

# Public Document Pack

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 22 May 2018
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## AGENDA

### 1. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members.

### 2. Minutes (*Pages 3 - 4*)

To receive the minutes of the meeting held on 17<sup>th</sup> April 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](mailto:developmentmanagement@barnsley.gov.uk) or by telephoning (01226) 772593.

3. Land off Lowfield Road, Bolton Upon Dearne - 2017/0638 - For Approval (*Pages 5 - 24*)
4. Land to the south of Middlecliffe Lane, Great Houghton - 2017/0008 - For Refusal (*Pages 25 - 40*)
5. The Old Ticket Master's Office, Hill Street, Elsecar - 2017/1617 - For Approval (*Pages 41 - 54*)
6. 1 - 37 Beever Street, Goldthorpe - 2018/0233 - For Approval (*Pages 55 - 62*)
7. Lundwood Waste Water Treatment Works - 2018/0035 - For Approval (*Pages 63 - 70*)
8. Carlton Road Flat Nos 452, 454, 456, 462, 464, 466, 468, 470, 472, 474, 476, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526 and Springbank Close Flat Nos 14, 16, 18, 20, 22, 26, 28, 30, 32, 34, 36-45, 47, 49 and 51, Barnsley - 2018/0353 - For Approval. (*Pages 71 - 74*)

## Planning Appeals

9. Planning Appeals - 1st to 30th April 2018 (*Pages 75 - 76*)

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, M. Dyson,

Franklin, Gollick, Hampson, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, Mitchell, Noble, Richardson, Riggs, Spence, Stowe, Tattersall, 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](mailto:governance@barnsley.gov.uk)

Monday, 14 May 2018

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 17 April 2018
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## MINUTES

### Present

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

### In attendance at site visit

Councillors D Birkinshaw (Chair), G. Carr, Makinson, Tattersall and R. Wraith.

### 117. Declarations of Interest

Councillor Tattersall declared a Non-Pecuniary interest in **Planning Application No 2017/1609** – [Erection of 3 pairs of semi-detached houses (6 dwellings) at Land off Laxton Road, Athersley, Barnsley] as she is a local ward member.

Councillor Leech declared a Pecuniary/Non-Pecuniary interest in **Planning Application No 2017/1609** – [Erection of 3 pairs of semi-detached houses (6 dwellings) at Land off Laxton Road, Athersley, Barnsley] as he is a local ward member and also has an allotment which backs on to the development.

### 118. Minutes

The minutes of the meeting held on 20<sup>th</sup> March were taken as read and signed by the Chair as a correct record.

### 119. Land at Kingsmark Way, Goldthorpe - 2018/0103 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0103** [Residential development (Outline- All matters Reserved apart from means of access) at land at Kingsmark Way, Goldthorpe]

**RESOLVED** that the application be approved subject to conditions and in accordance with the officer recommendation.

### 120. 15 Melville Street, Wombwell, Barnsley S73 8HJ - 2018/0104 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0104** [Change of use of former workshop and associated office (Class B2) to HMO (house in Multiple Occupation) (C4) including external alterations at 15 Melville Street, Wombwell, Barnsley S73 8HJ]

**RESOLVED** that the application be approved subject to conditions and in accordance with the officer recommendation.

**121. C Soar and Sons, Tank Row, Stairfoot, Barnsley S71 5AD - 2018/0118 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0118** [Erection of a building for processing of electrical equipment and materials at C. Soar and Sons, Tank Row, Stairfoot, Barnsley, S71 5AD]

**RESOLVED** that the application be approved subject to conditions and in accordance with the officer recommendation.

**122. Former Carlton Colliery, Shaw Lane, Carlton, Barnsley S71 3HJ - 2017/1401 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1401** [Variation of condition 1 of planning permission 2016/0068 (variation of conditions 3 and 6 of application 2015/0823 to permit revised access arrangements and to increase the number of HGV movements) to extend the duration of the development by a further 2 years to enable completion of restoration scheme at former Carlton Colliery, Shaw Lane, Carlton, Barnsley S71 3HJ]

**RESOLVED** that the application be approved subject to conditions and in accordance with the officer recommendation.

**123. Land off Laxton Road Athersley, Barnsley, S71 3DH - 2017/1609 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1609** [Erection of 3 pairs of semi-detached houses (6 dwellings) at land off Laxton Road, Athersley, Barnsley, S71 3DH]

**RESOLVED** that the application be approved in accordance with the officer recommendation and subject to conditions and completion of a S106 Agreement (compensation for loss of greenspace).

**124. Planning Appeals -1st to 31st March 2018**

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 March 2018:-

- **Planning Application 2016/0215:** Erection of detached agricultural workers dwelling (Resubmission) - (written representation) – delegated to Committee.

It was reported that 28 appeals have been decided since 1 April 2017, 20.5 of which (73.2%) have been dismissed and 7.5 of which (26.8%) have been allowed.

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Chair

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**2017/0638**

**Applicant:** Gleeson Developments Ltd.

**Description:** Residential development of 97 no. dwellinghouses with garages, parking spaces and public open space and associated roads and sewers.

**Site Address:** Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 8JF

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215 objections from local residents, the majority of which are part of the Friends of Lowfield Road Action Group

## **Site Description**

The site is located on the field adjacent to the housing estate under construction by Gleeson Homes at Lowfield Road in Bolton-Upon-Dearne which is now known as Lowfield Park. The application is effectively for a 3rd phase of the development after approvals were granted on adjoining land for 60 houses under application 2011/0963 and 58 houses under application 2013/0960.

Planning permission was refused in 2016, under application reference 2015/0725, for a similar scheme as is currently submitted, with the decision upheld at appeal in 2017 (APP/R4408/W/17/3170851). This current application is therefore a re-submission.

The proposed development is on a greenfield site. This currently comprises an open field which is used for horse grazing purposes and is 2.65ha in size. The development would extend the existing urban settlement to the south east where the site would adjoin further open countryside located to the east and south. To the north and west are located existing houses. The site is separated from the existing Gleeson development by a banking containing vegetation. Houses located on Lowfield Road and Lowfield Grove overlook the site. Located to the south west is Bolton Upon Dearne Waste Water Treatment works.

Access to the development entrance on Lowfield Road is via a humpback bridge passing over the railway.

## **Proposed Development**

The application proposes a 3<sup>rd</sup> phase development of 97 houses. This would increase the size of the estate to 215 houses overall if all of the houses on each of the 3 phases were to be developed.

The houses would be two storeys in height and would be either detached or paired in semis which would be of a similar form and layout to the existing estate. Overall it would consist of 27no two bedroom, 60no three bedroom and 10no four bedroom properties.

Access would be via the roads built to serve phases 1 and 2 (Prior Croft). This road adjoins Lowfield Road in a location to the north west of the site via a 'T' shaped junction. Thereafter road and pedestrian traffic has to cross over the railway using a humpback bridge prior to the site connecting with the main road network via the junction between Lowfield Road and Station Road/Angel Street (the B6098).

## History

2015/0725 - Erection of 97 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers. Refused 22/11/2016 for the following reasons:

*The development would be contrary to policy CSP15 of the adopted Core Strategy in that it would not include the provision of any affordable housing and it has not been demonstrated that the provision of affordable housing would make the development unviable.*

*The proposed driveway specification is considered to be contrary to the interests of highway safety and convenience of highway users. The proposal will not prevent loose material (gravel) from being deposited onto the public highway, posing a safety hazard and inconvenience for users of the highway especially two wheeled motorised vehicles, cyclists, wheelchair users and pedestrians who are particularly vulnerable. As such the proposed driveway design would be contrary to requirements of Core Strategy Policy CSP26 'New Development and Highway Improvement' which require new developments to be served with safe and convenient access arrangements.*

*The proposed driveway specification, with consequential displacement of loose material will be detrimental to visual amenity. The development would therefore have an unsightly appearance that would detract from the overall quality, appearance and finish of the development. As such the development is also considered to be contrary to the requirements of Policy CSP 29 'Design' and the aspirations of the NPPF.*

*The development would be in conflict with policy CSP40 'Pollution Control and Protection, paragraph 109 of the NPPF and draft allocation policy H3 of the Publication Version of the Local Plan, site AC26, in that plots 202 to 208 would be very close or within the current "odour stand-off" and would be within 50m of a combined sewer outfall and the Bolton-upon-Deerne Waste Water Treatment Works (WWTW) boundary. Insufficient up to date evidence has been provided that these properties would not be detrimentally affected by odour. The proposal fails to make provision for a substantial landscaping buffer between the houses and the WWTW contrary to CSP40 and CSP29.*

*The development would be contrary to saved policies GS10 and DE8 of the Barnsley Unitary Development Plan which states that in areas shown on the proposals map existing uses will normally remain during the plan period and development will normally be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development of such land will only be granted following a review of the UDP which proposes development on the land in question. The Council accepts that due to the UDP being adopted in the year 2000 paragraph 14 of the National Planning Policy Framework advises that planning permission should be granted for development unless;*  
*-- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*  
*-- specific policies in this Framework indicate development should be restricted*

*However in the opinion of the Local Planning Authority cumulatively, the adverse impact cited in the other reasons for refusal, would significantly and demonstrably outweigh the benefits of the application being granted. In addition, the proposal conflicts with paragraphs 17, 35, 58 and 64 of the NPPF.*

The decision was appealed by the applicant with the Inspector dismissing the appeal, supporting the council's position with regards to gravel driveways in relation to highway safety and character and appearance. The Inspector also concluded that the application could support the financial contributions sought to mitigate the impact of the development

and at least 5% affordable housing. The inspector did however conclude that the proposal would be acceptable in terms of (i) the position and orientation of the proposed dwellings to the WWTW (including dwelling Nos 203-208) and (ii) that actual and perceived levels of odour, subject to further tree planting to be secured via a planning condition, would be acceptable for the occupiers of the proposed dwellings. This decision is referred to in more detail throughout the report as appropriate.

In addition to the planning history for this site, the following is relevant being lodged by the same applicant and specifically relating to gravel driveways:-

2015/0720 - Variation of condition 4 of application 2013/0960 (Residential development of 58 dwellings) in relation to surfacing of parking/manoeuvring facilities (Phase 2). Refused by the Council 09/10/2015 for the following reason:-

*In the opinion of the Local Planning Authority the deposition of loose gravel on the highway poses a hazard for users of the highway including vehicles, cycles, motor bikes, scooters, wheelchair users, elderly people and people with pushchairs. In addition future highway maintenance problems would be caused due to the effects on gullies and the damage caused to road surfaces. Accordingly the proposal is considered to be contrary to Core Strategy Policy CSP 26 and S151 of the Highways Act 1980.*

The decision was appealed by the applicant but the appeal withdrawn after the Planning Inspectorate determined that the appeal should be determined via the written representations process rather than following an informal hearing. Subsequent to the appeal being withdrawn the Council applied for a costs award against the applicant and were successful in obtaining a costs award for the majority of the work covered by the appeal. As the development was being built out in breach of the condition the Council served a breach of condition notice on the development.

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. Refused 22/11/2016 for the following reasons:

*The proposed driveway specification is considered to be contrary to the interests of highway safety and convenience of highway users. The proposal will not prevent loose material (gravel) from being deposited onto the public highway, posing a safety hazard and inconvenience for users of the highway especially two wheeled motorised vehicles, cyclists, wheelchair users and pedestrians who are particularly vulnerable. As such the proposed driveway design would be contrary to requirements of Core Strategy Policy CSP26 'New Development and Highway Improvement' which require new developments to be served with safe and convenient access arrangements.*

*The proposed driveway specification, with consequential displacement of loose material will be detrimental to visual amenity. The development would therefore have an unsightly appearance that would detract from the overall quality, appearance and finish of the development. As such the development is also considered to be contrary to the requirements of Policy CSP 29 'Design' and the aspirations of the NPPF.*

The decision was appealed by the applicant along with 3 similar refusals on other sites within the borough. The appeal was dismissed and the decision and reasons for refusal supported by the Inspector.

## 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 and the examination process is ongoing. 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).

### Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'  
CSP4 'Flood Risk'  
CSP8 'The Location of Growth'  
CSP9 'The Number of New Homes to be Built'  
CSP10 'The Distribution of New Homes'  
CSP14 'Housing Mix and Efficient Use of Land'  
CSP15 'Affordable Housing'  
CSP17 'Housing Regeneration Areas'  
CDP19 'Protecting Existing Employment Land'  
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'

### Saved UDP Policies

UDP notation: Safeguarded Land

### SPD's

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



## Planning Advice Note's

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

## Other

South Yorkshire Residential Design Guide

## Publication version of the Draft Local Plan

Proposed allocation: Housing Proposal (AC26)

Indicative number of dwellings 86

The development will be expected to:-

- Provide traffic signals at the railway bridge at Lowfield Road
- Provide an odour report and incorporate any appropriate mitigation measures including a landscaping buffer

## NPPF

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

## **Consultations**

Affordable Housing Officer – Request that 15% of the overall number of dwellings are provided as affordable housing in accordance with CSP15.

Broadband – Request standard condition to ensure highspeed broadband is provided.

Contaminated Land Officer – No objections

Drainage – No objections subject to the condition that full foul and surface water drainage details are submitted prior to the commencement of development.

Ecology – The Ecologist has requested that the Ecology Report be updated to reflect the proximity of the development to the Adwick Washlands nature reserve (less than 100m) and the sites location within the Dearne Valley Green Heart Nature Improvement Area (NIA) neither of which are covered and additional mitigation / enhancements are likely to be required. This request has been supported by the RSPB in relation to Adwick Washlands. However, this has not previously been an issue of dispute between the Council and the Applicant in the previous application and as such the same ecological conditions as previously put forward are recommended.

Education – There is a shortage of primary school places in the area and a financial contribution of £147,504 is required.

Highways – Consider that mitigation works would be required to the existing humpback railway bridge crossing the railway on Lowfield Road in the form of traffic signals and associated works, the projected costs of which would be £210,000. Within the development Highways object to the specification of the proposed private drives and parking areas as the proposed specification is ineffective at preventing loose material from being deposited onto the public highway as evidenced by the applicants existing developments located elsewhere in the Borough which indicate a widespread and consistent problem. Concerns are raised on that basis that the loose stones would pose a safety hazard for users of the highway including vehicles, cycles, motor bikes, scooters, wheelchair users, elderly people and people with pushchairs.

PROW –There are no public rights of way across the site however, they have requested some S106 funds for improvements to the public bridleway from Lowfield Road to Adwick Washlands.

Regulatory Services – Share Yorkshire Water's concerns in relation to the majority of issues they have raised about the potential for the plots located nearest to the WWTW to be affected by odour nuisance and poor standards of amenity.

Tree Officer – Does not object to the plans taking into account the effect of the development on existing trees. However consider that the development should be accompanied by a high quality soft landscaping scheme.

SYMAS – No objections

Yorkshire Water – Do not object to the development in its entirety but are concerned that there is a risk that residents in the south west corner of the site in particular, will suffer a loss of amenity as a result of their location (the closest properties will be little more than 50m from the works boundary). YW remain of the view that it is generally an inappropriate use of land to site sensitive receptors so close to an operational WWTW. Specifically they raised the following concerns:-

- Proximity of plot numbers 203-210 to the Waste Water Treatment Works
- Proximity to a combined sewer overflow (CSO) located just outside the north east boundary of the WWTW and approximately 30m from the nearest proposed houses
- Concerns that amenity of plots 202-206 could be affected by a rising main that passes near to the gardens of those plots.
- YW also state that it is their intention to undertake a complete refurbishment of the WWTW and in all likelihood this will involve changing the technology that is used.
- Consequently they consider that a new odour assessment should have been carried out to inform the proposed position of the houses. They are also concerned that the odour assessment submitted with the application was carried out in 2012 and a new survey should have been carried out in any case.
- In the opinion of Yorkshire Water a substantial landscaping buffer located between the houses and the WWTW should form part of the plans.

