed without the written approval of the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.
- 9 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 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 are provided in the interest of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26 - New Development and Highway Improvement.
- 11 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 interests of road safety in accordance with CSP26.
- 12 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interests of road safety in accordance with CSP26.
- 13 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interests of road safety in accordance with CSP26.
- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be

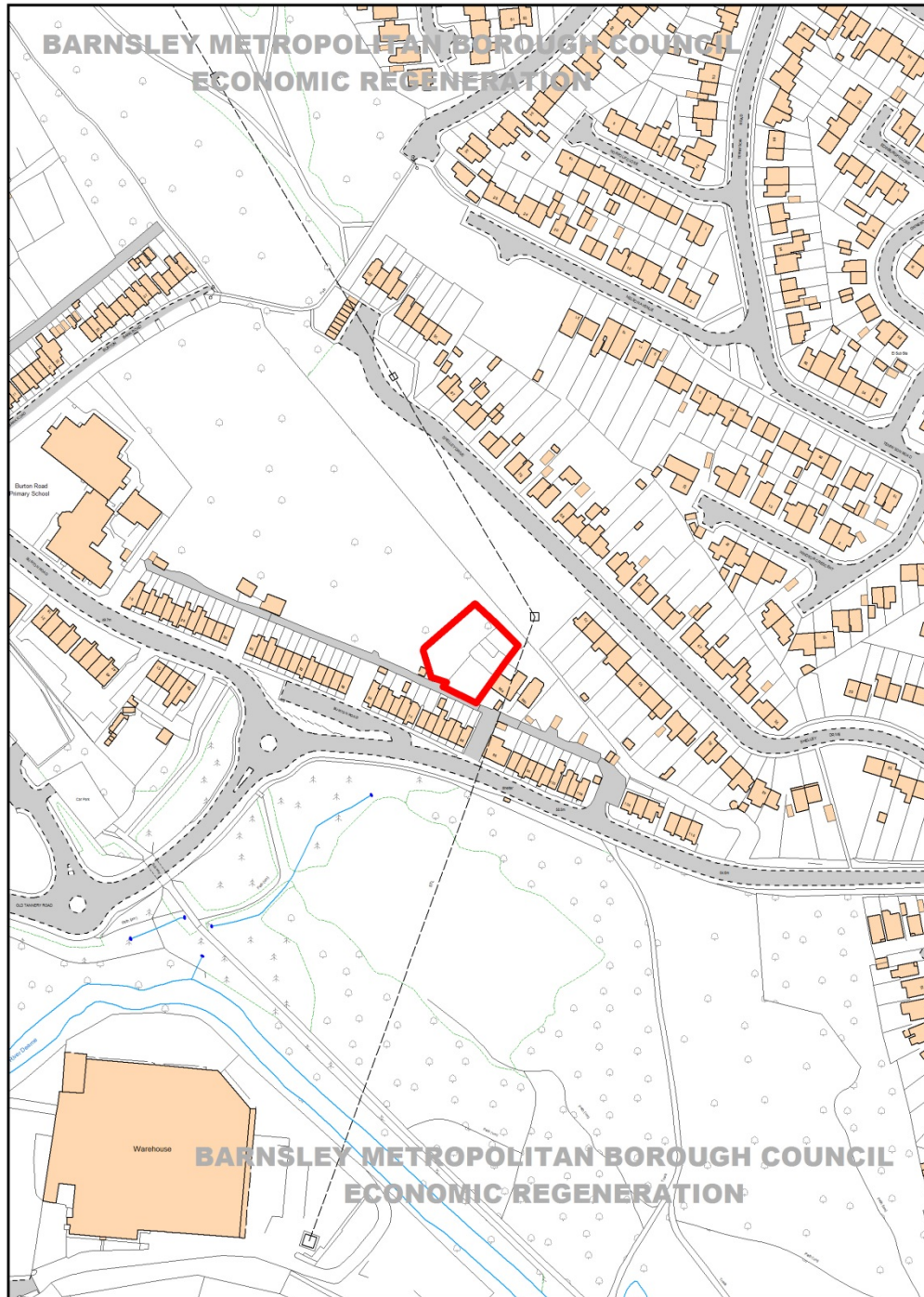
replaced in the next planting season with other of similar size and species.

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

- 15 The secondary southern side window to bedroom 3 shall be obscure glazed and shall be retained as such thereafter.


Reason: In the interests of visual amenity in accordance with CSP29.

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BARNSELY MBC - Economic Regeneration

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


NORTH
Scale 1: 2500

2017/0726

Applicant: Walsingham Planning

Description: Variation of conditions 2 & 7 of application 2015/0927 (Erection of A1 retail food store and associated works) to reduce the provision of electric vehicle charging points from 2 to 1

Site Address: Lidl Foodstore Mitchells Way, Wombwell Barnsley, S73 8D

The application is referred to Planning Regulatory Board because it is subject to a S106 Agreement.

Description

The foodstore is located off Mitchells Way in Wombwell, accessed via White Rose Roundabout. The discount foodstore has a gross floorspace of 2,470m² and a sales area of 1,424m². The store is set back in the site close to the woodland. There are 132 parking spaces including 5 disabled spaces in the car park which wraps around the west and south sides of the store. The store entrance is located on the west corner, facing the vehicular access off Bradberry Balk Lane.

Servicing is to the eastern end of the store.

The store is located at a lower level than Mitchells Way with a retaining wall running along the boundary between the road and car park, this graduates down from the roundabout to the south eastern corner of the site.

Site History

2015/0927 - Erection of an A1 retail foodstore and sub-station with associated car parking, access, landscaping, servicing and other associated works approved 18.2.2016. Condition 2 and 7 on this permission stated the following:

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

1849 07A Site Location Plan

1849 10U Proposed Site Plan

1849 11F Site Levels

1849 12 Floor Plan

1849 13 Rev A Elevations

1849 14B Surface Treatments

1849 15B Boundary Treatments

1849 16 Roof Plan

R-1746-01 Landscape Details

000-01 Sub Station

T53-T23 installation onepager v1.8 (Electric Charging Point Specification Details)

Terra_53-23_Installation Guide_EN_1_0 (Electric Charging Point Specification Details)

and specifications as approved unless required by any other conditions in this permission.

7. Before the proposed building is brought into use the Electric Vehicle (EV) charging points indicated on Site Layout Plan (Rev. U) , shall be provided and thereafter retained.

Proposed Development

This application seeks to vary planning conditions 2, which lists the approved plans, and condition 7, which requires the applicant to install the two electric vehicle charging points as shown on the approved plans. The applicant is seeking to reduce the requirement for two Electric Vehicle Charging Points (EVCP) (capable of charging 4 cars) down to one (capable of charging two cars).

The applicant has installed a single charging point on the site, located near to the service entrance. This is a 7kw charging point with two plugs and was installed in May.

Planning Policy

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

The site is within Urban Greenspace on the UDP.

Barnsley Core Strategy

CSP28, 'Reducing the Impact of Road Travel'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Local Plan

The emerging Local Plan allocates the site as a Green Space and the canal is a protected route.

Local Guidance Documents

Air Quality and Emissions Good Practice Planning Guidance (Sept 2014).

National

NPPF

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

Paragraphs of particular relevance to this application include:

Section 4, Promoting Sustainable Transport

Para 35 – plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to (amongst others) incorporate facilities for charging plug-in and other ultra-low emission vehicles.

Other Material Considerations

Clean Growth Strategy (October 2017)

The government has issued its strategy for clean growth which sets out how carbon emission targets from The Climate Change Act (2008) and the United Nations Paris Agreement (2015) will be achieved whilst also growing the UK economy. The strategy identifies that transport is directly responsible for 24% of UK emissions and as such sets out a number of key policies and proposals to accelerate the shift to low carbon transport. This includes:

- ending the sale of new conventional petrol and diesel cars and vans by 2040;
- supporting the take up of ultra-low emission vehicles (ULEV), including helping consumers to overcome the upfront cost of an electric car; and
- developing one of the best electric vehicle charging networks in the world.

