

Report Précis

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

Date: 27/10/2015

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.

INDEX

2015/0711 Approval

Planning application for the Regeneration of Hoyland Town Centre comprising of the redevelopment of land at Duke Street, Market Place and the Town Hall to provide a relocated open market, food store, 3 retail stores and 7 retail kiosks, toilet block, surface car parks and associated infrastructure and landscaping.

High Street and Market Street, Duke Street, Hoyland, Barnsley.

2015/0462 Approval

Demolition of existing school and erection of 32 no. dwellings and associated infrastructure.

Grove Street Junior and Infant School. Grasmere Road, Barnsley. S71 1ES

2015/1073 Approval

Erection of single storey extension to existing boiler house.

Pollyfox Sheltered Housing. Dodworth, Barnsley. S75 3QR

2015/0779 Approval

Removal of condition 1 of app 2011/1157 to allow permanent use of site for a gypsy family.

Whitegate Stables. Common road, Brierley, Barnsley. S72 9ES

2015/0894 Approval

Change of use from function room of a Working Men's Club (D2) to house in multiple occupation (C4) with associated external changes including erection of pitched roof with new openings.

Great Houghton WMC, 20 High Street, Great Houghton, Barnsley. S72 0AB

2015/0823 Approval

Variation of condition 1 of planning permission 2011/1248 – extension of time limit to complete work on site.

Former Carlton Colliery. Shaw Lane, Carlton, Barnsley. S71 3HJ

2014/0316 Approval

Erection of a detached dwelling with attached garage, access and parking.

Land adj. Old Hall, 1 High Street, Great Houghton, Barnsley. S72 0EN

2015/0919 Approval

Erection of single storey classrooms extension, formation of car parking and alterations to bus turning area.

Wombwell Park Street Primary School. Park Street, Wombwell, Barnsley. S73 0HS

2015/1102 Approval

Erection of two storey rear extension to school.

Cudworth Churchfield Primary School. Snyderdale Road, Cudworth, Barnsley. S72 8JR

2015/1090 Approval

New entrance canopy and re-order of entrance area. External re-contour and landscape including demolition of garages, new access and new parking area.

Hudson Haven. Upton Close, Wombwell, Barnsley. S73 8EZ

2015/1091 Approval

Display of externally illuminated totem sign (1.1m in height).

Hudson Haven. Upton Close, Wombwell, Barnsley. S73 8EZ

2015/0969 Approval

Erection of steel container.

Laites Lane Memorial Field, Athersely South, Barnsley.

Additional Report

Application for a certificate of appropriate alternative development pursuant to the land compensation act 1961 - Trustees of Boulder Bridge Lane trust v the Council

PLANNING APPLICATIONS – WITH REPORTS

Ref 2015/0711

Applicant: Resilient (Hoyland) Ltd

Description: Planning application for the Regeneration of Hoyland Town Centre comprising of the redevelopment of land at Duke Street, Market Place and the Town Hall to provide a relocated open market, food store, 3 retail stores and 7 retail kiosks, toilet block, surface car parks and associated infrastructure and landscaping.

Site Address: High Street and Market Street, Duke Street, Hoyland, Barnsley

Site Location and Description

The application encompasses three sites across Hoyland Town centre, these are described as follows:

Site A Land off Duke Street

The site covers an area of approximately 0.2ha and comprises of the former NHS health centre and associated car park. The primary access is taken off Duke Street, although a small enclosed yard to the rear of the building can be accessed from West Street. The building is of a non-descript appearance being single storey in the main supporting a flat roof. The boundaries are defined by a palisade fence which give the site an overall utilitarian appearance.

Site B Market Place

This site covers approximately 0.5ha, located on the northern side of the town centre east of Market Street. It supports stalls that serve Hoyland's open market as well as the town centres main car park. Residential properties (Manor Way) abut the northern and eastern boundaries and commercial/retail premises belonging with the town centre are located to the south and west. Levels fall across the site from Market Street (West) to the eastern boundary with the Manor Way properties.

Pedestrian Access is taken from Market Street and the car park is accessed from Mallin Croft which also serves residential properties. The Market is separated from the car park by a 1.8m palisade fence between which there are access gates. The Market comprises of 2 banks of open market stalls, each with 4 rows of stalls covered by a corrugated metal roof supported by a metal frame. There are a number of single storey buildings grouped along the Market Street boundary which include a stone built parish hall, brick/rendered retail kiosks, and a toilet block that serve the Market. There are several notable stone built buildings along Market Street including the Beggar & Gentleman PH located directly to the south of the site.