## **Representations**

The application was publicised by notices in the press, on site and by individual neighbour notification. 215 objections have been received from local residents, the majority of which have been submitted by residents who are a member of the Friends of Lowfield Road Action Group. In summary the main objections are summarised as follows:-

Numerous concerns are raised about the ability of Lowfield Road to safely accommodate the increase in traffic as a result of the development. Namely these are:-

- The humpback bridge: Its narrow width, poor forward visibility. It is also pointed out that the bridge has been identified to be a public safety risk by Network Rail.
- It is asserted that subsidence has occurred on Lowfield Road as a result of the existing amount of traffic using the road and that this will be made worse by the development.
- Concerns that the narrow width of Lowfield Road is such that drivers exiting the existing Gleeson development are unable to turn left without driving onto the other side of the road into oncoming traffic.
- It is also stated that the kerb to the south of the junction between the new development and Lowfield Road is still unfinished causing a safety concern due to it jutting out into the highway.
- Concerns that Lowfield Meadows, or the access serving Lowfield Lakes fishing lodge may be required to provide additional future accesses to serve the development and that both are unsuitable as they would increase the level of conflicts with cars leaving Lowfield Meadows and Lowfield Farm Close/Woodside View.
- Conflict with on street parking due to Lowfield Road containing a number of terraced houses. In addition it is stated that the number of vehicles parking on street on Lowfield Road has increased since the homes on the applicant's site started to become occupied, including vans. Concerns are also raised regarding conflict with visitor traffic to the nature reserve and recreation land to the east of Lowfield Road which includes many bird watchers and dog walkers.
- Concerns that the development shall lead to additional queuing at the junction between Station Road and Angel Street (B6098) causing a further inconvenience for existing residents.
- Concerns are again raised about the narrow width of footpaths on Lowfield Road and the difficulties for users with wheel and push chairs and that this will become more difficult to use with more people living in the area.

Residential amenity - It is stated that the development would lead to a reduction in the quality of life for existing residents due to loss of light, outlook and enjoyment of gardens.

Safeguarded land - Development of the site would be contrary to the relevant UDP policies which designate the site to be Safeguarded Land. Concerns are raised therefore that the release of the site for housing would be contrary to this designation and that other sites should come forward first.

Urban sprawl: Concerns that the development would result in the loss of countryside. In addition it is stated that the high amount of properties in the area for sale and for let in the area indicate a lack of demand for further housing in the area.

The supporting documents: Concerns that the number of traffic movements recorded in the transport assessment is improbable. Concerns are also raised that the supporting documents cut and paste text from the reports accompanying the previous application which is not relevant to the proposal. An example is that the site is referred to as being brownfield rather than greenfield.

Concerns that the applicant has attempted to scaremonger the local community into supporting the development by suggesting that the train station may be closed unless the development is allowed.

The applicants assertions that the site benefits from good access to public transport is disagreed with based upon the following points:-

- Trains to Leeds and Sheffield are only available on an hourly basis.
- There being no bus service to Doncaster
- There is no public transport service to Manvers
- The frequency of other bus services in the area is only once every half an hour

Flood risk – It is asserted that the site is located in a flood plain and that a number of properties on Lowfield Road have been evacuated in the past in flooding events.

Harm to the Lowfield Lakes fishing business – Concerns are raised that the housing development would spoil the rural setting of the site. In addition concerns are raised that the living conditions of the residents who live in the dwelling would be harmed as a result of proximity issues. The owners also question whether the development would affect the existing septic tanks and water tanks located in the field leading to pollution control issues.

Concerns about low water pressure/poor electricity supply and sewage disposal facilities due to existing outdated infrastructure not being brought up to date despite all of the development in the area over the last 30 years.

Loss of agricultural land and land used for equestrian purposes.

Harm to the open countryside landscape and views from Adwick on Dearne

Harm to biodiversity – Specific concerns are raised about the proximity of the site to an RSPB nature reserve.

Potential harm to broadband speeds for existing residents.

Proximity to a WW2 archaeology site.

Concerns that the residents of the houses would have a poor standard of amenity due to being affected by odour from the waste water treatment works.

It is stated that there are other sites around the Dearne Valley which would be better suited to accommodate a large housing development.

It is questioned whether the track located on the far eastern edge would be used as an emergency access.

Concerns that the maintenance costs associated with the greenspace in phase 2 will increase if phase 3 is not approved or is developed by a third party.

## **Assessment**

### Principle of Development

Planning law is that decisions should be taken in accordance with the Development Plan unless material considerations indicate otherwise. It was agreed at the recent Planning Appeal that in this case the planning policy framework comprises the development plan, SPDs, the UDP Planning Advice Note on education and national policy.

The UDP notation on the land is Safeguarded Land. This term is derived from the former Planning Policy Guidance Note 2 'Green Belts' which was national planning policy prior to being cancelled by the NPPF. However, Safeguarded Land is a slightly misleading term because this designation actually represents "areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period. It should be genuinely capable of development when needed." (PPG2, Annex B, para B2).

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

The UDP was adopted in 2000. Given that a 5 year housing land supply cannot be demonstrated at the present time relevant policies for the supply of housing are out of date but not cancelled. In such circumstances the tilted planning balance at Paragraph 14 of the NPPF requires that planning permission is granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The site is allocated as safeguarded land in the UDP and is located in the Principal Town of Goldthorpe (which encompasses Bolton Upon Dearne), which prioritises new housing growth in the adopted Core Strategy. The site has been proposed as a housing allocation in the emerging Local Plan and is considered to be a sustainable location for residential development.

Given the above it is therefore necessary to assess whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. The remainder of the reports discusses these aspects in detail.

#### Design/Visual Amenity

The purpose of Safeguarded Land is to retain land on the edge of settlements which may be required for long term development needs. This designation therefore is not visual amenity related. However characteristics of the site are that it is greenfield and is located adjacent to open countryside which is in the Green Belt.

The proposals are to build a development very similar to the two previous phases. However there are some differences:-

- The development would be located in closer proximity to the Yorkshire Water Waste Water Treatment Works (WWTW).
- The plans have been amended during the course of the application being under consideration to propose that all private driveways within the development are built out to the applicants preferred specification. Essentially this comprises two rows of paving slabs with gravel between and on either side as far as the front building line of the dwellings, and gravel thereafter. Driveways to individual houses will comprise two rows of paving slabs with gravel between and on either side as far as the front building line of the dwellings, and gravel thereafter.

The first point is considered in more detail in the section of the report relating to residential amenity considerations. The second point is a matter of a current dispute between Officers and the applicant concerning the visual amenity and highway safety implications of the use of gravel driveways. This has introduced problems relating to loose gravel being deposited on the roads and footpaths as a result of normal day to day usage which give the developments an untidy appearance overall. In addition the material lends itself to weeds growing through the surface. In the opinion of Officers this specification detracts from the

appearance of the whole development and means that it falls short of the minimum baseline standards expected by policy CSP29 and the Designing New Residential Development SPD. This matter has been subject to thorough testing through the appeal process with the applicant submitted 5 appeals in 2016 specifically related to the unacceptability of loose gravel on drives.

The applicant has sought to address the issue by offering a revised driveway specification which now includes two rows of paving slabs (DWG No:0904-18). Whilst the intention of this approach is to provide a solid surface on which residents can park without dislodging gravel, it is entirely reliant on residents parking in a specific manner. Furthermore, this approach does not resolve issues associated with the wider maintenance of the driveways including the need to keep the surface clear of weeds. At the recent appeal(s), the Inspector(s) accepted that not all residents would conscientiously maintain the gravel drives and it is the Council's view that similarly it is not acceptable to put the onus on residents to park on the paving slabs so as to ensure gravel is not dislodged and deposited on the highway.

The applicant has referred specifically to the Environment agency document Guidance on the permeable surfacing of front gardens (CLG September 2008) as justifying the acceptability of their approach. The document is a leaflet issued by the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government) and the Environment Agency to provide guidance for homeowners following the change to permitted development rights in relation to surfacing front gardens. The purpose of the guidance (and the change in the permitted development rights) was to address issues associated with homeowners surfacing front gardens to create additional parking or low maintenance gardens and the consequences of this in relation to surface run off and flood risk. The guidance is not a planning policy document and is not intended to provide advice for volume housebuilders. Further, whilst the use of sustainable drainage systems is given priority in the NPPF (Para 103) and CSP 3, the applicants Drainage Statement and Stage 1 and 2 ground investigation confirm that infiltration testing has been carried out on this site and the ground conditions are not suitable for soakaways. Therefore the guidance can be afforded very little weight and does not override local planning policies and the accompanying SPD and Design Guidance. It is also important to state that this guidance was submitted at the appeal(s) by the applicant and the Inspector(s) considered it when making the previous decisions to uphold the Council's decisions.

In visual terms, therefore the driveway specification put forward by the applicant is not considered acceptable. The Council has already stipulated to the applicant that a solid bound material would be needed for these surfaces. However, it is possible that an agreement on an appropriate driveway specification can be dealt with via a condition without the need to refuse the application. On this basis a condition is recommended.

Apart from these considerations no other significant visual amenity concerns have been identified. The existing site is largely clear of vegetation. The trees of value identified on the tree survey are located outside of the site and would not be affected. The layout plan has been designed to comply with the space between building standards in the SPD. The house type plans are for the same type of houses as the previous two phases and comprise a modern form of conventional two storey housing which is an acceptable standard of external appearance.

The site is also located near to the deteriorating remains of a World War 2 anti-aircraft battery which is a Scheduled Ancient Monument (SAM) located to the field to the east of the site as has been pointed out in the representations. However the access road serving Lowfield Lodge provides a barrier between the housing development and the field where the SAM is located. In addition the proposed houses would be no closer to the SAM than

existing housing on Crane Well View. As such it is not considered that the development would have a significantly adverse impact on the setting of the SAM.

### Residential Amenity

The main issues with regards to residential amenity considerations are:-

- The waste water treatment works and potential odour issues.
- The effect of the development of the living conditions of existing residents.
- Amenity standards for future residents in relation to the space between building and private rear garden sizes

#### *The waste water treatment works and potential odour issues*

An important consideration for the application is the relationship between the development and the Waste Water Treatment Works. This is nothing new as it was a consideration for the previous applications, phase 2 in particular. The application is accompanied by an odour assessment which is the same odour assessment that was submitted with the application for the phase 2 development. Yorkshire Water raised concerns about reliance on this given that it was carried out in 2012. They also state that it is their intention to complete refurbishment of the WWTW, in all likelihood altering the technology that is used.

Yorkshire Water's underlying concern is that the development would be located too close to the WWTW and would be affected by odours. In addition they are concerned that the plans do not make sufficient provision for a soft landscaping screening barrier located between the development and the WWTW. Aside from the proximity of the WWTW there is also a combined sewer overflow (CSO) just outside the north east boundary of the WWTW and approximately 30m from the nearest proposed houses, that could in itself cause a loss of amenity for residents, and a rising main passing in close proximity to the gardens of plots 202-206 which has the potential to lead to further amenity issues.

This matter was discussed in length at the appeal and it was agreed that it would be possible to increase the landscaped buffer shown on amended planning layout to encompass the entire area annotated as "public open space". The use of quick growing trees was discussed. In addition, the appellant agreed to include a minimum ten metre wide landscape buffer on the southern boundary of the phase 2 site (in the ownership of the appellant) where it meets the boundary with the WWTW. Subject to the imposition of these tree planting areas, the Inspector was satisfied that any perceived adverse odour / psychological effects arising out of the proximity of proposed dwellings 203-208 to the WWTW could be suitably mitigated. As a result it is proposed that appropriate conditions be added to this application to ensure this landscaped buffer zone is implemented as such

#### *The effect of the development on the living conditions of existing residents*

The development would be sensitive from the perspective of removing outlook for the residents of a number of existing dwellings located on Lowfield Grove which overlook the site at present in its open and green form. Loss of view is not a material consideration however and the plans have been designed to achieve the separation distances between new and existing properties required by the SPD. The relationship between the dwelling positioned on the Lowfield Lodge site and the development would produce a tight relationship due to that dwelling being located very near to the boundary between the two sites. However the potential for overlooking would be reduced if a 1.8m fence was to be erected on that particular boundary as would be expected and could be done using permitted development rights. Also the new houses would be set at an angle to the Lowfield Lodge dwelling and be set more than 10m away from the boundary with the amenity area to

the front of the property to comply with the SPD. Plot 188 is an exception in part due to the boundary line altering half way across the width of the garden of the plot. However with the addition of a fence overlooking would not occur to the rooms to the front of the dwelling due to the tight angle that would exist.

### *The effect of the development on the living conditions of future residents*

Within the development the separation distances between existing buildings and the private rear garden sizes would meet the standards required by the SPD in the majority of cases. Where this would not be the case on some corner plots the removal of permitted development rights would be appropriate.

### Highway Safety

As with the previous applications it is recognised that traffic generation considerations are one of the most contentious parts of the application which is reflected in the majority of objections to the application. Primarily the concerns relate to the existing humpback bridge over the railway on Lowfield Road which suffers from a lack of forward visibility. In addition residents have raised concerns about the existing difficulties exiting the junction between Station Road and the B6098, Angel Street due to the high volumes of traffic using the road and the vehicle speeds.

The situation is that phase 2 was approved requiring highway works to mitigate the effects of the development. In scenario 'A' the applicant would have paid a commuted sum to the Council of £75,000 towards the costs of traffic signals which were due to be constructed on the bridge by Network Rail. Scenario 'B' was that the following mitigation works judged to be required in the event of non delivery of the traffic signals by Network Rail:-

- Provision of 2 vehicle activated signs
- Any necessary signing/lining
- Measures to control parking and loading
- Provision of high friction coloured surfacing
- Provision of LED street lighting on the bridge and the approaches to the bridge.
- Provision of/any necessary changes to highway drainage
- Resurfacing/reconstruction as necessary

The current position is that the Council is under the presumption that the Network Rail are not intending to construct the traffic signals within the necessary timescales required to provide mitigation for phase 2 houses, which are in the process of being built and occupied at present. Given that this is happening currently with no mitigation works being in place the present situation is unsatisfactory. Discussions with the applicant on the application proposal have yielded an offer from the applicant to pay £210,000 to the Council towards the cost of signalisation costs on the bridge to enable the scheme that would mitigate the effects of both the phase 2 and 3 developments. This sum would be sufficient to pay for the costs of the signalisation costs. In principle this would be sufficient for Highways not to object to the development on highway safety grounds. However Highways also view the proposed gravel driveway specification to be unacceptable because of the loose gravel issue which they view as having the potential to poses a hazard for users of the highway including vehicles, cycles, motor bikes, scooters, wheelchair users, elderly people and people with pushchairs. In addition future highway maintenance problems would be caused due to the effects on gullies and the damage caused to road surfaces. Based upon that they view this detail of the proposal to be contrary to CSP26 'New Development and Highway Improvement'. In highways terms, therefore, the driveway specification put forward by the applicant is not considered acceptable. The Council has already stipulated to the applicant that a solid bound material would be needed for these surfaces. However, it is possible that an



agreement on an appropriate driveway specification can be dealt with via a condition without the need to refuse the application. On this basis a condition is recommended

No further issues have been identified with the internal road design in that the widths and number of parking spaces would be regarded as being satisfactory. The private drive accessing plot 119 is over that recommended for fire service access, however, the issue can be resolved through building control and the use of sprinklers. A sustainable travel plan is proposed as a measure to encourage residents to carry out trips using an alternative to lone trips using a private car. In principle this would have been sufficient to enable the development to comply with CSP 25 'New Development and Highway Safety'.

#### Other S106 considerations – education, public open space and affordable housing

Education - Education have confirmed that a contribution of £147,504 is required to offset a deficit in primary school places in the area.

Open space provision – New green space provision is required to be provided as part of the development in accordance with SPD: Open Space Provision on New Housing Developments. In this instance and due to a play area being approved as part of the phase 2 development it is deemed appropriate to seek an off-site contribution in entirety to upgrade existing facilities in the locality. Based on the submitted unit split, a financial contribution of £162,345.04 would be sought. The applicant has made assertions that viability of the development would be marginal. Provisionally however they have agreed to meet the commuted sum request.

Affordable housing – The site is an area where affordable housing provision should be 15% of the overall number of dwellings. The applicant submitted a viability assessment with the application which contended that the development could not viably provide any affordable housing. This was dealt with at the appeal with the Inspector concluding that, taking account of contributions required to mitigate the development, at least 5% affordable housing could viably be supported by the development (10% if based on a blended profit rate of 17.5% for market housing and 8% for affordable). Since the appeal the applicant has requested affordable housing be dealt with as an offsite contribution which has been agreed (with advice from the District Valuer and Housing Officers) at £250,000.

#### **Other Considerations**

##### Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is not in an area that is classed to be at risk of flooding either from the River Dearne or overland flows and drainage infrastructure., i.e. it is located outside of EA flood zones 2 and 3 and therefore policy CSP3 'Flood Risk' is complied with and the advice within the NPPF regarding the sequential test.