UK Plan for tackling roadside nitrogen dioxide concentrations (July 2017)

Recognising that air pollution poses an urgent health problem, the government has issued this Statutory Air Quality plan for nitrogen dioxide (NO₂), setting out how the UK will be reducing roadside nitrogen dioxide concentrations. The document sets out the comprehensive approach to meeting the statutory limits for nitrogen dioxide and the policy background. A key focus of the document is to encourage a switch to Ultra Low Emission Vehicles.

Consultations

Pollution, Air Quality – "I comment following the applicant's request to vary condition 7 of the original application (provision of 2 x electric vehicle charge points from 2 to 1), and subsequent negotiations. The subsequent negotiations between the local planning authority and the applicant have now secured a S106 agreement for the applicant to fund the installation 1 x electric vehicle charging point at Wombwell Library car park. This is

additional to the 1 x electric vehicle charging point already installed at the food store. Subsequent discussions with the Council's Facilities Management have confirmed that installation of the 1 x charging point at the Library car park is acceptable.

On this basis therefore, I have no objections to the variation on air quality grounds, on the basis that the above detailed agreement proceeds."

Representations

The application was advertised through site notices. No representations have been received.

Assessment

Principle

The principle of the establishment of an A1 retail store at this site has already been established with the granting of planning permission 2015/0927. This current application seeks to only amend conditions 2 and 7 in connection with the request to reduce the EVCP from 2 to 1. The reason for the inclusion of the two EVCP in the original application was in order to contribute towards a reduction in emissions in accordance with air quality objectives. Therefore the main issue is how the reduction would impact on those air quality objectives.

Air Quality

The applicant has sought to argue that the two conditions that require the implementation of two EVCP, fail three of the six tests for planning conditions, for the following reasons:

1. Unnecessary

The applicant has provided a detailed Air Quality Assessment with this application which assesses the impact of traffic associated with the Lidl store on Air Quality as negligible. The methodology for this assessment was agreed with the Council in advance.

2. Not relevant to the development permitted

National Planning Guidance advises that conditions must relate to planning objectives and be justified by the nature or impact of the development. The applicant argues that the conditions fail on the second part of this test in that the additional charging point is not justified by the impact of traffic associated with the Lidl on Air Quality.

3. Reasonable in all other aspects

The applicant asserts that the provision of a second charging point is unreasonable as it will place an unjustifiable and disproportionate burden on the applicant. This is largely related to the applicant's assertion that the current power available to the site is insufficient to accommodate the second EVPC.

The Air Quality Assessment provided does conclude that the impact of traffic directly associated with car trips to / from the Lidl on air quality at sensitive receptors is negligible. However, improving air quality and reducing UK emissions associated with vehicular transport has become a national issue with key targets set by the Government to move towards low emission vehicles. There is therefore a requirement for EVCP infrastructure to support meeting these targets.

Furthermore, as set out in the NPPF, electric vehicles are one of a number of sustainable travel solutions which play an important role in facilitating sustainable development. The Lidl store is a large food discounter, located outside of the defined district centre. The site is relatively well serviced by buses, with stops on Barnsley Road to the south, however, Wombwell train station is circa 1.5km away. Furthermore, shoppers undertaking larger weekly shops generally travel in private motor vehicles.

In this respect the requirement for two EVCP's is necessary to provide infrastructure supporting the switch to low emission vehicles and is directly related to the nature of the development and reasonable as the store generates vehicular traffic with limited other options for sustainable transport being available. It is worth noting that the EVCP that has been installed on site is being used regularly as was demonstrated when a site visit was carried out and a resident was charging their car, by complaints received by the Council following the store opening in January at which time no EVCP was provided, and through monitoring an App called Plugshare which allows users of EVCP's to share information about the current status of the EVCP.

Notwithstanding this, the applicant has advised that the electrical capacity of the site is now fully utilised and the installation of a second EVCP would trigger a requirement for a new Sub Station at a cost of circa £80k. This supports the applicant's case with regards to reasonableness as the overall cost of installing the EVCP would place a significant financial burden on the development.

In order to provide a suitable solution, the applicant has agreed to pay a contribution of £5,562 to cover the cost of an EVCP in one of the Council's car parks in Wombwell as an alternative to providing the second EVCP on site. This approach is considered to be a suitable compromise in that it ensures that there is sufficient investment in the local charging network without placing an unacceptable burden on the developer. The Council's Air Quality Officer is also agreeable to this approach and as such the application is recommended for approval subject to the signing of the relevant S106 agreement.

Recommendation Grant subject to conditions and S106 Agreement.

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

- 1849 07A Site Location Plan
- 1849 25 Proposed Site Plan
- 1849 11F Site Levels
- 1849 12 Floor Plan
- 1849 13 Rev A Elevations
- 1849 14B Surface Treatments
- 1849 15B Boundary Treatments
- 1849 16 Roof Plan
- R-1746-01 Landscape Details
- 000-01 Sub Station

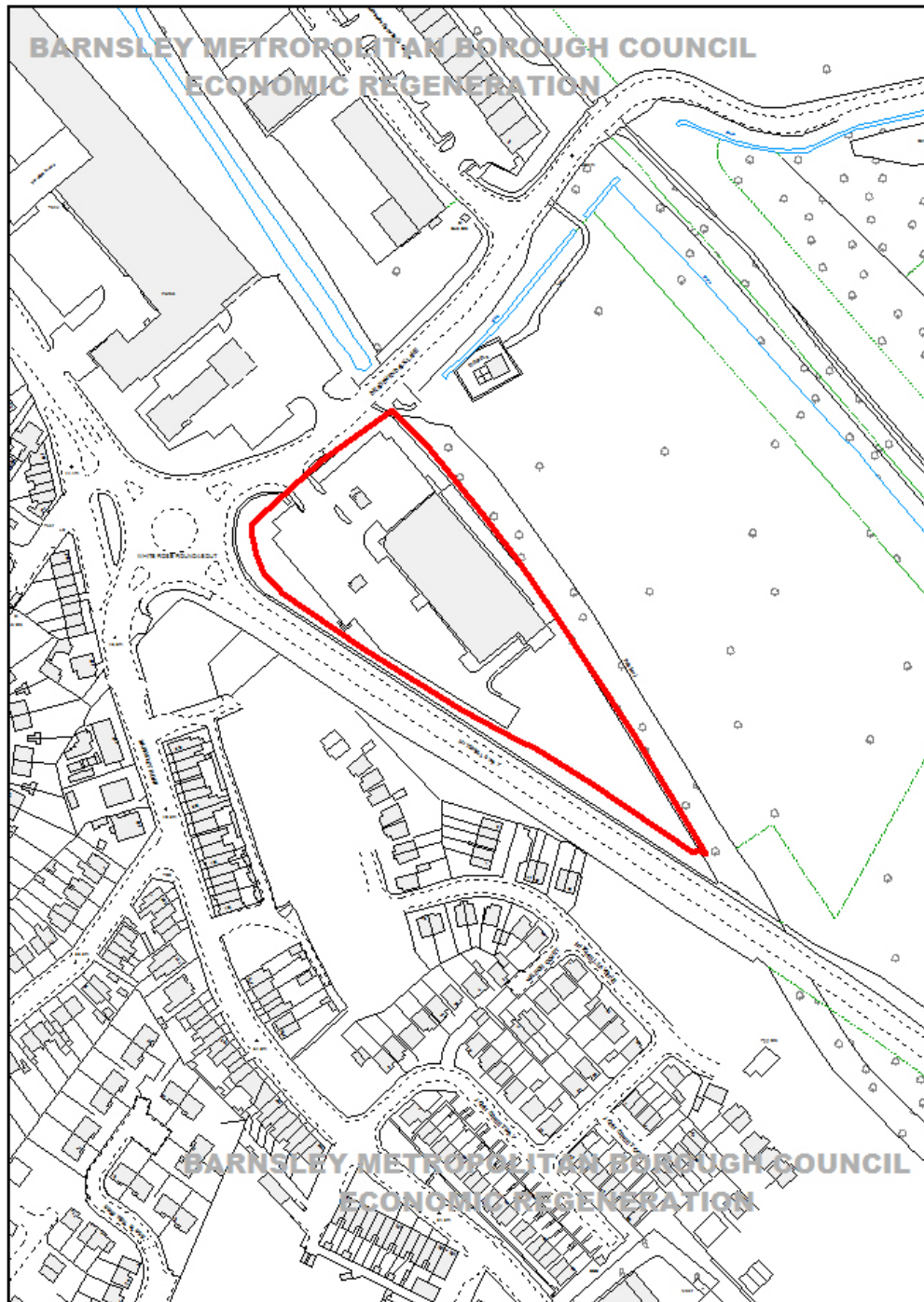
and specifications as approved unless required by any other conditions in this permission..

