

Report Précis

Report of the Head of Planning and Building Control to the Planning Regulatory Board

Date: 29/09/2015

Subject

Applications under Town and Country Planning Legislation.

Purpose of Report

This report presents for decision planning, listed building, advertisement, Council development applications and also proposals for works to or felling of trees covered by a Preservation Order and miscellaneous items.

Access for the Disabled Implications

Where there are any such implications they will be referred to within the individual report.

Financial Implications

None

Crime and Disorder Implications

Where there are any such implications they will be referred to within the individual reports.

Human Rights Act

The Council has considered the general implications of the Human Rights Act in this agenda report.

Representations

Where representations are received in respect of an application, a summary of those representations is provided in the application report which reflects the key points that have been expressed regarding the proposal.

Members are reminded that they have access to all documentation relating to the application, including the full text of any representations and any correspondence which has occurred between the Council and the applicant or any agent of the applicant.

Recommendation(s)

That the applications be determined in accordance with the recommendations set out in the main report which is attached. Full report attached for public and press copy (unless Confidential item).

Background Papers

These are contained within the application files listed in the following schedule of planning applications. They are available for inspection at the Civic Hall, Eldon Street, Barnsley, S70 2JL.

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2015/0456 Approval**Page 3**

Residential Development of 38 no. dwellings (Outline, seeking approval over means of access and layout).
Land at High Street, Shafton, Barnsley, S72 8QB

2015/0859 Approval**Page 18**

Erection of 18 no. residential dwellings with ancillary facilities and associated infrastructure.
Land East of Station Road, Royston, Barnsley

2015/0998 Approval**Page 33**

Residential development of 3.no dwellings including parking improvements to the land.
Pearson Crescent, Barnsley, South Yorkshire, S73 8SQ

2015/0966 Approval**Page 41**

Erection of a building to house the relocated Barnsley markets for a maximum of four years.
Site of former Central Offices, Kendray Street, Barnsley

2015/0921 Approval**Page 52**

Erection of two storey glazed entrance extension to building.
Willowcroft, Dearne Road, Bolton Upon Dearne, Rotherham, S63 8LF

2015/0924 Approval**Page 56**

Display of 1 no. externally illuminated fascia sign.
Willowcroft, Dearne Road, Bolton Upon Dearne, Rotherham, S63 8LF

PLANNING APPLICATIONS – WITH REPORTS

Ref 2015/0456

Applicant: Mr Darren Oldham

Description: Residential development of 38 dwellings (outline – seeking approval over means of access and layout)

Site Address: Land at High Street, Shafton

8 objections from local residents. Shafton Parish Council have objected on flood risk grounds.

Site Description

The site is a 1.3ha area of undeveloped land which is located at the side and to the rear of a terrace of properties (Nos 50-56 High Street) within the built up area of Shafton.

The surroundings are mainly residential with part of the site frontage being occupied by houses. In addition the site shares a boundary with a street of bungalows to the north west located on Poplar Avenue and Park View and Acacia Grove. However other uses in the vicinity of the site include the Sainsbury's local store and a pharmacy located opposite the proposed entrance to the site. In addition another local supermarket, Premier Stores is located to the south east of the site and a large section of this particular boundary is also shared with Shafton Primary School.

The site is now in an overgrown and disused state. However the application states that the previous use of the site had been split into two as a private garden in the area behind the terrace, No-50-56 High Street and as a field used for rough grazing purposes on the other half.

Vegetation is a feature of the site as growing within it is a number of mature trees and hedgerows located around the boundaries of the site and in the central areas. Old ordnance survey records indicate a number of outbuildings were located in the part of the site that was stated to be used for garden purposes.

The site falls from the site frontage on High Street to the rear by approximately 7m and rises from the north west boundary adjacent Poplar Avenue to the south east boundary adjacent the school land by approximately 2m.

Proposed Development

The proposal is to develop the land for a development of 38 dwellings. The application is in outline form seeking approval over the means of access and site layout details. All other matters are reserved for future consideration.

Access is proposed via a new give way priority junction onto the High Street. The internal layout would consist of a new cul-de-sac estate road to serve the development. The plans show a development that would be made up of 2 x 2 bed houses, 3 x 2 bed bungalows, 21 x 3 bed houses and 12 x 4 bed houses that would be a mixture of detached, semi-detached and in small terraces with up to four dwellings in a row.

The plans make provision for the retention of some of the existing trees located adjacent the boundary with Nos 6-18 Poplar Avenue and three existing trees within the development. This does mean that it is proposed to lose the other vegetation within the site including the existing hedgerow on the site frontage.

The plans also include the provision of a new area of off street parking for the existing terraced houses, Nos 50-56 High Street located behind the properties. These would be accessed from within the development and would consist of 9 allocated parking spaces in total to serve the 5 dwellings.

History

There have been no previous planning applications at the site.

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 produced a Local Plan Consultation Draft 2014, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Saved UDP Policies

UDP notation: Allotments/Urban Greenspace

Local Development Framework Core Strategy

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

SPD's

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

Planning Advice Note's

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

Other

South Yorkshire Residential Design Guide

Draft Local Plan

Proposed allocation: Urban Fabric

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

58 & 60 – Design considerations.

100-104 – Flood risk.

Consultations

Affordable Housing Officer – No objections as the affordable housing needs would be met by the development.

Biodiversity Officer – Mitigation is required. However no objections are raised subject to the mitigation measures being agreed.

Coal Authority – No objections on the grounds that the conclusions of the Coal Mining Risk Assessment are sufficient for demonstrating that the application site is, or can be made, safe and stable for the proposed development.

Contaminated Land – No objections subject to a condition requiring an intrusive site investigation prior to the commencement of development.

Drainage – No objections subject to conditions

Education – No objections are raised taking into account the forecast on primary school availability at Shafton and Brierley Primary Schools up to the years 2018/2019.

Highways – Do not object subject to conditions.

Regulatory Services – No objections subject to conditions.

Shafton Parish Council – Concerns that 4 properties on Poplar Avenue have flooded in recent years making them uninhabitable for over 12 months.

SYMAS – No objections on the grounds that the risk to the development from historic coal mining activity in the area is considered to be low.

Tree Officer – Does not object to the proposed development subject to conditions.

Yorkshire Water – No objections subject to conditions.

Representations

The application was advertised by neighbour notification, site and press notice. 8 objections have been received from local residents. In summary the main concerns expressed are as follows:-

Loss of greenspace – Concerns are raised that the development would result in the loss of one of the few remaining green areas of the village and the associated trees and biodiversity.

Change to village character – The development would further undermine the village character of Shafton.

Concerns that the village infrastructure in terms of roads, drainage and schools could not accommodate the development.

Highway safety – Concerns are raised about the ability of High Street to accommodate another access from the estate. It is stated that High Street is already very busy because of the convenience stores located adjacent to the site, the pharmacy, the primary school, other housing developments and levels of on street parking.

Overlooking – It is asserted that bungalows should be constructed instead of houses. Concerns are raised that 3 storey houses in particular would lead to overlooking problems for existing properties and their gardens

The proposed hedges on the boundary – Concerns are raised about what height they would grow to and how they would be managed so as to not grow too high. It is also queried how this would allow for existing fences to be maintained.

Noise and disturbance during the construction phase affecting many elderly residents and some with ill health.

Making existing properties more vulnerable to crime by exposing rear boundaries.

Noise and disturbance from vehicles turning and manoeuvring in this area and from car doors shutting.

Flooding – It is stated that the site is vulnerable to flooding as evidenced by the ponds on site. It is also stated that the sewerage system on Poplar Avenue already cannot cope with surface water from existing developments which has resulted in flooding affecting existing properties.

It is queried whether the branches of the tree overhanging No.6 Poplar Avenue would be cut back.

Assessment

Principle of development

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

The current position is that the Development Plan consists of the Local Development Framework Core Strategy and the saved Policies of the Unitary Development Plan.

The National Planning Policy Framework (NPPF) is also a significant material consideration. Paragraph 14 of the NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision. For planning application decision taking this means:-

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

The existing Unitary Development Plan notation for the site is allotments under UDP policies NE13/GS38, which states that *'the development of land used, or land used as allotments, including those shown on the proposals maps will not normally be permitted'*. However the applicants contest that the site has never been in use as a public allotment facility and have provided evidence to support their assertion that the historical use of the site has been as private garden/allotment use and grazing land for at least the last 50 years. Planning Policy have afforded consideration to the evidence provided and have determined not to object to the application under the terms of policy CSP35 'Green Space' which has replaced superseded UDP policies NE13/GS38 and have removed the site from the Green Space Register. This is reflected on the draft local plan which proposes that the site falls within the urban fabric designation, although it should be acknowledged that this carries limited weight at this stage of the adoption process. It is also worth noting that the site is in private ownership and therefore does not serve a recreational benefit to the local community. The site does however possess some value in terms of biodiversity and trees which are assessed in a later section of this report.

From a housing perspective residential development would be a compatible form of infill development if the site were to be developed given that the site is located adjacent to existing houses on three sides. The site is also centrally located in the Shafton urban area which means that it falls within the Cudworth Principal Town which is a priority to accommodate new housing development (1800 new homes before 2026). Another benefit of the development is that it would contribute towards addressing the shortfall in the 5 year housing land supply.

Visual amenity

The site possesses a degree of sensitivity from a visual amenity perspective because it is not previously developed and as it contains vegetation including a number of mature trees and hedgerows. However the majority of the site is not able to be seen from public vantage points apart from the vegetation located around the boundaries.

With regards to the existing trees and vegetation a survey has been carried out to look at their value which has been assessed by the Tree Officer. He considers that the majority of the trees are self-set specimens which have colonised the site and that many of the trees and hedges are relatively poor quality and would not be considered a constraint to development.

However the layout plan proposes to retain the better quality trees on the north western boundary adjacent Poplar Avenue and selected trees within the development. On that basis the Tree Officer has resolved not to object, although there would be an expectation for significant amount of planting of new trees within the development under the landscaping part of any reserved matters application. In addition some elements of the proposed development are in close proximity to the retained trees and as such protection measures would be required to ensure they remain as unaffected as possible by the proposal both long term and during construction

Regarding the detail of the proposed housing development itself details of scale and appearance are reserved at this stage. Therefore a future application would be required to assess this information.

The application does however seek approval over the details of the layout and access. The layout proposes a mixture of detached, semi-detached properties and those arranged in small groups of up to 4 attached dwellings. Some of the resident's objections refer to concerns about the amount of development which is proposed on the site. However the proposals achieve a balance between the number of dwellings expected under CSP14 and ensuring that the standards in the Designing New Residential Development SPD are achieved. This would mean that a reduction in the number of dwellings would increase the level of conflict with policy CSP14.

I am also content with the proposed mix of dwellings. Whilst this is proposed to be predominately made up of 3 and 4 bedroom houses, the plans have been amended to include 5 x 2 bedroom houses including 3 bungalows. There is also a mixture of detached, semi-detached and terraced dwellings.

Residential Amenity

The main criteria for assessing this issue are the Designing New Residential Development SPD and Core Strategy policy CSP40 Pollution Control and Prevention'.

The main sensitivity of the application is that the site is located next to a large number of bungalows which makes the properties more susceptible to overlooking. However, loss of view is not a material planning consideration and the proposed layout plan has been designed to ensure that the separation distances between the new and existing properties meet the standards in the Designing New Residential Development SPD. I do however consider it prudent to impose a condition restricting the maximum scale of plots 1-28 to be 2 storeys in height because of this proximity to the existing bungalows.

Within the proposed development, the position of the dwellings on the layout plan is such that buildings are located an acceptable distance apart. In addition rear garden sizes would also achieve the standards required by the SPD.

Residents' concerns about noise and disturbance during the construction phase are acknowledged. Conditions requiring method statements to limit noise and dust would be required along with a condition restricting the hours of day when construction work is permitted.