The management of surface water run off from the development is another important consideration in order to prevent an increase in the risk of flooding downstream of the site. The policy requirement on greenfield sites is to construct developments with suitable systems with storage capacity and attenuation so that surface water run off rates do not exceed the greenfield run off rate of 5 litres per seconds per hectare.

The policy is that first preference should be given to SUDS. However the ground investigation has concluded that the ground conditions would be unsuitable for soakaways. Therefore it is likely that the development would need to be constructed with an attenuation tank, or oversized pipes prior to discharge into the River Dearne, the existing drainage system or the ponds at Lowfield Lakes. However no detailed proposal has been received it would be necessary to impose a condition as has been requested by Drainage Officers and

Yorkshire Water. In terms of foul sewerage Yorkshire Water have not raised any concerns with regards to any issues with the capacity of the sewerage system to accommodate flows from the development

### Ground Conditions

The site investigation has not identified any issues with contamination or unstable land arising from historical land uses. In addition the site is located outside of a Coal Mining Risk Area. No objections have been received from Regulatory Services accordingly.

### Ecology

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is supported by an extended phase 1 habitat survey which has concluded that the ecological value of the site is low and that there are no constraints affecting the site from being developed. The Biodiversity Officer accepted these findings in 2015 but considered that insufficient proposals have been received regarding enhancement measures. As part of this application process the Biodiversity Officer has raised concerns regarding the nearby Adwick Washlands Nature Reserve which is not assessed in the extended phase 1 habitat survey. However, this matter was not previously picked up when assessing the 2015 application and given there has been no change in the status of the washlands and the planning history it is not appropriate to require this additional assessment now. On this basis,, it is considered that ecology issues could be adequately addressed could via the imposition of a suitable condition.

### **Conclusion**

The site is designated Safeguarded Land in the UDP which remains part of the development plan for the Borough at the current time. However due to the age of the policy it is classed to be out of date by the National Planning Policy Framework.

In such circumstances the NPPF instructs Local Planning Authority's to grant planning permission for new development proposals unless:-

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

The site is located in the Goldthorpe Principal Town which is a priority to accommodate new housing growth (3000 new homes) before 2026 (CSP8 and 10). In addition the site is proposed to be allocated for housing development in the SPD meaning that it has been identified to be in a suitably sustainable location.

The plans for the development are considered acceptable for the most part in relation to layout and design considerations having regards to the Designing Residential Amenity SPD in that spacing standards between new and existing properties would be achieved and the amount of garden amenity space that would be provided to serve the houses. A contribution of £250,000 towards the provision of affordable housing off site has been agreed providing some affordable housing. Also the elevations plans for the houses would be of an acceptable standard. In addition it would be possible to mitigate the impact of the application through:-

- the proposed payment of a commuted sum of £210,000 towards the costs of providing traffic signals on the humpback railway bridge on Lowfield Road addressing highway safety implications;

- a commuted sum of £162,345.04 for the enhancement of open space located off the site is acceptable in relation to the Open Space Provision SPD; and
- a contribution of £147,504 to offset a deficit in primary school places in the area in accordance with PAN 33.

Furthermore the application has also been judged to be acceptable in relation to considerations including the flood risk, drainage, biodiversity consideration and effect on trees.

However the issue of the proposed use of gravel driveways for all of the driveways located throughout the development is considered unacceptable from a visual amenity point of view having regard to policy CSP29 'Design' and in relation to highway safety having regard to CSP26 'New Development and Highway Improvement'. Councillors are advised that this matter is part of a wider ongoing dispute between the Council and the applicant with Enforcement Action being pursued on phase 2 along with three other sites being developed within the borough (following last year's appeals). Nevertheless the issue is one that can be controlled through the imposition of a suitably worded condition therefore it is recommended that this application is approved.

### **Recommendation**

**Approve** - Subject to conditions and a signed 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:

Planning Layout 449/3F  
Boundary Details Post and Wire Fence SD103 rev B  
Boundary Treatments 1800mm High Timber Fence SD-100 Rev D  
Detached Garage Details Single SD700 Rev A  
Detached Garage Details Double SD701 Rev B  
House Type 405 405/1E  
House Type 404 404/1F  
House Type 403 403/1H  
House Type 311 311/1A  
House Type 309 309/1E  
House Type 307 307/1B  
House Type 304 304/1E  
House Type 303 303/1E  
House Type 302 302/1G  
House Type 301 301/1G  
House Type 202 202/1F  
House Type 201 201/1F  
Materials Schedule  
Travel Plan Addendum January 2015  
and specifications as approved unless required by any other conditions in this permission.

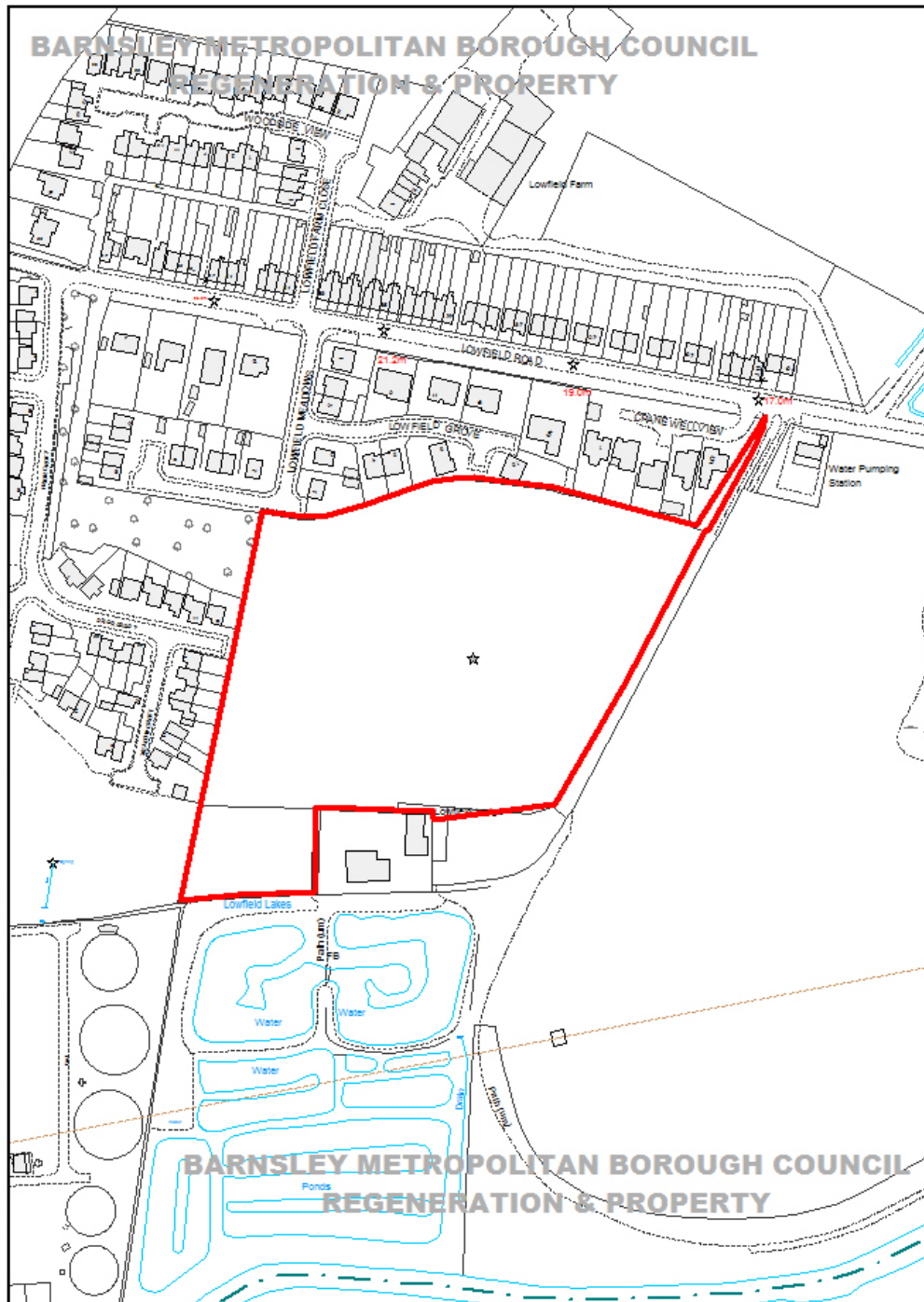
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.  
**Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.**
- 4 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of Plot 188, which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.  
**Reason: In the interests of residential amenity 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 and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 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 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 10 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 11 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 12 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at all internal road junctions, such that there is no obstruction to visibility and forming part of the adopted highway.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 13 Sightlines, having the dimensions 2.4m x 43m, shall be safeguarded at the junctions with all private drives, 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.**
- 14 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.**

- 15 Prior to development commencing, details of the surfacing materials for all the parking/manoeuvring facilities shall be submitted to and agreed in writing by the Local Planning Authority. The proposed surface shall be a solid bound material (i.e. not loose chippings) covering the parking/manoeuvring areas in their entirety and shall made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and retained for that sole purpose at all times.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26 and visual amenity in accordance with Core Strategy Policy CSP 29.**
- 16 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.  
**To ensure the proper drainage of the area in accordance with Core Strategy Policy CSP 3.**
- 17 No development shall take place unless and until full details of location and method of connection to the existing watercourse have been submitted to and approved in writing by the Local Planning Authority  
**To ensure the proper drainage of the area in accordance with Core Strategy Policy CSP 3.**
- 18 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the dwellings/development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
**Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.**
- 19 No building or other obstruction including the curtilages of properties and landscaping features, shall be located over or within 5 metres either side of the centre line of the 400mm sewer, i.e. a protected strip width of 10 metres, that is laid along the southern boundary of the site .  
**Reason: In order to allow sufficient access for maintenance and repair work at all times and in the interest of public health.**
- 20 Notwithstanding the Phase 1 Habitat Survey, prior to commencement of development full details of proposed ecology mitigation measures, 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 and photographs provided.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 21 The detailed landscaping scheme shall include full details of the 'landscaped buffer' shown on the layout plan (Dwg No: 449/3F) and a 10 metre wide buffer along the southern boundary of phase 2, required to mitigate against odour from the WWTW located to the south of the site(s).  
**Reason: In the interests of the visual and residential amenity of the locality and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

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**BARNSELY MBC - Regeneration & Property**



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**2017/0008**

**Applicant:** Mr Archer Smith C/o Murdoch Planning Ltd

**Description:** Change of use of land to a private gypsy and traveller site comprising of 11 no. pitches. (Resubmission)

**Site Address:** Land to the South of Middlecliffe Lane, Little Houghton, Barnsley

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There are 102 individual objection letters and an objection from Billingley Parish Council.

## **Site Description**

The proposal site is located to the south and east of the village of Middlecliffe. It comprises part of a field and an access track which is in use to serve a Yorkshire Water sewage pumping station within part of the site. The access track joins with the B6723, Rotherham Road in a location adjacent to a cross roads whereby the B6273 Rotherham Road is crossed by Middlecliffe Road connecting Little Houghton and Billingley. No formal junction exists between the junction of the track and Rotherham Road, only a dropped crossing and the footpath forming part of Rotherham Road. The track then passes to the east and south of residential properties located on Rotherham Road and Lesmond Crescent before reaching the main part of the site. This comprises part of a field which is 0.6ha in size and is approximately rectangular in shape.

The majority of the site is currently open. This is with the exception of a small number of sheds and a small amount of vegetation which are located in a central area of the site adjacent to the Yorkshire Water equipment compound that the application red line boundary has been drawn around.

The site adjoins open land on three sides and is in a semi-rural location. A culvert and a public right of way are located alongside the eastern boundary of the site. A watercourse passes immediately beyond the southern boundary of the site and a pond is located to the south west.

## **Proposed Development**

The application seeks planning permission to change the use of the land to provide a site that is stated would be used by named members of the Gypsy and Traveller community.

A layout plan has been submitted which indicates that the site would be divided into 11 plots. 9 of the plots would contain a static caravan and space for a touring caravan. Plot 10 would be occupied by up to 4 touring caravans whilst Plot 11 would be the Wardens Office and would contain a static caravan. 13 touring caravans and a wardens office. In addition each plot, apart from the Wardens Office plot, would be provided with an amenity block containing toilet and bathroom facilities and parking provision which would be a minimum 2 spaces per plot.

A new 6m wide estate road would be constructed within the site. This would connect to the existing track that is located to the east of the houses on Lesmond Crescent and Rotherham Road before connecting with the latter.

## History

A previous application for this proposal for change of use of land to a private gypsy and traveller caravan site comprising of 11 no. pitches was withdrawn (2015/1269). Enforcement action has been taken in relation to unauthorised works to improve the access.

There have been no other previous planning applications on the main part of the site. However, the following applications relate the parcel of land located towards the northern end of the access track, to the east of Rotherham Road and Lesmond Crescent and adjacent to the site entrance:-

B/86/0574/HR - Residential Development on land to the rear of No.2 Rotherham Road.

Decision: Planning permission refused 18<sup>th</sup> September 1986 for the following reasons:-

1. The proposed access is located at a road junction which is complicated by the presence of a number of shops, a telephone call box and an alignment of roads conjunctive to excessive and therefore hazardous speeds for such conditions. In the opinion of the Local Planning Authority the proposal by significantly increasing the number of turning movements and potential obstruction at the junction, will introduce an additional source of hazard at the junction.
2. The existing track is considered to be inadequate and unsuitable to cater for the vehicular traffic generated by residential traffic.

B/90/1073/HR – Erection of 3 No. detached dwellings with private garages on land off Lesmond Crescent (Outline). Decision: Outline planning permission granted with conditions 1<sup>st</sup> November 1990.

B/00/0894/HR - Residential Development - 3 detached dwelling houses (Outline) on land off Lesmond Crescent. Decision: Outline planning permission granted with conditions 29<sup>th</sup> September 2000.

B/02/1371/HR - Formation of new parking area, seating area, litter bins, block paving, planting box, new hedging and bollards on land at Post Office Corner, Middlecliff Lane/Rotherham Road. Planning permission granted with conditions 20<sup>th</sup> November 2002.

## 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).

## Core Strategy

CSP2 'Sustainable Construction'  
CSP3 'SUDS'  
CSP4 'Flood Risk'  
CSP8 'The Location of Growth'  
CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP34 'Protection of Green Belt'  
CSP36 'Biodiversity and Geodiversity'  
CSP39 'Contaminated and Unstable Land'  
CSP40 'Pollution Control and Protection'

## Saved UDP Policies

UDP notation: Green Belt with the exception of a portion of the access track which is included in the Housing Policy Area notation affecting the adjacent land forming the existing part of the village.

GS6/DA5 'Extent of the Green Belt'  
GS7 and GS8 'Development within the Green Belt'

## SPD's

-Designing New Residential Development  
-Parking

## Emerging Local Plan

SD1 Presumption in favour of sustainable development  
GD1 General development  
D1 Design  
T4 New Development and Highway Improvement  
GB1 Protection of the Green Belt  
Gt1 Sites for Travellers and Travelling Showpeople.  
Poll1 Pollution Control and Protection  
CC4 Sustainable Drainage Systems (SuDS)

## NPPF

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

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

For decision-taking this means:

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

out-of-date, granting permission unless:

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

80. Green Belt serves five purposes:

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

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

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

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

#### Planning Policy for Traveller sites – DCLG

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

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

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

#### **Consultations**

Biodiversity Officer – Has assessed the ecology report that has been submitted but is of the opinion that it is inadequate and needs updating following further surveys. In particular the report does not adequately assess nearby habitats, boundary vegetation, or provide suitable mitigation.

Billingley Parish Council – Object based upon the following summary of concerns:-

- Unsuitable location - Consider that the application is contrary to Core Strategy CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople' in relation to the criteria for suitable sites being as there are no schools or doctors within the village.
- Inappropriate development in the Green Belt.
- Harm to the setting of the Billingley Conservation Area.
- Highway safety – A long and narrow access which would not allow for two way vehicle movements and conflict with a section of the highway which is already very busy and difficult.
- Concerns that the plans and statements within the application are misleading and that occupancy would exceed the 11 plots applied for.
- Concerns about the site being contaminated from noise, waste water pollution, flood risk.
- Query whether the applicants meet the definition of being gypsies or travellers given the reference to the applicants living on a static site at Ings Road, Low Valley.
- Query whether restrictive covenants are in place.

