

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 20 February 2018
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.
2. Minutes (*Pages 3 - 6*)
To receive the minutes of the meeting held on 23rd January 2018.

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 Catherines Walk, Athersley South - 2017/1539 - For approval (*Pages 7 - 20*)
4. Crowick House, Belle Green Lane, Cudworth, Barnsley - 2017/1300 - For refusal (*Pages 21 - 32*)
5. Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT - 2017/1695 - For approval (*Pages 33 - 36*)

Planning Appeals

6. Planning Appeals - 1st to 31st January 2018 (*Pages 37 - 40*)

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 email governance@barnsley.gov.uk

Monday, 12 February 2018

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 23 January 2018
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present Councillors D. Birkinshaw (Chair), G. Carr, M. Dyson, Gollick, Hampson, Hayward, Leech, Makinson, Markham, Mitchell, Noble, Richardson, Riggs, Spence, Tattersall, Unsworth, Wilson and R. Wraith

In attendance at site visit Councillors D. Birkinshaw (Chair), G. Carr, Hampson, Hayward, Makinson, Mitchell, Tattersall and R. Wraith

94. Declarations of Interest

Councillors Unsworth and Makinson declared Non-Pecuniary interests in **Planning Application 2016/1329** [Residential development of 19 no. dwellings and provision of access and parking at land to rear of 26 Cross Lane, Royston, Barnsley S71 4AT] due to their status as Berneslai Homes Board Members.

Councillor Spence declared a Non-Pecuniary interest in **Planning Application Nos 2017/1571** [Minor amendment to internal layout of gardeners and stable yard cottages, repair works and alteration of table yard cottage, retention of cart shed and installation of full height brick arched opening at rear (Listed Building Consent) at Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT] **and 2017/1579** [Crown lift and remove all branches below 4m in height of 8 Horse Chestnut and 2 Beech trees within area P1 of TPO 1/1951 at Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT] due to his employment at Cannon Hall Farm.

95. Minutes

The minutes of the meeting held on 19th December 2017 were taken as read and signed by the Chair as a correct record subject to a minor amendment in respect of Minute No. 82 as Councillor G. Carr had a prior conversation with the applicant.

96. Land off Willow Road, Thurnscoe - 2017/1051 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1051** [Erection of 129 dwellings (Phase 2), associated infrastructure and public open space (Full Consent). Residential Development (Phase 3) and associated infrastructure (Outline) – Hybrid Application]

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

97. Mulberry Lodge, 75 Park Street, Wombwell - 2017/1324 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1324** [Erection of a 10 bed care facility (Use Class C2) and occupational therapy cabin with associated access and parking at Mulberry Lodge, 75 Park Street, Wombwell, Barnsley S73 0HL]

Mr D Jennings addressed the Board and spoke in favour of the officer recommendation to approve the application.

Mr R Bell addressed the Board and spoke against the officer recommendation to approve the application.

RESOLVED that the application be granted in accordance with the Officer recommendation and with additional conditions regarding boundary treatment and provision of grit bins.

98. Cannon Hall Museum, Bark House Lane, Cawthorne - 2017/1571 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1571** [Minor amendment to internal layout of gardeners and stable yard cottages, repair works and alteration of table yard cottage, retention of cart shed and installation of full height brick arched opening at rear (Listed Building Consent)].

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

99. Land to rear of 26 Cross Lane, Royston - 2016/1329 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1329** [Residential development of 19 no. dwellings and provision of access and parking at land to rear of 26 Cross Lane, Royston, Barnsley S71 4AT]

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

100. Athersley Community Association and Football Club, Ollerton Road, Athersley North - 2017/1083 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1083** [Construction of concrete base and 200 capacity grandstand at Athersley Community Association and Football Club, Ollerton Road, Athersley North, Barnsley S71 3DP]

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

101. Cannon Hall Museum, Bark House Lane, Cawthorne - 2017/1579 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1579** [Crown lift and remove all branches below 4m in height of 8 Horse Chestnut and 2 Beech trees within area P1 of TPO 1/1951 at Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT]

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

102. Kendray Street, Barnsley - 2017/1601 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1601** [Erection of an electrical substation at land at Kendray Street, Barnsley S70 2JL]

RESOLVED that

- (i) Approval be delegated to Officers, subject to the conditions given, once the consultation period has ended, and
- (ii) Any representations received to be discussed with the Chair.

103. Planning Appeals - 1st to 31st December 2017

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

The report indicated that 4 appeals were received in December 2017.

No appeals were withdrawn in December 2017.

3 appeals were decided in December 2017.

It was reported that 22 appeals have been decided since 1st April 2017, 14.5 of which (65.9%) have been dismissed, 7.5 of which (34.1%) have been allowed.

Chair

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Item 3

2017/1539

Applicant: Leeds and Yorkshire Housing Association, C/o Acanthus WSM Architects

Description: Erection of 54 no. dwellinghouses

Site Address: Land off Catherines Walk, Athersley South, Barnsley

26 objections have been received from local residents.

Site Location & Description

The application relates to a 'Y' shaped piece of land to the South and East of Catherine's Walk in Athersley. The land measures approximately 1.6Ha and is currently a Green Space, mainly amenity grassland, with hedges and trees positioned around the boundaries. There is a gradual rise in land level from North to South.

The site sits within a predominantly residential area with mainly 2 storey semi-detached dwellings on Wingfield Close to the East and recently constructed 2 and 2 ½ storey semi-detached dwellings, terraced dwellings and bungalows, which are located on Catherine's Walk, to the North West. To the South and South West of the site are Athersley South Primary School and Laithes Primary school respectively.

Proposed Development

The applicant seeks permission to erect 54no dwellinghouses which are intended for affordable rented and shared ownership purposes.

The breakdown of the properties would be as follows:-

- 32no 2 bed four person semi-detached houses
- 4no 2 bed three person ground floor apartments
- 4no 2 bed three person walk up apartments
- 6no 2 bed three person semi-detached bungalows
- 8no 3 bed five person semi-detached houses

It should be noted that the bungalows would be for older persons i.e. 60 years old and above with some or slight mobility issues and the apartments would be age restricted for 40 year old and over with slight or no mobility issues.

The properties would generally be brick built with grey concrete tile roofs, however, the designs would incorporate more contemporary features such as timber cladding, cladding around the feature windows and black window frames.

Vehicular access to the site would be taken from Catherines Walk via a block paved road with hard margin. The road would split in 2 to serve the two sides of the site. Each property would have access to at least 1no. off road parking space.

Each property, with the exception of the apartments, would have a small buffer garden to the front and a private garden to the rear. The apatments would have shared amenity space.

A small area of Public Open Space would be retained on the corner of Catherines Walk and Edwins Close. Under the green space would be an attenuation tank and adjacent would be a pumping station.

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 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 notation is as an Existing Community Facility as the site previously hosted a school when the UDP was adopted in the year 2000.

The Core Strategy

CSP1 Climate Change
CSP3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP8 The Location of Growth
CSP9 The Number of New Homes
CSP10 The Distribution of New Homes
CSP14 Housing Mix and Efficient Use of Land
CSP15 Affordable Housing
CSP25 New Development and Sustainable Travel
CSP26 New Development and Highway Improvement
CSP29 Design
CSP35 Green Space
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations
CSP43 Educational Facilities and Community Uses

Consultation Draft Local Plan

The Council has produced a Consultation Draft Local Plan which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation. In the Policies Maps the site is allocated as Urban Fabric and Green Space.