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

- 2 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.
- 3 The Electric Vehicle (EV) charging point indicated on Site Layout Plan (1849 25) shall be provided and maintained for the lifetime of the development.
Reason: To contribute towards a reduction in emissions in accordance with air quality objectives in accordance with the Council's Core Strategy Policy 40, Pollution Control and Protection and to promote sustainable modes of transport in accordance with NPPF Section 4.
- 4 No building or other obstruction (including new tree planting) shall be located over or within 5.0 (five) metres either side of the centre line of the water main, which crosses the site.
Reason: In the interests of satisfactory drainage in accordance with CSP4.
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 Visibility splays, having the dimensions 2.4m x 70m, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 7 Within one month of the date of this decision a second condition survey of the highways shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 8 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 9 Within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented, in the interests of sustainable development
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

- 10 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.
- 11 The approved external lighting scheme shall be provided and maintained for the lifetime of the development
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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BARNESLEY MBC - Economic Regeneration



Scale 1: _____

2016/0726

Applicant: Mr Gerald Ayres, C/o Philip Brown Associates

Description: Removal of condition 2 of planning permission 2011/0143 (appeal ref APP/R4408/A/11/2155046) - Change of use of land for siting of 2no residential caravans and associated facilities to allow permanent retention of caravan site.

Site Address: The Caravan Park, Shaw Lane, Carlton, Barnsley, S71 3HJ

One letter of representation has been received

Site Description

The site is located to the north of Shaw Lane in Carlton. The site measures approximately 0.2 hectares and is bordered by allotments to the west and the former canal to the east. To the rear of the site are the playing fields of Carlton ALC. There is a 2m high close boarded fence along the frontage with Shaw Lane within which there is a central gated access. The site has been subdivided and is part laid to hardcore (to the front) and the remainder of the land being grassed and used for the grazing of horses. Levels across the site are generally flat.

At present, there is a single touring caravan parked at the site and the applicant has a second touring caravan situated at a different location.

Planning History

B/05/0142/B – Use of land for the siting of 2 residential caravans

This application was refused on the 27th May 2005 on grounds of being contrary to Green Belt policy and for being prejudicial to highway safety owing to the substandard nature of the access arrangements.

The application was subsequently dismissed at appeal (ref APP/R4408/A/05/1195044) by the Planning Inspectorate. The Inspector dismissed the highways reason for refusal but attached significant weight to the harmful impact that it would have on the openness and character of the Green Belt.

Following the appeal enforcement action was taken against the applicant (Mr Ayres), the requirements of the notice were not complied with and the matter was then escalated to the courts where Mr Ayres received a 12 month conditional discharge after pleading guilty to breaching the enforcement notice. This was issued on the 24th July 2008.

2011/0143 – Retrospective application for the change of use of land for siting of 2 no. residential caravans and associated facilities

This application was refused on 12th April 2011 on the grounds that the proposed development was contrary to Green Belt policy and that the ad hoc release of individual sites for person of a Gypsy/Traveller status would run counter to the proper planning process, particularly as the proposal is significantly harmful to the openness and visual amenity of the Green Belt.

The applicant submitted an appeal against this refusal which was subsequently allowed by the Planning Inspectorate (ref. APP/R4408/A/11/2155046) and a temporary permission of 4 years was granted. This expired in December 2015. The Inspector acknowledged the

harmful impact that it would have on the openness and character of the Green Belt; but the lack of provision of gypsy sites within the borough and the appellants needs outweighed harm to the Green Belt.

Approval of other permanent Gypsy/Traveller sites across the Borough within the last 5 years

- 2013/0373 – Pleasant View Street, Smithies - Removal of condition 1 and variation of condition 3 of application 2007/0905 – Extension to planning permission to allow permanent residential occupation at the site by the applicant for 2 no. touring caravans and 1 no. amenity building (part retrospective)
- 2014/1286 – Land off Engine Lane, Ferrymore Way, Grimethorpe – Change of use of land to a private single family gypsy/traveller site including the siting of caravans, a utility block and formation of hard standing.
- 2015/0557 – Land off Warren Walk Royston – Retention of residential caravan site for 3 Gypsy families, temporary permission previously approved by 2011/0958
- 2015/0779 – Whitegate stables, Common Road, Brierley – Removal of condition 1 of application 2011/1157 to allow permanent use of site for a gypsy family.
- 2017/0392 – Proposed permanent change of use of land for the siting of a residential caravan, shed, a children's playhouse and touring caravan and use of stable block as amenity building following expiry of limited period planning permission application reference 2010/0672 – The Stables, Willow Bank, Woodstock Road, Barnsley, S71 1PS

Proposed Development

The applicant is seeking approval for the removal of condition 2 of the permission granted at appeal, to allow the permanent siting of 2 no. residential caravans and associated facilities at the site. Condition 2 stated the following:

“When the premises cease to be occupied by those named in condition 1 above, or at the end of four years, whichever shall first occur, the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, or works undertaken to it in connection with the use shall be removed and the land restored to its condition before the development took place”

Accompanying the application is a supporting statement provided by the applicant which states that he and his family have lived on the land since 2004. It also acknowledges that the proposal would otherwise represent inappropriate development within the Green Belt but states that the personal needs of the applicant along with the unmet need for gypsy sites within the Borough constitute special circumstances to justify a departure from Green Belt policy.

Policy Context

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

The Council has submitted its emerging Local Plan to the Secretary of State but it is 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

CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

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

In terms of their broad location sites will:

- have good access to facilities
- be primarily located within urban areas

In terms of their specific location the sites will:-

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

CSP34 'Protection of the Green Belt'

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

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

Saved UDP Policies

Designation – Green Belt

NPPF

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

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

Planning Policy for Traveller Sites

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

Policy E: Traveller sites in the Green Belt

Paragraph 16 of PPTS states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Policy H: Determining planning applications for traveller sites

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

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

Supplementary Considerations

Ministerial Statement 31st August 2015 – Green Belt Protection and intentional unauthorised development states that intentional unauthorised development should be treated as a material consideration to provide stronger protection for the Green Belt. The Government is concerned about the harm that is caused where the development of land has been undertaken in advance of obtaining planning permission.

Barnsley Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015 identified that the overall five year requirement (2014/15 to 2018/19) was for 15 Gypsy and Traveller pitches. This number has been reduced with the approval of permanent permissions as detailed above.

Consultations

Equality & Inclusion – No comments received
Highways DC – No objections raised
Highways Drainage – No objections to proposal
Ward Councillors – No comments received

Representations

The application has been advertised as a departure, a site notice was erected and a press notice published. One letter of representation was received.

The issues raised in the letter were that the applicant did not stick to the decision of the Inspectorate, specifically conditions 1 & 2 regarding occupants of the site, and that after the expiration of the permission the site should have been restored to its original state. The objector comments that the site was not restored and that this was not enforced by the Council.