Contaminated Land – No comments at the time of preparing report but previously raised concerns about the potential for the land to be contaminated by the previous use of the site as a waste water treatment works.

Drainage – No objections subject to conditions.

Environment Agency – There is a discrepancy within the application and supporting information regarding disposal of foul effluent from this proposal. The application form states 'septic tank' but the drainage statement states disposal will be to mains sewer. Providing the foul effluent is disposed of to the mains sewer, we have no objection. However, we will object if the proposal is to discharge to a septic tank due to the proximity of the main sewer in this area

YWA- Initially raised issue of inaccurate certificate B declaration. This has now been resolved but YWA object to the proposed development as the submitted site layout shows that the tourers within plots 2, 3 and 4 will be sited over the public sewerage system located within the site. This could seriously jeopardise Yorkshire Water's ability to maintain the public sewerage network and is not acceptable.

Highways – Object on highway safety grounds based upon the following:-

1. The access to the site is located on a heavily trafficked, classified road, in close proximity to a road junction and immediately opposite another road junction. It does not allow two way traffic flows which will result in vehicles waiting on the highway to the detriment of free and safe flow of other traffic on the highway. The access is long and there are no opportunities for vehicles to pass each other, resulting in excessive reversing manoeuvres. Access would be required for a fire appliance including a turning head.
2. The access is not suitable for any intensification of use which this development would represent, and would be detrimental to the free and safe flow of other traffic on the highway, both vehicular and pedestrian.

Pollution Control – Raise no objections to the application.

PROW – There are no Public Rights of Way on this site.

Tree Officer – No objections subject to conditions.

Waste Management – Object based upon the following:-

- The track is unsurfaced and is not wide or substantial enough for any waste collection vehicles to attempt collection of waste.
- Concerns are raised that a collection point near to the site entrance would be dangerous and put operatives and other users of the highway at risk due to the heavy traffic flows and the existing complexity of the road network in this area.

## **Representations**

The application was advertised by notices in the press and on site and by individual neighbour notification letters to neighbouring properties. 102 individual objections have been received. In summary the main concerns expressed are as follows:-

Inappropriate development in the Green Belt. Concerns are raised that the development would blur settlement boundaries with adjacent villages.

Harm to village character and ambience.

Overdevelopment of the village.

Extension of the village by a disproportionate size and that it would be overbearing.

Harm the appearance of the village and concerns that the development would be a local eye sore.

Harm to the living conditions of existing properties as a result of increased noise and disturbance and loss of privacy.

Loss of land used for animal grazing purposes and agriculture.

The applicants very special circumstances case is disagreed with - The assertion is made that the applicants concerns about flooding at the Ings Road site do not take into account of the flood defence work that has been carried out in that area since 2007 and that there has been no flooding since. In addition a point is made that large numbers of other people were affected by the floods in 2007 and that the applicants should be treated any differently because of this. It is also asserted that families are being forced to cohabit it is as a result of a failure to protect themselves with appropriate insurance and that if residents move they will be forced to continue to co-habit. As such it is asserted that they should continue to live on the existing established site. In addition is disagreed that the application site would deliver one of the applicants stated aims of being secluded because it would be overlooked by a number of the dwellings on Lesmond Crescent.

No justification has been provided to demonstrate why the proposal is in the best interests of children.

Concerns about an increase in surface water flooding affecting adjacent land and properties due to the increase in areas covered by impermeable hardstandings.

Concerns about pollution of the local aquatic environment from foul water from the development and vehicles.

It is asserted that traveller's business is scrap metal or ground works, and use heavy duty vehicles.

It is questioned whether plot 10 is located outside of the site on the farmers field.

It is stated that a legal covenant prevents development on the land, although this is not a material planning consideration.

It is questioned who is the true application due to difference persons being named as the applicant and client.

A copy of the land sale particulars have been provided dating back to when the site was up for auction showing that the access track is not included in the land title.

Concerns that the proposal site is contrary to the criteria for determining suitable sites in policy CSP18. Any proposal for an unallocated Gypsy site should be decided as part of Local Plan process

It is questioned whether the applicants meet the definition of gypsy and travellers on the grounds that the Ings Road is a static and permanent site.

It is asserted that there are many other suitable alternative brownfield sites that are available

It is stated that the application site is more at risk because of the problems in this area with blocked drains.

It is asserted that the site is unsuitable as it is low lying and as many areas are under water or waterlogged during many months of the year and is near open water.

Highway safety – Unsafe access. Concerns about the section of road near to the proposed access entry being the subject of a large number of accidents and that the development would increase the risk of further accidents occurring. Concerns about the stability of the access track because of flooding and broken pipework under the track.

Concerns that the development would add congestion to an existing overly congested area of the highway network. Congestion at peak times is stated to be particularly problematic.

Concerns that traffic accessing the development would cross a footpath near to a bus stop and would prejudice pedestrian safety, including children. There is no safe crossing point for children.

Concerns are raised that the access and that the sections of the highway outside the site are not large enough to accommodate the vehicles and the manoeuvres associated with bringing the static and touring caravans on the site and any other construction traffic.

Not possible to get refuse or fire vehicles along this track. Unauthorised works have been carried out to the track to widen it.

Planning history – It is stated that previous applications have been refused on highway safety grounds and the decision for this application should follow suit.

Extension of a village that has inadequate amenities, infrastructure and resources.

Concerns that the development would be affected by odours from the Yorkshire Water facility.

Biodiversity – Harm to biodiversity interests including habitat suitable for birds of prey, barn owls, lapwings and sky larks, newts, frogs, toads, bats and small mammals.

Concerns about the ability of local schools and doctors to cope with the additional demands. Would put a strain on health and education services.

Concerns that the development would threaten the structural integrity of the sewerage system which has become blocked in the past and resulted in foul sewage being deposited in the private gardens of houses in the area.

It is queried where bin storage and collection points would be within the development.

Concerns that the plans and statements within the application are misleading and that occupancy would exceed the 11 plots applied for which would increase all the negative effects associated with the development. The proposal will have more caravans than claimed.

Concerns that private property would be damaged by vehicles and caravans negotiating the narrow access to the site due to the narrow width and proximity of land, walls and fences belonging to existing houses.

Concerns that Billingley roads would be used as a rat run by traffic to avoid the additional congestion.

Land ownership – It is queried whether other parties own some of the land within the application site.

It is queried whether emergency service vehicles could access the site in an emergency.

It is asserted that other available sites exist elsewhere.

Harm to local businesses.

Inadequate bus service.

Proximity to electricity pylons.

Concerns that the proposal for a warden's office indicates that the site will be run as a business for transient occupants rather than the site being occupied by the families stated.

It is questioned how electricity to the development would be supplied and if this would lead to noise nuisance if generators were required.

Localism – It is stated that the amount of local opposition should dictate that the application is refused planning permission.

It is asserted that the problem of this application should never have arisen in the first place should the Council have allowed the proposed gypsy and traveller site at Doncaster Road in Darfield. It is also queried why the Grange Lane temporary transit site was closed down by the Council after a short period.

Concerns about pollution based upon concerns about sewerage from the development and the lack of detail within the application about its disposal.



Concerns that the ground is made of clay and that soakaways would not be an option for surface water drainage.

It is stated that such sites should only be considered if they have been allocated in the local plan process and that potential sites in Middlecliff such as the application site have already been discounted. It is also stated that the 5 year supply can be provided as Carlton Industrial Estate, Royston and Grimethorpe.

Conflict with the vehicles associated with local residents accessing and egressing their properties.

Light pollution.

A concern the visual impacts of the development could not be mitigated by planting.

Removal of vegetation prior the application being submitted.

Proximity to watercourses and concerns about the site being unsuitable because of flooding.

Site is clearly visible from adjacent houses and will adversely affect their outlook. Loss of views (although this is not a material planning consideration)

Pollution of local watercourses and ditches from the site.

Concerns that the site will be contaminated from the previous use as a sewage works.

Concerns that the development would increase the burden on the adjacent farm business.

Query whether the applicants meet the definition of being gypsies or travellers.

Reduction in property values (although this is not a material planning consideration)

It is queried who would pay for bin collection and other public services used by the applicants.

Increase in litter and scrap.

Concerns about racial tensions and community cohesion.

Concerns that the Council and tax payers would pick up the cost of addressing any flooding problems once developed.

It is asserted that previously unauthorised work has caused damage to Council land and private property.

Fears about public safety concerns from elderly residents.

Concerns that all local facilities including schools, doctors and shops are located outside of the village meaning that the development would add additional traffic to the roads and the congestion problems.

Drainage – Concerns that the application is insufficiently detailed with regards to surface water and foul water drainage details.

Harm to the setting of Billingley Conservation Area.

It is asserted that inaccuracies on the submitted plans and forms e.g. there are more caravans shown than in the description, no topographical survey provided, they do not show power cables that cross the site. It is says no works will take place to access but there was an injunction to stop such works. The correct amount of parking is not shown.

## **Assessment**

### Principle of development

The majority of land included in the application is in the Green Belt where most forms of development are classed as inappropriate including Gypsy and Traveller sites. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. However regard also has to be had to the Government's Planning Policy for Traveller sites. This requires the following issues to be taken into consideration:-

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

However, subject to the best interests of the child, the National planning policy states that 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 terms of need, as part of the Local Plan submission, a background Paper on Gypsies, Travellers and Travelling Showpeople has been produced. This utilises information gained through the Barnsley Gypsy and Traveller and Travelling Showperson Accommodation Assessment 2015. In summary this states that there is a five year requirement of 7 pitches between 2014/15 and 2018/19, increasing to 11 pitches for the period 2014/15 to 2021/22. Over the full Local Plan period there is a requirement of 18 pitches. On paper therefore the provision of 11 new pitches would make a contribution towards addressing the unmet need. However the supporting statement states that the majority of proposed residents currently reside on the Ings Road Caravan site in Low Valley and such it would seem that the proposal is mainly about seeking relocation rather than contributing to the shortfall in the number of pitches.

The statement that the majority of residents currently live at the Ings Road site implies that some currently live elsewhere. However, no further information has been provided, therefore it is not possible to afford much weight under the needs section of the assessment. On this point it can also be said that the Local Plan submission provides pitches to accommodate 19 pitches over two sites so on this point it can be said that unmet need is moving nearer to being addressed due to the site that the emerging plan has reached.

In terms of the applicant's personal circumstances, the supporting statement states that the development would be occupied by 22 children. In addition it states that the residents of the Ings Road site have suffered from repeated flooding incidents that have ruined people's homes and possessions and left people feeling vulnerable and insecure based upon the fear of future flooding incidents.

Potentially more weight should be given to these considerations. However the applicant has not provided details of which schools the school age children forming part of the application currently attend and so it is not possible to understand how the application relates to their needs. In addition the same very special circumstances have already been used to justify planning permission for a 10 pitch site on the site located at Burntwood Cottages several miles to the north of the site.

In the absence of a clear explanation as to why any vulnerable residents were left behind on the Ings Road when the Burntwood Cottages site was developed it is unclear what level of weight should be afforded to this point, or whether this is an attempt to reuse the same argument on a problem that has already been dealt with.

The introduction of 10 static caravans , 13 touring caravans, amenity blocks, hard standings including 6m wide road, turning head and parking spaces and the other domestic paraphernalia that would be likely to arise would have a significant and harmful effect on openness through the site conflicting with the aims of national Green Belt planning policy. In addition the development would disrupt the existing neatly defined village envelope, leading to sprawl and development in the countryside, conflicting with 2 of the purposes of including land within the Green Belt.

The national policy statement also instructs Council's to apply locally specific criteria to assess applications that may come forward on unallocated sites. CSP18 of the Core Strategy (Sites for Gypsies, Travellers and Travelling Showpeople) is the relevant policy. This states that new sites in terms of their broad location should have good access to facilities and be primarily located in urban areas.

This is not the case with the application site which is located adjacent to a village that is not intended as a location to accommodate growth in the Core Strategy in order to deliver sustainable development. This is reflected in the fact that the site is also remote from schools, health care facilities, supermarkets and other services. The site is therefore judged to be contrary to policy CSP18 which is a development plan policy and needs to be afforded significant weight accordingly.

In summary, the proposal is contrary to national and local Green Belt planning policy. Regard has been had to the National Policy for Traveller Sites, but this reiterates that proposals for such sites within the Green Belt are inappropriate development. In addition little weight can be afforded to the very special circumstances case put forward as it is insufficiently detailed. The proposal is also contrary to policy CSP18 of the adopted Core Strategy as the site does not benefit from good access to facilities.

#### Visual amenity

The proposal site is a sensitive greenfield site that forms countryside located around Middlecliff, a small village which currently has a neat settlement boundary that is approximately rectangular in shape. The proposal would have the effect of extending the urban boundary of the village to the south east as an isolated splinter of development. In addition the development would have an urbanising effect on this land which forms the entrance to the village from the south. These roads including the B6723 and A6195 are heavily trafficked. Land levels rise up from this direction which increase the prominence of the site.

The introduction of 10 static caravans , 13 touring caravans, amenity blocks, hard standings including 6m wide road, turning head and parking spaces and the other domestic paraphernalia that would be likely to arise would have a significant visual impact on long range views. In addition the development would disrupt the existing neatly defined village

envelope, leading to sprawl and development in the countryside. The harm caused to an important view/vista of the village of Middlecliff would be in conflict with policy CSP29 'Design'.

### Residential Amenity

The relationship between the proposed static and touring caravans with existing properties is such that the development should not lead to problems of overlooking and overshadowing. However as access to the development passes immediately behind the gardens of Nos 3-10 Lesmond Crescent Noise and disturbance would be a significant problem due to the number of movements that would be associated with the development and by the movement of static and touring caravans to and from the site. In addition the increase in noise and disturbance levels arising from the development would adversely affect the residents of the existing properties due to the contrast with the low levels of noise that can be expected at present from such a Green Belt site without a formal use.

In terms of amenity levels for future residents, the proximity to the Yorkshire Water means that if approval of the proposal is to be considered a condition that the compound be screened by vegetation planted within the application site facility should be attached. Apart from this the proposal provides adequate amenity for future occupants.

### Highway Safety

The proposal is to access the site via an unmade track. This connects with the B6273 Rotherham Road which is a heavily trafficked classified road in a location that is directly adjacent to a staggered crossroads junction where it is crossed by Middlecliff Lane to Little Houghton and Billingley. Works to improve this track have been subject to enforcement action. This resulted in an injunction being served to prevent this work taking place. This is still in force.

Historically the access track has been used on an infrequent basis by service traffic associated with the pumping station on the site. In addition the access is long and there are no opportunities for vehicles to pass each other.

Highways consider that the site access is not suitable for any intensification of use taking into account those characteristics due to the volume and types of vehicles that would be expected to transport the static and touring caravans to and from the site. These concerns also relate to the difficulty fire appliance and refuse vehicles would have with accessing and egressing the site. Furthermore there is also the potential for pedestrian safety to be compromised. Based upon this Highways have recommended that the application should be refused planning permission due to the likelihood of conflicts between vehicles associated with the development and other road traffic.

In addition to the above the rights of the applicant to use the track to provide access to the development are in question given the representations from 2 different landowners which assert that they own parts of it. Also the sales particulars from the land when it was sold at auction appear to show that it was sold without the access track being included. Ultimately however land ownership is not a material planning consideration meaning that this would be a separate matter for the applicant to resolve outside of the planning process. The same is also true of the any legal covenants affecting the land.

### Biodiversity

The site is located in the Dearne Valley Nature Improvement Area. In addition the grassland, trees and wetland features located on or near to the site form habitat that is suitable for a

range of ecology including protected species. The application has been accompanied by an ecological survey to determine the biodiversity value of the site.

The Biodiversity Officer has assessed the ecology report and has commented that it does not provide an adequate assessment of the ecological issues facing the site. In particular the report does not adequately assess nearby habitats, boundary vegetation, or provide suitable mitigation to conserve and enhance the biodiversity of the area. Based upon this assessment, it is considered that insufficient information has been submitted with the application to determine whether or not the development would have an unacceptable impact on biodiversity, including protected species having regard to CSP36 of the Core Strategy 'Biodiversity and Geodiversity'

#### Ground conditions

In the previous application for this site (2015/1269) concerns were raised by the Land Contamination that the site is potentially contaminated from being used more extensively in the past as a waste water treatment. However the application has not been accompanied by a detailed ground investigation report to identify the risks and any mitigation measures that would be necessary. Again therefore insufficient information has been submitted with the application to determine whether future occupants of the site would be affected by contamination issues having regard to policy CSP39 'Contaminated and Unstable Land'.