Site C Town Hall

This occupies a central location within the heart of the town centre, measuring 0.4ha it presently accommodates the Town Hall/Co-Op as well as public surface car parks which are accessed from Southgate. The Town Hall is a prominent 3 storey brick building which is occupied by the Co-Op supermarket at ground floor. To the front of the building there is a public seating area. The site is surrounded by retail/commercial units including the Hoyland Lift centre.

Proposed Development

This is a full application for the comprehensive redevelopment of Hoyland town centre. The proposals consist of the following:

Site A Land off Duke Street - Demolition of former health centre to allow for the formation of a 79 space pay and display public car park and associated landscaping.

Site B Market Place - Demolition of existing outdoor market area and associated structures to provide a new foodstore (1466m²) 78 space car park, landscaping and associated works.

Site C Town Hall/municipal building - Recladding of existing town hall building including formation of new entrance foyer and new balconies to the rear with new window positions to all elevations. Single storey extension to existing building to accommodate 3no. retail units with associated works . The units would measure 95m², 126m² and 527m². Provision of new market place comprising of 30no. permanent stalls, 6no. A1 retail kiosks and 1no. A5 Kiosk ranging from 14m² to 20m², market store, WC and 26 space public/trader car park

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

Parking

Residential Amenity and the siting of non-residential buildings

Emerging Local Plan

Proposed allocation: Town Centre

Town centre area action plan policies:

TC1 Town Centres

TC2 Primary and Secondary Shopping Frontages

BTC3 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

Biodiversity Officer – No objections recommend that a condition requiring biodiversity enhancements is applied.

Civic Trust – Supportive in principal to the proposals.

Coal Authority – No objections subject to standing advice being applied as an informative.

Conservation Officer – No objections in principle, materials need to reflect/complement the best of the Town heritage assets.

Contaminated Land Officer: There are no previous uses of the site which would give concern regarding contamination as such no conditions are required.

Design: The applicants have met with the urban design officer several times since the early conception of the design and the proposals have been presented to the design panel twice, first for a design review and then for an interactive design workshop. The applicants have significantly refined their proposals to take on board a lot of the design comments received.

Drainage: Recommend approval subject to conditions.

Environment Agency: No objections.

Forestry Officer: No objections subject to full landscaping details being submitted for approval.

Markets Manager: Endorses the proposals and confirms that extensive consultation was undertaken with existing Market stallholders and this has informed the design.

Highways: No objections subject to recommended conditions.

Public Rights of Way: No comments.

SYAAS – No comments.

SYP ALO – Provided crime reduction advice.

SYPTTE – No comments.

Waste Management: No objections

Yorkshire Water: No objections subject to recommended conditions

Representations

The applicant has undertaken their own consultation exercise prior to submitting the application. This included direct contact with local residents and the market traders, and two formal 'public consultation' meetings. This allowed residents and market traders to view the proposed plans and have the opportunity to pass any comments.

The application has been advertised by the display of several sites notices, a press notice and premises /properties within proximity of the sites (90) have been consulted directly in writing.

One letter of representation has been received querying the retention of a private right of way from the rear of properties on Manor Way to Mallin Croft.

Assessment

Principle of development

Hoyland is classified as a district centre, it is also a principle town which will be focus for future growth which includes shopping facilities. District centres provide vital shops and services to the people that live within the locality, the emerging Local Plan aims to improve the role of existing centres to ensure that suitable levels of capacity can be secured to accommodate associated levels of future growth.

New development needs to support the centre so that it can actively contribute to the growth of the Borough's economy as well as serving the needs of local residents. To achieve this objective it is important that the existing centre diversifies in terms of its retail capacity.

Accordingly all the sites are 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 accordance with NPPF policy, as the retail elements of the proposal are all inside the Principal Shopping/Commercial Centre boundary as defined on the UDP proposals map, there is no requirement for a sequential test or an impact assessment. As such there are no policy objections to the proposal and the redevelopment scheme is welcomed

Economic Impact

The proposals represent a £4m (approx.) investment in the town, this presents the opportunity to reinvigorate Hoyland Town Centre, enhancing the environment, encouraging investment and local employment opportunities. The proposals represent the positive reuse of 3 vacant, underused, outdated and previously developed sites and premises in the town centre, providing the basis to attract further investment and contributing towards a vibrant, well designed town centre. The proposals therefore address the economic and social values which also fall beneath the sustainability umbrella within the NPPF including creating employment opportunities, replacing poor design with better design and improving overall environmental conditions of the centre.