Relevant Supplementary Planning Documents and Advice Notes

SPD Designing New Housing
SPD Open Space provision on New Housing Developments
SPD Parking
PAN 30 Sustainable Location of Housing Sites

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.

Paragraphs of particular relevance to this application include:

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

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

Para's 58 & 60: Design considerations

Consultations

Affordable Housing Officer – Supports the proposal.

Coal Authority – No objections subject to conditions requiring intrusive site investigations to inform any specific measures which are required to prevent the development being affected by historic coal mining workings.

Drainage – No objection subject to the imposition of standard conditions

Education – No objections subject to a contribution of £110,040 towards additional primary school place provision.

Ecology – The Biodiversity Officer agrees with the findings of the ecology report that the site is of low/moderate ecological value. However he required suitable mitigation and compensation measures to be in place. In addition T13 should be discounted for the possibility of hosting bat roosts.

No objections to the development in principle, but requires a bat survey

Highways – Minor amendments suggested which have been addressed

Policy – Loss of Green Space, compensation payment of £162,000 required

Regulatory Services – No objection subject to condition

SYMAS – No objections subject to conditions

SY Broadband Programme – No objection subject to infrastructure being incorporated through the imposition of a condition.

SY Police ALO – Recommend that the development achieves Secured by Design standards due to crime rates in the area.

Tree Officer – No objections subject to conditions.

Yorkshire Water – No objections subject to the imposition of standard conditions.

Waste Management – No objections subject to developer being made aware of the charges in place for the provision of waste bins.

Ward Councillors – Cllr Tattersall no objections in principle but considers that the retained area of Green Space should be covered by a maintenance agreement.

Representations

The application was publicised by neighbour notification letter (103), site and press notices. 26 objections have been received. In summary the main concerns expressed are:-

- Increased anti-social behaviour
- Increased traffic
- Overlooking/loss of privacy
- Reduced security
- Loss of Green Space used by local residents
- Loss of habitat for wildlife
- Additional bins/waste would create odour and increase vermin
- Overbearing/overshadowing effects
- Increased noise/disturbance
- Lack of local infrastructure
- Parking issues
- Highway safety - Shared surface confusing for users
- Drainage issues

Assessment

Principle of Development

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

The 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.

The site comprises an area of functioning green space and is shown on the Green Space register as GS832 the Athersley St. Edwin's Community Centre Local Neighbourhood Green Space. Core Strategy Policy CSP35 states that we shall only allow development proposals that result in the loss of Green Space where an assessment shows there to be a surplus or appropriate replacement provision is provided.

A partial loss of the green space has already been allowed through application 2010/0679 (26 dwellings at Edwin's Close) and Officers and Members indicated at that time that the remainder of the site should be retained for its green space function in perpetuity. However, the Barnsley Strategic Housing Market Assessment Addendum 2017 identified a shortfall in the provision of all types of housing within the Borough to meet the objectively assessed needs. For affordable housing the annual net shortfall is 292 affordable dwellings assuming the backlog is cleared over a ten year period, or 82 per year if the backlog was cleared over the Local Plan period lasting through to 2033. Whilst land is being allocated to meet the Borough's current and future housing needs through Local Plan process the delivery of the required numbers of affordable housing shall continue to be a challenge because usually Registered Affordable Housing Providers are priced out of buying housing land by private developers once land has been allocated for housing development. This particular proposal therefore represents an opportunity for a significant number of affordable houses to be provided which would go some way towards addressing the shortfall in the amount of affordable housing provision. The proposals attract substantial weight because of this.

The site is located in Core Strategy Urban Barnsley which is the main priority to accommodate housing growth and is in suitable and sustainable location. These considerations also attract positive weight. As does the position that the Council is unable to demonstrate a deliverable five year supply of housing land at the current time. The significance of this is that under para 49 of the NPPF housing applications should be considered in the context of the presumption in favour of sustainable development and that policies relevant to the supply should not be considered up to date.

Important material considerations weigh in favour of the development being supported in principle therefore. Ordinarily in these circumstances compensation should be provided to offset the loss of Green Space from the site in the form of a commuted sum for the enhancement of existing facilities located off the site. This was initially requested. However a contribution is also required to address the shortfall in the provision of primary school places in the area. The applicant has submitted a viability appraisal which asserts that both payments would not be viable and this has placed Officers in the position of determining whether this would tip the balance against the application being supported. In the end our position is one of support given the substantial weight which must be afforded to the proposals in the form of the significant contribution that the development would make to the delivery of houses within the Borough overall and specifically affordable housing. In addition weight is afforded to the recreation ground at Laithes Lane being under 10 minutes walking distance away from the site. Other relevant development plan policies and material considerations should, however, still be considered.

Residential Amenity

The proposals are sensitive due to the large number of existing properties located on Wingfield Road and Catherine's Walk which overlook the site in its existing open form. However loss of view is not a material planning consideration. In addition the plans have been designed to meet the separation distances which are required between existing and

new dwellings in the SPD meaning that the development would maintain the required standards of privacy and would not lead to overshadowing to an unacceptable degree. Internally within the site standards are met with regards to internal and external space and rear garden sizes.

The usual conditions would need to be imposed to limit noise and disturbance during the construction phase.

Design & Visual Amenity

The proposed dwellings would be orientated in a relatively traditional layout, arranged around 2no. cul de sacs with the properties fronting the road and having parking to the front/sides, small buffer gardens between the road and the front elevations and private gardens/amenity space to the rear.

The dwellings would be relatively traditionally built but would incorporate some more contemporary design accents through cladding and brick detailing. This would reflect the existing dwellings on Catherine's Walk which the proposed development would most closely relate, as such, the development would sit comfortably within its surroundings and reflect the development pattern of the area. Furthermore, plots 1-4 would front Catherine's Walk and lead into the new development enabling the two developments to harmonise rather than being separate entities.

A number of the proposed dwellings would be on prominent corner plots with views from public vantage points of both the front and side elevations. These plots generally incorporate fenestration on the side elevations or design features to add interest and avoid large blank, overbearing gables/side elevations. These plots also require solid side boundaries adjacent to the highway as their rear gardens adjoin the road, with the boundary treatment necessary to create a private space by reducing views from public vantage points. These boundary treatments are generally of a higher quality of the standard close boarded fencing and incorporate dwarf walls, brick piers and infill panels.

The scheme proposes 2no. apartment blocks each incorporating 4no. dwellings. The blocks would still be 2 stories in height and would closely reflect the design of the semi-detached units, as such, they would integrate well into the design and layout and not stand out or appear incongruous. Similarly with the proposed bungalows, despite having accommodation over 1 floor, they would still incorporate the same design thread and harmonise with their surroundings. This mix in property types also adds to the character of the development and complies with policy CSP 14 'Housing Mix'.

The proposed development would obviously have an impact on visual amenity given that the site is currently an open space. However, the site is surrounded by existing development such as houses, residential homes and schools. A small element of open space would be retained on the corner of Edwin's Close and Catherine's Walk and the development would be further softened through the use of buffer gardens to the front of dwellings and a tree planting scheme throughout.

It is acknowledged that a number of plots would have parking spaces to the front, rather than side, of the dwelling making vehicles relatively prominent within the streetscene. However, these parking spaces would be softened by the buffer gardens and planting and there would not be large runs of parking spaces together. Furthermore, the proposed parking layout reflects that of the existing properties on Catherine's Walk. In summary the plans are considered to be acceptable with regards to CSP29 'Design considerations and the SPD.