Highway Safety

The main criteria for assessing this issue are CSP26 'New Development and Highway Improvement' and CSP25 'New Development and Sustainable Travel'.

The proposed access is located on a busy stretch of Shafton High Street where a disused bus stop layby and pedestrian refuge are located on the section of highway along the site frontage. In addition the site is located opposite and next to 2 convenience stores and a pharmacy. There is also a parking layby spanning across the width of the existing terrace (50-58 High Street) and a right turn lane into High Gate Lane which serves a large housing estate and the car park for one of the convenience stores. There are a variety of associated road markings in these areas.

Highways consider that improvement works would be required to mitigate the effect of the development including the recommended removal of redundant laybys, provision of a right turn lane into the site, the widening of the central pedestrian island with guard rails and tactile crossings and the provision of new double yellow lines. This would be subject to the usual processes with regards to Highways S278 Agreements and Traffic Regulation Orders.

In addition the plans include 9 off street parking places for use by numbers 50-58 High Street which would be an improvement in terms of reducing the need for vehicles to park on High Street and the conflicts associated with vehicles manoeuvring into and out of these spaces during busy periods.

Provided that a condition is imposed requiring these mitigation works to be undertaken Highways do not object to the development in principle or the proposed access arrangement in highway safety terms.

Highways are also content that the internal layout design is acceptable for the purposes of an outline application provided that the dwellings include a minimum 2 parking spaces per dwelling as is indicated.

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

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. Planning Policy recommended that a contribution for off-site provision in its entirety is sought in this case. Therefore a figure of £67,254.32 has been agreed in accordance with the Council's SPD.

Affordable housing – The applicant has agreed to include 2 x 2 bed houses, the 1 x 3 bed house and the 3 x 3 bed bungalows in accordance with the affordable housing needs for the development identified by the Council's housing team.

Education – The Head of School Governance has not objected to the application having taken into account projections on demands on primary school places at Shafton and Brierley Primary Schools through until the 2018/2019 school year. No education contribution has been sought on that basis.

Other considerations

Biodiversity

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is accompanied by an ecological assessment. This has concluded that the site has some local value which would be impacted by the development.

However no European/UK protected species, nor UK BAP species were recorded on site during the walkover survey and the report makes a variety of recommendations about retaining existing trees and hedges on the north western boundary of the site, the hedge on the south east boundary and the pond which would be adhered to. In addition 15 starling nest boxes, 3 swift nest boxes and 3 bat boxes would be provided as compensation. Furthermore the report sets out that works affecting the vegetation should avoid the bird nesting season from March to August. The Biodiversity Officer has considered the report and has resolved not to object to the application subject to a condition requiring the recommendations of the report to be followed through. In addition it has been recommended that there is the retention of existing grassland immediately around the pond and a strip to connect to the retained hedgerow on the north east boundary along with a compensatory landscaping scheme. This provision would be assessed in more detail at the reserved matters stage if approval was granted for the outline application.

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is in a location that is categorised as being at the lowest risk of flooding. Notwithstanding this, some of the residents living next to the site have identified issues with surface water pooling on the site during high rainfall events. In addition the owner of No.32 Poplar has provided photos and a letter stating that lack of capacity in the sewer network has resulted in 2 surface water flooding events in 2007 and June 2014 affecting the land around the property. Shafton Parish Council also state that 4 properties on Poplar Avenue have flooded in recent years making them uninhabitable for over 12 months.

Surface water flows across the site are unregulated at present. The construction of the development and a system of drainage would address the issue of water pooling in areas of the site and off site run off which would be of benefit to existing residents.

The FRA states that the preferred way of managing surface water flows from the development is via soakaways. If ground conditions do not allow this, connection to a public sewer would be required. However it would be necessary for the development to be constructed with storage and attenuation within the development to ensure that water is discharged into the system at a rate that would not increase the risk of flooding off the site. The Drainage section and Yorkshire Water are content that the risks to the development are being adequately assessed. As such they are content for the application to proceed, subject to conditions requiring the technical details to be approved prior to the commencement of development as is proposed. Yorkshire Water have not expressed any negative comment with regard to the inability of the system to accommodate foul water drainage.

Ground conditions

The site is located in a Coal Mining Referral Area. However a Mining Risk Assessment report has concluded that there is a negligible risk in terms of shallow coal workings and mine entry influence. Neither SYMAS nor the Coal Authority have objected on that basis.

In addition the phase 1 desk top report has concluded that the risk of the site being contaminated from previous land uses is low. Therefore Pollution Control have not objected subject to the standard requirement that a condition is imposed requiring some intrusive investigation prior to the commencement of development to inform any necessary mitigation measures to deal with any unexpected contamination.

The Balancing Exercise

In summary, the proposed housing development would be built upon land which designated as Allotments in the UDP. However evidence has been provided that the site has not been in use as a public allotment facility for at least the last 50 years and this has not been contradicted within the representations received during the neighbour notification process or the Parish Council. In the absence of such evidence to the contrary I am of the opinion that the policy should be considered out of date.

That being the case paragraph 14 of the NPPF states that planning permission should be granted for a proposed development provided that
–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 main benefits associated with the proposed development are that it would provide new housing in an area which is a priority to accommodate new housing growth in the LDF component of the Development Plan (the Cudworth Principal Town). The site is also located in a sustainable location with close access to a primary school, shops, a pharmacy and a bus stop. In addition the development would contribute towards addressing the deficiency in the 5 year housing land supply and lead to the provision of 6 affordable houses, including 3 bungalows.

The impacts of the development have been considered. The development would lead to the loss of area of greenspace within the urban area, some trees and vegetation and some loss of habitat. However the existing value of the site is limited by the fact that it is a private and enclosed site. In addition both the Tree Officer and Biodiversity Officer agree that the effects of the development can be adequately mitigated and compensated for.

Other important impacts of the development including the effects of the development on the living conditions of existing properties, highway safety and flood risk. However loss of view is not a material planning consideration and the proposed layout plan has been designed to ensure that the separation distances between the new and existing properties meet the standards in the Designing New Residential Development SPD. In addition Highways have resolved not to object to the application in safety terms subject to the imposition of the condition requiring the mitigation works already described. In the case of flood risk the development would need to be constructed with systems to ensure that the risk of flooding would not be increased off site.

Further impacts have been considered including land stability and pollution control issues. However consultation responses from drainage officer, Yorkshire Water, SYMAS, the Coal Authority and Pollution Control are all content that the effects of the development can be mitigated against through the use of appropriate conditions.

Therefore it is recommended to the Board that outline planning permission is granted subject to the conditions listed below which include the requirement to provide public open space and affordable housing provision and a scheme of highway mitigation works.

Recommendation

Grant planning permission subject to conditions and a S106 Agreement (Public open space, affordable housing):

- 1 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) scale of building(s)
 - (b) the design and external appearance of the proposed development.
 - (c) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.
- 2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby approved shall be carried out strictly in accordance with the layout plans as approved (13-D95-04 'Site Layout') 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.
- 4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 5 The maximum scale of the plots 1-28 shall be limited to two storey development only.

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

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 7 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- a) Removal of parking lay by on High Street;
 - b) Provision of right turning pocket on High Street;
 - c) Provision of central island on High Street with guard rails and tactile crossings;
 - d) Measures to prevent parking on High Street and the new access road;
 - e) Provision of any necessary signing/lining;
 - f) Provision of/any necessary alterations to street lighting;
 - g) Provision of/any necessary alterations to highway drainage;
 - h) Any resurfacing/reconstruction as necessary.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 8 Visibility splays, having the dimensions 2.4m x 90m, shall be safeguarded at the junction of the access road with High 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.**
- 9 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway,
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

- 10 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 11 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 12 No development shall take place until:
(a) Full foul and surface water drainage details, including a scheme to reduce surface surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
- 13 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
Tree protective barrier details
Tree protection plan
Arboricultural method statement
The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those

areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.

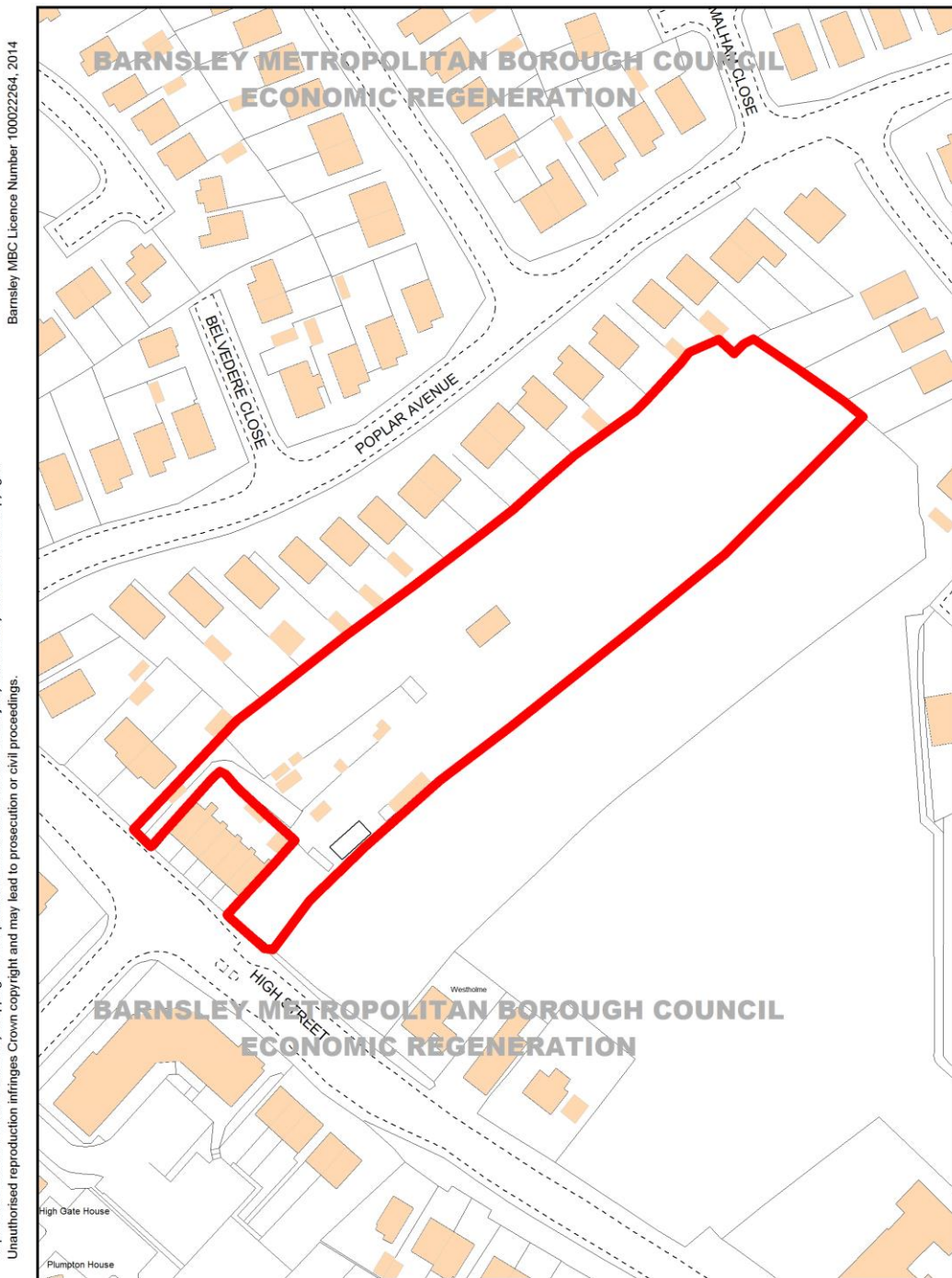
- 14 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed without prior written approval from the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.
- 15 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.
- 16 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
o human health,
o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
o adjoining land,
o groundwaters and surface waters,
o ecological systems,
o archeological sites and ancient monuments;
(iii) an appraisal of remedial options, and proposal of the preferred option(s).
This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
The development shall be carried out in accordance with the approved report including any remedial options.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 37, 38 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.