Job opportunities would be created during construction period and when the new developments come into use. The success of the redeveloped centre would have a multiplier effect which would 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.

Phasing

The applicant has entered a development agreement with the Council with a commitment to deliver the development within an ambitious 12 month timeframe. The development would be phased to avoid minimum disruption to Market Traders and Town Centre users; this is essentially aimed at achieving continuity of trading for the market. Subject to planning approval demolition of the health centre and market kiosks would be completed prior to Christmas to allow for the immediate commencement on the construction of the replacement car park (Site A), works shall commence on the new market and town hall cladding in early 2016 with works hoping to be completed by late spring. Once the market has relocated to the new site construction would start of the foodstore (Site B) and new retail units within Site C.

Design & Layout

The NPPF recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. One of the NPPF's Core principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Good design is a key aspect of sustainable development, it is indivisible from good planning and should contribute positively to making places better for people.

Hoyland Centre supports a variety of architectural styles from traditional stone and brick built properties to the more contemporary designs of the 1960's and 70's. The most recent addition to the centre is the Hoyland lift building, a modern design located at the Milton Road /High Street junction. The proposals aim to complement the achievements of the Lift Centre contributing to an enhanced townscape with an improved retail function and capacity.

At present the three nominated sites each display an element of dysfunction which does not reflect favourably on the town centre. The former health centre closed several years back following completion of the Lift Centre, it is a building of utilitarian appearance which does not contribute favourably to the townscape. Similarly the stalls and kiosks of the market are of a dated appearance, the location is also somewhat at odds to the town with the markets feeling detached from the retail core of the centre. The town hall remains the dominant feature within the town centre by virtue of its central location, its design and appearance is however, looking somewhat dated, with the exception of the CoOp supermarket the building is also in the large underutilised with the first and second floors currently vacant.

Site A Land off Duke Street:

Following the demolition of the Health Centre the site would be laid out as a 79 space pay and display car park. The car park would operate on a one way basis with access being taken from West Street and vehicles egressing via Duke Street. The car park will be laid out and lit in a traditional manner with parking bays arranged perpendicular to the edge of the site and the remaining space filled with back to back bays. All are served by a 7m wide access road. Disabled, Parent and Child parking would be located toward the High Street Entrance giving the shortest travel distance to the town centre, provision would also be made of a single electric charging point. Existing tree's to the sites boundaries would be retained, palisade fencing would be removed and new boundary treatments would be introduced to Duke Street to complement existing walls.

Site B Market Place:

The layout would see the building sited along the northern boundary with a gabled frontage presented to Market Street. The planned supermarket is a single building, sympathetic to the local vernacular it would be constructed from natural stone (plinth & piers) with buff brick infills which give depth and articulation. The roof would be a traditional pitched construction treated with natural slate. The ridge height would be approximately 1.2 m higher than the existing Parish Hall. The entrance to the supermarket faces in the direction of the town's main square, as requested by the Design Panel. The existing Mallin Croft entrance would be closed with the site accessed solely from Market Street.

Levels fall from west to east, the building would 'cut' into the slope with the finished floor level being sited approximately 0.9m below Market Street. The elevation presented to the highway would comprise of a feature glazed gable with a natural stone wall topped with railings to the boundary. To achieve operational requirements across the 78 space car park, levels would be increased above the existing ground level by approximately 1m, soft landscaping would be introduced to the margins and a 1.8m acoustic fence would be erected along the boundary to minimise the impact of the day to day operations of the supermarket.

Site C Town Hall:

The entire frontage onto Southgate is currently given over to car parking, and has the feel of being, merely the back of the Town Hall, and visually disconnected from the town centre. As Southgate is on the one way system, the proposals present an opportunity to create a new attractive frontage with a well-connected Market at the Heart of the centre.

The proposals for site C include the sensitive refurbishment of the exterior of the former town hall. The applicants are seeking to give it a more confident and contemporary feel. For the facades facing the front square there are deeper window setbacks and some larger window openings, helping to give a fresher and stronger rhythm to these frontages. A mix of plaster work and timber effect cladding will help to soften the frontages and the square in front. Balconies add further visual interest. It is proposed to retain the existing artist designed stainless steel screen in front of the supermarket. New ground floor shop kiosks will give more interaction at street level and will have a contemporary glazed design.