#### Flood Risk/Drainage

Notwithstanding the comments received from residents no part of the site is located in a flood risk area. In addition the site is stated to be less than 1ha in size. Based upon this the Council is not in a position to insist that the application is accompanied by a Flood Risk Assessment.

The initial proposals for drainage are soakaways for surface water and a septic tank for foul drainage. An assessment of the ground conditions would need to be undertaken to determine whether the site is suitable for soakaways. In addition it would be necessary to apply the foul drainage hierarchy before determining whether or not a septic tank would be acceptable. However the Drainage section would be content to agree the drainage details under a pre-commencement planning condition. This would need to ensure that a suitable drainage scheme is designed so that surface water run rates do not exceed greenfield run off rates. A further issue however is that the proposed site warden's office would be built over a sewer and this has resulted in an objection from Yorkshire Water to the proposed site layout accordingly.

#### Public rights of way

Contrary to the assertions made by some of the local residents no public rights of way would be affected by the development according to the Public Rights of Way Officer.

#### Conclusion

The proposal is for an inappropriate form of development in the Green Belt that would have a significant and harmful effect on openness and in addition the development would disrupt the existing neatly defined village envelope, leading to sprawl and development in the countryside, conflicting with 2 of the purposes of including land within the Green Belt.

Due regard has been given to the National Policy for Traveller Sites, which reiterates that proposals for such sites within the Green Belt are inappropriate development. In addition little weight can be afforded to the insufficiently detailed very special circumstances case put

forward. The proposal is also contrary to policy CSP18 of the adopted Core Strategy as the site, which is not within an existing urban area does not benefit from good access to facilities.

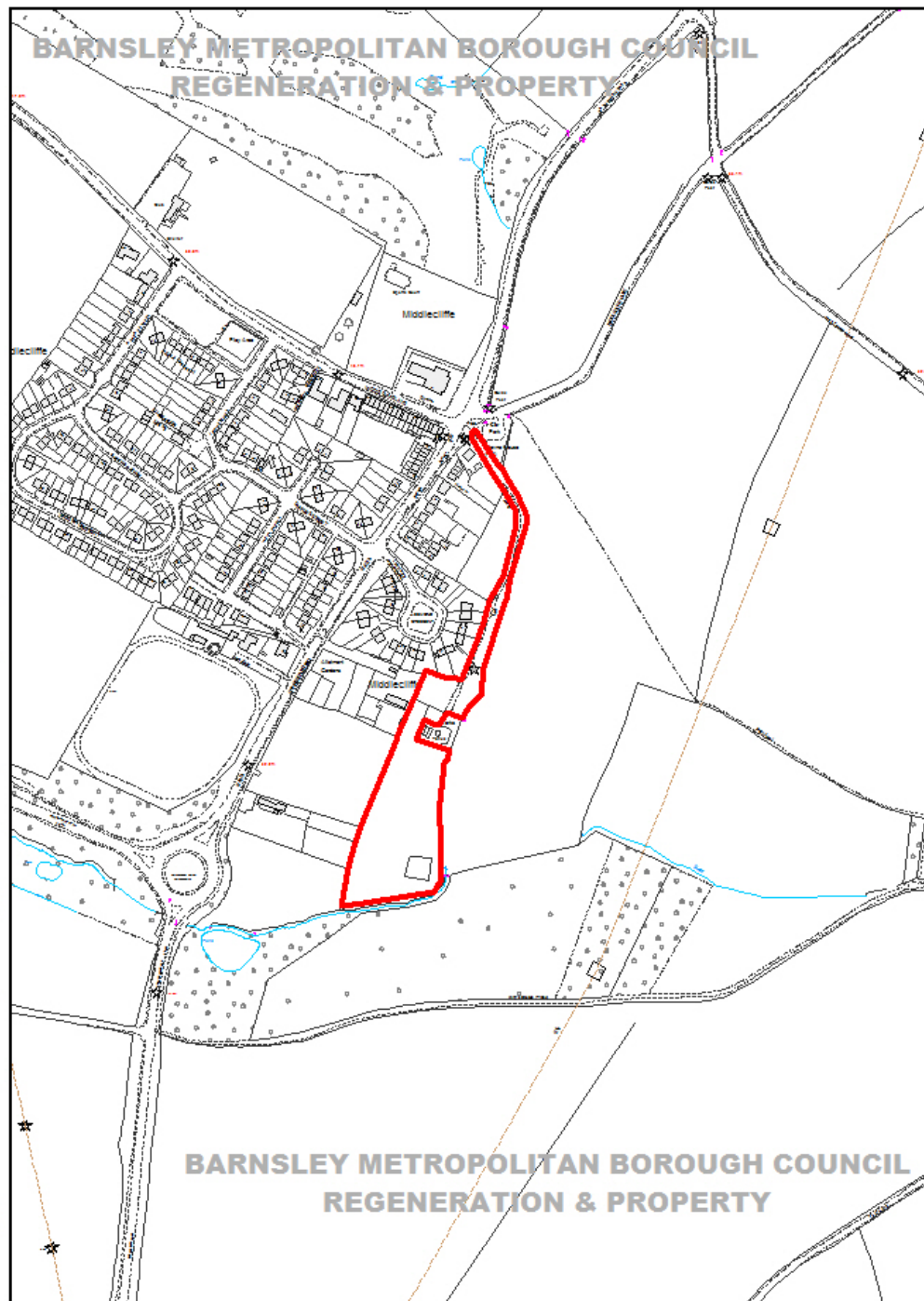
In addition the proposed development is also considered unacceptable on highway safety grounds and due to the likely impact on the living conditions for the residents of existing properties. Furthermore insufficient information has been submitted to demonstrate that the site is suitable for the development proposed from a contaminated land perspective and to demonstrate that biodiversity interests would not be harmed by the development which has the potential to include protected species. Accordingly the proposal is contrary to the National Planning Policy Framework, the National planning policy statement for traveller sites and policies CSP18, 26, 29, 34, 36, 39 and 40 of the adopted Barnsley Core Strategy.

## **Recommendation**

**Refuse** for the following reasons:

1. The proposal is for an inappropriate form of development in the Green Belt that would have a significant and harmful effect on openness. In addition the development would disrupt the existing neatly defined village envelope, leading to sprawl and development in the countryside, conflicting with 2 of the purposes of including land within the Green Belt. Furthermore, the proposed development would harm an important view/vista of the village of Middlecliff.  
Due regard has been given to the National Policy for Traveller Sites, which reiterates that proposals for such sites within the Green Belt are inappropriate development. In addition little weight can be afforded to the insufficiently detailed very special circumstances case put forward. Accordingly the proposal is contrary to the NPPF, Core Strategy Policy CSP34 Protection of the Green Belt and CSP29 Design.
2. The proposal is contrary to policy CSP18 of the adopted Core Strategy as the site, which is not within an existing urban area does not benefit from good access to facilities and is located on a Green Belt site which is not within an existing urban area.
3. The proposal is to access the site via an unmade track which would not be suitable for any intensification of use taking into the volume and types of vehicles that would be expected to transport the static and touring caravans to and from the site. Furthermore there is also the potential for pedestrian safety to be compromised. Therefore, the proposed development is considered unacceptable on highway safety grounds and would be contrary to Core Strategy policy CSP26 New Development and Highway Improvement.
4. Due to the number of movements that would be associated with the development and by the movement of static and touring caravans to and from the site it is considered that the increase in noise and disturbance levels arising from the development would adversely affect the residents of the existing properties close to the site due to the contrast with the low levels of noise that can be expected at present from such a Green Belt site without a formal use. Therefore, the proposals would be contrary to Core Strategy policy CSP40 Pollution Control and Protection.
5. Insufficient information has been submitted to demonstrate that the site is suitable for the development proposed from a contaminated land perspective and to demonstrate that biodiversity interests would not be harmed by the development which has the potential to include protected species. Therefore, the proposals would be contrary to Core Strategy policies CSP39 Contaminated and Unstable Land and CSP 36 Biodiversity and Geodiversity.

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**BARNESLEY MBC - Regeneration & Property**



Scale 1: \_\_\_\_\_

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**2017/1617**

**Applicant:** Mr Mario Monfredi, C/o Planning Partners

**Description:** Conversion of ticket office to 1 no. 3 bed dwelling, erection of 1 block of 4 no. of disabled living apartments and erection of 9 no. dwellings for dependent relative living.

**Site Address:** The Old Ticket Master's Office, Hill Street, Elsecar, Barnsley, S74 8EL

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## **Site Location & Description**

The roughly south-west to north-east elongated site (approximately 0.6 hectares) lies on the western side of Hill Street (B6097), Elsecar, immediately to the south of the railway station/line. The site was previously a contractor's depot with open storage (building materials and equipment) at the eastern end and open scrubland to the west. To the south west is an area of woodland and to the west across the railway line is parkland off Millhouses Street. To the north are residential properties off Noble Street, Gill Street, Greenacre Close and Millhouses Street, and a park and ride facility associated with Elsecar Station. To the east across and on Hill Street are commercial, community and further residential properties whilst to the south is a mixture of uses comprising of workshops, fields/scrubland and residential properties off Foundry Street. The nearest residential properties to the site are off Foundry Street and Hill Street. The site is devoid of any vegetation.

Although not of special historic interest of itself, the site lies within a historic landscape which forms part of the Elsecar Historic Action Zone (HAZ), which contributes to the setting of the former Milton Ironworks and the Elsecar Conservation Area and Elsecar Heritage Centre.

## **Proposed Development**

Pre-application advice was sought and once submitted, the application has been subject to several revisions to improve design to address impact on historic landscape.

The applicant seeks permission for residential development on the site comprising the conversion of the Old Ticket Masters Office to one no 3 bed dwelling, 4 no 2 bed apartments in a block with ambulant/disabled living accommodation to all floors, one no. 2 bed fully disabled bungalow, one pair semi-detached dwellings, and 6 no large 5 bed detached dwellings with disabled relative/carer accommodation resulting in a total of 14 residential units on site.

Although the proposal falls below the threshold for the provision of affordable housing, the applicant proposes to give nomination rights to BMBC for plots 1-5 ( disabled apartments and disabled bungalow), and ensure that occupants for the 5 detached houses for disabled/relative/carer accommodation are screened via a Trust.

The application has been promoted by the applicant as a community supported development to provide a specific need in the local area of disabled living integrated with family life. The application was accompanied by letters of support from the

## **Planning History**

2008/0618 – planning permission refused for outline residential development due to the site being designated as safeguarded land and the lack of information submitted.

2013/0223 – planning permission granted for the extraction of ash and restoration of the land immediately to the southwest which is also under the applicants' ownership.

## **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.

### Unitary Development Plan

The site is allocated as Safeguarded Land to remain undeveloped in the adopted Unitary Development Plan.

### Saved UDP policies

HN6 Safeguarded Land

### The Core Strategy

CSP1 Climate Change  
CSP2 Sustainable Construction  
CSP3 Sustainable Drainage Systems  
CSP4 Flood Risk  
CSP5 Including Renewable Energy in Developments  
CSP8 Location of Growth  
CSP9 Number of New Homes  
CSP10 Distribution of New Homes  
CSP14 Housing mix and efficient use of land  
CSP25 New Development & Sustainable Travel  
CSP26 Development & the Highway Network  
CSP29 Design

### The Emerging Local Plan

The Council has submitted our emerging Local Plan to the Secretary of State and the examination process is ongoing. 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).

Allocation: The land is proposed to be allocated as urban fabric.

#### Relevant Supplementary Planning Documents and Advice Notes

Designing New Housing Development  
Parking  
South Yorkshire Residential Design Guide

#### 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**

Historic England – initial concerns about the height of the proposal which originally included dormer windows. These have now been removed from the design and the angle of roof slackened.

Network Rail – no objections

SYAS – no comments received

SY Police – no objections but recommended measures for designing out crime

YW – no objections subject to conditions

Pollution Control – no objections subject to conditions relating to noise mitigation

Highways DC – no objection subject to conditions

SYMAS – a coal mining risk assessment has been submitted and there are no objections subject to a condition requiring an intrusive site investigation

Coal Authority – No objection subject to intrusive site investigation

Contaminated Land Officer – no objections subject to a condition

Affordable Housing Officer - no comments received as the site falls below the threshold for affordable housing requirement

Forestry Officer – no impacts on any trees

Biodiversity Officer – no comments received

Conservation Officer - no objections subject to conditions

Highways Drainage – no objections subject to conditions

Ward Councillors – no comments received

## Representations

The site was advertised by press notice, by site notice, and by neighbour notification to 49 addresses.

Two individual letter of support were received with the following comments:

- Development would improve the area
- Disabled properties are welcome
- Concept of accommodation for extended families with disabled people is very good
- Close proximity to railway station is an advantage
- The development would benefit Elsecar and the wider community
- Dwellings should have solar panels.

Ten letters of support were received on standard sheets provided by the agent to residents which all begin "*I am in support of the proposed development at Hill St Elsecar because...*". Appended comments of support relate to improvement of derelict land, that the ticket office is currently open to vandals and that housing/housing for the disabled and trade are both needed, the Old Ticket masters Office needs to be improved, and that the development would be good for Elsecar.

One individual letter of objection was received. Concerns raised include:

- the community consultation which was undertaken, the objector felt it was not representative of people who were likely to be affected by the proposal;
- that the Design and Access Statement was misleading in the development was represented to the community as special housing for dependent relatives exclusive to Elsecar, but that the houses could be sold to anyone;
- that access from the Fitzwilliam Arms is not feasible due to differences in height;
- highway concerns due to conflict with bus stop which, if moved, would impact on residential access
- increased traffic and highway concerns relating to parking
- no details about water and sewerage pipes
- 2 story dwellings opposite objectors dwelling would cause loss of open aspect, impact on enjoyment of house and impact on garden plants and fish due to loss of sunshine(light) and warmth
- Development will not provide housing for needs of local people, other sites in the village would not impact on residents.

53 other representations were received. However, they were in the form of on-line representations through the authority on-line planning explorer facility which is available on our website. All were submitted by the agent who claimed to have written them on behalf of residents but unfortunately there was no evidence that this was so. The comments cannot therefore be considered. Of the 53, only 4 appeared to be from addresses which had been sent neighbour notification letters.

The agent was advised to contact these 53 residents to advise them to make their own comments directly to the Authority, as only then could their comments be considered. However, only 11 have written separately as a result of this and their comments are noted above.

## **Assessment**

### Principle of Development

The site is currently allocated as safeguarded land in the Unitary Development Plan. However, the latest report on Barnsley Five Year 'Deliverable' Housing Land Supply Report April 2017 – March 2022 concludes that, for this five year period, the Council cannot currently demonstrate a supply of specific, deliverable sites sufficient to meet the boroughs housing requirement.

A recent Supreme Court Judgment has confirmed that for the purposes of paragraph 49 of the NPPF, relevant policies for the supply of housing are limited to those dealing only with numbers and distribution of new housing. Therefore policy GS10 'Safeguarded Land' is not considered to constitute a policy for the supply of housing. However, the judgment goes on to clarify that '...The important question is not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing provision, or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14...'."

Therefore, given that the council cannot currently demonstrate a five year supply of housing, it is considered that applications on safeguarded or ULTRU land, where it can be demonstrated that they are in a sustainable location, will now be determined in line with the NPPF's Presumption in Favour of Sustainable Development (paragraph 14 of the NPPF), relevant development plan policies and any other material considerations.

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

The existing site is currently a builder's storage yard and therefore has little in terms of existing vegetation. The applicant has put forward a landscape plan which includes landscape boundary planting and individual trees and planting within the site itself which would have some environmental benefits. Whilst the contributions to the social aspects would be largely neutral, in terms of economic aspects the scheme would contribute through council tax revenue, increased spending within the local area, creation of jobs etc. In addition to this, factors which could be weighed in the planning balance include that the site is located within the Principal Town of Hoyland, one of Barnsley's Principal Towns which are a focus for growth as set out in Core Strategy Policy CSP8 'The Location of Growth', and that it lies immediately adjacent to the railway station and local bus stops. Given these factors the site is considered to be a sustainable location.

### Design & Visual Amenity

The design of the proposed dwellings have been through several iterations in consultation with Historic England and the Conservation Officer in order to complement and preserve the visual character and amenity of the surrounding settlement of Elsecar, the nearby Conservation Area and the historic landscape.