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

PA reference :-

2015/0456



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BARNESLEY MBC - Economic Regeneration

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



Scale 1:1250

Ref 2015/0859

Applicant: Mr Payman Nayeri

Description: Erection of 18 no. residential dwellings with ancillary facilities and associated infrastructure.

Site Address: Land East of Station Road, Royston, Barnsley.

2 Letters of objection has been received from a local resident

Site Location and Description

The application site is located to the east of Station Road directly north (0.3m) of Royston town centre. The site measures approximately 0.74 hectares in area and is triangular in shape. Station Road extends along the western boundary where residential properties located on the other side of the highway overlook the site. Across the northern boundary there is a pair of semi-detached properties and along the eastern boundary there is an access road serving Windmill Terrace. To the north east of the site there are fields which are in agricultural use.

The site has an elevated position in relation to the highway, levels rise from the southern boundary and then drop to the north. The site is Greenfield but historically supported two residential properties which have long since been cleared. Until recently it was dominated by thick scrub and grass land but has since been partially cleared. Its boundary to Station Road comprises of a dense hedgerow which is broken at the northern and southern boundary by an access to the highway.

Planning History

B/96/1010/RO – Outline application for residential development – Refused for the loss of Greenspace and poor design

B/04/0488/RO – Residential development for 25 dwellings – Refused for being contrary to the UDP on Safeguarded Land and also for design reasons.

2007/1930 – Erection of 19 dwellings – Refused for being contrary to the UDP policy on Safeguarded Land and also for its poor layout design.

2010/1463 – Residential development of 24no. dwellings (Outline) – Withdrawn

2013/0450 – Outline for Residential Development (upto 30 dwellings) and formation of access road – Approved in July 2013.

Proposed Development

This planning application is being submitted as a fully detailed planning application. The number of residential units has been reduced from the 30 units envisaged in the previous outline planning consent (Ref: 2013/0450), to the proposed 18 no. units following a detailed consideration of the site levels and technical constraints that exist at the site.

The Site Layout Plan identifies that the extent of the red line boundary has been reduced slightly from the development boundary for the previous Outline Planning Consent (Ref: 2013/0450). The development boundary has been revised to exclude the third party land on the northern end of the site, and the layout has been amended in order to locate the primary access point on the north western corner of the site. The primary access point has been relocated following a detailed appraisal of the site and to enable better internal site access arrangements given the land levels at the site.

Development of the third party land would need to be the subject of a separate planning application. Notwithstanding this, the applicant has agreed a land swap with the third party land owner, and in return for the transfer of ownership of the land required to provide the proposed primary access point, the applicant has provided a deliverable access and sufficient land to provide at least 3 dwellings.

The housing that is proposed as part of this application will be a mixture of detached, semi-detached and mews type housing. The housing mix comprises of 3 no. 2-bed dwellings, and 15 no. 4-bed. The 4-bed units comprise of three different housing types, with some benefitting from an ancillary garage.

The proposals introduce a new public footpath along the site frontage, in accordance with the Highways Department's requirements, and introduce a no build zone along the line of the rising main on the western boundary to accord with the advice provided by Yorkshire Water.

Policy Context

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

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Core Strategy

CSP3 'Sustainable Drainage Systems' – Expects all developments to use SUDS.

CSP4 'Flood Risk' sets out that the extent and risk of flooding shall be reduced by requiring Flood Risk Assessments for developments over 1ha that shall set out measures including reducing surface water run off by at least 30% on brownfield sites.

CSP5 'Including renewable Energy in Developments' all development above 10 or more dwellings will be expected to incorporate decentralised, renewable or low carbon energy sources and other appropriate design measures sufficient to reduce developments carbon emissions by at least 15%.

CSP8 'Location of Growth' Identifies Royston as a Principle town and a priority for future growth.

CSP9 'The Number of New Homes to be Built' – The Council will seek to achieve the completion of 21500 new homes between 2008 – 2026.

CSP10 'The Distribution of New Homes' – (5% (1000) of the 21,500 new homes planned for Barnsley) are proposed to be built in Royston which is identified as a Principle time within the Core Strategy.

CSP14 'Housing Mix and Efficient Use of Land' states that proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and sustainable communities.

CSP15 'Affordable Housing' states that housing developments of 15 or more shall be expected to provide affordable housing. In Urban Barnsley the expected contributions shall be 15% of the overall number of new dwellings proposed.

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

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

CSP35 'Green Space' seeks to protect and enhance the Borough's Green Spaces, loss of any designated or functioning space would only be tolerated where appropriate compensation is secured or there is a surplus of that type of green space within the vicinity.

CSP40 'Pollution Control and Protection' states that the Council shall not allow development of new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that they can be mitigated against.

Local Plan

The site is allocated for housing purposes (H35).

Policy H4 'Uses on Allocated Housing Sites' states – The sites shown as housing sites on the policies maps will be developed mainly for residential purposes.

SPDs/SPGs

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

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

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

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

Saved UDP

H4 'Development on Housing Sites' promotes residential development

H8A 'Existing Residential Areas'

GS10 'Safeguarded Land'

NPPF

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

In respect of this application, relevant policies include:

General principles para's 17

Delivering a wide choice of high quality homes para's 47 – 55 of particular relevance is paragraph 49 which states that 'Housing applications should be considered in the context of the presumption in favour of sustainable development'

58 & 60 – Design considerations

Design para's 58 – 65

Consultations

Biodiversity Officer – No comments received but no objections were given to application 2013/0450

BMBC Drainage – No objections

Civic Trust – No comments received but no objections were given to application 2013/0450

Contaminated Land Officer – No comments received.

Design – No comments received.

SYMAS – No objections

Forestry Officer – No objections subject to conditions

Highways: No objections in principle subject to conditions

Regulatory Services – No objections

SYPTTE – No comments received

SYP ALO – No objections.

Yorkshire Water – Identify that there is a sewer crossing the site, the layout would appear to observe this easement.

Representations

The application has been advertised by way of a site notice and properties which share a boundary to the site have been consulted in writing. One resident has objected, the main points of concern are:

- Need substantial and clear boundaries
- Potential nuisance from car headlights

A Councillor has also commented on the application. They are concerned with the removal of a bus stop further along Station Road (not within the site frontage) and have asked if the developer could pay for a new bus stop on the newly created pavement to the front of the site. Unfortunately, as the removal of the bus stop is not as a result of the development it would be unreasonable for the developer to have to pay for a new stop. There was no such condition incorporated as part of the previous outline approval.

Assessment

Principle of development

The current Development Plan consists of the Local Development Framework Core Strategy and the saved Policies of the Unitary Development Plan. The Local Plan is a material consideration, this actually allocates the site for housing purposes. Little weight can, however, be attached to this as the policy document is still only a consultation draft.

The NPPF emphasises that Local Planning Authorities exercise a presumption in favour of sustainable development in determining all planning applications. For the purposes of the decision making process this means:-

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

The existing Unitary Development Plan notation on the site is Safeguarded Land. Saved UDP policy GS10 is clear that on Safeguarded Land existing uses will normally remain during the plan period and that planning permission for alternative development will only be granted following a review of the UDP. This has formed the basis of previous refusals.

The intention of Safeguarded Sites, however, is to release land that is required beyond the development plan period to serve long term development needs. 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 be required to meet longer term development needs without the need to alter existing Green Belt boundaries at the end of the UDP plan period.

The Unitary Development Plan was adopted in 2000 therefore the extent it can be relied upon in terms of current development needs is becoming dated. The NPPF also states that decision makers should only afford full weight to policies adopted from 2004 onwards.

UDP policies are not protected by the NPPF and those associated with safeguarded land within identified sustainable locations can now be considered 'out of date' meaning that the application needs to be considered within the context of the presumption in favour of sustainable development. The site is classed to be sustainable in terms of the adopted Core Strategy, Planning Advice Note 30 and the emerging Development Sites and Places Development Plan Document (DPD).

Once it is accepted that the UDP safeguarded land designations in sustainable locations, are out of date, it is then necessary to consider, as required by the presumption, if there are any adverse impacts from granting permission for this particular site that 'would significantly and demonstrably outweigh the benefits'. A PAN 30 assessment identifies that the site measures favourably against most of the sustainable criteria. This is achieved in the main due to its location within a Principle Town (within 0.3m of the centre) and the benefits arising from the associated access to transport and local services.

The site is being considered as a housing site within the emerging Local Plan, this supports the notion that is a sustainable location which must also be viewed in the context of the NPPF which not only commits to the presumption of sustainable development but also identifies that it is essential 'to significantly boost the supply of housing'.

In terms of housing need, Royston has been identified as a Principle Town and will be a priority for new development across the plan period. This will include the delivery of 1000 new homes.

The proposal is contrary to saved UDP policy with regard to the Safeguarded Land designation of the site. It is however, considered that this allocation is out of date and not reflective of the NPPF's presumption of sustainable development or the future growth aspirations for Royston. These matters weigh in favour of the site being released for development; this is however, on the provision that the application would not have any demonstrable or adverse impacts. This approach is consistent with recent decisions taken on other safeguarded sites within the Borough.

The recent decisions on safeguarded sites mentioned above, also relates to the site in question as a previous approval has been given for an outline residential development (of upto 30 houses) under application reference 2013/0450. This application was granted under policies and guidelines which are still currently adopted and material considerations, as such, the principle of residential development has been established.

Residential Amenity

The proposed dwellings would be in excess of 21m from the existing dwellings to the east and also be constructed on a lower level, therefore, the development would be in accordance with SPD 'Designing New Housing Development' and would not significant increase overshadowing, result in overbearing features or reduce privacy levels to an unreasonable degree. The separation distances would also mean that the future residents would also be afforded a reasonable level of amenity.

There are further existing residential properties to the West of the site, opposite Station Road, however, again separation distance would comply with the SPD and there would also be a barrier of vegetation within the site to the back edge of the footpath serving the highway.

The development itself meets the required separation distance between the proposed properties. The majority of the dwellings would also have overall internal space which is in excess of the South Yorkshire Residential Design Guide. The only properties which fall short are the two bedroomed units (plots 13, 14 & 15) which would have 58.2m² internal space not the required 62m², however, this is only a 6.5% shortfall and would not warrant refusal in this case.

Similarly all the plots achieve the required external spacing standards (50m² for 2 beds and 60m² for 3+beds), with the exception, again, of plot 14 given it is a mid-terrace and constrained. However, the length of the garden meets the required 10m and reasonable space would be available, furthermore, future residents would be able to assess whether the space would meet their needs.

Design / Visual Amenity

The site has been a naturalised area for some time. Residential development would represent a significant departure from this characteristic. There are, however, mitigating factors which help to reduce this impact. The site is bounded on three of its boundaries by existing houses; the north eastern boundary to the open countryside would also be level to these adjacent developments. Views from Station Road (the main public vantage point) would be restricted in part by the sites levels and also by mature planting along the boundary. Taken in this context the development can be interpreted as a natural infill plot.

The site sits on a higher level than Station Road and would be visible from public vantage points. However, there would be a landscaping strip to the back edge of Station Road which would slope up from the highway to the site. This strip would include retained planting as well as newly introduced trees and planting, and, would limit views of the site and soften the development, maintaining some of the sites existing 'natural' character. Furthermore, , the land level where plots 2-15 would sit would be 1-3m lower than the existing ground level. As such, the proposal would not dominant the streetscene to the detriment of visual amenity.

Core Strategy policy CSP14 aims to ensure that development makes the most efficient use of land both in terms of overall density and house types. The layout plan shows a range of different house sizes and tenures which includes 4 house types in total, made up of 2 types of 2 storey 4 bed detached, a 4 bed 2.5 storey semi-detached unit and a 2 storey 2 bed town house unit. As such, the proposal would comply with this aspect of CSP14.