No evidence has been provided by the objector to support the claim that persons other than Mr Ayres and his dependents have occupied the site or that it has been unoccupied during the four year permission. Whilst it is acknowledged that BMBC has not taken any formal action at the site at present, the applicant has been given the opportunity to put their case forward for a permanent permission in the submission of this application. Dependent on the outcome of this application, and any potential appeal, will determine whether any further action is required.

Assessment

Principle of Development

In establishing the principle of the development the planning history of the site is considered to be of relevance. The first application at the site (Ref. B/05/0142/B) was refused and dismissed at appeal on grounds of being inappropriate development contrary to Green Belt policy. The subsequent application in 2011 (Ref. 2011/0143) was also refused for the same reason. However, a temporary permission of 4 years was granted by the Planning Inspectorate.

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

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

- Unmet need for Gypsy and Traveller sites in Barnsley MBC
- Accommodation needs of the applicant
- Continuing uncertainty for the applicant with a temporary permission
- No other suitable site for the applicant to go.

As such, there are four main issues to consider.

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

Effect on Openness & Character of Green Belt

The NPPF states that “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 permanence”.

The appeal site lies on the edge of Carlton where the Green Belt serves to maintain a break between Carlton and the communities of Cudworth and Shafton. On the northern side of Shaw Lane, adjacent to the site, is a row of allotments where there is a variety of outbuildings and on the other side is the disused Barnsley Canal, now a narrow strip of woodland followed by a well-used recreational route, the Trans Pennine Trail. To the rear are school playing fields with some recent tree planting immediately adjacent and, to the front, a high timber screen fence.

The site itself is bordered by is bordered by a 2m timber panelled fence with a metal gate to the front. On the site itself is a single caravan although the previous permission allows for two caravans on site. The enclosure of the site and the hard boundary treatment already adversely affects openness to a degree. The siting of the caravan, with the potential for another touring caravan to be on site, introduces structures that are bulkier than those associated with the adjoining allotment uses or the surrounding area. As such there is an additional loss of openness which results in harm to the openness and character of the Green Belt.

The application therefore fails Green Belt policy which amongst other things aims to check the unrestricted sprawl of large built up areas, and assist in safeguarding the countryside from encroachment. The siting of caravans and associated domestic paraphernalia would already be classed as inappropriate development within the Green Belt which, by definition, is harmful to the Green Belt, but there is also harm to the openness of the Green Belt from the structures involved.

Unmet Need

The Inspector noted in the appeal that it was unlikely that any suitable Gypsy & Traveller sites would be available before 2015. At the time of the appeal, there was a shortage of pitches throughout the borough. The scale of the unmet demand for gypsy sites in Barnsley and the timescale associated with delivering sites added considerable weight in favour of the proposal at that time.

Barnsley's Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment (GTNA) 2015 identified a five year requirement of 15 pitches between 2014/15 and 2018/19. Subsequent planning approvals and proposed improvements to an existing site have reduced that figure to 7 pitches.

The Council has identified sites to accommodate a total of 11 pitches to meet the need for pitches between 2014/15 and 2021/22 in accordance with Planning Policy for Traveller Sites. This accounts for the identified 5 year requirement of 7 pitches, an additional 3 years requirement to take account of anticipated household formation and a recent planning approval for a single pitch.

Given the updated assessment since the previous appeal, the issue of a lack of alternative sites is therefore not considered to carry any significant weight in this instance. Further information provided states that Mr Ayres has resided – at least temporarily – at his parent's property, which is near to the site. A touring caravan is also sited at this dwelling. This would suggest that the applicant would not become immediately homeless were the application refused.

Personal Circumstances

The supporting statement supplied with the application states that the applicant has lived at the site since 2004; although his lifestyle means that he travels around the country for up to 5 months of the year. The statement does acknowledge that the site was vacant for a brief period in 2008.

The applicant is of nomadic habit and regularly travels around the country in order to work, this was also acknowledged by the planning inspectorate. Mr Ayres has 6 children from previous relationships however; none currently live on site, although one of his children would like to live in separate accommodation on the site.

It has been stated in his supporting statement that the uncertainty over the occupation of the site has affected Mr Ayres' health and wellbeing, which are similar issues that were raised at the appeal. However, no supporting evidence has been provided that demonstrates if these issues have continued since 2011.

Although the potential impact on that an applicants' health and wellbeing are acknowledged, it should be noted that, since the initial appeal decision, there has been a material change in policy with reference to the clarification of Policy E of PPTS. It now clearly states that 'Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

Other Matters

There have been no objections from Highways to the scheme which they have noted has no proposed changes to the access and parking arrangements that were allowed by the Inspector.

The site is sufficient distance away from neighbouring properties not to cause any detriment to residential amenity.

Conclusion

Whilst the applicant's personal circumstances and the current lack of alternative accommodation options within Urban Barnsley are recognised, these circumstances do not clearly outweigh the harm to Green Belt policy so as to establish very special circumstances, as set out in policy E of PPTS.

It is considered that the emerging Local plan proposals provide for the full five year requirement, incorporating the applicants need for a pitch. The application site has been assessed for its suitability as a site allocation in the emerging Local Plan under reference TRAV084 and was rejected as it was not considered possible to develop the site without detrimental impact on visual amenity and openness of the Green Belt.

In this regard all elements of the application are, by definition, inappropriate development in the Green Belt and by virtue of this have an impact on openness which is contrary to 3 of the purposes of why land is allocated for such purposes. The substantial weight attached to this harm is not outweighed by the circumstances put forward by the applicant and as such it is not considered that a permanent permission can be granted.