Design of the dwellings comprise two storey buildings with gable elements, curved stone lintels, stone cills, and windows with relatively small panes. The materials are conditioned but it is expected that high quality materials of natural dressed sandstone with roofing tiles, either natural blue /grey slate or a high quality artificial alternative, would be used Details

include gable coping, gutter corbelling, string courses, conservation rooflights, variation of chimneys and brick to some side elevations adds to the features of the dwellings.

The Conservation Officer now considers that the proposed new dwellings are sympathetic in design and having assessed the proposal in terms of its impact on the Conservation Area, as well other designated and non-designated assets in the locality, the development will enhance the settings of these assets whilst making a positive contribution.

Core Strategy Policy CSP14 Housing Mix and Efficient Use of Land seeks a minimum of 40 dwellings per hectare. It goes on to state that lower densities will only be supported where it can be demonstrated that they are necessary for need, viability or sustainable design reasons.

In this case, whilst the development is under the 40 dwellings per hectare, being at 23 dwellings per hectare, the constraints of the site and the impact on the setting of the historic landscape and other local historic assets is considered to be of sufficient importance in this case to outweigh the policy requirement on densities.

Overall it is considered that the proposal adheres to the objectives of CSP Policies 14 and 29 which stress the importance of achieving high quality design.

#### Residential Amenity

Internally, the spaces substantially exceed minimum space standards set out in the adopted guidance and SYRDG and there are no concerns relating to the amenity of proposed residents. Adequate private amenity spaces are provided for each of the properties although there are also informal green spaces within walking distance of the site.

The issue of noise on future residents is a factor given the proximity of the site to the railway line. A noise report has been submitted with the application which has been assessed by the Council's Pollution Section. Subject to conditions implementing the measures outlined in the report, including the provision of acoustic glazing and boundary fences, the Pollution Control Section are satisfied that future residential would not suffer any significant dis-amenity due to noise.

The nearest existing residential dwelling lies across Hill Street, opposite the Type D dwelling. This exceeds the minimum of 12m where the dwellings are of the same storey and it will achieve a streetscape that reflects local character as set out in the adopted SPD. All other existing dwellings are sufficient distance away not to be significantly affected through loss of privacy or overshadowing. Issues raised from the objector about loss of view are not a material planning consideration.

The application is therefore in accordance with CSP 29 Design and the adopted SPD.

#### Highways

An objector raised several concerns relating to highway safety, access and the bus stop location. However, the proposal would utilise an existing access and would provide for adequate visibility in both directions. The existing bus stop would not be affected and the scheme would provide sufficient off-street parking facilities within the development to serve the quantum of development proposed. The Council's Highways Section have assessed the scheme and, subject to conditions including securing the visibility splay, are of the opinion that the development adheres to the provisions of policy CSP25 and CSP26, in that it will not have an adverse impact upon highway safety.

### Education

The size of the proposal falls below the threshold which requires contribution towards Education places.

### Ecology/Trees

The site does not contain any significant vegetation, being a compound, but the applicant has put forward a hard and soft landscaping scheme for the development. This proposes additional tree and vegetation planting on the boundaries of the site and in areas within the development. This is acceptable in principle but in order to ensure appropriate species are used, a condition requiring a detailed landscape scheme is proposed. Any soft landscaping of native species would enhance the biodiversity interest of the site.

### Coal Mining and Contaminated Land

The application has been accompanied by a coal mining risk assessment as the proposed residential development is located within a high risk coal mining referral area due to the probable presence of shallow coal and possible unrecorded shallow coal mine workings. The assessment recommends intrusive borehole site investigations are required to evaluate mining legacy risks. This can be secured by a condition for ground investigations and any appropriate mitigation. The application is therefore compliant with Core Strategy Policy CSP 39 and paras 120 and 121 of the NPPF.

### Contamination

The application has been supported with a desk study to assess the potential contamination risks. The report has recommended that an intrusive site investigation is undertaken to assess the level of any contaminants on the site. The Council's Land Contamination Officer is satisfied that this can be dealt with through the imposition of a suitable condition..

### Drainage

The main policy for assessing drainage/flood risk is CSP4 'Flood Risk'. The site is not within Flood Zones 2 or 3 and the details of the scheme have been assessed by Yorkshire Water and the Council's Drainage Section. Both have raised no objections to the scheme and are satisfied that, due to the limited size of the development and the area being well served by sewers, that conditions can be imposed to provide the necessary drainage details prior to commencement of development.

### Other matters

Objector concerns:

One objector considered that reporting of the community consultation was not representative of people who were likely to be affected by the proposal. The reporting of the community consultation provides the Council with a flavour of local feeling, it does not have an impact on the outcome of an application as the Council can only take into account written representations made to the planning application. The Council sent letters to 49 individual properties, and advertised the application via a site notice and in the press, which has provided ample opportunity for those most likely to be affected, to make representation once the application was formally submitted.

The objector also raised concerns that the Design and access statement was misleading in the development was represented to the community as special housing for dependent

relatives exclusive to Elsecar, but that the houses could be sold to anyone. The ownership of a dwelling is not a matter for the Local Planning Authority. In addition, there may be other sites in the village which could be developed as the objector suggests, however, each application must be considered on its own merits.

Proposed nomination rights:

The applicant has promoted this development as addressing a particular need in the local community which encourages people with disabilities to live with and integrate with other members of the community. The dwellings have therefore been designed for independent disabled living (in the apartments and the bungalow); and for dependent disabled relatives with carers to continue living with their families in the large detached dwelling. To demonstrate this intent, the applicant has already entered into a Property Management Agreement with Berneslai Homes for 5 years.

However, this application is not of a scale which requires the provision of affordable housing, nor is it a planning requirement that the units are for disabled residents. The application has therefore been assessed as though it was for 14 private units and it is considered acceptable in accordance with the relevant policies and guidance.

### Conclusion

The National Planning Policy Framework makes it clear that development proposals that accord with the development plan should be approved without delay and where the development plan is absent, silent or relevant policies are out-of-date, granting permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

The Council cannot currently demonstrate a 5 year housing supply. This site is located within Hoyland Principal Town which has been prioritised to accommodate future growth; the development would therefore contribute to achieving housing objectives. The site is also in a sustainable location adjacent to the railway station and bus stops and on the edge of an established residential area and the proposals would be readily compatible with adjoining uses and accessible by public transport. Without doubt, the development of this site would improve the area, provide much needed jobs and dwellings, and make the area more attractive as the Ticket Masters Office is in poor repair and the site itself is relatively unattractive. The contract with Berneslai Homes for a period of 5 years is also a benefit of this application.

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

### **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 and specifications as approved unless required by any other conditions in this permission:  
 Location Plan - Ordnance Survey Map  
 Site Plan 01 REV E amended plan received 23/4/18  
 House Type A - 02 REV D - amended plan received 7/3/18  
 House Type B - 03 REV D amended plan received 7/3/18  
 House Type C - 04 REV E amended plan received 24/01/18  
 House Type D - 05 REV B amended plan received 24/01/18  
 House Type E - Drawing 06  
 Ticket Office - Drawing 06  
 Viz Splay details 20 REV A amended plan received 23/4/18  
 Viz Splay details with blue line boundary Drawing 10 received 1/5/18  
 Hard and Soft Landscaping Plan LSP-1 REV A  
 Noise Management Plan by Sivill Engineering dated Nov 17  
 Amended Noise Report by Blue Tree Acoustics dated 27/2/18  
 Dust Management Plan by Sivill Engineering dated Nov 17  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 On commencement of development a representative sample of the roofing materials, facing stone and brick has been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall proceed in strict accordance with the details as approved. Facing stone should be natural sandstone dressed with either a pitched or split face. Roofing tiles shall be either natural blue / grey slate or a high quality artificial alternative.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 4 Rooflights shall be genuine conservation style rooflights, with black or anthracite framing, a single vertical divider, and low in profile.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 5 The windows, doors and frames shall be set in at least 75mm in the reveal and decorated in a colour to be agreed in writing with the Local Planning Authority on commencement of development. Thereafter, the agreed fenestration shall be installed and retained for the duration of the development.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 6 The gutters shall be ogee in section mounted either on corbels or brackets (no fascias) with matching circular down pipes and soil pipes all in black.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 7 The roof verges shall be finished with a mortar fillet or verge tabling / coping, or if necessary a timber barge board to match the existing Ticket Office.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 8 The properties shall be built in accordance with the details, including the glazing, specified in the Blue Tree Acoustics Noise Impact Assessment Report ref. 02974-550100. The glazing shall remain in situ thereafter.  
**Reason: In the interests of residential amenity and to minimise effects of noise on residents, in accordance with CSP Policy CSP 40 Pollution Control and Protection.**
- 9 Prior to the occupation of any dwelling, the properties shall be provided with an acoustic fence built in accordance with the recommendations specified in the Blue Tree Acoustics Noise Impact Assessment Report ref. 02974-550100. The fencing shall remain in situ thereafter.  
**Reason: In the interests of residential amenity and to minimise effects of noise on residents, in accordance with CSP 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 ( ie 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 interests 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 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, in the interest of road safety  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 13 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

- 14 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
  2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
  3. An appraisal of remedial options, and proposal of the preferred option(s).
  4. A remediation statement summarising the works to be undertaken (if required).
- The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".

Should the site require a remediation scheme to address any contamination risks identified, then the approved scheme shall be implemented in accordance with the approved timetable of works. On the completion of the measures identified in the approved remediation scheme, a Validation Report (that demonstrates the effectiveness of the remediation carried out) shall be submitted to the Local Authority.

**Reason: To protect the environment and ensure the site is suitable for the proposed use and in accordance with CSP 39 Contaminated and unstable land.**

- 15 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 in accordance with CSP4.**

- 16 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres of the Public Sewer shown on the approved plan.

**Reason: To prevent damage to the existing Public Sewer in accordance with CSP4.**

- 17 Notwithstanding the submitted plans, 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 and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**

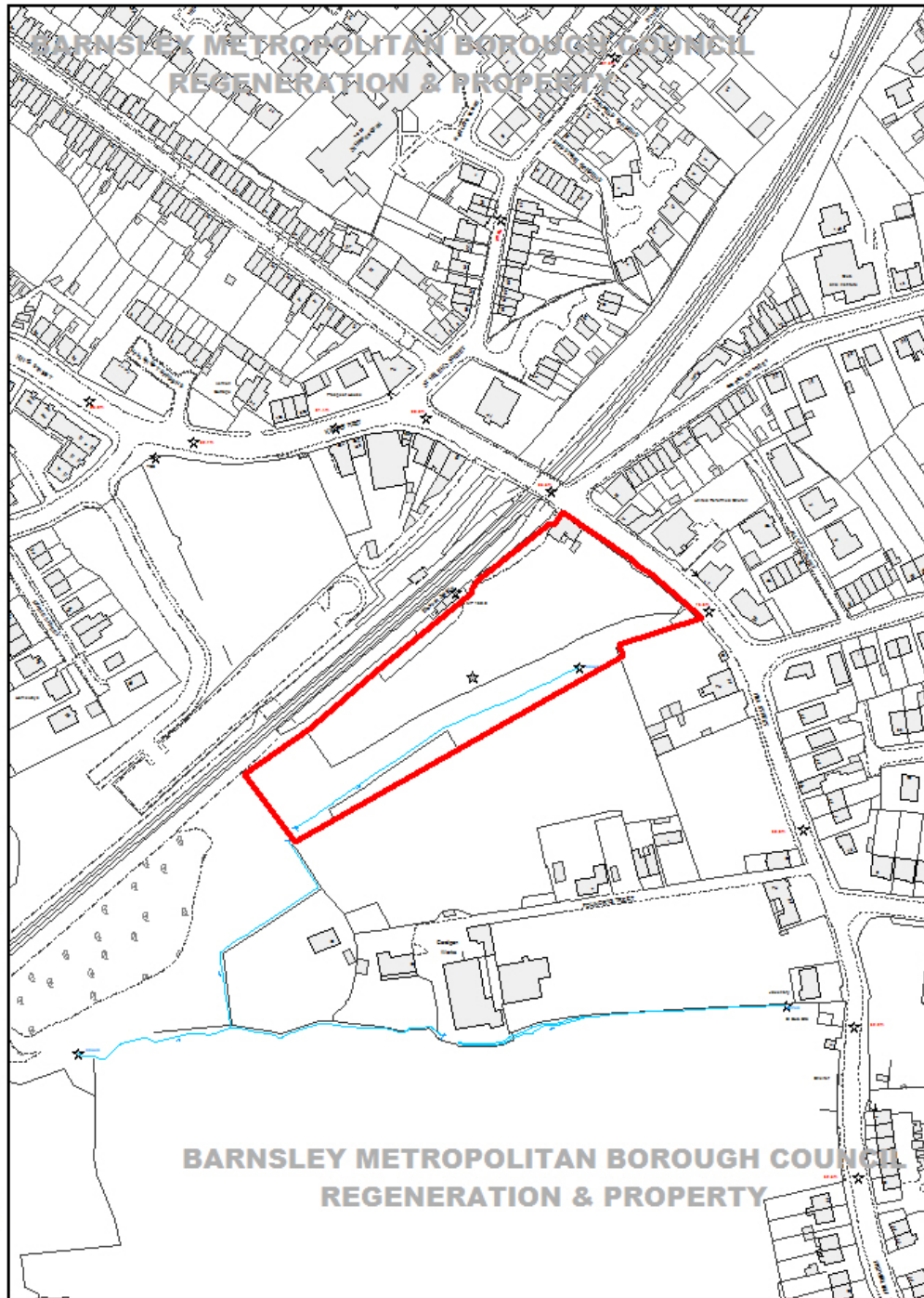
- 18 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with 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.**
- 19 No development shall take place until intrusive site investigations have been undertaken by a suitably qualified person to evaluate ground conditions and to determine any actual mining legacy risks. The site investigation and subsequent development shall be undertaken in compliance with Construction Industry Research and Information association publication 32 "Construction over abandoned mine workings" where applicable. A report detailing the findings of the investigations and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, and the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner"  
**Reason: In the interests in contaminated or unstable land in accordance with CSP 39 and in accordance with NPPF section 120 & 121 Land stability.**
- 20 Prior to commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.  
**Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.**
- 21 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.**
- 22 The sightline shown at the junction of the access road with the shared drive, shall be safeguarded at the 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.**

- 23 Visibility splays, having the dimensions 2.4m x 64m to the north and 2.4m x 70m to the south, shall be safeguarded at the junction of the access road with Hill Street, such that there is no obstruction to visibility and forming part of the adopted highway.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 24 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority  
**Reason: In the interests of Highway safety and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.**
- 25 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 26 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use,  
**Reasons: In the interests of road safety and in accordance with CSP 26.**
- 27 Prior to the commencement of development, details shall be submitted to and approved in writing to the Local Planning Authority of measures to prevent parking on the visibility splays on Hill Street.  
**In the interests of interests of road safety and in accordance with CSP 26.**

PA Reference:-

2017/1617

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**BARNSELY MBC - Regeneration & Property**



Scale 1: \_\_\_\_\_

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**2018/0233**

**Applicant:** Berneslai Homes

**Description:** Demolition of the existing terrace houses and the erection of 8 no. bungalows and associated highways and landscape works.

**Site Address:** 1 - 37 Beever Street, Goldthorpe, Rotherham, S63 9HT

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## **Introduction**

This site previously gained planning permission for the demolition of existing terraced housing and erection of 6 bungalows in September 2016 under planning reference 2016/0685. This remains an extant permission and therefore could be implemented. However, the applicant has now proposed a new layout and design for the scheme which allows them to gain 8 bungalows on the site. This revised scheme is the proposal placed before Members at this Planning Board.

## **Site Description**

This site is located in a mixed use area next to Goldthorpe town centre, most of which is along Doncaster Road, which to the north of the application site

Beever Street, which is opposite the new Goldthorpe Primary School, comprises primarily high density terraced housing. There is also a car mechanics business and a Church, in a modern single storey brick building, on the street. There are a number of similar terraced streets, including Victoria Street and Cooperative Street, that are linked together by Cross Street.

To the southern end of Beever Street the character changes from residential to industrial, with three large commercial buildings and external storage.

The 19 terraced houses that occupy the site are currently boarded up and represent a large proportion of one side of the road frontage. There is a break in the terrace and an alleyway provides rear access. To the east of the alleyway are allotment gardens bounded by mature trees.