All the proposed dwellings are set back from the highway with landscaping to the front and are considered acceptable in terms design, scale and appearance. Furthermore, a number of the units (plots 1, 9, 10, 16, 17 and 18) have detached and semi-detached garages. The garages are all to the rear of the properties and would not be prominent features within the streetscene. The garages would follow the design and materials used in the host properties and would be subordinate additions.

As mentioned previously the site slopes with levels changing across it. The levels would be amended to accommodate the road way and the properties, with changes in levels between properties generally gradual and relatively even steps up and down in ridge height. The most obvious change in level would be between plots 7 and 8 where 7 steps would be required from plot 8 to the adjacent parking area. However, this would be partially masked by the adjacent properties and the road level, as such; it would not be detrimental to the visual amenity of the streetscene.

With regard to parking arrangements the layout does not appear to be car dominated, parking areas are provided to the front and sides of the properties and their dominance/impact will be softened as a result of soft landscaped front gardens and landscaping within the highway. All of the properties are served with front to rear access which allow for the storage of bins outside of the public domain.

It is acknowledged that part of the site is outside of the applications ownership and is not included as part of this scheme. However, the indicative plan of the adjoining land shows that a development could come forward at a later date which would harmonise with the scheme currently under consideration.

Having full consideration to the design merits of the proposal and the layout of the scheme it is considered that the development would deliver an attractive residential environment which would enhance the existing area. The scale and density of the development is reflective to that of properties within the locality which allows the developments to integrate successfully and promote the regeneration of the area. It is therefore considered that the proposal adheres to the objectives of CSP policies 14, 17, 29 which stress the importance of achieving high quality design.

Affordable Housing

Housing developments of 15 or more dwellings will be expected to provide affordable housing in accordance with Core Strategy Policy CSP 15.

The applicant initially submitted a Viability Assessment, however, the assessments and figures it contained was not accepted by the Councils Affordable Housing Officer, as such, affordable housing will need to be provided. As a result, the applicant has agreed to either on-site affordable houses for up to 3 units (units 13-15) in order to comply with policy or a commuted sum payment. At the time of preparing the report, it had not been formally agreed on whether the commuted sum or provision on site would be most appropriate, but either way can be secured by a suitable condition or Section 106 agreement.

Ecology

The applicant has submitted a Habitat Survey with the application which addressed the whole site, which is not designated either nationally or locally for nature conservation, and found no evidence that any protected species were present within the site. Furthermore, this identified no significant harm that could be attributed to the development but did acknowledge that there is an opportunity to enhance the biodiversity value of site through the creation of new habitat. The incorporation of new hedgerows of native species would be of a significant benefit in this regard and the application does provide for landscaping of the site. An informative is recommended to accompany any planning permission to make the developer aware that it is an offence under the Wildlife and Countryside act to deliberately capture, injure or kill or disturb protected species or destroy a breeding site or resting place of such species.

Trees

5 individual trees, 3 tree groups and parts of a further 3 groups would be removed to facilitate the development proposals. The majority of these are low value or of a young age and individually have little arboricultural value. It is therefore considered that replacement planting can mitigate for their loss.

A landscaping scheme has been submitted alongside the application which is considered acceptable to mitigate the loss. It is noted, however, that the mitigation in the form of tree planting has the potential to result in a small short term net loss of long-term tree cover (estimated at 10 years post-construction).

Highway Safety

The site is to the east of Station Road (B6132) Royston. The road runs in a northerly direction from Royston town centre towards the village of Notton in the district of Wakefield. Station Road currently only has one footway; this is on the opposite side to the development site. The speed limit fronting the site is currently 30 mph.

The site is regarded as being within a sustainable location. Station Road is served with regular bus services to Barnsley and Wakefield. Royston town centre which includes a variety of services is also only a short distance away and can easily be accessed on foot. In addition there are also attractive walking, cycling and recreation opportunities nearby. In this regard the site is therefore considered to be highly accessible, and well located in terms of sustainable transport means.

The proposed site access is opposite a detached house that has sufficient car parking for some 8 vehicles within its curtilage. Some 20m north of the site access is a row of terraced properties that lead to some on-street parking. There is no on-street parking directly opposite the proposed site access location and the parking to the north, in front of the terraced properties, is observed to be partly on-footway to allow the easier passage of other traffic travelling along Station Road.

The junction design incorporates a 1 in 20 platform over the first 10m, and over the next 30m the gradient is shown to be 1 in 12.5. The Section 38 Agreement for the roads will ensure that these adoption standards are achieved.

The access point has been amended since the outline approval. That access proposal has been regarded as unviable due to the gradient of the access road and the visibility requirements which require very significant earth-moving and retaining structures. The current proposals are considered to be far more suitable and achievable such that the current development scheme can be implemented in the short term.

A condition on the outline application required visibility splays of 2.4m x 90m. Highways DC requested those visibility splays again on this application, however, the applicants highway consultant contest that and states that the 2.4m x 43m visibility splays provided meet details set out in Manual for Streets which is the most up to date guidance. In the vicinity of the site, traffic speeds are mostly below 30mph, due to the horizontal and vertical alignment of the carriageway. The applicants have stated that for traffic speeds of up to 30mph the design guidance (Manual for Streets) confirms that visibility of 2.4 x 43m is required. These visibility splays have been incorporated into the layout drawing.

The Council's Highways Section are concerned that, without the visibility splays of 2.4m x 90m, due to the vertical alignment of the highway, sufficient forward visibility cannot be achieved, which will result in rear end shunts for vehicles waiting to turn right into the site. At the time of preparing this report discussions were on-going to gain further information to clarify an acceptable visibility splay. The outcome of these discussions will be verbally updated on to Members at Planning Board.

Within the site, plots 1-6 and 18 would be served by a 5.5m carriageway with 2m footways either side. Plots 7-12 and 16 would be served by a 5.5m wide carriageway with 700mm hard margins to both sides and plots 13-15 would be served by a private drive. This arrangement is considered acceptable by Highways DC Officers.

The layout complies with the SPD parking standards of 1 parking space for dwellings with up to 2 bedrooms and 2 spaces for dwellings with 3 bedrooms or more. All the detached garages meet the guideline internal dimensions set out in the South Yorkshire Residential Design Guide of 3m x 6.5m and driveways to the front of the garages are 3m x 6m. It is acknowledged that plot 12 has an integral garage below the required spacing; however, it provides 2 parking spaces externally.

Conclusion

Notwithstanding the site's designation as Safeguarded Land it is considered that material considerations (namely the presumption in favour of sustainable development) weigh in favour of the site being released for residential development. Royston is a principle town which has been prioritised for future growth; the development would therefore contribute to these objectives. There are no significant or demonstrable adverse impacts associated with the development and the site is considered to be within a highly sustainable location. Furthermore, the site has previously been granted outline permission for residential development and considered against currently adopted policies and guidelines it meets the relevant criteria for acceptable development.

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 (Nos.597-LOC-01, 597-SL-01-A, 597-1381-01, 597-1381-02, 597-1257-01-A, 597-1257-02, 597-1171-01, 597-1171-02, 597-627-01, 597-627-02, 597-PG-01-A, 597-SG-01-A, D5268.001 & 11557-SK001-S2) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 8 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the local planning authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of NPPF or any future guidance that replaces it. The scheme shall include:
i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units/bed spaces. This should be in accordance with the most current needs assessment for the area and in accordance with Core Strategy policy CSP15 (or any further guidance that replaces it);

- ii. the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. the arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved);
- iv. the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing;
- and
- v. the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- vi. arrangements to ensure affordable housing can be provided elsewhere within the local area should no transfer of the affordable housing to an affordable housing provider prove possible within a reasonable period of time

Reason: To ensure the satisfactory provision of affordable housing which responds to an up-to-date assessment of local housing need in accordance with Core Strategy Policy CSP15

- 9 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.

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

- 10 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 building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.

Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 11 Prior to the commencement of development a Construction Method Statement shall be submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 The parking of vehicles of site operatives and visitors
 Means of access for construction traffic
 Loading and unloading of plant and materials
 Storage of plant and materials used in constructing the development
 The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 Wheel washing facilities
 Measures to control the emission of dust and dirt during construction
 Measures to control noise levels during construction
Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.
- 12 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.
- 13 Prior to commencement of development, details of the visibility splays, to be safeguarded at the junction of the access road with Station Road, shall have been submitted to and approved in writing by the Local Planning Authority. The agreed visibility splays shall then be implemented such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of road safety in accordance with Policy CSP296
- 14 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
 -Provision of a 2m wide footway to adoptable standards along the entire site frontage.
 The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26

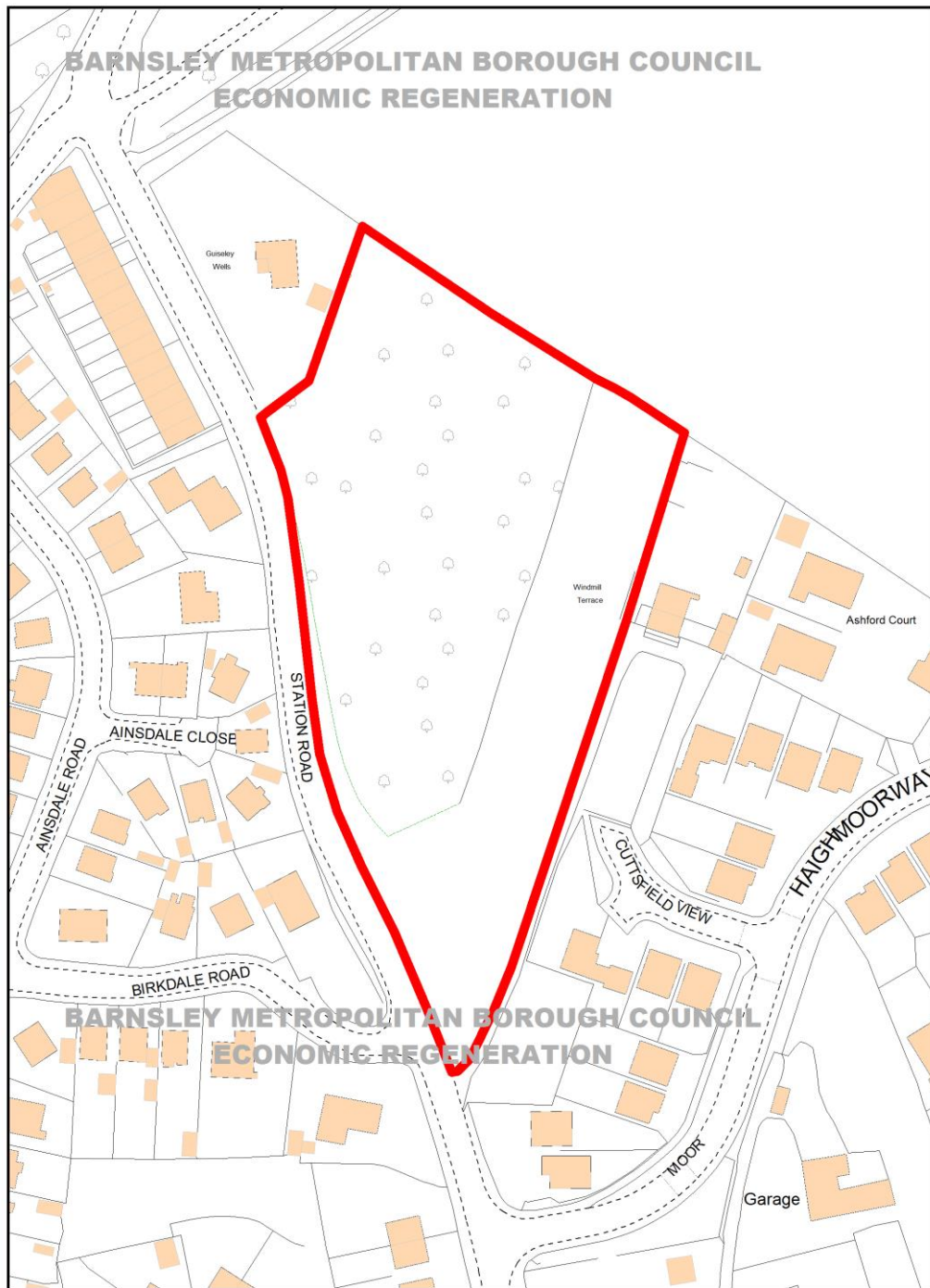
- 15 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority 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 highways safety in accordance with policy CSP26.
- 16 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837:2012 Trees in relation to design, demolition and construction - Recommendations shall be submitted to and approved in writing by the Local Planning Authority:
Tree protection plan
Arboricultural method statement
No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.
- 17 Development shall not commence until full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) have been submitted to and approved, in writing, by the Local Planning Authority. The development shall then be carried out in accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

PA reference :-

2015/0859

Barnsley MBC Licence Number 10002264, 2014

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BARNDSLEY MBC - Economic Regeneration

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



Scale 1:1250

Ref: 2015/0998

Applicant: Mr Ron Brannon (Berneslai Homes)

Description: Residential development of 3.no dwellings including parking improvements to the land.