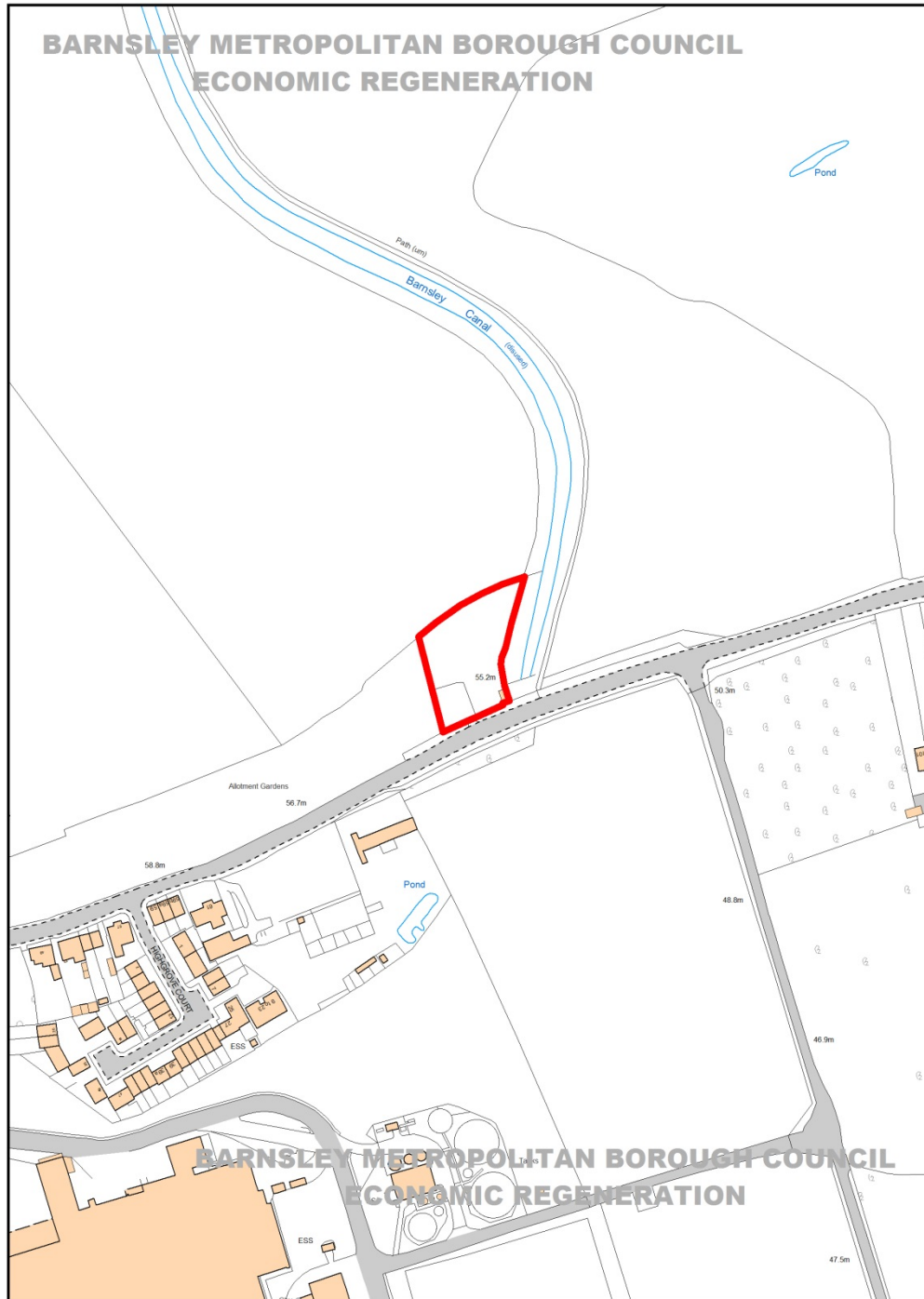
Recommendation

Refuse

- 1 The site lies within the Green Belt on the approved Barnsley Unitary Development Plan. Paragraph 16 of the Planning Policy for Traveller Sites (PPTS), in accordance with the NPPF and Core Strategy Policy CSP34, states that traveller sites (temporary or permanent) in the Green Belt are inappropriate development and would only be permitted in very special circumstances. The PPTS further states that subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances.

In the opinion of the LPA, the details put forward by the applicant are not considered to amount to very special circumstances to justify the granting of planning permission in this instance. On this basis, the proposal is considered contrary to the NPPF, CSP34 and the PPTS, as the proposed permanent retention of the caravan site constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt.

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BARNSELY MBC - Economic Regeneration

Service Director: David Shepherd
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Barnsley, S70 9FD
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NORTH
Scale 1: 2500

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2016/0215

Applicant: Mr Richard Emmott, C/o Agent M A Clynch

Description: Erection of detached agricultural workers dwelling (Resubmission)

Site Address: Land at Gunthwaite Lane, Gunthwaite, Penistone, Sheffield, S36 7GE

Additional Information relating to Agricultural Occupancy Condition

Members will recall this application went before Members of the Board in March this year. The officer recommendation was to approve subject to a number of conditions including the following condition:

“The dwelling hereby approved, shall be occupied by persons solely or mainly or last so employed locally in agriculture as defined in Section 336(1) of the Town and County Planning Act 1990, or in forestry and the dependants (which shall be taken to include a widow or widower) of such persons.”

Members of the Board voted to grant permission for the scheme subject to the above condition being amended to ensure that the applicant's existing farmhouse also received the same restriction.

After the Planning Board, the agent of the application informed the Officers that, whilst they had no objections to the occupancy restriction for the proposed dwelling, the addition of the restriction of occupation to the existing farmhouse would place a severe financial burden on the applicant. In support of this they have provided the following documents:

- A letter from William Dawson and Son which states that “The dairy industry has experienced 24 months difficult trading conditions and you have been able to survive and prosper through this period with the support of the bank. Adding an agricultural occupancy condition to your current property would significantly reduce its value for bank security purposes and restrict access to funds the business may require to survive in the future”
- An e-mail from Lloyds Bank stating that “If such a ‘tie’ was placed on your farmhouse and you subsequently approached the bank for financial support to assist with the development/expansion of the farming operation, it might be a requirement that the farm house be given as ‘additional’ security to support the proposition. In this instance the agricultural tie would affect the amount the Bank could advance as the Bank would apply a 70% Lending Value against a property when professionally valued”
- Advice from Anne Williams, Planning Law Barrister which states the following :
“Officers clearly recognised on page 12 of the Report that usually an agricultural occupancy condition is imposed on the ‘original’ building but that in the view of the split ownership and listed status, it appears that the Report properly assessed the prospective condition in accordance with the tests set out in the Planning practice Guidance and concluded it would be unreasonable to impose such a condition on the original building. The view has been more recently supported by the letter from Walter Dawson.

In my view, the Report properly applies those tests. Should the Board decide to impose

such a condition which in the particular circumstances is likely to be considered unreasonable on appeal against an application made under Section 73 of the Act to

remove the condition, the Applicant would have good prospects of making a successful application for a costs award against the Board.”

The agent has also provided additional information to state that the imposition of the condition would impact the family not connected with the application but who own and live in part of the property due to its ‘split ownership’, and also the ability to upkeep the listed building. These aspects were referred to previously in the original Officer report. In view of the above, the decision has not been released in order to allow Members the opportunity to take on Board the additional information provided.

In the view of Officers, the condition recommended by Members is a lawful condition. The main issue is therefore whether it meets the 6 tests of being necessary; relevant to planning and to the development to be permitted; enforceable; precise and; reasonable in all other respects. In this particular case the area where the above information directly relates to is the test of ‘reasonable in all other respects’. The NPPG guidance states that key question in assessing this is:

“Conditions which place unjustifiable and disproportionate burdens on an applicant will fail the test of reasonableness”

The above information has been provided by the applicant in their argument that the condition is unreasonable. However, it should be noted in the planning balance that there is a statutory presumption in favour of the development plan and the relevant development plan policy, saved UDP Policy GS8, states the following:

“Where permission is granted, on the basis of agricultural need, for an additional dwelling on a farm unit, then an occupancy condition will also be imposed on any existing dwellings on the unit which is under the control of the applicant, and is needed at the time of the application to be used in connection with the farm.”

The imposition of the condition would therefore be in line with the relevant policy. The question being asked to Members is whether they believe the additional personal information and circumstances outlined by the agent above outweigh the policy presumption that the condition should be imposed. The options open to Members are therefore the following:

Options

A: To approve the application with the condition imposed on the farmhouse as originally proposed. The reason for this condition can then be clarified to confirm that the circumstances given have been fully considered but do not outweigh the policy presumption.

B: To approve the application without the condition imposed on the farmhouse. The justification for this would be that the additional information provided is considered to amount to unjustifiable and disproportionate burdens on the applicant.

For Members benefit, the report that went previously to Committee is given in full below:

Update

This application was deferred from the November Planning Board in order to allow Members to visit the site. The report has been updated since the November Board to take into account additional information received from the agent.

Introduction

Gunthwaite and Ingbirchworth Parish Council have objected to the application

Site Location and Description

The application site forms part of a large farm holding at Gunthwaite to the northeast of Ingbirchworth and to the northwest of Hoylandswaine. The access is from a right angled bend in the road off Gunthwaite Lane and lies to the east of the railway line.

The existing farm comprises of a number of traditional and more modern farm buildings in a compact area with a rectangular woodland block to the north with is bounded to the east and north by the highway, Gunthwaite Lane.

The site for the proposed agricultural workers dwelling lies in the north-western corner of this woodland block, approximately 70m from the nearest ram building and approximately 150m from the existing farmhouse, in an area which currently has substantial tree cover. A large pond lies to the west of the farm complex.

One of the barns, Gunthwaite Hall barn, is a Grade I listed building, with the farm buildings listed Grade II.

The application states that Mr and Mrs Emmett run the agricultural business as a joint enterprise with their two sons. Mr and Mrs Emmott live in the existing farmhouse, which itself is a listed building. The agent has confirmed that the farmhouse building has a split ownership as another family, unconnected with the farming enterprise, own the other half of the building. With all the land and farm buildings under the applicant's ownership the agricultural enterprise extends to approximately 320 acres. Most of this is owner occupied with 60 acres rented in. The majority of land is down to support the livestock which consists of 160 Jersey dairy cows, 160 followers (young stock in a dairy herd), 60 to 70 beef cattle, 200 wintering lambs, and 20 to 30 in lamb ewes. Approximately 60-70 acres of the land is used to grow crops such as wheat and barley, whilst 30 acres is subject to an English Woodland Grant Scheme.