## **Proposed Development**

This new scheme increases the amount of bungalows provided from 6 to 8. The current terraced housing is adjacent to the pavement but the new bungalows would be set back behind front gardens and parking areas. Additional parking is provided at either end of the development. There would be two blocks of 4 bungalows, that would have rear garden areas. There would be a central bin store at the rear between the two terraces and two further rear bins stores at either end of the development.

The roof line of the bungalows would be stepped down following the incline of the road and at either end of the development there would be a hipped roof that reduces the mass of the buildings. A cross section has been submitted to indicate the relationship with the terraced housing opposite. This shows a separation distance of about 18m and the height difference between the existing houses opposite and the new bungalows. (9.5m compared with 95.2m).

The previously approved layout was an L shaped courtyard but the new linear scheme allows for back gardens and discreet bin storage. Patio doors are proposed to give direct access to the gardens. The development massing is also broken up by using two blocks with access to the rear gardens.

## **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 and the examination process is ongoing. 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).

The emergent policies of the Local Plan that are attributable to this development are SD1, GD1, D1, T4 and Poll1. In general they resonate with the requirements of Core Strategy Policies 26, 29, and 40.

### Core Strategy

CSP14 Housing Mix and Efficient Use of Land  
CSP26 New Development and Highway Improvement  
CSP29 Design  
CSP40 Pollution Control and Protection

### Saved UDP Policies

Housing Policy Area

### SPDs/SPGs

Designing New Housing Development

This sets out space standards and in most situations developments would be expected to comply with the standards. However, the SPD states that full compliance with standards is expected in predominantly residential areas whereas they may be slightly relaxed in town centre situations/higher density areas.

The SPD also states that development must respect local context, however, it is also stated that innovative design solutions that depart from the local context may be allowed if they are considered to have a positive impact on the character of the area.



There is a specific section on Infill development, which states that

As well as the general criteria, including the external spacing standards, infill development should aim to comply with the following:-

- Dwellings should be orientated to have a frontage to the existing public highway. Sides and backs and garages should be sensitively located so the frontage of the new development integrates with the existing street scene
- The space between the proposed dwelling and adjacent dwellings should reflect the prevailing character of the street.
- The siting of the dwelling should reflect the building line of the dwellings on the same side of the street.
- The eaves and ridge heights of dwellings should usually be comparable with the heights of adjacent dwellings.
- Parking provision should be accommodated in a similar manner to how it is accommodated elsewhere on the street (e.g. if existing dwellings are set forward on their plots with parking at the side, the proposed dwelling should not be set back with parking at the front).
- Architectural features, fenestration and materials should reflect the positive elements elsewhere on the street.
- Infill development should not be piecemeal so as to prejudice potential comprehensive development of a larger area of land.
- Landscaped features such as trees, particularly those prominent in the street scene, should be retained and provided with sufficient space for future growth.

#### Parking

This sets out requirements for houses in normal occupation. For elderly development there should be one space per unit and communal parking.

#### 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. Relevant Sections to be considered would be:

Section 6 – Delivering a wide choice of high quality homes

Section 7 – Requiring Good Design

#### **Consultations**

Highways Drainage - no objections

Highways - No objections subject to condit

Pollution control – No objections subject to conditions

Contaminated Land Officer – No comments received but raised no objections to application 2016/0685

Yorkshire Water – No objections subject to conditions

## **Representations**

The application was advertised by way of neighbour notification letters, site notice and press notice. No letters of representation have been received

## **Assessment**

### Principle of Development

This is an infill residential redevelopment in a residential street which already has an extant permission to be redeveloped for 6 bungalows. As such the principle of residential development would be acceptable. The main considerations relate to conformity with Core Strategy policies that seek higher density development in sustainable locations, designs that reflect local character and appearance, and suitable considerations of highway safety and neighbouring amenities.

The application is accompanied by a design statement outlining the reasons for the change from the previously approved scheme for 6 bungalows. This is a more economical solution to the re-development of the land allowing more units but also allowing for a slight variation in the accommodation offer. There would now be 7 no. 2 bedroom units and one 3 bedroom unit compared to six 2 bed units that were previously proposed.

### Residential Amenity

The scheme meets the recommended separation distances to the existing properties on the opposite side of Beaver Street. Given the proposed dwellings are single storey and would have suitable boundary treatment to the rear and side, the amenities of neighbouring properties to the north and south would also be protected. There are no existing residential properties to the rear of the site.

On the previous scheme the garden areas to the properties were to the front, within the 'courtyard' spaces. This revised scheme provides for gardens to the rear of the properties in a more traditional layout which provides more useable private amenity spaces and as such will represent an improvement for future residents.

The revised bungalows have rear patio doors so their outlook at the rear will be better compared to the approved scheme. There are mature trees and allotments to the east. The outlook for existing residents on Beaver Street would be improved as they will look over the bungalows to the allotments.

Therefore, it can be seen that the revised scheme provides some improvements for the residential amenity of the existing and proposed residents compared to the previous scheme

### Visual Amenity

The previously approved layout was an L shaped courtyard with spaces created in the centre of the scheme. The revised layout proposes a linear layout which is more in character with the existing streetscene. This also allows for the creation of back gardens and bin storage areas to the rear. Patio doors are proposed to give direct access to the gardens. The development massing is also broken up by using two blocks with access to the rear gardens.

The previous mono pitch roof design has been changed to a more traditional gable and hipped roof pattern using artificial slate. This allows for stepping down to accommodate the levels change on the road.

Brick is being used to match the existing terraced housing but some render is incorporated under the overhanging roof, for a more contemporary feel.

Rear fencing is proposed along with a concrete panel wall to the allotments and lockable security gates are provided at each end of the terraces.

Overall these changes create a more simplified design than was previously proposed but this is considered to be in character with the streetscene and allows more efficient usage of the land

### Highway Safety

Off-street parking is provided to the front of the properties with some spaces also created at the side. This is similar to the previous approval. At least two spaces per dwelling have been provided which is acceptable for this location and the Council's Highways Section have raised no concerns given that the 8 dwellings would replace 19 dwellings that currently exist on the site.

### Conclusion

The site already has permission for 6 bungalows. This revised scheme would allow for a more efficient usage of the land to develop it for 8 bungalows. Whilst the design has simplified from the previous approval it does lead to some improvements in layout with particular regards to bin storage and private garden areas. The scheme is therefore considered acceptable and in accordance with the relevant local and national planning policies.

### **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 NPS-DR-A-(00)-001-P1, NPS-DR-A-(00)-801-P8, NPS-DR-A-(00)-010-P1, NPS-DR-A-(00)-020-P5, NPS-DR-A-(00)-110-P8, NPS-DR-A-(00)-801-P8, 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 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**

- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 5 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
- Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
- Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 7 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:
- Removal of the "existing traffic calming planter"
  - Widening of footway
  - Provision of/any necessary alterations to street lighting.
  - Provision of/any necessary alterations to highway drainage.
  - Any necessary resurfacing/reconstruction.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26 New Development and Highway Improvement.**

- 8 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.  
**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26 New Development and Highway Improvement.**
- 9 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 proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 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.**

PA Reference:-

2018/0233

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**BARNLEY MBC - Regeneration & Property**



Scale 1: \_\_\_\_\_

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**2018/0035**

**Applicant:** Matt Hownam

**Description:** Siting of 7 no. kiosks and sludge thickening building to enable upgrade of treatment process.

**Site Address:** Lundwood Waste Water Treatment Works, Lund Lane, Lundwood, Barnsley, S71 5NP

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## **Site Description**

Lundwood Waste Water Treatment Works is an existing Yorkshire Water (YW) Waste Water Treatment Works constructed circa 1960 in the village of Lundwood, 3.2km east of Barnsley, South Yorkshire. The site is bounded by the River Dearne and fields to the east and by housing to the North and to the North East. Access to the site is gained via the existing main site entrance off Lund Lane, off the A628 Pontefract Road. The Lundwood site is approximately 32.8ha in size. The nearest dwelling abuts the north-eastern boundary of the site.

## **Planning History**

B/77/0569 - Construct extensions to sludge treatment works – approved.

B/96/0462/BA - Erection of building to house sewage treatment plant – approved.

B/01/0935/BA - Erection of building to house sludge treatment works – approved.

2006/0967 - Erection of control kiosk at sewage treatment works – approved.

2007/0392 - Erection of processing units, storage tanks and associated buildings – approved.

2008/1419 - Erection of dewatering building and a pumping station, sludge tank and sludge screen – approved.

2011/0688 - Installation of new motor control centre kiosk – approved.

## **Proposed Development**

The structures for which planning permission is sought are 7 no. transformer and substation kiosks, varying in size from 3.25 x 3.25 x 3.6, with the largest being 16.1 x 4.1 x 3.6m, and 1 no. sludge thickening building of approximate dimensions 25m x 13m and 7m high.

The new sludge drum thickening building and sludge blend storage tanks will have a new odour control system. The new sludge drum thickening building will thicken blended primary and secondary sludge. The application has been accompanied by an odour report, preliminary ecological appraisal and flood risk assessment.

The kiosks will be of glass reinforced plastic in Holly Green on reinforced concrete slab. The sludge thickening building is proposed to be of trapezoidal cladding in Holly Green on reinforced concrete base.

In support of the application the applicant has provided the following justification:

“The proposed new structures within the Lundwood WwTW are required to allow Yorkshire Water to meet their statutory duty as a sewerage undertaker as set out in the Water Industry Act 1991. The upgrades are specifically required to allow the sewage treatment process to meet the required reductions in ammonia, which come into force in March 2020. These changes have followed the introduction of the Environment Agency’s Water Industry National

Environment Programme (WINEP), designed to improve water quality in rivers and to ensure that the UK is complying with the European Water Framework Directive.

Without the proposed additional infrastructure, the existing percolating filters and activated sludge plant will be unable to achieve the level needed to provide a robust and dependable treatment for Barnsley. Therefore, placing the existing Waste Water Treatment works (WwTW) under additional pressure”

## **Policy Context**

### **UDP Green Belt**

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

The emergent policies of the Local Plan that are attributable to this development are GD1 and GB1. In general they resonate with the requirements of Core Strategy Policy 29 and 34.

### Core Strategy

CSP21 – Rural Economy – states that we will encourage a viable rural economy by allowing development in rural areas if it supports the development of the rural economy or results in the growth of existing businesses. Such development amongst other matters will be expected to:

- Not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area
- Consider the re-use of existing rural buildings in the first instance and
- Protect the best quality agricultural land.

CSP29 – Design – sets out the overarching design principles for the borough to ensure that development is appropriate to its context and states that high quality development will be expected.

CSP34 – Protection of Green Belt – the extent of the Green Belt will be safeguarded and remain unchanged.

CSP36 – Biodiversity and Geodiversity – development will be expected to conserve and enhance the biodiversity and geological features of the borough

CSP40 – Pollution Control and Protection – 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, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.



## National Planning Policy Framework

Core planning principles 4 of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Core planning principle 5 refers to protecting the Green Belt.

- Subject to exceptions, a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. An exception is limited infilling or the partial or complete redevelopment of previously developed sites, whether redundant or in continuing use, which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Conserving and enhancing the natural environment:

- To prevent unacceptable risks from pollution, planning decisions should ensure that new development is appropriate for its location. The effects on health, the natural environment or general amenity, and the potential sensitivity of the area to adverse effects from pollution, should be taken into account.

## **Consultations**

Biodiversity – no comments received

Highways Drainage – no objections raised

Pollution Control – no objections raised

Environment Agency - no objections raised

Ward Councillors – no comments received

## **Representations**

Notification letters were sent to nearby properties, and the scheme was advertised by site notice and by press notice. One letter has been received. The letter does not object to the work being carried out but requests additional screening along the boundary to compensate for trees that have been cut down in the past. The applicant has confirmed that they are happy to replant some trees.

## **Assessment**

### Principle of Development

The NPPF states that certain forms of development are not considered inappropriate in the Green Belt provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations and limited infilling and the partial redevelopment of a previously developed site. Outside of these specified forms of development, the erection of new buildings would be classed as inappropriate development which 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.

With regards to the development put forward the application site would be classed as brownfield land as it currently operates as a Waste Water Treatment Works (WwTW) with a number of buildings and structures currently on the site. The proposed kiosks and sludge thickening building would be subservient to the existing structures and as such the proposal could be classed as limited infilling of a previously developed site. Notwithstanding this the applicant has also put forward a case of very special circumstance in that the works are specifically required to allow the sewage treatment process to meet the required reductions

in ammonia, which come into force in March 2020. These changes have followed the introduction of the Environment Agency's Water Industry National Environment Programme (WINEP), designed to improve water quality in rivers and to ensure that the UK is complying with the European Water Framework Directive (2000). Without the proposed additional infrastructure, the existing percolating filters and activated sludge plant will be unable to achieve the level needed to provide a robust and dependable treatment for Barnsley. It is therefore considered that, whether the buildings are considered appropriate development or not, sufficient justification has been provided to support the development at this location and it would not be detrimental to the fundamental aims of protecting the Green Belt.

In addition for the justification for the buildings it is necessary to assess the impact on the openness of the Green Belt. All proposed structures lie within the footprint of the existing WwTW and are of a scale that fits with the surrounding buildings. The tallest proposed structure is 7.2 metres in height. The purpose of the surrounding Green Belt land is as critical water infrastructure and the scale of the proposed buildings will result in no detrimental impact on openness. It would also not be possible to place this infrastructure outside of the designation, due to its proximity to the existing facility. The location of additional infrastructure within the works therefore minimises the impact of the development. It is therefore considered that, whether the buildings are considered appropriate development or not, sufficient justification has been provided to support the development at this location and it would not be detrimental to the fundamental aims of protecting the Green Belt.

#### Residential Amenity

Whilst the site boundary abuts residential dwellings, the proposals themselves within this large 32.8ha site are located away from any residential properties, with the nearest dwelling being located around 35m from the nearest proposed kiosk. The sludge building would be approximately 130m away and have active ventilation and new odour control system. The Council's Pollution Control Section have raised no objections to the scheme and it is also proposed to limit all construction vehicle movements to daytime hours to prevent undue disturbance to neighbours. It is therefore highly unlikely that the proposal will have a detrimental effect on neighbouring amenities and so is considered acceptable.

#### Visual Amenity

The proposed kiosks and building being coloured Holly Green and constructed in either steel or GRP would reflect the design of existing plant on the site and successfully merge with it. The site is set well back from any public highway and so is not highly visible. The proposal respects the local character of the area as far as it can, and is appropriate to its context and being on a site already in use as a sewage treatment works and therefore is considered acceptable.

The proposals form a small part of a much wider scheme of upgrading which under permitted development rights will see the removal of a number of large structures, and other improvements. Overall the small proposals that form part of this planning application will enable these larger scale improvements to be implemented in full and will lead to an overall improvement of the site in visual amenity and in the wider environment together with the improvement in water quality in the River Dearne.

#### Highway Safety

On completion would not generate any significant additional vehicular movements. The Council's Highways Section has no comments. As such, there would be no adverse impact on highway safety and the proposal is considered to comply with policy CSP26.

## Ecology

The applicants have submitted a preliminary ecological appraisal which covers the whole site. The survey notes that the northern half of the site is dominated by hardstanding, between which are areas of amenity and improved grassland. The southern half of the site is dominated by tall ruderal vegetation, with areas of standing water, scrub and hardstanding. However all the works proposed are in the northern half of the site and therefore away from the water bodies and the majority of vegetation. The proposal works are for minor additions to the site compared to the existing structure and as such there will be little impact on existing wildlife but the ecology survey does recommend a number of precautionary works during the construction period which can be conditioned.