Site Address: Pearson Crescent, Barnsley

Site Description

Pearson Crescent is the main road servicing a large residential estate containing a mixture of semi-detached, terraced housing and flats. There is a purpose built local shop and post office on the junction with Aldham House Lane and bus stops near this shop and on Barnsley Road.

The application site contains a small triangular area of grass next to the main road and a garage court located in front of housing on Mont Walk, which is a terraced flat development with a pedestrian walkway along the front and no direct vehicular access. The immediate area around the site includes other pedestrian routes serving flats set in landscaped grounds. There were previously two lines of garages on the site but one has already been demolished with only the foundations remaining. The garage court also extends behind some properties facing Pearson Crescent.

Proposed Development

The proposal is to build three detached houses on the grassed area and to demolish and replace unused garages, to be replaced with 24 parking spaces and bin stores.

The proposed houses are 3 bed 4 person detached dwellings that will provide an improvement to the housing stock as they will cater for larger families. Parking would be at the rear, with access taken via the rear parking court. There is not sufficient space to provide two parking spaces for each house so plot 1 only has one dedicated parking space but there will be a space available in the adjacent parking area.

The bin stores would be formed using boarded timber with small gaps between that would create an enclosure that is 1.5m high.

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.

Core Strategy

CSP1 Climate Change
CSP3 SuDS.
CSP14 Efficient use of land
CSP26 New Development and Highway Improvement
CSP29 Design.
CSP35 Green Space.

Saved UDP Policies

The site is within a Housing Policy Area on the UDP.

SPDs/SPGs

Designing new housing development
Parking

Emerging Local Plan

The Draft Local Plan allocates the site as Urban Fabric.

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.

Sections of relevance are:

Section 6 – delivering a wide choice of high quality homes
Section 7 – Requiring Good Design

Consultations

Highways - No objections subject to planning conditions

Environmental Health - No objections.

Public Rights of Way-No comments received

Yorkshire Water _ No comments received

Highways drainage - No objections subject to conditions.

Representations

There have been no representations received from the notifications that have been sent out to surrounding residents.

Assessment

Principle of development

The site is within a Housing Policy area on the UDP so residential development is appropriate in principle provided that other relevant policy considerations are met. In addition the site is within residential surroundings so housing would fit in with the predominant character of the area.

The site where the housing is proposed is currently a small area of open green space. However, it is not registered on the Greenspace Register and has no formal recreation facility on it, being too small, and too close to the highway, to be used for any reasonable recreational use. There are other green spaces in the locality so its loss is not of detriment to the provision of green spaces in this area.

Residential Amenity

The proposed houses are to be built on the grassed area facing towards Pearson Crescent with their rear windows looking out onto the revamped garage court. Parking would be provided at the rear but ample rear gardens are also proposed. Therefore no existing residential properties would be overlooked and the Council's normal standards for space about buildings would be met.

Given that Pearson Crescent is not a straight road and this is the entrance to a garage court the proposed houses are staggered and the rear wall of the proposed houses extends beyond the rear wall of the neighbouring existing house No.88 Pearson Crescent. This could affect the amenity of the occupiers of the adjacent existing house, because the rear wall of the new house would be almost 5m further back. However, there is a gap between the new houses and existing property and the orientation of the new houses is to the north of this existing house so this helps to mitigate against overshadowing. Furthermore, permitted development rights to extend in the future can be removed to ensure that the residents of the adjacent house are not unduly affected by later additions.

There is no change to the use of the garage court area although the remaining garages will be removed. There is a potential for headlights to shine into houses but this will be mitigated against by the provision of suitable boundary treatment. The Council's Environmental Health Section have inspected the plans and raised no objections to the scheme.

Visual Amenity

The proposed houses are detached so they are a departure from the semi-detached houses and terraces found elsewhere on Pearson Crescent. Nevertheless they are well designed and will not look out of place given that this is the entrance to a garage court. It should also be noted that Pearson Crescent is not characterised by uniformity given the mix of flats and semi-detached houses. Furthermore, the properties would be two storey to match the scale of surrounding development and would use brickwork to complement the surrounding style of development.

In terms of layout, there are similar staggered building arrangements to the south where a number of offset terraces of flats have been built. So the proposal fits in with the built form established on the estate. Furthermore, as no parking is proposed at the front the proposed houses are as far forward in the plot as can be reasonably expected. This development would be to a reasonably high density although it would not be necessarily match the density of the semi-detached or flats found in the immediate vicinity. However, the proposal is required to increased choice in respect of the social housing that is available for families

The proposed houses would result in the loss of a small grassed area that offers some visual benefit to the street scene albeit that this is one of many green areas in the immediate vicinity. However, the dwarf wall and small garden areas to the front of the proposed properties would provide an attractive frontage.

Highway Safety

The access to the site would remain as is presently used to access the garage court. The parking areas would be laid out to provide the 24 parking spaces in a linear layout to ensure adequate maneuverability for vehicles within the parking area. Two of the properties have two off-street parking spaces to match the SPD requirements. One of the properties has only one space but a condition is recommended to allow one of the 24 spaces to be dedicated to this property to enable them to have parity with the other properties. The Council's Highways Section have raised no objections to the scheme subject to conditions

Conclusions

This is a small scale development that raises no fundamental issues that would prevent planning permission being granted if appropriate conditions are imposed.

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 (drawing numbers NPS-DR-A-(90)-011, NPS-DR-A-(20)-20, NPS-00-00-DR-A-(90)-012, and NPS-DR-A-(90)-015) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

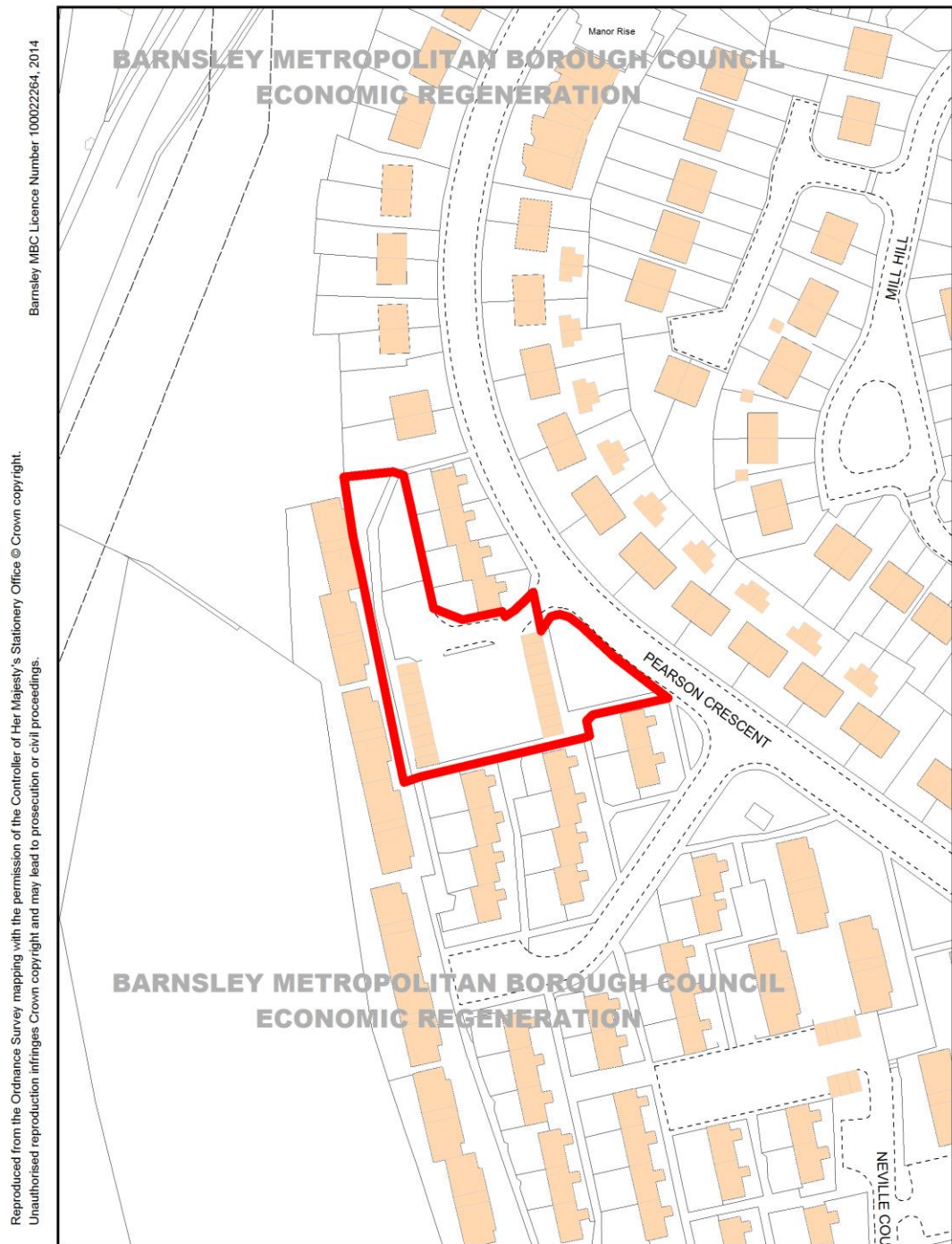
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the residential amenities of adjacent residential occupiers in accordance with Core Strategy Policy CSP 29, Design.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.
- 6 Before the development commences plans indicating existing ground levels, finished floor levels of all dwellings and any proposed alterations to ground levels shall be submitted to and approved in writing to the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.
- 7 No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water permission to discharge, 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.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 8 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - 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.**
- 9 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.**
- 10 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
- Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 11 The access off Pearson Crescent shall be maintained at a minimum width of 5.0 metres for a minimum length of 10 metres as measured from the near edge of the highway carriageway.
- Reason: In the interest of highway safety and traffic movement in accordance with CSP26**
- 12 Development shall not commence until a lighting scheme for the car park and communal areas and predicted light levels at neighbouring residential properties has been submitted to and been approved in writing by the Local Planning Authority, The scheme shall then proceed in accordance with the approved details.
- Reason: In the interests of highway safety in accordance with CSP26.**

- 13 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
- 2.0m footway along entire site frontage on Pearson Crescent;
 - Reconstruction or resurfacing of the public highway (Pearson Crescent and footpaths within and abutting/adjoining the development site) as necessary;
 - Provision of or any necessary changes to lining and signing;
 - Provision of or any necessary changes to drainage;
 - Provision of or any necessary changes to street lighting
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 14 Notwithstanding the submitted plans, prior to occupation of any of the dwellings, one of the proposed 24 car parking spaces within the former garage court area shall be dedicated to plot 1 and shall be retained as such thereafter.
- Reason: In the interests of highway safety in accordance with CSP26.**

PA reference :-

2015/0998



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BARNESLEY MBC - Economic Regeneration

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



Scale 1:1250

Ref 2015/0966

Applicant: BMBC

Description: Erection of a building to house the relocated Barnsley Markets for a maximum of four years.