Since the November Planning Board the applicant has provided additional land registry documents to confirm they are the registered landowner to the site upon which the development is proposed to be placed.

Planning History

2015/0475 – Erection of a new farmhouse - withdrawn

Proposed Development

The application seeks planning permission for the erection of a detached agricultural workers dwelling in the north-eastern corner of the managed woodland area. The dwelling is a single storey property with a floor area of approximately 150 square metres. Access to the site would be gained off an existing access track that links in to Gunthwaite Lane

The applicant has a Forestry Licence which has allowed the clearing of trees to create sufficient space for the dwelling. However, in order to preserve as much of the woodland area as possible the red edge boundary of the application site is tight around the building which allows only a small garden area and the access with space for parking.

The property would be constructed with natural stone walls and stone slates for the roof. Timber would be used for the windows and doors.

As the site is within the Green Belt, and the proposal is for an agricultural workers dwelling, the applicant has provided the following supporting documents:

- Planning Statement
- Heritage Statement
- Details of accounts for 2014 and 2015 for the agricultural enterprise
- An assessment on labour requirements

Policy Context

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

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

UDP Saved Policies

UDP Allocation – Green Belt

GS7 Development within the Green Belt

GS8B states that proposals for agricultural and forestry workers dwellings will be determined in accordance with the following principles:

- a) Agricultural and forestry workers dwellings within rural and green belt areas will only be permitted where essential need, to sustain a demonstrably viable agricultural or forestry enterprise, can be shown.
- b) Permission will not normally be granted for a new agricultural workers dwelling in cases where a farm dwelling has recently been or is separated from the agricultural land.
- c) Where new dwellings are accepted solely on the basis of an agricultural or forestry need, the size of the dwelling should be in proportion with the established functional requirement.
- d) Where new agricultural workers dwellings are permitted in the countryside they shall normally be sited directly adjacent to existing or proposed farm buildings.
- e) Where new dwellings are permitted they should be constructed using materials appropriate to the locality, to safeguard the visual amenities of the countryside.
- f) Where planning permission is granted for an agricultural or forestry workers dwelling, a condition will be imposed restricting the occupancy to a person solely or mainly working, or last working, in the location in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents
- g) Where permission is granted, on the basis of agricultural need, for an additional dwelling on a farm unit, then an occupancy condition will also be imposed on any existing dwellings

on the unit which is under the control of the applicant, and is needed at the time of the application to be used in connection with the farm.

SD1 Presumption in favour of sustainable development
GD1 General development
D1 Design
T4 New Development and Highway Improvement
Poll1 Pollution Control and Protection
HE1 The Historic Environment

Core Strategy

CSP34 Protection of Green Belt
CSP29 Design
CSP21 Rural Economy
CSP36 Biodiversity and Geodiversity

Publication Version of Local Plan

SD1 Presumption in favour of sustainable development
GD1 General development
D1 Design
T4 New Development and Highway Improvement
Poll1 Pollution Control and Protection
HE1 The Historic Environment

SPDs/SPGs

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

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

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

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

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:

Para 28 – Rural areas

Para 35- Local Planning Authorities should avoid new isolated homes in the countryside unless there are circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside

Para 80,81, and 82 – Green Belts.

Para 58 and 60 – Design Considerations –

Consultations

Highways – No objections subject to conditions

Conservation Officer – Has observed that the general principle and possible harm to the setting of the listed buildings is low.

Drainage – No comments received although no objections were received to the previous application for this site

Pollution Control – No objections

Forestry Officer – Has acknowledged that the applicant has a Forestry Licence to take down the trees and as such has no further comments to make.

Contaminated Land Officer – No objections subject to informative

Historic England – No objections made and recommend that the scheme is determined in accordance with national and local policy guidance

Gunthwaite and Ingbirchworth Parish Council – Objecting on the grounds that a case has not been sufficiently made for the agricultural workers dwelling.

Representations

The application has been advertised by way of a site notice, press notice and by neighbour notification letters. No representations have been received.

Assessment

Principle of Development

The site is within an area designated as Green Belt. The erection of new residential development is usually considered inappropriate within the Green Belt unless very special circumstances exist to justify it. Whilst the NPPF has little to say in respect of agricultural dwellings, paragraph 28 generally supports economic growth in rural area and paragraph 55 states that:

“Local Planning Authorities should avoid new isolated homes in the countryside unless there are circumstances such as:

-The essential need for a rural worker to live permanently at or near their place of work in the countryside”

The NPPF does not offer any detailed guidance on how to interpret these special circumstances or how to evaluate “essential need” so in these circumstances it would be appropriate to utilise the criteria set out in UDP Policy GS8B.

The first part of the criteria under GS8B requires the applicant to show that there is an essential need for the dwelling to sustain a demonstrably viable agricultural enterprise. In this case, as has already been stated, the agriculture enterprise covers a significant area of land (320 acres). It is made up of both livestock and crop farming alongside woodland management. The applicant has submitted an assessment utilising sources such as 'The Agricultural Budgeting and Costing Book' and the Farm Business Survey which was carried out by DEFRA. Using these sources they have calculated the amount of labour hours required to carry out the various duties associated with the agricultural enterprise. Their calculations reveal that the labour requirements are for a permanent workforce of between 3.33 and 5.8 men to be on site. These figures have been compared to another assessment method, utilising the 'John Nix handbook', and, not taking into account the work done in connection with the Woodland management areas or fishing pond, the calculations reveal that the labour requirements are for 3.20 men to be on site. Even if we take the lower of these figures then there is considered to be a justified need for three workers to be on site. A check on properties for sale within the immediate area indicates that there are no available properties at a reasonable price for a farm worker within the immediate locality. These factors therefore provide a level of justification for an additional dwelling at the site.

In terms of whether the agricultural enterprise is viable, the accounts show that profit has been made over the past two years. In addition the agricultural enterprise originally started at the site back in 1936 and the land is registered with the Rural Payments Agency and has an agricultural holding number. As such, and notwithstanding that the NPPF does not state that the enterprise has to be economically viable, the enterprise is considered to be well established.

In terms of the second and third criterion under Policy GS8B, there has been no separation of a farm dwelling from the agricultural land and the applicant has reduced the size of the dwelling from the previous proposal. The footprint of approximately 150 square metres is consistent with the size of other agricultural workers dwellings in the borough and the dwelling being single storey ensures it remains low in scale. The scheme is therefore considered to comply with these criterions.

In terms of the fourth and fifth criterion, the dwelling itself has been sited away from the existing buildings. This would therefore be in conflict with the fourth criterion which expects that the dwellings should be near the farm buildings. However, in this case the buildings within the existing farm complex contain a Grade I and Grade II listed buildings. To place the proposed dwelling closer to these listed buildings would impact detrimentally on the setting of the listed building and would raise objections from the Council's Conservation Officer. In this instance, therefore, it is most appropriate to position the dwelling away from the listed buildings to protect their historical significance. However, the building would still be within reasonable sight and sound of the farm buildings to enable quick access to any emergency situation. The dwelling itself uses natural stone for the walls and has a stone slate roof which is considered in keeping with the rural nature of the surroundings.

In terms of the fourth and fifth criterion it is considered appropriate to restrict the occupancy of the proposed dwelling to an agricultural worker. The existing farmhouse does not have an agricultural occupancy condition on. Given the split ownership and the building being listed it would raise complications in imposing the occupancy condition as well as adding a further restriction to the building. The condition is usually imposed on the original dwelling to avoid it being sold off and an application submitted for another property on the site. However the applicants have lived on site for over 30 years and have a well-established farm that is in profit and their sons are registered in the farm enterprise. It is therefore likely that this will continue and therefore the farmhouse would remain an intrinsic part of the farm enterprise. If the house was ever sold off and a planning application put in then it would be questioned as

to why the farmhouse was sold off and this would significantly impact on any case put forward for the need for a new dwelling.