## **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 and specifications as approved unless required by any other conditions in this permission:  
R1263-GHD-316-01-DR-C-01036 ASP No2 MCC Kiosk Plans & Elevations  
R1263-GHD-316-01-DR-C-01039 Sludge Thickening Building Ground Floor Plan  
R1263-GHD-316-01-DR-C-01040 Sludge Thickening Building Roof Plan  
R1263-GHD-1316-01-DR-C-01041 Sludge Thickening Building Elevations (1 of 2)  
R1263-GHD-316-01-DR-C-01042 Sludge Thickening Building Elevations ( 2 of 2)  
R1263-GHD-316-01-DR-C-01043 Inlet Works Transformer Substation Kiosk Plans and Elevations  
R1263-GHD-316-01-DR-C-01044 Inlet Works MCC20 Switchroom Kiosk Plans and Elevations  
R1263-GHD-316-01-DR-C-01045 11 KVDNO Substation Kiosk Plans and Elevations  
R1263-GHD-316-01-DR-C-01046 Site Main substation Kiosk Plans and Elevations  
R1263-GHD-316-01-DR-C-01072 Site Wide Planning Proposal Location Plan  
R1263-GHD-316-01-RP-Z-01023 Planning Statement  
236381-71 Green Belt Note - Arup  
Preliminary Ecological Appraisal Issue 1 dated 6 June 2016  
Inlet Works Odour Modelling dated January 2018 by H & M Environmental Ltd  
**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, full details of replacement tree planting to the boundary with 75 Lund Lane, including details of the species, positions and planted heights of proposed trees shall be submitted to and approved in writing by the Local Planning Authority. The approved tree planting details shall be implemented within the first available planting season following commencement of the development. Any trees 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 and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**

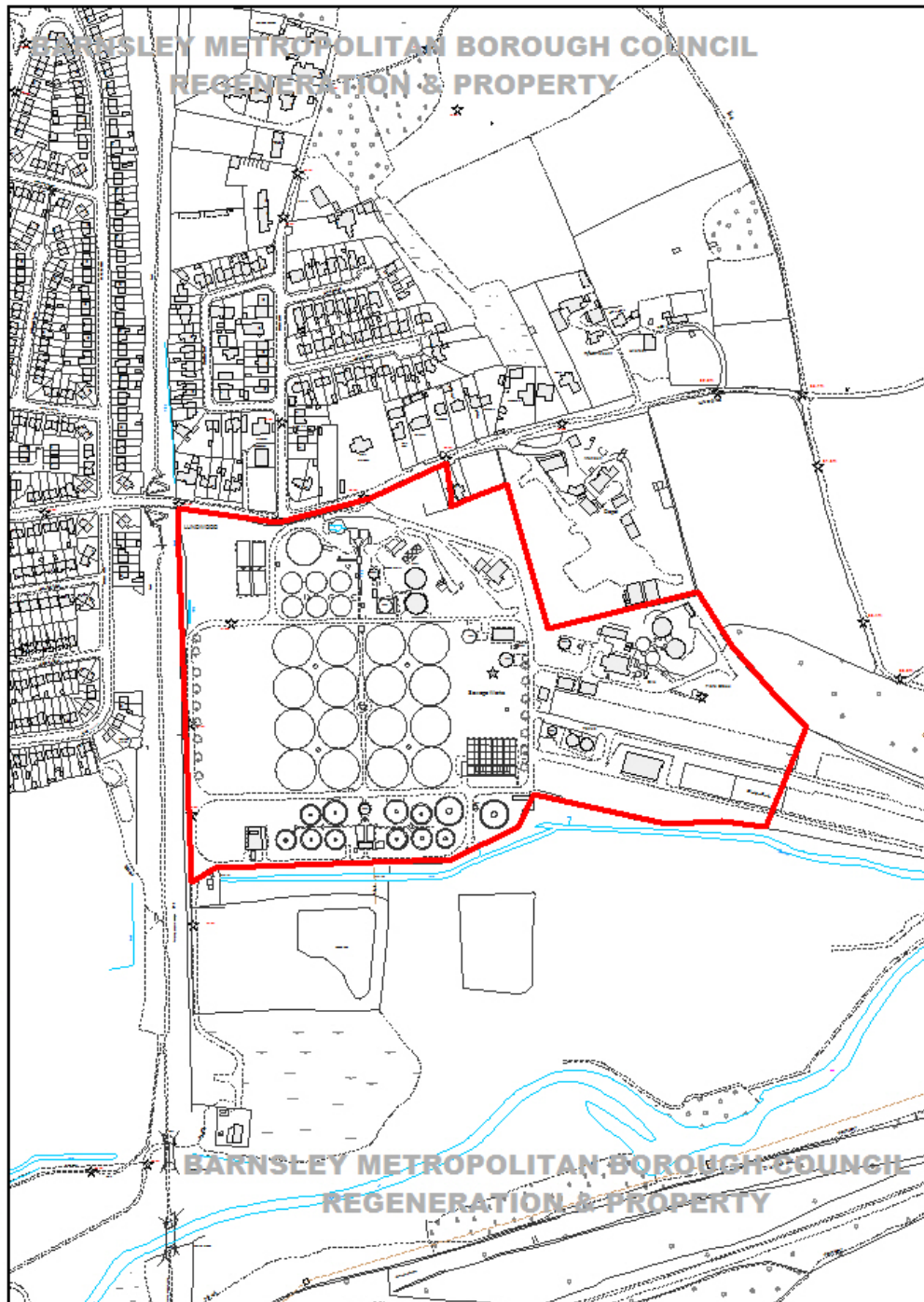
- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0700 to 1800 Monday to Friday and 0700 to 1600 on Saturdays and at no time on Sundays or Bank Holidays.

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

- 5 The ecological mitigation measures as stated in the Conclusions Section of the submitted 'Preliminary Ecological Appraisal' by ARUP shall be carried out and implemented in accordance with the methodology outlined in that report.

**Reason: In the interest of biodiversity in accordance with CSP36.**

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**BARNESLEY MBC - Regeneration & Property**



Scale 1: \_\_\_\_\_

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**2018/0353**

**Applicant:** Berneslai Homes

**Description:** Replacement cladding on external walls and re-roofing works.

**Site Address:** Carlton Road Flat Nos 452, 454, 456, 462, 464, 466, 468, 470, 472, 474, 476, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526 and Springbank Close Flat Nos 14, 16, 18, 20, 22, 26, 28, 30, 32, 34, 36-45, 47, 49 and 51, Barnsley.

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## **Site Description**

The application properties are located at the southwestern edge of Carlton, with some fronting onto the B6132 Carlton Road and others located within a cul-de-sac, Springbank Close, which is accessed from Carlton Road.

The properties that face onto Carlton Road are pairs of semi-detached dwellings that have been divided into four flats per pair. They are of a brick construction, with dark wood timber cladding to the exterior walls at second storey level and a cement tiled gable roof. The properties on Springbank Close are of a similar design and material construction to those on Carlton Road, although they have fibre cement cladding at first floor level instead of timber.

The surrounding area is solely residential and is characterised by other semi-detached properties that are of a similar design and material construction.

## **Planning History**

None of relevance to the determination of this planning application.

## **Proposed Development**

The applicant, Berneslai Home, is seeking permission for the replacement of the cladding to the frontages of the properties and the replacement of the existing roof tiles with more modern materials.

The existing timber cladding to the dwellings on Carlton Road will be replaced with uPVC boards that are white, instead of dark wood. The existing fibre cement properties on Springbank Close will also be re-clad in white uPVC boards

The proposed roofing works will only apply to the properties on Carlton Road with the cement grey roof tiles being replaced by Old English Red Marley Modern tiles.

## **Policy Context**

### **UDP Housing Policy Areas**

Planning decisions should be made in accordance with the current development plan policies 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 Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the

progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

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

### Core Strategy Policies

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

### Supplementary Planning Documents

SPD - House Extensions sets out the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings & other domestic alterations. The general principles are that proposals should:

- I. Be of a scale and design which harmonises with the existing building
- II. Not adversely affect the amenity of neighbouring properties
- III. Maintain the character of the street scene and
- IV. Not interfere with highway safety.

These policies 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.

### **Consultations**

Building Control – Building Regulations application required. BMBC Building Control is currently providing pre-application advice to applicant.

Ward Councillors – No comments received

### **Representations**

Notification letters were sent to surrounding properties and site notices were posted on Carlton Road and Springbank Close. No comments or representations were received.

### **Assessment**

#### Principle of Development

The site falls within a Housing Policy Area. As such extensions and alterations to a domestic property are acceptable in principle provided that they remain subsidiary to the host dwelling, are of a scale and design which is appropriate to the host property and are not detrimental to the amenity afforded to adjacent properties.

#### Residential Amenity

The proposed works do not increase the footprint of the dwellings and are highly unlikely to have any detrimental effect on neighbouring dwellings. As such, the works are considered acceptable.



### Visual Amenity

The properties on Springbank Close currently have grey fibre cement cladding on the frontages. The change to white uPVC will help to 'freshen-up' the appearance of the properties. In comparison to the grey cladding it is not considered that the white uPVC would therefore be of any detriment to the appearance of the properties and there will be sufficient brickwork still exposed on the frontage to break up the appearance of the frontage of the dwellings. The properties on Carlton Road would have their timber cladding replaced by the white uPVC cladding. Whilst there is less brickwork on the frontage of these properties to break up the appearance of the new cladding it is still considered that the change in appearance will provide a suitable 'up-lift' to the appearance of the properties. The dwellings are set back from the highway and the cladding will be to the second storey only. Therefore, it is unlikely to have a detrimental impact on the visual character of the surrounding area; nor become an obtrusive or dominant feature within the street scene.

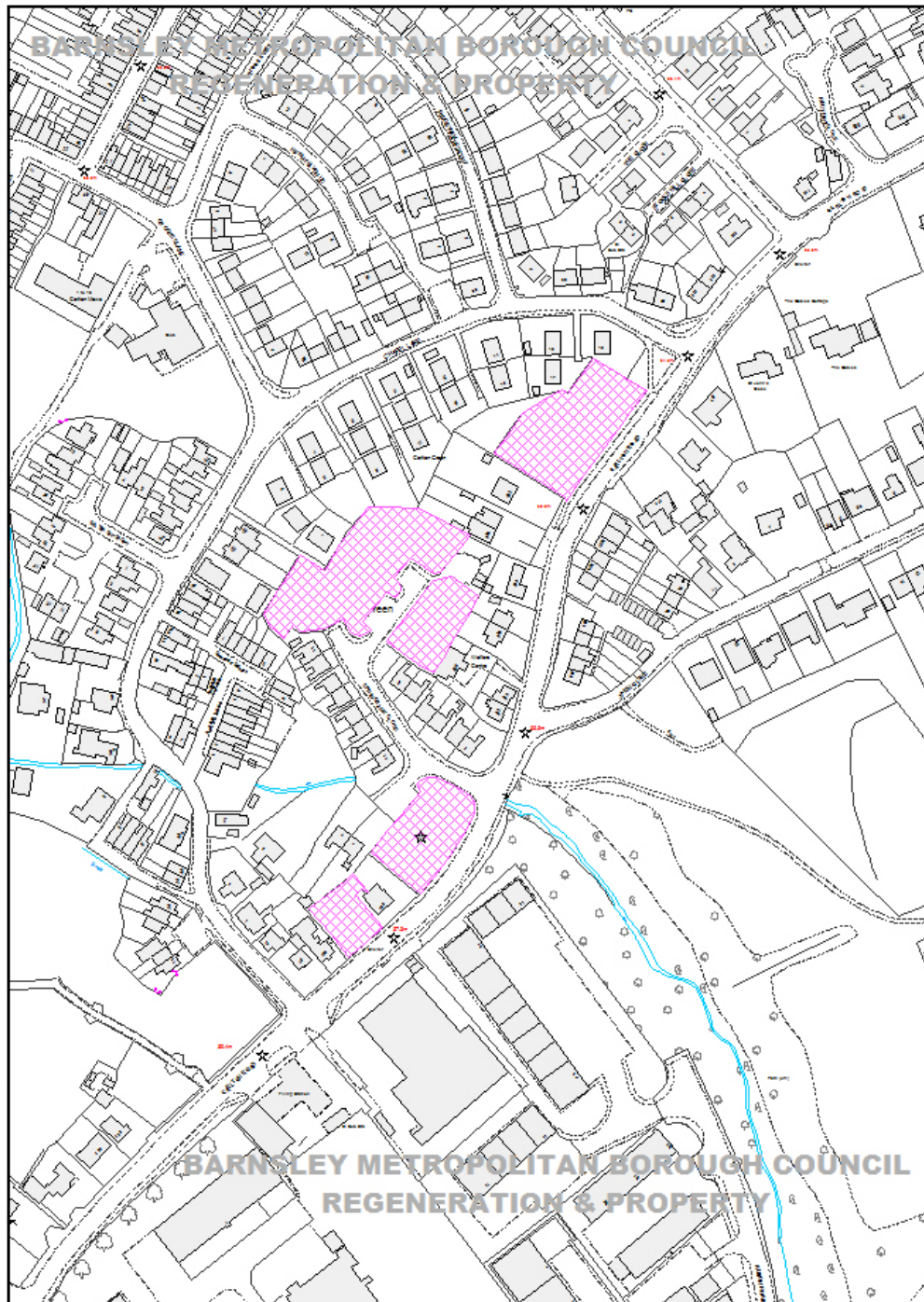
The new roof tiles are similar in appearance to what is already in place on other properties on Carlton Road and so will not have any significant effect. The proposal is therefore considered acceptable.

### **Recommendation**

**Approve** – subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing Nos. NPS-DR-A-(21)-120 Rev. P1 and NPS-DR-A-(21)-121 Rev. P1) 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.**

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**BARNESLEY MBC - Regeneration & Property**



Scale 1: \_\_\_\_\_

## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

01 April 2018 to 30 April 2018

#### APPEALS RECEIVED

5 appeals were received in April 2018

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2017/0118	Erection of rear extension to retail unit and conversion of upper floor to single unit of accommodation. <b>29-31 New Street, Barnsley, S70 1RZ</b>	Written Representations	Delegated
2017/0994	Conversion of first and second floors in 27 residential apartments <b>Hoyland Town Hall, High Street, Hoyland, Barnsley, S74 9AD</b>	Written Representations	Delegated
2017/1587	Change of use from agricultural building to dwellinghouse (C3) (Prior Notification - Change of Use). <b>Agricultural Building, Land at Low Mill Lane, Off Fall Head Lane, Silkstone, Barnsley, S75 4LB</b>	Written Representations	Delegated
2017/1285	Erection of 3 no. commercial units - Use classes A1 (Retail), A2 (Professional Services), and B1a (Offices) <b>BMBC Asset ID E00045, Milton Road, Hoyland, Barnsley, S74 9BN</b>	Written Representations	Delegated
2017/1463	Removal of condition 4 (Highway Improvement Works) of previously approved application 2014/1573 - Change of use from working mens club (D2) to a church (D1) <b>Seventh Day Adventist Church, Doncaster Road, Kendray, Barnsley, S70 3HA</b>	Written Representations	Delegated

#### APPEALS WITHDRAWN

0 appeals were withdrawn in April 2018

## **APPEALS DECIDED**

3 appeals were decided in April 2018

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Decision</u></b>	<b><u>Committee/ Delegated</u></b>
2017/1342	Erection of detached double garage to dwelling. <b>Rowethby, 41 Intake Lane, Gawber, Barnsley, S75 2HX.</b>	Allowed	Delegated
2017/0245	Erection of 1 no. detached dwellinghouse. <b>Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE</b>	Dismissed	Delegated
2017/1054	Variation of condition 1 of planning permission 2016/0169 to enable plot substitutions on plots 10 and 11 to dormer bungalow, change of house types on plots 12 and 13 and removal of condition 12 (surface water run off rate reduction amount) - Development of 12 dwellings in total (amendment to planning permission 2016/0169) <b>Land at Wentworth Street, Birdwell, Barnsley, S70 5UN</b>	Allowed	Delegated

## **2017/2018 Cumulative Appeal Totals**

- 3 appeals have been decided since 01 April 2018
- 1 appeal (33.3%) has been dismissed since 01 April 2018
- 2 appeals (66.7%) have been allowed since 01 April 2018

<b><u>Audit</u></b>	<b><u>Details</u></b>	<b><u>Decision</u></b>	<b><u>Committee/ Delegated</u></b>
2017/1342	Erection of detached double garage to dwelling. <b>Rowethby, 41 Intake Lane, Gawber, Barnsley, S75 2HX.</b>	Allowed	Delegated
2017/0245	Erection of 1 no. detached dwellinghouse. <b>Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE</b>	Dismissed	Delegated
2017/1054	Variation of condition 1 of planning permission 2016/0169 to enable plot substitutions on plots 10 and 11 to dormer bungalow, change of house types on plots 12 and 13 and removal of condition 12 (surface water run off rate reduction amount) - Development of 12 dwellings in total (amendment to planning permission 2016/0169) <b>Land at Wentworth Street, Birdwell, Barnsley, S70 5UN</b>	Allowed	Delegated