Site Address: Site of former Central Offices, Kendray Street, Barnsley

Site Location and Description

The application site is a 0.51 hectare area within Barnsley Town Centre that was originally the site of fairs and markets in Barnsley until the 19th Century. The area is now part of the commercial and retail core of buildings which were redeveloped in the 20th Century and the application site was the home to 'Central Offices'. Central Offices is a multi-storey vacant office building which is due for immanent demolition as part of the redevelopment of Barnsley Town Centre.

The site sits to the South of Kendray Street, to the West of the Railway line, to the East of May Day Green and the North of the main retail core of the town centre.

The architectural and urban character of the site and its surroundings is diverse but dominated by 1960's and 1970's retail developments. These buildings are constructed from concrete and are generally also faced in this material with a brush-hammered finish.

Proposed Development

Outline Planning permission was granted by the Planning regulatory Board in July of this year for the re-development of the town centre (application reference 2015/0549). In order to move forward towards the implementation of the development of the Barnsley Markets one of the early phases of the town centre development requires the demolition of the existing central offices together with the multi storey car park that sits above the semi-covered market. This requires the relocation of the market while the demolition and subsequent construction / refurbishment works are completed.

The Temporary Market is a replacement building to provide alternative accommodation for the semi covered market during the redevelopment of the Barnsley Markets. The site of the Temporary Market will eventually form part of a new market square, a new civic multi-functional space providing a home for the outdoor market and a range of public events of differing scales

The relocated market is positioned on the site of the existing Central Offices. The size and setting out of the building has been carefully considered in relation to the existing structural columns in the basement below to avoid complex and expensive reinforcing works.

The Market will have a primary entrance on May Day Green and a prominent entrance on Kendray Street to pick up passing trade from the Transport Interchange. Service access to the facility is from the location that previously served the outdoor market south of Kendray Street. Space has been provided for drop-off by car or van. Space for secure external storage has been provided within the loading bay and waste management devices (compactors) also being located in this area.

The existing central office development is an 8 storey high building plus full storey height basement, with a ground floor footprint of circa 2,615 square metres. Once demolished the space created will be used to accommodate the Temporary Market structure, which will be a single storey building of 2600 square metres with a maximum height of 7.2m to the ridge and 4.2m to the eaves. The building will comprise 4no. 18m (W) x 36m (L) portal frame structures that are abutted to form the required floor area.

The temporary structure will be a lightweight, self-supporting, standalone structure built over the existing concrete slab to the Central offices undercroft car park. The elevations will be clad in insulated steel panel with the frame secured on base pads, securely fixed to the existing concrete base.

Due to the temporary nature of the building and proposed public realm works to follow, as part of the new public market square, it is intended to provide a new resin bonded gravel surface overlay to the public areas. The existing surfaces to the service area will be made good.

The building would accommodate;

- 61 'Island' type stalls at 12.5m² each
- 20 'Walk-in' type stalls at 25m² each
- A cafe
- Trader welfare space
- Public toilets
- Trader Preparation space
- Loading bay
- Outside service area

Planning History

This application follows a recent outline planning approval for the redevelopment of Barnsley Markets (2015/0549). The proposals comprise of a mixed use development of Barnsley markets and adjoining land following demolition of existing offices, bridge, part of existing market hall and multi-storey car park to provide a replacement refurbished retail/market floorspace, new retail/food and drink (Use classes A1, A3, A4), a cinema (Use Class D2), a library (Use Class D1), and new public open space, access road and associated servicing arrangements, car parking and a pedestrian footbridge across the adjacent railway to the site of the former CEAG building. In addition prior notification works for the demolition of a number of structures, including the Central Offices, were approved through the prior notification procedure.

Policy Context

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

The Council has produced a Consultation Draft of the Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Core Strategy

CSP 1 Climate Change
CSP 3 Sustainable Drainage Systems
CSP4 Flood Risk
CSP5 Including Renewable Energy in Developments
CSP8 The Location of Growth
CSP25 New Development and Sustainable Travel
CSP26 New Development and Highway Improvement
CSP 27 Parking Strategy
CSP29 Design
CSP30 The Historic Environment
CSP31 Town Centres
CSP39 Contaminated Land
CSP40 Pollution Control and Protection

Saved UDP Policies

S1 'Shopping/Commercial Centres'
TC1 – 'Development of the Defined Central Shopping Area'
TC20 – Design and Materials'
SPDs/SPGs

Emerging Local Plan

Proposed allocation: Town Centre
Town centre area action plan policies:
BT13
AAP3 – Public Spaces

NPPF

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

In respect of this application, relevant policies include:

Chapter 1 Building a strong, competitive economy
Chapter 2 Ensuring the vitality of town centres
Chapter 4 Promoting sustainable travel
Chapter 7 Requiring good design
Chapter 10 Meeting the challenge of climate change
Chapter 12 Conserving and enhancing the historic environment

Consultations

Barnsley Development Agency – No comments received but no objections were given to application 2015/0549

Biodiversity Officer – No comments received but no objections were given to application 2015/0549

Civic Trust – No objection in principle

Coal Authority – No comments received but no objections were given to application 2015/0549

Conservation Officer – No objections

Contaminated Land Officer – No comments received but no objections were given to application 2015/0549

Design officer – No comments

Drainage – No objection

Environment Agency – No comments but no objections to this part of the site under application 2015/0549

Regulatory Services – No objections subject to conditions

Highways – No comments but no objections were given to application 2015/0549

Network Rail – No comments but no objections were given to application 2015/0549

SYPTTE – No comments but no objections were given in principle to application 2015/0549

SYPALO – No comments

Waste Management – No comments but no objections were given to application 2015/0549

Yorkshire Water- No objections

Representations

The application has been advertised by the display of several sites notices, a press notice and premises which share a boundary to the site have been consulted directly in writing.

As a result of the methods above no letters of objection or representation have been received.

In terms of the applicant's own consultation process, as part of the design process for the Outline Planning application for Barnsley Markets, planning application reference 2015/0549, extensive consultations were undertaken by Barnsley MBC and IBI Group to comply with the local planning validation requirements. This process has continued with the design of the Temporary Market through the Better Barnsley Shop - a dedicated 'drop in' shop for the project situated in the centre of Barnsley that displays all the plan and proposals for the town centre redevelopment and provides the opportunity for members of the public to provide feedback and ask questions. All feedback from the drop-in shop is collated by the Project Team and used to inform the development of the project, including the Temporary Market.

Barnsley MBC also have a dedicated web page for the town centre development (Better Barnsley Town Centre) with regularly updated information and links to the weekly newsletter. Opportunities for consultation are promoted here.

A weekly electronic 'Better Barnsley' newsletter is published and the link to it shared with local media and Council colleagues. The Newsletter has a circulation of 1000+ readers who are predominantly local residents and businesses. The newsletter provides an update on the progress of the project, the team involved and events and activities taking place in the town centre. Printed copies of the newsletter are displayed in the Better Barnsley shop. Regular updates and news items are shared via the council's Facebook and Twitter accounts.

Any comments are shared with the development team. The project specific Twitter Page has 1200 plus followers; it is updated on a daily basis to keep people informed of the latest news about the project. Regular meetings, presentations and workshops have been held with the consultees and stakeholders. The feedback provided to date has helped to shape the details of this full planning application for the Temporary Market.

Assessment

Principle of development

The NPPF sets out a strong presumption in favour of sustainable development – “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” (paragraph 14).

The NPPF also supports the viability and vitality of town centres (paragraph 24), recognising town centres as the heart of their communities. It supports a hierarchy of centres (in this Borough, Barnsley is the primary retail centre), where development should be focused. This will help the borough be resilient to future economic change. In promoting competitive town centres, it notes that providing customer choice and a diverse retail offer which reflect the individuality of town centres is important. It also looks to retain and enhance existing markets and, where appropriate, re-introduce or create new ones, ensuring that markets remain attractive and competitive.

The Barnsley Core Strategy (2011) does identify a 'Barnsley Markets Project' which focuses on delivering the vision set out in 'Remaking Barnsley Strategic Development Framework 2003-2033' to transform Barnsley into a '21st Century Market Town'.

The site is identified within the UDP as being within the central shopping area, as such the proposal accords with the principles of saved policies S1, TC1 and TC20 and Core Strategy Policy CSP31 which seek to focus such activities/uses within defined central shopping areas, this also meets with the spatial strategy of the Core Strategy.

In addition, Saved UDP Policy BE6 (Temporary Structures) states that temporary buildings will be permitted where permanent buildings are not suitable or urgent accommodation is needed pending completion of a permanent building. For sites visible from highways and public areas this would not normally exceed 5 years.

Fundamentally, the proposed development is a critical part of delivering the Barnsley Markets Projects vision through providing an interim location to allow the Markets to continue to trade during the redevelopment of the area. The proposals support the viability and vitality of the town centre by continuing to provide customer choice for the duration of the Markets Project.

It is considered that the principle of the development is acceptable.

Economic Impact

It is acknowledged that the proposal is only for a temporary period; however, the proposed development is a critical part of delivering the Barnsley Markets Projects vision, a larger brown field development, through providing an interim location to allow the Markets to continue to trade during the redevelopment of the area.

Job opportunities would be created both in the construction period and would assist in retaining jobs associated with the market. The success of this project is integral to the redeveloped centre which would have a multiplier effect to help strengthen the role and function of the wider centre through additional footfall and the associated activity that this would stimulate. This would accord with overarching economic objectives of the Core Strategy making a significant contribution to the local economy.

Design, Heritage & Layout

The Core Strategy supports quality development, particularly that takes advantage of and enhances the distinctive features of Barnsley, including heritage and townscape character, including scale, layout, building styles and materials of the built form, particularly in and around Barnsley Town Centre and adjacent to conservation areas (Policy CSP29). Policy CSP 30 (The Historic Environment) seeks to ensure that development which affects the historic environment and Barnsley's heritage assets and their settings will be expected to protect or improve the character and / or appearance of Conservation Areas.

Whilst there are no Listed Buildings or Ancient monuments within the site boundary and it does not sit within a Conservation Area, it is adjacent to the Regent Street / Market Hill / Church Street Conservation Area, which includes a number of listed buildings along the line of Eldon Street.

The setting of both the Conservation Area and adjacent Listed Buildings will be affected by the proposed development; however this will only be for a temporary period. Close attention to details and materials of the temporary building to house the markets will ensure sympathy with historic elements of the townscape and their settings. Furthermore, the proposed single storey building would be positioned on the foot print of an existing multi-storey building which is 'of its time'.

The proposed structure itself is relatively functional with neither a modern or traditional appearance. It has to perform the difficult function of being welcoming but also secure when not in use. However, it would provide a legible, light and logical space to continue the indoor market offer Barnsley has and also to bring activity back to an area of the town which has been vacant and derelict for a period.

A series of large roller shutter openings are proposed along the elevations of the building which will form a corridor during the day but can be fully secured when the market is closed. This also creates an open relationship to the street and will help animate May Day Green during the construction works. A bold sign will contribute to this animation but primarily it will signal where the market entrance is. It is also designed to set the tone of the wider market project going forward - fresh, bold, modern but with an eye on the tradition of the market.

Due to the temporary nature of the building and proposed public realm works to follow, as part of the new public market square, it is intended to provide a new resin bonded gravel surface overlay to the public areas, similar to what has already been done around the recently installed temporary outdoor market stalls. The existing surfaces to the service area will be made good. The existing trees along Kendray Street and May Day Green will not be affected by the proposed Temporary Market proposal.