Highway Safety

Highways have been consulted on the application. The layout plans are now in a form that is acceptable to them with regards to the design of the roads, the provision of adequate turning and manoeuvring space and parking. Each property has access to off road parking in accordance with SPD 'Parking'. Given that the roads are served by hard margins rather than 2m wide pavements there would be limited on street parking. In order to combat this the plans incorporate a number of visitor parking spaces throughout the development via the provision of parking laybys. Highways consider the plans to be acceptable in each respect and as such it is viewed to be acceptable with regards to CSP 26 considerations 'New Development and Highway Improvement'.

Trees

The application was accompanied by a Tree Survey and the Council's Tree and Biodiversity Officers have been consulted. The majority of the trees on the site are of generally poor quality and many are proposed to be removed. Most of the trees to be removed require removal for arboricultural reasons or are category C trees and are not considered a constraint to the development. There is, however, a large Poplar which is to be removed to facilitate the proposed development which has been given a category B. Given the nature of the species and the age of the specimen itself there is no objection to its removal. The tree will have a limited lifespan if incorporated into a development due to its age and the likelihood of it beginning to decline and potentially lose limbs in a built up area which would greatly increase the risk it would otherwise pose. The tree in its current situation is a category B tree but ultimately is not a suitable specimen to incorporate into a development.

The layout provided shows significant new tree planting would be utilised in the proposed scheme to mitigate for the loss of the trees to be removed. No details have been provided at this stage and, as such, full details of the species, size and planting specification would be required as part of a landscaping scheme. The retained trees would require protecting as part of the proposed development and as such tree protection details would also be required.

Mining Legacy

The application site falls within the defined Development High Risk Area. Therefore the application is accompanied by a Stage 2 Geo-Environmental Report (24 November 2017, prepared by ARP Geotechnical Ltd). Based on review of appropriate sources of coal mining and geological information, the report identifies that mitigation measures might be required in the southern part of the site to be informed by the results of intrusive investigation works. Both the Coal Authority and South Yorkshire Mining Advisory Service have been consulted on the application and are content with the proposed approach provided that it is secured by a suitably worded condition.

Ecology

The dominant habitat on the site is amenity grassland which is considered to have limited ecological value due to the intensive management of the area. To the West of the site is an area of scrub vegetation with some scattered trees. There is also a hedgerow along the eastern boundary of the site featuring intermittent broad leaved trees. These features are considered to have a moderate ecological value.

The Biodiversity Officer did seek the retention of T13 within the development (a hybrid Black Poplar tree). However this tree was assessed by the Tree Officer as not being suitable for retention over the lifetime of the development and feels that its loss can be compensated for.

This same tree is identified as having bat roost potential. Emergence surveys were therefore requested to discount this possibility. However that would delay the issuing of a decision until at least May when the survey can be carried out. This would have serious funding implications for the 100% affordable scheme and would also be contrary to the terms of the Planning Guarantee which means that Council's should determine applications within a maximum period of 26 weeks.

The Habitat report states that there are three trees on site that have significant cracks or cavities that have potential to support bat roosting, however, the site is within a residential area, well lit by street lighting which could deter bats from the area. Also, although there is some foraging habitat on site, but this is reduced by the intensive management of the amenity grassland. As a result, the report states that bats could be present on site but there are a number of factors which would deter them.

The applicants have stated that they would be willing to put forward mitigation measures on the assumption that bats are found on site and would agree to a condition which states that the trees in question could not be removed until an emergence survey is carried out. This is considered a reasonable approach where the decision notice can be released but no work takes place in the areas where there is the potential for bats to be present until the required surveys are done.

Other mitigation measures necessary include the removal of any vegetation on site outside of bird nesting season unless preceded by a survey. Furthermore native species should be used in the landscaping scheme for the development. A condition would be necessary to ensure the required mitigation and enhancement work.

Education

The Education Officer has been consulted on the application and identified that there is a shortfall of Primary School places within the area but sufficient Secondary School places.

Although there are 54 dwellings in total on site, the 6no. bungalows would be reserved for older persons (60 years old plus with limited or some mobility problems) and the 8no. apartments would be age related properties (40 years old plus with limited or no mobility problems). As such, the remaining 40 properties would be considered to be family homes. Based on the calculation of 20 primary school pupils generated per 100 dwellings, 40 family properties are likely to generate 8 primary pupils. Therefore, given that each primary place equates to a contribution of £13,755, the total contribution required in this case is £110,040. As such, the Education Officer is content not to object to the proposal subject to the above contribution which would need to be secured through a S106 legal agreement.

Green Space

The provision of new green space is normally required on all developments of 20 more in accordance with the Open Space Provision on New Housing Developments SPD. However the Council does not seek contributions from affordable housing developments due to the viability implications. As has already been discussed this same position has also been arrived at regarding the compensation payment which was initially requested for loss of Green Space because of the need for the education contribution. The assessment of Green Space considerations has also factored in that the recreation ground at Laithes Lane is under 10 minutes walk away from the site.

Affordable housing

Whilst the applicant is a Registered Affordable Housing Provider a S106 Agreement is still necessary to guarantee the provision of the minimum amount of affordable housing required by policy CSP15 for the reason that planning permission runs with the land and not the recipient. This prevents the land being sold on without any affordable housing obligations being in place.

Conclusion

Taking into account the relevant development plan policies and other material considerations it is considered that the substantial benefits associated with the provision of a large number of affordable dwellings (54) in a sustainable and priority location to accommodate housing growth would outweigh the limited number of adverse impacts associated with the proposal, including loss of Green Space. The proposal therefore complies with the development plan as a whole and the advice in the NPPF. As such the application is considered to accord with the relevant policies and guidelines listed within this report and is recommended for approval accordingly.

Recommendation

Grant planning permission subject to conditions and S106 legal agreement (Education and Affordable Housing)