Given the above, it is considered that the proposal is in substantial compliance with GS8B and meets the test of the NPPF and as such is accepted in principle.

Residential Amenity

The proposed dwelling is remote from the nearest other residential property and so neighbouring amenities would not be detrimentally affected by the proposal. The scheme meets internal space standards for the occupants of the dwelling. There is, however, limited garden area for the property. This is limited to an area to the front of the dwelling and a strip around the house. Whilst not ideal, the area to the front would be private given the lack of other housing around, and would provide some area to sit out in. Furthermore, the restriction of the garden area does enable the limiting of the impact on the green belt and on the woodland area. As such, it is considered sufficient in this instance.

Design / Visual Amenity/Impact on Listed Buildings

The property has been designed as a single storey property to minimise its impact on the locality. It would be surrounded by woodland so would be partially screened from the majority of public views. The materials used are in keeping with the rural surroundings and as such the proposal is not considered to be of significant detriment to visual amenities or the character of the Green Belt.

As stated above the proposal does impact on the setting of Grade I and Grade II listed buildings. This is part of the reason for its position away from these protected buildings. As the dwelling has been sited away from the listed buildings, and has an intervening agricultural building and woodland area, along with the dwelling being single storey, it is considered that the impact on the setting of the historic buildings is minimal. This has been confirmed by the Council's Conservation Officer who has stated the impact would be low.

Highways

The proposal gains access off an existing access track that leads up to Gunthwaite Lane. This has been assessed by the Council's Highways Section who are satisfied that this would be adequate to serve the dwelling. Sufficient parking spaces have been provided and given that the proposal is for a single dwelling it is not considered that it would have a significant impact on the local highway network.

Trees

The applicant has been in contact with the Council's Tree Officer who has acknowledged that they have a Forestry Licence to remove the trees within the area where the dwelling is to be positioned. The area is subject to a Woodland Management Scheme and as such the Licence involves replanting around the site. Given this has been accepted under the Forestry Licence the Council's Tree Officer has no objections to the scheme on as all management of the surrounding trees would be controlled by the Licence.

Conclusion

It is considered that sufficient evidence has been provided to show that there is an essential need for an agricultural workers dwelling at this site to comply with paragraph 55 of the NPPF. This would therefore constitute the special circumstances needed for a dwelling in the Green Belt. In terms of other material considerations it is not considered that the scheme would cause any detriment to highway safety, visual amenities, or residential amenities subject to suitable conditions.

Recommendation

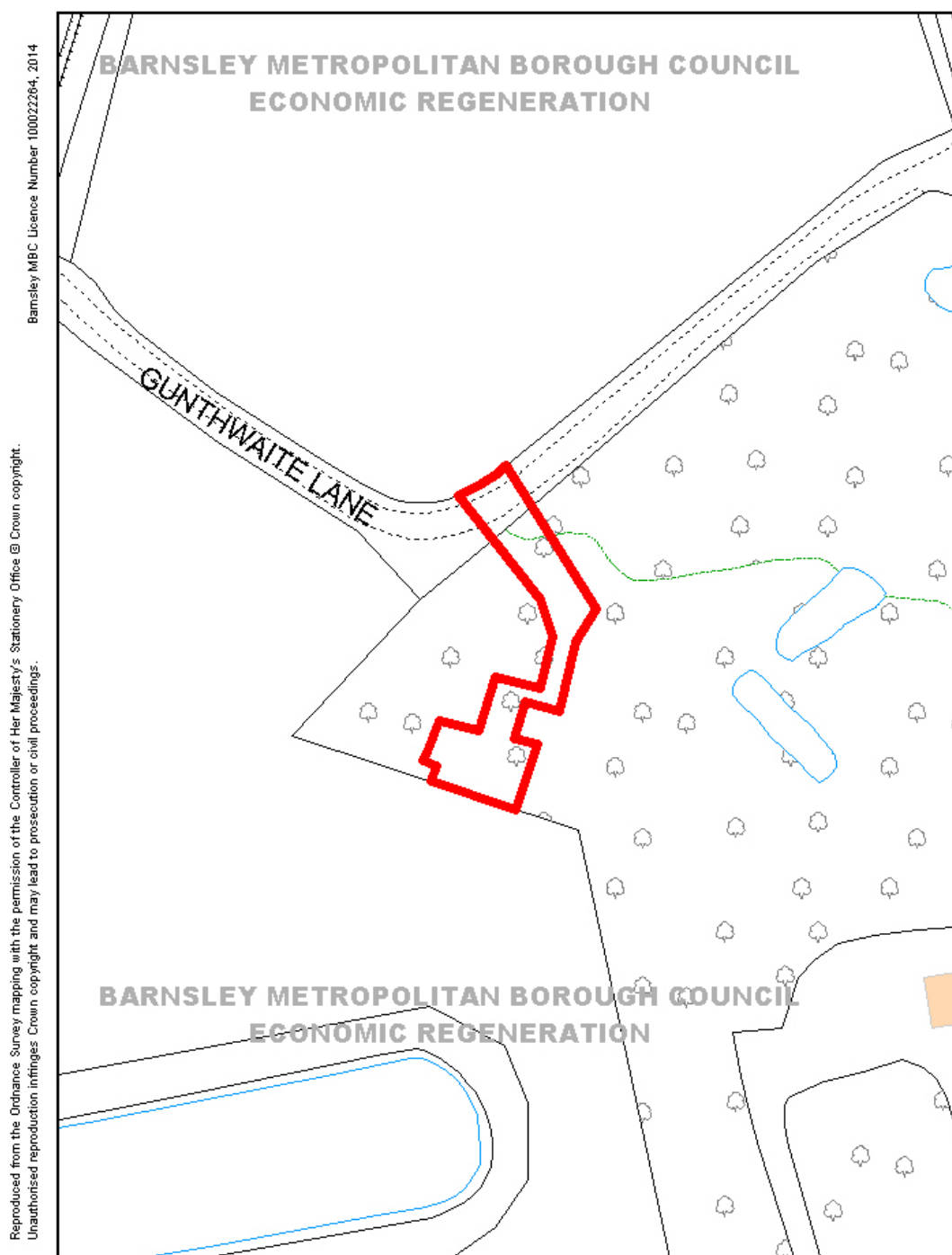
Approve subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing nos A1 and A2) 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:
 - (a) Full foul and surface water drainage details, including a scheme to reduce maintain greenfield run off 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. 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.

- 5 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.
- 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 Development shall not commence until details for a scheme of works for resurfacing of the first 8.0m of the private access abutting the adjacent carriageway on Gunthwaite Lane has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the development being brought into use and be maintained throughout the duration of the development; in accordance with the approved details.
Reason: To ensure that there is adequate provision for pedestrian and vehicular access to the site in the interests of highway safety in accordance with CSP26.
- 8 The dwelling hereby approved, shall be occupied by persons solely or mainly or last so employed locally in agriculture as defined in Section 336(1) of the Town and County Planning Act 1990, or in forestry and the dependants (which shall be taken to include a widow or widower) of such persons.
Reason: In order to comply with Saved UDP Policy GS8B and Paragraph 55 of the NPPF.
- 9 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

PA reference :-

2016/0215



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 October 2017 to 31 October 2017

APPEALS RECEIVED

0 appeals were received in October 2017.

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

APPEALS WITHDRAWN

0 appeals were withdrawn in October 2017.

APPEALS DECIDED

2 appeals were decided in October 2017.