Market stalls are arranged in pragmatic way within the building to ensure clear sight lines, good wayfinding and efficient use of the space. 'Walk-in' type units are located to the perimeter with 'Island' units in the middle in groups of 8, 4 of which benefit from corner aspect. Cafes are located to the front of the facility directly adjacent to the entrance and display space so their use spills out onto and animates the street. Support spaces (prep rooms, offices, public toilets etc.) are located at the back of the facility.

Sustainability

The NPPF sets out a strong presumption in favour of sustainable development – “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” (paragraph 14).

Sustainable objectives are achieved in this case by virtue of the proposal representing a redevelopment of a brownfield site within a highly accessible location. Furthermore, although only temporary the proposed building is a critical part of delivering the Barnsley Markets Projects vision, a largescale brown field development, through providing an interim location to allow the Markets to continue to trade during the redevelopment of the area.

Residential Amenity

There is not a residential aspect included within the proposals and there is currently only limited residential provision within the town centre. The accommodation which does exist is consigned to first floor accommodation above retail/commercial units along Eldon Street. Given the separation of these properties from the site it is not considered that the scheme would give rise to any residential amenity issues.

Furthermore, given the proposal would be on a similar footprint as the existing building and would be single storey rather than multi storey the proposal is unlikely to have a significant impact on the amenity of neighbouring uses and business. In fact, it arguably would have a positive impact as it would bring activity into this area of town which has occupied a vacant building for a number of years.

Highways and Access

The NPPF (Paragraph 35) also states that new schemes should prioritise pedestrians, cyclists and public transport users; be accessible by public transport; consider servicing arrangements and parking; and take into account the needs of people with disabilities.

The accessibility of new developments is key within local policy. Policy CSP27 of the Core Strategy gives details of a strategy of reviewing parking standards in the town centre. Similarly Policy CSP25 of the Core Strategy promotes accessible developments and sustainable travel and suggests the provision of appropriate parking for cycles, motorbikes, scooters / mopeds and disabled people, to take into account encouraging sustainable travel, along with maximum levels of car parking.

The proposals represent a relocation of existing floor space in the town centre. As a result a Transport Statement is not required to support this application as trips and movement relating to the market will remain as the extant situation.

The Market will have a primary entrance on May Day Green together with a prominent entrance on Kendray Street maintaining busy pedestrian desire lines. Importantly the Temporary Market will be the threshold between the bus interchange and town centre retail core during the redevelopment period and therefore acts as a gateway for visitors arriving via this public transport hub. Given the immediate connectivity the site is located within a very sustainable location, the principle of which is supported by the transport related policies of the Core Strategy and the wider Sheffield City Region Transport Strategy.

Service access to the facility is from the location that previously served the outdoor market south of Kendray Street. Space has been provided for drop-off by car or van and will be managed by the client to ensure time limits are not exceeded. Space for secure external storage has been provided within the loading bay. Waste management devices (compactors) are also located in this area. The space is sandwiched between the new facility to the west and the retained existing brick wall to the east. It will be secured to the north and south by 2.4m tall enclosure.

The existing multi storey car park contains approximately 600 parking spaces. A 173 space surface car park has been approved at the site of the former CEAG building. Respectively, the Alhambra and Courthouse will also continue to serve as principal car parks for the town centre. The assessment of the level of car parking provision, its location and means of access is considered acceptable and reflects the Town Centre Car Parking Strategy and policy CSP27.

In summary, the proposal would not impact adversely upon the surrounding highways network. No objections are therefore raised against policy CSP26 or relevant guidance of the NPPF.

Ground Conditions / Mining Legacy

A Geotechnical risk assessment has been provided as part of the approved outline application which assesses ground conditions and mining legacy risks. The site has been subject to several site investigations and Geotechnical appraisal's since the conception of the original town centre redevelopment proposal. The assessment provided draws upon the previous site investigations and concludes that mining legacy risks at the site are low, however shallow coal is present beneath the site and limited areas could possibly have been mined.

Ecology

A preliminary Ecological Appraisal has been undertaken in accordance with the advice of the Biodiversity officer under the outline application for the re-development proposals. The ecological impacts of this development are likely to only be moderate or low; all demolition works will be completed outside of the nesting period and following a detailed inspection of the building. A host of mitigation/wildlife enhancement measures will be considered as part of the detailed design for each phase of the development.

Conclusion

In conclusion, the proposals for the temporary markets provide a quality interim solution for Barnsley Town Centre.

The proposals help to deliver the long term vision and objectives for the town centre, as set out in the Core Strategy. They are deliverable proposals which will protect the viability and vitality of the town centre and the markets in the short term, and enable the redevelopment of the area to continue successfully whilst allowing for continuous market trading. This will strengthen the town centre offer during this transitional period. The proposals, therefore, meet the town centre policies set out in the NPPF and Core Strategy.

This committee report demonstrates that there will be no unacceptable impacts as part of the proposals, particularly as they are temporary replacement facilities.

It is therefore considered that the scheme is acceptable in planning terms.

Recommendation

Members resolve to grant subject to the following conditions:

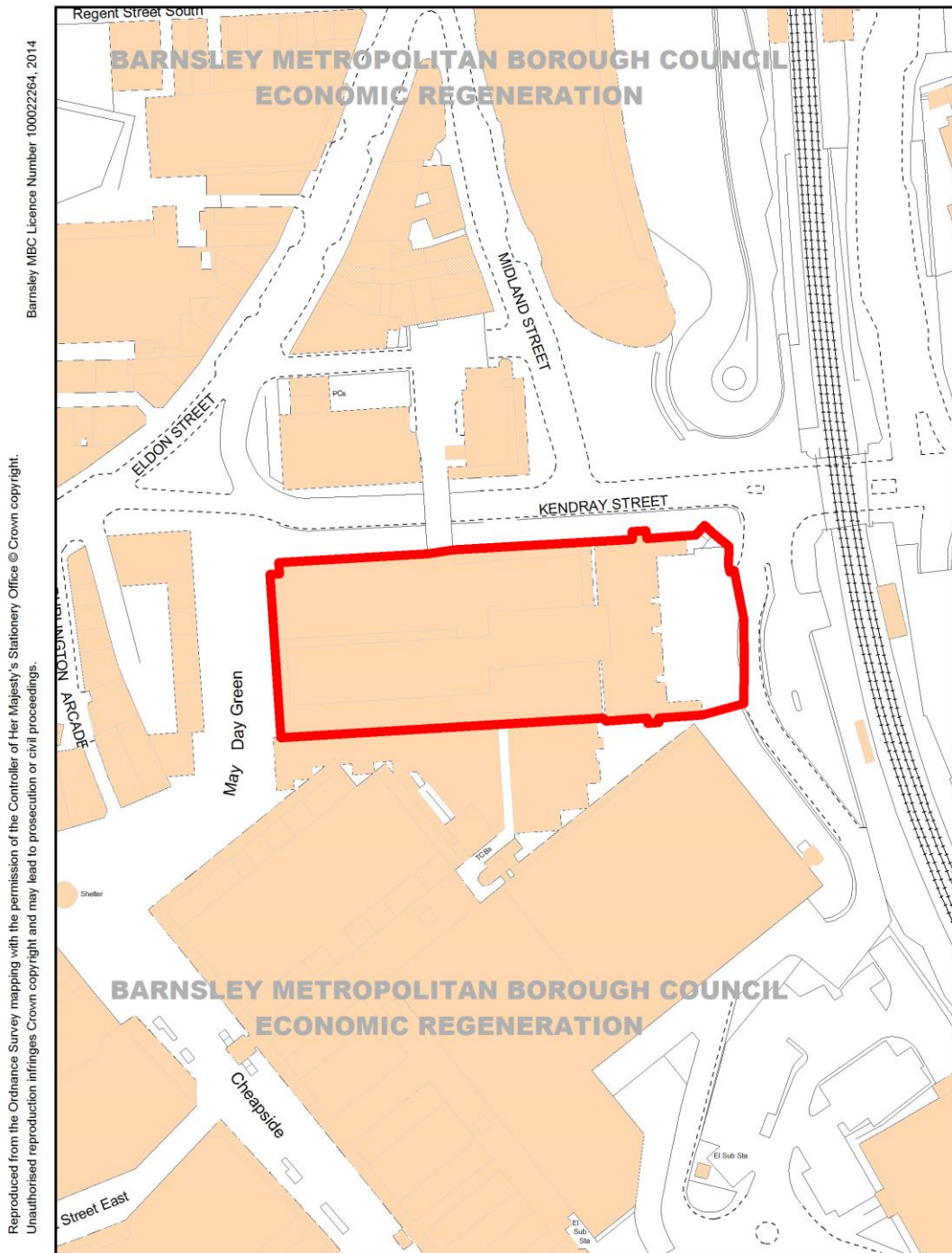
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos BBTC_IBITM_A_F100_SE_AB_001 - Rev. 1, BBTC_IBI_TM_A_F100_EL_XX_001 Rev.3, BBTC_IBI_TM_A_F100_PL_00_002- Rev.1 & BBTC_IBI_TM_A_F100_PL_00_003 - Rev.3) 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 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.
- 4 Within 3 months of the permanent indoor market, which forms part of the Barnsley Town Centre Redevelopment, becoming operational, the temporary market building hereby approved shall be removed from the site.
Reason: In the interest of visual amenity and to support the redevelopment of Barnsley Town Centre in accordance with CSP29 and CSP31
- 5 The vehicular servicing and waste storage facilities, indicated on the submitted plan, shall be made available for the manoeuvring and parking of motor vehicles, and the containment of appropriate waste containers, prior to the development being brought into use, and shall be retained for those sole purposes at all times.
Reason: To ensure that satisfactory servicing and waste management facilities, 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.

PA reference :-

2015/0966



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BARNLSLEY MBC - Economic Regeneration

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



Scale 1:1250

Ref: 2015/0921

Applicant: Mrs Melanie Asquith Fowler (Berneslai Homes)

Description: Erection of two storey glazed entrance extension to building

Site Address: Willowcroft, Dearne Road, Bolton-Upon-Dearne, Rotherham

Site Description

This site is located in a predominantly residential area on the south west corner of Bolton-Upon-Dearne. Dearne Road is part of a main route that provides access to the wider area including the Manvers Retail Park.

Willowcroft is located on the corner of Dearne Road and South Drive and is a two storey complex of sheltered housing built around a rear service road and parking area. The flats are built of buff coloured facing brick with some brown cladding and white eaves details. The surrounding houses are a mixture of stone terraces and semi-detached rendered houses.

Proposed Development

The proposal is to improve the entrance facing South Drive by forming a glazed entrance lobby that continues upwards on to the first floor. A separate application has been made for signage (2015/0924)

The new lobby would be 3.85m wide and 2.15m deep and would have a new set of double doors and curtain wall glazing. On the upper floor the corridor would be extended.

Policy Context

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

Core Strategy

CSP29 Design.

Saved UDP Policies

The site is within a Housing Policy Area on the UDP.

SPDs/SPGs

Parking

Emerging Local Plan

The Draft Local Plan allocates the site as urban fabric.

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.

Consultations

Councillor Brooks has raised no objections to the scheme.

Representations

The application was advertised by neighbour notification letters. No representations have been received.

Assessment

Principle of development

This is a minor alteration to an existing sheltered housing scheme that creates a small amount of additional ancillary space and as such there would be no objection in principle subject to its impact on neighbouring and visual amenities.

Residential Amenity

There could be a marginal increase in the potential for overlooking from the glazed upper floor corridor. However, the sheltered flats have a small area of landscaping at the front, the houses opposite have relatively long front gardens and the width of the road also adds to the separation. Given the separation there would be no loss of privacy as a result of this proposal.

Visual Amenity

The proposal will add an easily recognisable entrance feature to the existing block, which is something that is lacking at present. The current entrance is set back and is not very well defined. On this basis the proposal would not detract from the host building and would enhance the area.

Conclusions

Whilst, this is an application that raises no significant planning issues it is referred to PRB because it is a Council application. Ward members and local residents have been consulted and no objections have been received.