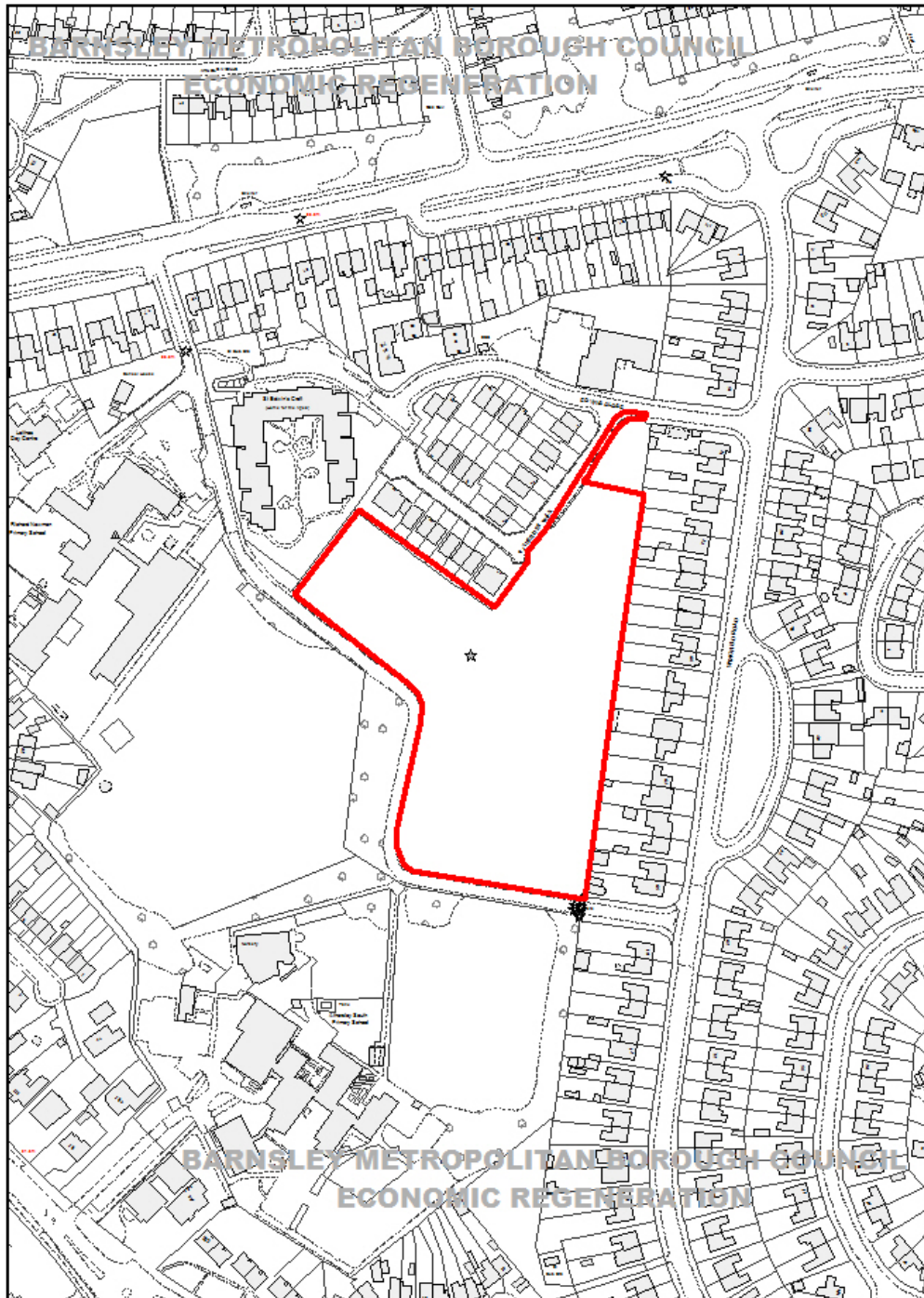
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 2791.14.102B, 2791.14.130, 2791.14.135, 2791.14.140, 2791.14.150 & 2791.14.545) 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 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.

- 5 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.
- 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 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.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 10 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 11 Prior to commencement of development full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 12 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.
- 13 No development shall take place until full foul and surface water drainage details, including a scheme to maintain or reduce existing Greenfield run-off rates and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
- 14 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity**
- 15 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.
- 16 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality.

- 17 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, The development thereafter shall be carried out in accordance with the approved details.
Reason: In the Interest of land stability, NPPF sections 120 and 121.
- 18 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the dwellings hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.
- 19 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 20 The Hybrid Black Poplar tree to the West of the site and the two Sycamore Trees in the North-Eastern boundary of the site shall not be removed until a Bat emergence/re-entry survey has been carried out. The tree removal shall be carried out in accordance with the recommendations and mitigation measures outlined in the survey.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 21 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 5-16, 24, 32-35, 43-47 and 54 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.

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BARNSLEY MBC - Economic Regeneration



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Item 4

2017/1300

Applicant: Mr Robert Wicks, C/o Alan Robinson

Description: Erection of 1 no. dwelling and associated access (Resubmission)

Site Address: Crowick House, Belle Green Lane, Cudworth, Barnsley, S72 8LU

This application is presented to Planning Regulatory Board at the request of Councillor Sir Steve Houghton. 7 representations in support have been received from members of the public.

Description

Crowick House is a detached dwelling located at the end of Belle Green Lane in Cudworth. The dwelling is of unique/bespoke design, has an interesting building shape and a mixed material palette of stone and timber. The existing house is located at the edge of the settlement with the land beyond the southern boundary of the property, where the house is proposed to be relocated, lying in the Green Belt.

The proposed site where the house is to be relocated is a spacious plot, approximately rectangular in shape and amounts to around 0.19ha of land in total. The site is currently agricultural land with a large agricultural barn present on the land measuring 30m x 15m by 5.5m in height. The land slopes gently down from north to south and east to west, but otherwise there are no significant levels differences across the site. The barn is located up against an existing high hedgerow beyond which is a public footpath (Footpath No.7) and more agricultural fields.

To the north is the established residential area of Cudworth. The dwellings located immediately to the north of Crowick House (as existing) are new properties built by the applicants company, Oakstone Developments. A new development of 8 houses is in the process of being constructed on the site of the existing Crowick House (ref: 2016/1062) by the same company. At the time it was approved, this application included the demolition of Crowick House.

Proposed Development

The proposed development is to demolish Crowick House and rebuild it on the Green Belt land to the south. The existing agricultural Barn would also be demolished.

The design of the new dwelling is a contemporary replica of the property to be demolished and it is proposed to re-use at least 85% of the materials incorporated in the original house. The new building will have significantly improved carbon credentials than the existing Crowick House. The applicants have provided SAP calculations which confirm that the house would meet very high standards of thermal insulation. A projected EPC has also been submitted and the applicants state that property would be Carbon Positive, exporting more power to the grid than it would consume.

History

Previous applications on the land are as follows:-

B/02/0612/CU - Erection of dwelling houses and creation of a new access (Outline). The application was recommended for refusal by Officers 17/06/2002 due to the proposals being an inappropriate form of development in the Green Belt which would have been prejudicial to the character and openness of the Green Belt. However no decision was issued because of a dispute about the application fee amount.

2005/1466 - Residential Development (Outline). Outline planning permission granted with conditions 22/09/2005. The application site boundary differed from the 2002 application and did not include land within the Green Belt.

2011/0313 - Residential development (Outline). Outline planning permission granted with conditions 25/05/2011. Once again this did not include Green Belt land.

2011/1446 - Erection of 2no dwellings. The application was withdrawn 05/01/2012 prior to a decision being made on the application.

2012/0005 - Erection of 5 no. dwellings. Granted planning permission with conditions 20/03/2012.

2016/1062 Erection of 8 no. residential dwelling. Granted planning permission with conditions 27/10/2016

2017/0287 – Erection of 1 No.Dwelling House and Associated Access – The previous version of the application now under consideration was refused permission by the Council 17/05/2017 for the following two reasons:-

1. The site lies within the Green Belt on the Saved Barnsley Unitary Development Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in paragraphs 89 and 90 of the NPPF. Core Strategy Policy CSP34 reflects national policy guidance, protecting and safeguarding the countryside and open land around built up areas. In the opinion of the LPA the proposed dwelling constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.

2. In the opinion of the Local Planning Authority the proposed would result in overlooking and overshadowing of adjacent properties, contrary to Saved UDP Policy H8A, Core Strategy Policy CSP29 and the Council's Supplementary Planning Document: Designing New Housing Development.

In addition the following application was made on the adjoining land to the south of the application site:-

2015/1255 - Erection of a steel frame general purpose building (Prior Notification Agricultural) – Deemed consent.

Policy Context

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

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

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

Saved UDP Policies

UDP notation: Green Belt

Core Strategy

CSP2 'Sustainable Construction' Development will be expected to minimise resource and energy consumption.

CSP3 'Suds' All development will be expected to use Suds except in exceptional circumstances.

CSP4 'Flood Risk' sets out how the extent and impact of flooding will be reduced.

CSP8 'The Location of Growth' priority is given to development in Urban Barnsley and the Principal Towns as set out in the settlement hierarchy.

CSP9 'Number of New Homes to be Built' is set at 21,500 between 2008 to 2026.