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2014/1570	Demolition of existing bakery and erection of 23 no. dwellings. A & E White Bakers, Charles Street, Worsbrough Bridge, Barnsley, S70 5AF	Dismissed	25/10/2017
2015/0725	Erection of 97 no. dwelling with garages and/or parking spaces together with the provision of open space and associated roads and sewers Land off Lowfield Road, Lowfield Road, Bolton Upon Dearne, Rotherham	Dismissed 23/10/2017	Committee

2017/2018 Cumulative Appeal Totals

- 12 appeals have been decided in since 01 April 2017
- 7.5 appeal (62.5%) have been dismissed since 01 April 2017
- 4.5 appeal (37.5%) have been allowed since 01 April 2017

<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2016/0744	Remove and replace Lime tree (T1) within TPO no. 3/2000. 2 Ladyroyd, Silkstone Common, Barnsley, S75 4SF	Allowed 05/07/2017	Delegated
2016/1402	Felling of Oak Tree (T2 within TPO 3/1980) and replacement. 73 Martin Croft, Silkstone, Barnsley, S75 4JS	Allowed 02/05/2017	Delegated
2016/1035	Erection of 1 no. detached dwelling with detached garage Knowles Street, Spring Vale, Barnsley	Dismissed 24/07/2017	Delegated

2016/1478	Formation of vehicular access. 18 Roper Lane, Thurgoland, Barnsley, S35 7AA	Dismissed 31/07/2017	Delegated
2016/1338	Erection of two storey side and single storey extension to rear 179b King Street, Hoyland, Barnsley, S74 9LL	Split Decision 13/07/2017	Delegated
2016/1340	Erection of two storey side extension and a single storey front extension to dwelling 101 Genn Lane, Ward Green, Barnsley	Dismissed 10/08/2017	Delegated
2016/1080	Conversion of existing garage to bungalow. 102 Sackville Street, Barnsley	Allowed 15/08/2017	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	Allowed 24/08/2017	Delegated
2016/1367	Conversion of loft and erection of elevation to side dormer Chrisholme, 4 Wath Road, Elsecar, Barnsley, S74 8HJ	Dismissed 30/08/2017	Delegated
2017/0010	Painting of 9no window frames. (Listed Building Consent). 30 Market Hill, Barnsley, S70 2QE	Dismissed 13/09/2017	Delegated
2014/1570	Demolition of existing bakery and erection of 23 no. dwellings. A & E White Bakers, Charles Street, Worsbrough Bridge, Barnsley, S70 5AF	Dismissed 25/10/2017	Delegated
2015/0725	Erection of 97 no. dwelling with garages and/or parking spaces together with the provision of open space and associated roads and sewers Land off Lowfield Road, Lowfield Road, Bolton Upon Dearne, Rotherham	Dismissed 23/10/2017	Committee

Item 10

BARNSELEY METROPOLITAN BOROUGH COUNCIL

**Report of Assistant Director,
Highways, Engineering and
Transportation to Planning
Regulatory Board on
21st November 2017**

Public footpath diversion at Tyers Hall Farm – minor amendment.

1.0	<u>Purpose of Report</u>
1.1	To consider an amendment to the previously approved application to divert Darfield public footpath nos. 3 and 4 at Tyers Hall Farm, between Ardsley and Darfield.
2.0	<u>Recommendations</u>
2.1	That, in exercise of statutory powers, the Council makes Public Path Orders under the provisions of section 119 of the Highways Act 1980 for the diversion of Darfield footpaths 3 and 4 at Tyers Hall Farm as shown on the plan attached to this report.
2.2	That the Director of Legal and Governance be authorised to publish the Orders and to confirm them himself in the event of there being no objections thereto.
2.3	In the event objections are received which cannot be resolved, the Director of Legal and Governance be authorised to submit the Orders to the Secretary of State for confirmation and to take all necessary steps to support the Orders at any public inquiry, informal hearing or written representation as necessary.
2.4	That the Director of Legal and Governance be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area.
3.0	<u>Background and Proposal</u>
3.1	On the 18 th of April 2017 PRB approved an application to divert several public footpaths at Tyers Hall Farm, located between Ardsley and Darfield. Due to discussions about the maintenance of the main route the orders to enact those changes have not yet been made, though an agreement has provisionally been reached with the landowner.
3.2	Tyers Hall Farm has now applied for a minor amendment to the approved diversions of Darfield footpaths 3 and 4, located to the south east of the farm buildings.

3.3	This amendment would move the proposed new footpath line from the edge of the field that the footpath currently passes through to the edge of the adjacent fields, as shown between points A and B on the plan attached at Appendix A.
3.4	This change would move the new path from one side of the field boundary hedge to the other, a distance of approximately 5 metres. This would have no impact on the distance or terrain for pedestrians, but would move the path from the edge of a livestock field to the edge of arable fields, enabling the livestock field to be separated into sections for grazing, reducing any potential conflict between walkers and animals and making it easier to identify and maintain the line of the footpaths.
3.5	The proposed new route would have a 1.8 metre wide grass surface and run along the field edge, the same as the previously approved diversion route.
3.6	Informal consultations have been carried out with user groups and ward councillors. No objections have been received.
4.0	<u>Statutory Criteria</u>
4.1	<p>Section 119 of the Highways Act 1980 enables a path to be diverted where it is considered expedient to do so in the interests of the owner, lessee or occupier of the land crossed by the path or in the interests of the public. Before confirming such an order the Secretary of State or the Council, as the case may be, must be satisfied that the diversion is expedient and that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which –</p> <ul style="list-style-type: none"> (i) the diversion would have on public enjoyment of the path or way as a whole, (ii) the coming into operation of the order would have as respects other land served by the existing public right of way, and (iii) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.
4.2	The proposed amendment to the diversion route is considered to be minor in nature. The diversions would move the existing footpaths onto field edge locations and are considered to be in the interests of the landowner by allowing the existing livestock field to be segregated for grazing. The easier identification and maintenance of the new routes is considered to cause less disturbance for landowners and greater clarity for pedestrians, with no difference to distance or terrain. The diversions are considered to have a positive impact on both public enjoyment of the paths and management of the land.
4.3	The Council also has to have regard to the likely impact of the diversion on agriculture, forestry and biodiversity. The proposed diversions are not

	considered to have any negative impact on these matters.
5.0	<u>Options</u>
5.1	The Council makes the orders applied for. Officers are satisfied that the necessary statutory criteria are met and that the proposals are the best available.
5.2	The Council could decline to make the orders applied for, but as the relevant statutory criteria have been satisfied, it is not considered reasonable to do so.
6.0	<u>Local Area Implications</u>
6.1	There are no implications for the local area beyond minor changes to the rights of way network.
7.0	<u>Compatibility with European Convention on Human Rights</u>
7.1	These proposals are considered to be compatible with the Convention.
8.0	<u>Ensuring Social Inclusion</u>
8.1	The proposals will have no negative impact on social inclusion. The gradients, surfaces and widths of the new paths would be similar to those of the existing paths in order to ensure that they are no less accessible.
9.0	<u>Reduction of Crime and Disorder</u>
9.1	The proposed amendment to the diversion routes are not considered to have any impact on crime and disorder.
10.0	<u>Financial Implications</u>
10.1	If the Orders are made and objections are received there will be additional costs to the Council that cannot be passed on to the applicant. This is especially the case if the matter has to be resolved at a public inquiry.
11.0	<u>Risk Assessment</u>
11.1	The Council has powers under the Highways Act 1980 to make the orders applied for. The statutory process provides an opportunity for objections which, if upheld, may result in the order not being confirmed by the Secretary of State.
11.2	Objections may be received to the application. However, the Council is satisfied that no relevant grounds for objection have been raised during the consultation period, that the application meets all of the statutory criteria and that the best possible alternative routes have been identified for the diversion orders.

12.0	<u>Consultations</u>
12.1	User groups (including the Barnsley Local Access Forum) and 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 – Amended public footpath diversion plan: Paths at Tyers Hall Farm
	Officer Contact: Rik Catling Tel: ext 2142
	Date: 21 st November 2017



Environment and Transport.
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