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.

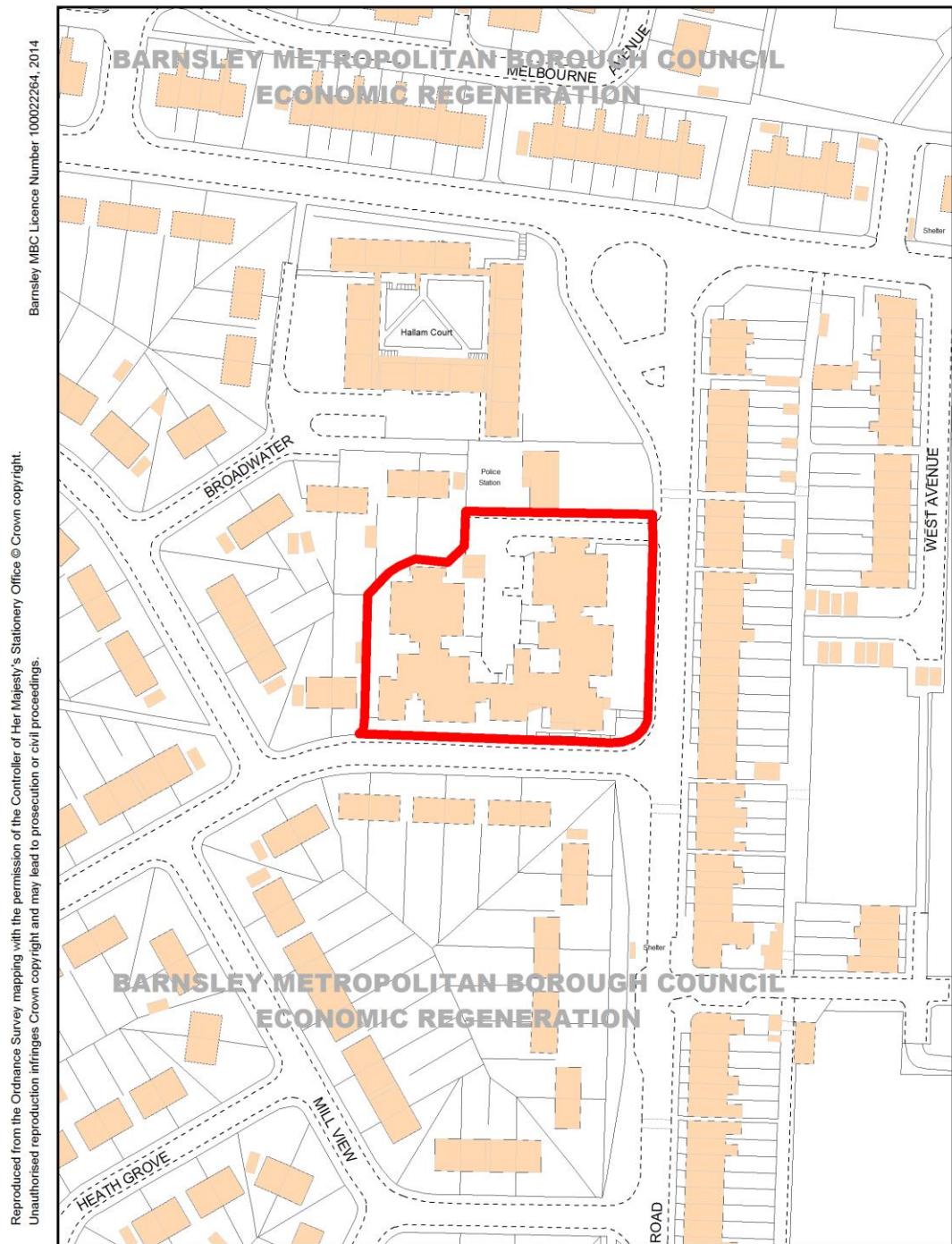
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the plans 16-1-1012-010, 16-1-1012-020, 16-1-1012-022, 16-1-1012-100 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.

PA reference :-

2015/0921



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BARNESLEY MBC - Economic Regeneration

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



Scale 1:1250

Ref. 2015/0924

Applicant: Mrs Melanie Asquith Fowler (Berneslai Homes)

Description: Display of 1 no. externally illuminated fascia sign

Site Address: Willowcroft, Dearne Road, Bolton Upon Dearne, Rotherham

Site Description

This site is located in a predominantly residential area on the south west corner of Bolton-Upon-Deerne. Dearne Road is part of a main route that provides access to the wider area including the Manvers Retail Park.

Willowcroft is located on the corner of Dearne Road and South Drive and is a two storey complex of sheltered housing built around a rear service road and parking area. The flats are built of buff coloured facing brick with some brown cladding and white eaves details. There is a sign on the building close to the entrance.

The surrounding houses are a mixture of stone terraces and semi-detached rendered houses.

Proposed Development

This application relates to the new entrance detailed subject of application 2015/0921. This application is for a vertical sign that would spell out Willowcroft above a Berneslai Homes logo. It comprises vinyl letters mounted on a rectangular steel sheet that measures 3.05m high by 0.65m wide. The base of the sign would be 0.4m off the ground. The externally illuminated sign would replace the existing signage on the building.

This application is linked to the planning application for the new entrance detailed under application 2015/0921.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, saved Unitary Development Plan policies and The Yorkshire and Humber Regional Spatial Strategy.

Core Strategy

CSP26 New Development and Highway Improvement
CSP29 Design

Unitary Development Plan

Saved policy BE6D – An advertisement will only be granted where the proposal would not be injurious to amenity by virtue of size, position, location and proliferation, and where appropriate level of illumination, and where the proposal would not be prejudicial to public safety.

SPDs/SPGs

SPD – Advertisements. The council is unlikely to grant consent for: Advertising Hoardings, including poster panels, signs on shops above fascia level, signs on business premises above fascia level, signs which appear out of scale or character with the building or locality.

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.

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.

Paragraph 67 Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

Consultations

Highways- No objections

Environmental Health - No objections

Representations

The application was advertised by way of a site notice. No representations have been received.

Assessment

Principle of development

Signage that accords with the adopted Advertisements SPD and NPPF would generally be regarded as being acceptable in principle. This is a relatively large externally illuminated sign and for it to comply with Council's adopted policy the main matter to consider would be whether or not the sign would appear out of scale or character with the building or locality and its impact on neighbouring amenities.

Residential Amenity

There are houses directly opposite the site and the sign would have the potential to cause some nuisance due to the proposed illumination. However, an existing sign over the entrance would be removed and the effect of the illumination would be similar to the two sets of street lights that are located close to the sign and already illuminate the area at night. The Council's Environmental health section have raised no objections and as such it is not considered that there would be any detriment to neighbouring amenities.

Visual Amenity

This is a residential area so signage is not a usual feature and the proposal could potentially look incongruous. However, there is an existing sign on the building, which to be replaced albeit in a slightly different position. So the proposal is not to introduce something that is new to the area and is not going to result in a proliferation of signage. The signage would help to signify where the entrance would be. On this basis there would be no adverse impact on the character and appearance of the area.

Highway Safety

No objections are raised from a Highways context.

Conclusion

This is a minor application that raises no significant issues but is referred to PRB due to it being a Council application.

Recommendation

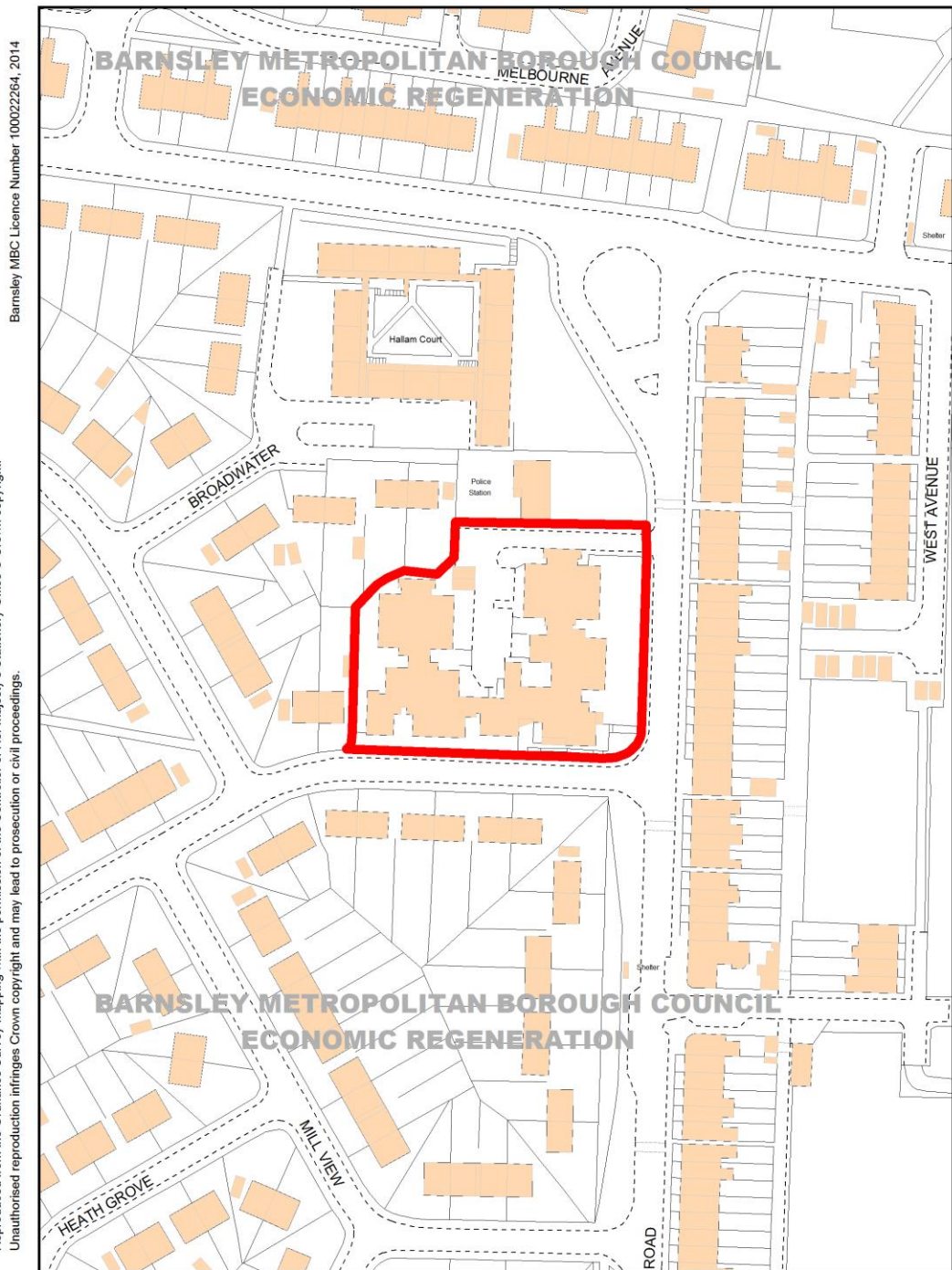
Grant subject to conditions:

1. The development hereby approved shall be carried out strictly in accordance with the plans 16-1-1012--60 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.

PA reference :-

2015/0924



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BARNESLEY MBC - Economic Regeneration

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



Scale 1:1250

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 August 2015 to 31 August 2015

APPEALS RECEIVED

The following appeals have been received during August 2015.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/Delegated</u>
2013/0752	Use of natural pond for public fishing and erection of single storey cafe/shop building with car park.	Written representation	Delegated
2014/1467	Erection of an extension to form 2 no. flats	Written representation	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in the August 2015.

APPEALS DECIDED

0 appeals were decided in August 2015

2015/2016 Cumulative Appeal Totals

- 6 appeals decided since 01 April 2015;
- 6 appeals (100%) dismissed since 01 April 2015;
- No appeals (0%) allowed since 01 April 2015