CSP10 'The Distribution of New Homes' provides an indication of the distribution of new homes across areas of the Borough.

CSP25 'New Development and Sustainable Travel' seeks to locate and design development to reduce the need to travel and be accessible to public transport, cyclists and pedestrians.

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

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

CSP 34 'Protection of Green Belt' the extent of the green belt will be safeguarded and remain unchanged.

CSP 36 'Biodiversity and Geodiversity' development is expected to conserve and enhance the biodiversity and geological features of the borough.

CSP 37 'Landscape Character' Development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character Area.

Publication Draft Local Plan

The site remains located within the Green Belt as shown on the emerging Local Plan Proposals Map. As such policies GB1 'Protection of the Green Belt', GB2 'Replacement, extension and alteration of existing buildings in the Green Belt' and GB3 'changes of use in the Green Belt' would apply.

GB1 protects the green belt from inappropriate development in accordance with national planning policy.

SPDs/SPGs

The following LDF Supplementary Planning Documents have now been adopted which 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 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.

Paragraphs of particular relevance to this application include:

- Para 7 – 3 dimensions to sustainable development
- Para 14 – Presumption in favour of sustainable development
- Para 55 – Delivering a wide choice of high quality homes
- Para's 58 & 60 – Design considerations
- Para 79-92 – Green Belt

Material Consideration

Barnsley Green Belt Review (ARUP) 2014, Cudworth (including the village of Brierley)

Part of a suite of documents detailing the assessment of Barnsley's Green Belt to support the emerging Local Plan. The site is located on an area identified as CUD4 (one of 11 General Areas assessed in this document). The assessment is a 3 Stage Process, the first of which is a site assessment proforma appraising the 'General Area' against each of the five equally weighted purposes of the Green Belt with a score out of 25 determined. Stage 2 is an assessment of the constraints and suitability of land considered for removal of the Green

Belt and Stage 3 re-assesses if specific sites meet the Green Belt Purposes as defined in the NPPF.

CUD 4 achieves 16/25 at Stage 1 which signifies that the General Area as a whole is considered to be strongly fulfilling the purposes of the Green Belt. The detailed assessment acknowledges that there are irregularities / weaknesses in the boundary around the Dorothy Hyman (to the south) but that the boundary of the housing allocation on Belle Green Lane (which includes Crowick House) is more regular.

It is concluded that General Area CUD4 has a relatively strong functional relationship with the built form of Cudworth and does play a strong role in safeguarding the countryside from encroachment and protecting a largely essential gap between Cudworth and Grimethorpe. No Resultant Parcels are identified within the General Area which could be suitable for release from the Green Belt; therefore Stage 2 of the assessment is not required.

Consultations

Highways DC – No objections in principle but have commented that the plans are insufficiently detailed with regards to demonstrating that the dwelling could be accessed by a fire appliance vehicle, or with regards to the provision of an alternative means of fire control in the event of an emergency.

Ward Councillors – Cllr Houghton has referred the application to the Board for determination.

Drainage – No objections

Yorkshire Water – They would wish to object to the application should it be proposed to plant trees over the public sewerage system located within the site. The plans should also detail the line of the sewer and any requirement to divert it is subject to agreement from YW.

Trees – The plans show that the proposed dwelling would be close to the trees on the southern boundary which border the footpath (much closer than the previous application) and as such a tree survey should have been provided so that the impacts can be properly assessed. If the development is close to, or encroaches in to, the rooting areas or canopy spreads of any of the trees an arboricultural impact assessment should also be provided.

PROW – No representations have been received.

Pollution – The Biomass Boiler is an exempted appliance. It must be operated to manufacturer's specifications. The stack shall be designed to ensure adequate dispersion of pollutants, such as ensuring a free flow from the chimney, which itself shall be at least 1 metre higher than roof ridge. In addition, a form must be completed in order to ascertain impact on local air quality.

Biodiversity – No representations have been received.

Design – It is clear that a lot of architectural thought has gone into the design of the elevations in terms of their solid/ void relationships, proportions, depth, planes and angles. Whilst the use of natural materials, (timber, reclaimed natural stone and zinc), is welcome I find it hard to make a case that this is an 'exceptional design'. The design of the dwelling in itself needs to be specific to the site and its context, otherwise it would be hard to argue it as having an 'exceptional quality' re: para 55 of the NPPF.

Representations

The application was advertised through neighbour letters, a site notice and press advert. No objections have been made and 7 letters of support have been received. The letters give the following reasons to support the proposal:

- The high quality design of the building.
- Other recent development by the applicant has improved the area and increased security.
- Links to childhood and the film KES.
- Support for an Eco-House.
- Preservation of the contribution that the existing dwelling makes to the local character of the area.

Assessment

Principle of Development / Impact on the Green Belt

The NPPF (at Paragraph 14) is clear in that there is a presumption in favour of sustainable development and that development proposals that accord with the development plan should be approved without delay. The proposed development is, however, not in accordance with the development plan being located on a site that is allocated as Green Belt. Core Strategy Policy CSP 34 protects and safeguards the Green Belt which should remain unchanged. The NPPF is clear at paragraph 87 that *“inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances”*. And at paragraph 88 *“when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very Special Circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness and any other harm is clearly outweighed by other considerations”*.

Applicants Case

The applicant has stated that the building needs to be rebuilt because of structural defects which make it unmortgageable. The applicant has also confirmed that the house cannot be rebuilt on its current site because, following the death of the applicants father, the land was left to the applicant and his two sisters on the condition that any financial benefit derived from the house or land be split between them. The applicant has confirmed that he owns the land to the south (the redline for the application) outright and that the field to the east belongs to his sister.

The applicant has sought to demonstrate that very special circumstances exist by virtue of:

- the high quality and unique design of the dwelling, being an example of an American Prairie House style designed by Architect William McCrow and the only known example of his work in the UK.
- Links to the film ‘Kes’, via the fact that the Architect William McCrow was the set designer for the film and the builder of the house (Eric Wicks) was a set builder.
- Links to the history of the wider borough of Barnsley, through the extensive use of reclaimed material on the existing building (85%); and

- The buildings eco-credentials in relation to utilising renewable energy, reduced energy consumption and through recycling materials (it is claimed that Crowick House was built from 85% reclaimed materials and when re-built would use 85% of the materials of the original house).

It is their case that the benefits arising from these amount to very special circumstances.

In terms of the harm to the Green Belt by reason of inappropriateness and any other harm, it is the applicants view that the harm to the green belt is limited / off set by:

- the removal of the existing agricultural building on the site; and
- ceasing the use of the site of the barn for the storage of building materials.

In this regard the applicant is of the view that the proposed '*assists in urban regeneration, by encouraging the recycling of derelict and other urban land*' one of the 5 purposes of the green belt. The applicant is also of the view that Crowick House once rebuilt will continue the building line along the eastern edge of Cudworth, which they state is terminated by the public bridleway and therefore no unrestricted sprawl will result.

Assessment of the Development

- Harm to the Green Belt

Crowick House is currently located at the very edge of the settlement of Cudworth with the land to the east, south and south west all open agricultural fields. Belle Green Lane ends at the access to the existing house after which it becomes a farm track / public footpath. It is proposed to re-locate Crowick House into the field adjacent (to the south). Some screening of the site is provided by existing hedgerows and trees along the field boundary, consistent with field boundaries in the wider area. The land is open to the east with no screening.

The fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristic of Green Belts are their openness and their permanence. Green Belt boundaries have been reviewed as part of the Local Plan process with no change proposed in this location. The wider area of Green Belt (of which this site forms part) was assessed to have "*a relatively strong functional relationship with the built form of Cudworth which does play a strong role in safeguarding the countryside from encroachment and protecting a largely essential gap between Cudworth and Grimethorpe*". The assessment undertaken acknowledges some blurring of the boundary at the Dorothy Hyman to the south but specifically states that the housing development sites to the north (along Belle Green Lane) have a clear defined edge. This directly conflicts with the applicant's view that the relocated Crowick House would continue the existing building line along Belle Green Lane to the edge of Cudworth. In fact, the relocated Crowick House would erode the existing clearly defined boundary and is inappropriate development which conflicts with two of the 5 purposes of the Green Belt i.e. to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. Substantial weight is attached to this harm in accordance with paragraph 88 of the NPPF.

Turning to the harm to the Green Belt, the applicant has stated that this is offset by the removal of the existing agricultural barn and through ceasing the use of the site as a builders yard. This is directly in conflict with the application form which states that the site is a garden. The barn was approved under the Prior Approval process in 2015 and no planning permission has been granted for the use of the site as a builders yard. Whilst the applicant refers to the builders yard as being established use, no evidence is provided to support this

claim and at the time that the agricultural barn was given Prior Approval the application was accompanied by a statement from Mr R Wick asserting that the site was part of a single agricultural holding known as Belle Green Farm and that:

“We urgently require a general purpose agricultural building at this location for the following:-

- We live at this location this also enhances security with the proposed building*
- To keep feeds/grain hay straw dry*
- Keep tractors trailers and implements and tools dry out of the winter weather when not in use*
- Keep all the mentioned above safe secure from vandalism and theft which is indeed a problem in this area”*

This is at odds with any use of the site as a builders yard.

Turning to the removal of the barn, NPPF paragraph 89 states that: ‘*A local planning authority should regard the construction of new buildings as inappropriate in the Green Belt*’ and then lists specific exceptions to this, including the complete redevelopment of previously developed sites (brownfield land). Development which would fall under this exception (i.e. the redevelopment of brownfield land) is not inappropriate and as such no very special circumstances would be required. However, the NPPF provides a clear definition of Previously Developed Land at Annex 2 and excludes “*land that is or has been occupied by agricultural or forestry buildings*”. It is therefore clear that the demolition of the barn and proposed redevelopment would not qualify as an exception to Green Belt policy as set out under NPPF paragraph 89. It should also be noted that under the conditions attached to the Permitted Development Rights utilised for the barn, if the agricultural use of the building ceases within 10 years the building must be removed and the land restored to its condition before the development took place. Therefore as the applicant has confirmed, through correspondence associated with this application, that the building is no longer required for agricultural purposes and stated that the agricultural land holding (Bell View Farm) has been divided up (following his father’s death), the barn should be removed and the site returned to its previous condition. In this regard its impact on the openness would also be removed. On this basis, only very limited weight can be afforded to this argument.

- *Very Special Circumstances*

In terms of Very Special Circumstances, the applicants have referred to the unique design of Crowick House. The applicant states that the house was built in 1969 and designed by Canadian architect William McCrow AIA who was the art director for the film Kes (filmed in the same year). The house incorporates materials reclaimed from various demolition sites around Barnsley but is stated (by the applicant) to be unsaleable in its current condition because of issues with its structural integrity. Whilst the proposed is clearly not an isolated dwelling (paragraph 55 in the NPPF), exceptional quality or innovative design can carry weight when considering the Very Special Circumstances for development in the Green Belt. To support this aspect of the case, the applicant has presented the design of Crowick House to the Design Review Service for Yorkshire and the Humber. A copy of the presentation has been provided with the application along with the Design Review Report issued by the Panel. The Council’s Design Officer has also assessed the proposed.

The Design Panel comments attribute merit to the historical and cultural narrative of the building through its links to the film Kes via William McCrow and the builder and on the influences on the design, which draws on the prairie house style of renowned architect(s) Frank Lloyd Wright and Bruce Goff. The Design Review Panel have suggested the site could become an educational resource and attribute a clear benefit of the scheme to the removal of the existing barn and possible improvements to the wider site through landscaping. The

applicant has been asked for further information in relation to architect William McCrow and his portfolio of work, however, whilst some evidence has been uncovered of other buildings he has designed - most notably the Windrush community in the City of Vaughan, Canada which is referenced in the Klienburg-Nashville Heritage Conservation District Study and Plan - the information provided is limited and does not support the narrative that the building or its architect has significant Architectural Credentials or that there would be a clear interest in the building as an education resource (from a design perspective). Further, the connection to the film 'Kes' is limited to the fact that the architect and builder worked together on the set, neither the building nor site feature in the film.

The Council's Design Officer acknowledges that a lot of architectural thought has gone into the design of the elevations in terms of their solid / void relationships, proportions, depth, planes and angles. However, it is hard to make a case that this is an 'exceptional design' or truly innovative. This view is supported by the recent planning permission for its demolition (2016/1062) which was submitted by the same applicant and the fact that the house is not subject to any specific protection. The relationship of the building with the area within which it is located is also an important factor. This is unclear and no evidence has been provided as to how the design evolved or responded to its specific environment. Regardless, any relationship to the surrounding landscape has been lost through the comprehensive development of land within its setting. The applicant has stated that subject to agreement on the principle of the development being acceptable, a detailed landscape study would be undertaken and a landscaping scheme provided, however, this would result in the landscape being altered to support / compliment the design of the building and not the other way round and these landscaping works themselves could constitute a change to the character of the Green Belt in this location. This latter point is exacerbated by the size of the development plot which provides a large garden and area of hardstanding for parking and maneuvering, itself inappropriate development in the Green Belt.

In conclusion, it is acknowledged that the building is unusual in the context of Cudworth and the wider borough of Barnsley and some weight can be attached to the quality of the overall design. However, this weight is reduced by the lack of evidence provided in relation to the architectural credentials of the building or any specific evidence about how the building was/is designed to respond to its location or its relationship with the surrounding area. The link to the film Kes is also only afforded limited weight as it is somewhat tenuous.

Turning to the eco credentials of the house once rebuilt, it is proposed to re-use 85% of the materials already incorporated in the original dwelling, of which it is claimed 85% are already recycled from elsewhere in the borough. The environmental sustainability of this approach is afforded some weight as a benefit of the proposal, however, the structural report provided is not conclusive as whether this level of recycling is achievable, particularly when the proposed alterations to increase the air tightness of the building are taken into account (which includes a new roof and glazing), the benefit and therefore weight afforded is reduced.

The applicants have stated that the house once rebuilt would surpass Passivehaus standards and Level 5 of the now scrapped code of sustainable development. This will be achieved through the use of high levels of thermal board insulation, with minimal thermal bridging, heat recovery ventilation, triple glazing and the buildings air tightness along with a 12Kw of Solar PV system with a high tech battery storage facility, Biomass Boiler and rainwater harvesting. A projected EPC and SAP calculations have been provided for the house as re-built confirming the potential for it to reach a SAP rating of 102 (a rating of 100 means zero energy cost with anything over being an exporter of energy). Regulatory Services have confirmed that the use of a biomass boiler would require a chimney stack or flue at least 1m above the roof which is not shown on the elevations. Neither is it clear where the Solar Panels would be located (the previously refused planning application (2017/0287)

showed the solar panels in the garden). Whilst the installation of a flue and solar panels on the roof of a dwelling can be permitted development, the fact that these elements have not been included in the design means that it is not possible to assess what the impact would be on the design of the building or on the Green Belt (it is not clear if the roof could accommodate the scale of solar panels required for a 12Kw system).

Therefore, whilst the use of sustainable technology and building techniques to minimise energy usage is of benefit and can hold weight in terms of demonstrating Very Special Circumstances, the lack of detail provided limits the ability to assess this aspect of the development.

Overall it is felt that the benefits of the scheme, through energy efficiency and the use of renewable energy (assuming a SAP rating of 102 is achieved) and the recycling of material, alongside the design and cultural and historical links of the building with the area are of some benefit; albeit not always clearly expressed by the applicant. However, these benefits (taken as a whole) do not amount to sufficient Very Special Circumstances which would clearly outweigh the harm to the Green Belt by reason of inappropriate development.

Residential Amenity

Crowick House, as relocated, would be 10m (measured at its closest point) from the boundary with properties approved under 2016/1062 which are currently being constructed. This is further back within the site than the previously refused application and the orientation of the building has been changed. Large areas of glazing form a characteristic of the building design with floor to ceiling windows in the elevation of Crowick House closest to the boundary (bedroom and study). Whilst distances have increased and the orientation of the building does remove instances where there is a direct line of sight (back to back) between windows, there remains a concern regarding privacy. The minimum standards as set out in the Designing New Housing Development SPD are not fully met and the situation is exacerbated by the small rear gardens of the properties approved under 2016/1062. These are only 6m in depth with the reduced distance approved only because the land to the south is Green Belt and therefore unlikely to be developed. The proposed still raises concerns regarding overlooking of the rear of properties to the north and, because of the change in level across the site and extent of glazing, a loss of privacy to Crowick House itself.

As such the proposed will result in loss of privacy which conflicts with CSP 29 Design and the SPD Designing New Housing Development.

Highway Safety

Highways have no objection in principle but requested a plan showing all on-site parking/maneuvering, parking provision, bin collection point and tracking for a fire appliance. The revised plan submitted (S1 Rev A) does not show the tracking for a fire appliance, which is necessary as the length of the proposed drive exceeds the carry distance for a fire appliance. In addition, the drawing shows the location of the proposed fire hydrant within the rear garden of no: 71 Belle Green Lane and it is difficult to envisage how access to this hydrant would work. Therefore, further information would have been necessary to have demonstrated how these issues would have been overcome. It is likely that this could be resolved, however, it should be noted that any additional maneuvering space would have further impact on the Green Belt.

Conclusion

The site lies within the Green Belt in the Saved Barnsley Unitary Development Plan and the emerging Local Plan, wherein it is the Policy of the Local Planning Authority and the

Government not to permit new development except in very special circumstances, for purposes other than those set out in paragraphs 89 and 90 of the NPPF. Core Strategy Policy CSP34 reflects national policy guidance, protecting and safeguarding the countryside and open land around built up areas. In the opinion of Officers the proposed dwelling constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. In addition the development would conflict with two of the purposes of two of the 5 purposes of the Green Belt i.e. to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. Substantial weight is attached to the identified harm in accordance with paragraphs 79, 80, 87 and 88 of the NPPF. Accordingly there are insufficient very special circumstances to justify the granting of planning permission in this instance.

Furthermore the proposed would result in overlooking of adjacent properties, which is contrary to Saved UDP Policy H8A, Core Strategy Policy CSP29 and the Council's Supplementary Planning Document: Designing New Housing Development.

In addition despite requests for additional information the applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on trees or the wider landscape.

Recommendation

Refuse permission

- 1 The site lies within the Green Belt in the Saved Barnsley Unitary Development Plan and the emerging Local Plan, wherein it is the Policy of the Local Planning Authority and the Government not to permit new development except in very special circumstances, for purposes other than those set out in paragraphs 89 and 90 of the NPPF. Core Strategy Policy CSP34 reflects national policy guidance, protecting and safeguarding the countryside and open land around built up areas. In the opinion of the Local Planning Authority the proposed dwelling constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. In addition the development would conflict with two of the purposes of two of the 5 purposes of the Green Belt i.e. to check the unrestricted sprawl of large built up areas and to assist in safeguarding the countryside from encroachment. Substantial weight is attached to the identified harm in accordance with paragraphs 79, 80, 87 and 88 of the NPPF. Accordingly there are insufficient very special circumstances to justify the granting of planning permission in this instance.
- 2 In the opinion of the Local Planning Authority the proposed would result in overlooking of adjacent properties, contrary to Saved UDP Policy H8A, Core Strategy Policy CSP29 and the Council's Supplementary Planning Document: Designing New Housing Development.
- 3 Despite requests for additional information the applicant has not submitted sufficient details to enable an adequate assessment to be made of the effect of the proposal on trees or the wider landscape.

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BARNESLEY MBC - Economic Regeneration



Scale 1: -----

Item 5

2017/1695

Applicant: Cannon Hall Museum (BMBC)

Description: Removal of T19, G26, G27, T28, T29, G56, G58, T67, T70, G95, G96, G110, G120, G127, G160, G192, G193, G198 and G199 from south side of Lakes within TPO 1/1957.

Site Address: Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley, S75 4AT

This application is before Members as the Council is the applicant.
No objections have been received from any members of the public or consultees.

Description

The trees are a mixture of predominately willow, maple, cherry, alder, oak, aspen, birch trees which are located along the banks of the south side of the lakes at Cannon Hall. The trees are predominately young, self-set specimens with the occasional larger trees.

Proposed Development

The proposal involves the removal of trees T19, G26, G27, T28, T29, G56, G58, T67, T70, G95, G96, G110, G120, G127, G160, G192, G193, G198 and G199 from south side of Lakes within TPO 1/1957.

The trees proposed to be removed in order to open up the historic views from the Hall and the parkland and are mainly smaller self-set specimens which are of poor form. All works to the trees are to be carried out the current British Standards.

Policy Context

The statue law on TPO's is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g. road or footpath for a TPO to be made but the courts have decided that trees should be protected for "*pleasure, protection and shade they provide*". Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is:- 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

Consultations

Tree Officer – Approve subject to conditions
Biodiversity Officer – No objections
Cawthorne Parish Council – No comments received

Representations

No objections have been received

Assessment

In line with good practice, primarily the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The proposal is to remove a significant number of trees growing on the banks of the lakes in order to open up the historic views from the Hall and the parkland. The trees proposed for removal, although quite extensive in number, are limited to the edges of the lakes with the exception of two small specimens located a little further away. The large prominent specimens with significant amenity value are shown to be retained and will remain as part of the landscape around the lakes. The specimens to be removed are mainly smaller self-set specimens and those which are generally of poor form or have significant structural defects. The trees to be removed are either insignificant specimens which would not merit a TPO, or are in a condition which would preclude their protection.

The Tree Officer has been consulted and has no objection to the removal of those trees. Given the nature of the landscape around the lakes, the available positions for replanting, and the impacts these could have on the views and parkland, compulsory replacement planting is not required in this instance. The proposed tree removals are acceptable in terms of visual amenity, in line with good arboricultural practice.

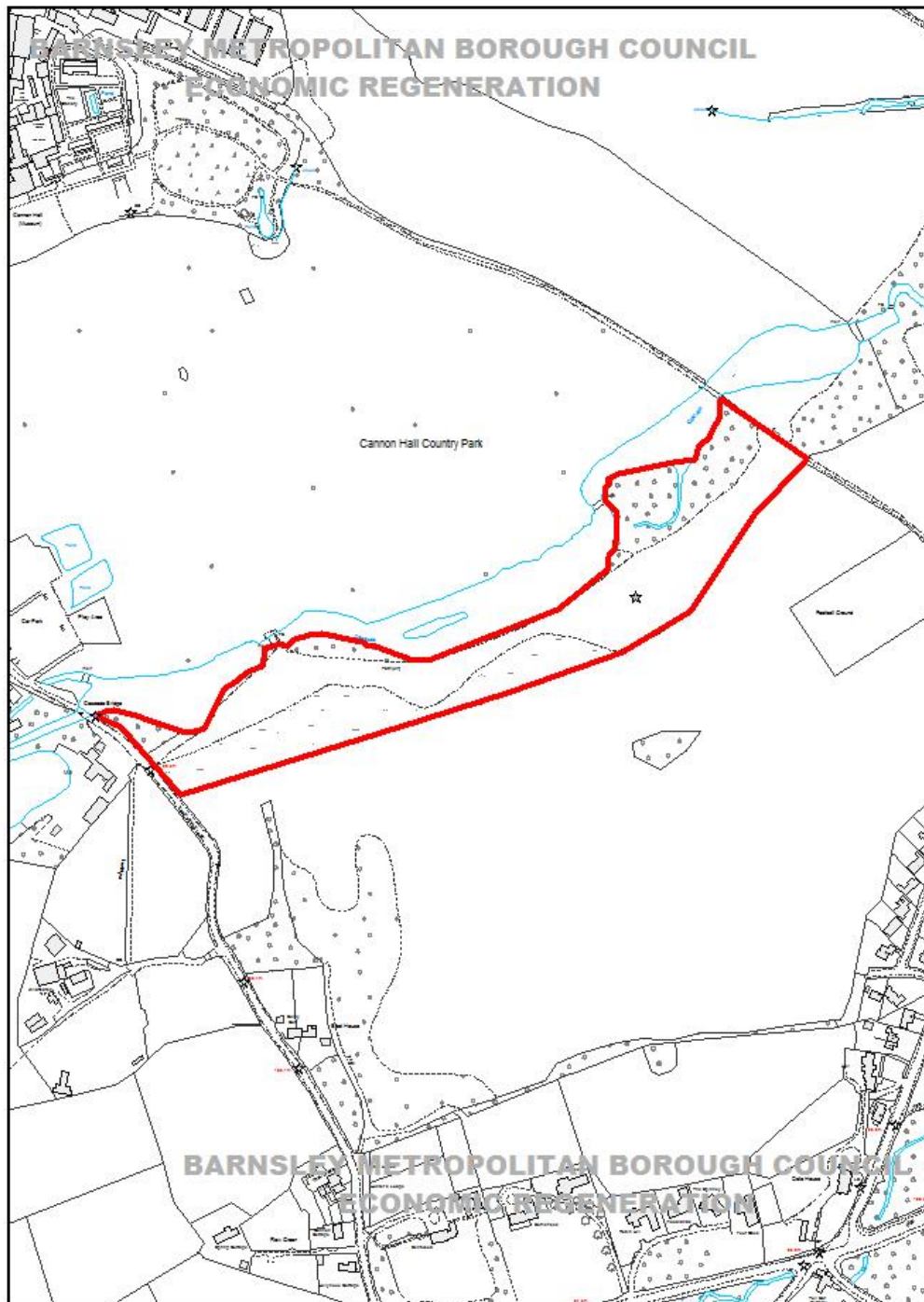
Recommendation

Grant approval for the works subject to the following conditions.

- 1 The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure that adequate notice is given for the works to be inspected and approved by the Local Planning Authority.

- 2 Prior to the approved works being carried out on site, the branches/trees to be removed shall be clearly marked and 5 days' notice shall be given to the Local Planning Authority. The work shall thereafter be carried out to the satisfaction of the Local Planning Authority.
Reason: To ensure the work accords with good arboricultural practice.

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BARNSELY MBC - Economic Regeneration



Scale 1: -----

Item 6

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 January 2018 to 31 January 2018

APPEALS RECEIVED

3 appeals were received in January 2018.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2017/0245	Erection of 1 no. detached dwellinghouse Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE	Written Representations	Committee
2017/1389	Erection of detached garage (Resubmission) 2 Church Street, Great Houghton, Barnsley, S72 0BL	Written Representations	Delegated
2017/0721	Residential Development (outline) Land at Lakeside View, Huddersfield Road, Penistone, Barnsley	Written Representations	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in January 2018.

APPEALS DECIDED

0 appeals were decided in January 2018.

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>

2017/2018 Cumulative Appeal Totals

- 25 appeals have been decided in since 01 April 2017
- 16.5 appeal (66%) have been dismissed since 01 April 2017
- 8.5 appeal (34%) 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	Dismissed	Delegated

	front extension to dwelling 101 Genn Lane, Ward Green, Barnsley	10/08/2017	
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
2016/1041	Variation of wording of condition 4 of application 2013/0960 (Residential development of 58 dwellings) in relation to surfacing of parking/manoeuvring facilities Development off Lowfield Road, Bolton on Dearne, Barnsley, S63 2TF	Dismissed 27/11/2017	Delegated
2016/0848	Variation of condition 4 of app 2015/1198 - (Erection of 61 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers) in relation to surfacing to parking manoeuvring areas Phase 2 Development, Off Barnburgh Lane, Goldthorpe, Rotherham	Dismissed 27/11/2017	Delegated
2016/0631	Variation of condition 4 of app 2015/1302 in relation to surfacing to parking/manoeuvring areas (Residential development - Erection of 43 no. dwellings with associated works) Former Highfield Grange Care Home, Blythe Street, Wombwell, Barnsley, S73 8LH	Dismissed 27/11/2017	Delegated
2016/0630	Removal of condition 6 of app 2015/0436 - Variation of Conditions 18 and 22 of application 2014/1219 - Erection of 97 no. dwellings with garages including parking spaces together with the provision of associated roads, sewers and infrastructure. Land at Ellwood, Off Wilson Grove, Lundwood, Barnsley, S71 5JF	Dismissed 27/11/2017	Delegated
2017/0171	Erection of detached dwelling house Courtland, Halifax Road, Thurgoland, Sheffield, S35 7AL	Allowed 13/11/2017	Delegated
2017/0027	Demolition of existing house and erection of 3 new houses (Outline with all matters reserved) The Laurels, 24 Viewlands, Silkstone Common, S75 4QP	Allowed 08/11/2017	Committee
2017/0700	Erection of a detached double garage with first floor games room 62 Church Street, Gawber, Barnsley, S75 2RJ	Dismissed 30/11/2017	Delegated
2016/1401	Erection of 1 no. detached dwelling 52 Kensington Road, Old Town, Barnsley, S75 2SS	Dismissed 28/12/2017	Delegated

2017/0475	Erection of cattery and associated facilities including reception, office, toilet and staff and customer parking area Hollow Farm, Woodhead Road, Wortley, Barnsley, S35 7DS	Dismissed 19/12/2017	Delegated
2017/0607	Removal of condition 1 of previously approved permission 2016/0322 - to allow the car wash to operate on a permanent basis Former Petrol Filling Station, Pontefract Road, Cudworth, Barnsley, S72 8AY	Allowed 19/12/2017	Delegated
2016/1401	Erection of 1 no. detached dwelling 52 Kensington Road, Old Town, Barnsley, S75 2SS	Dismissed 28/12/2017	Delegated

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