The walkway towards Southgate is being regenerated with new shop frontages on one side leading down to a large department store and, on the other side, a relocated market. The materials for the shop frontages and department store take their inspiration from the refurbished former town hall and the adjacent Hoyland Centre. The massing of the department store has been modelled to create a positive interface with Southgate, giving it a sense of arrival and it is felt that this will help to elevate the feel of this area which is currently the back yard of the town centre. The applicants are keen that the market is given every opportunity to thrive by keeping it open and not fenced off, this is achieved by locating it adjacent to a new shopping thoroughfare leading to a new department store, by signposting it clearly from the main town square and by striving for a high quality in its design.

The proposals are the result of a lot of negotiation by the applicants with local residents, traders, council officers and the design panel. In design terms the proposals have been significantly improved and refined to help further integrate them into the townscape and public realm of the town centre. It is considered that the approach is sympathetic and cumulatively the proposals across all 3 sites will significantly enhance the quality of Hoyland town centre for potential tenants, traders, shoppers and visitors alike. Consequently no objections are raised and it is considered to comply with design requirements of the aforementioned planning policies.

Residential Amenity

Each of the sites is bounded in some way by residential properties, it is stressed that each of the sites are developed/operational, the development has subsequently been approached in a manner to ensure that levels of amenity would at least be maintained to current levels.

The redevelopment of the Market Place will have the most apparent impact given the close proximity to residential properties of Manor Way and Mallin Croft. As a positive the closure of Mallin Croft to vehicles and the associated reduction in traffic movements will enhance the amenity of these existing residents. The raising of the car park level by 1m and siting of the store is slightly more controversial, particularly with regard to the influence upon Manor Way properties (bungalows) which back onto the site. The rise in level has been reduced from an initial proposal of 2m, this has been achieved by dropping the level of the foodstore from which access is required to a 1:60 gradient. This has greatly reduced the overall mass of the foodstore and car park to the benefit of residents. The store would be positioned at an acute angle to the properties approximately 12 m from their rear elevation, the screen fencing and landscaping would provide a sufficient buffer from the development to ensure that an appropriate level of outlook is achieved.

The sites boundary to the residential properties will comprise of a 1.8m high close boarded acoustic fence inside of which there will be soft planting that would also include some trees. The present car park is only separated from the rear gardens of the properties by a palisade fence and as such the proposal would be an improvement on the current situation in terms of privacy and noise. Suggested conditions relating to delivery and opening times, location of plant and service yard management would help to provide adequate mitigation.

No issues are raised with respect to the proposals to sites A & C. With regard to site A the removal of the health centre would improve the character and outlook for properties on Duke Street, the introduction of a one way system to the car would control vehicle movements and levels of activity would not be dissimilar to the previous use. Likewise with respect to Site C properties on Hall Street will continue to overlook a car park albeit to a reduced capacity to the current arrangement. All servicing to the retail areas would be enclosed and measures such as CCTV and lighting will improve security. The general approach to the design, layout of the new foodstore and markets will improve the residential environment of these residents.

Proposals for residential flats across the upper floors of the Town hall are welcomed. This represents an efficient use of otherwise redundant space and it clear that suitable arrangements could be secured for future occupants.

Highways and Access

A Transport Statement has been submitted in support of the application, and demonstrates to the satisfaction of officers that the proposal is acceptable in highway terms. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The proposed development is in a highly sustainable location with a good level of access to public transport services with bus and rail connections on hand.

Parking across the centre would be reconfigured, in total there would be a net gain of 12 spaces within the centre this would also see the addition of Hoylands first electric vehicle charging point. The assessment of the level of car parking provision, its location and means of access is considered acceptable and reflects the adopted parking guidelines and policy CSP27. No details of any cycle parking have been provided but this can be addressed via a condition, this would be complemented by a Travel plan to help to promote cycle initiatives such as changing facilities for employees within the development

There are some highway works required to mitigate the impact of development and to improve pedestrian routes and control vehicular parking/manoeuvring. The works have been reviewed following concerns expressed by the developer and those considered necessary are included within the recommended conditions. In summary, the proposals would not impact adversely upon the surrounding highways network. No objections are therefore raised against policy CSP26 or relevant guidance of the NPPF.

At the request of residents of Manor Way provisions have been put in place to secure existing private rights of way/access from the rear of their properties to Mallin Croft.

Construction Impact

A development of the scale proposed, located in the town centre and involving demolition as well as cut and fill operations will undoubtedly have an impact on the town centre and local highway network. There is a need to carefully plan how the development is implemented and manage the construction process so as to minimise disruption for trader, businesses, residents and road users alike. A condition for a Construction Method Statement would be applied to address this.

Sustainability

Sustainable objectives are achieved by virtue of the proposals representing redevelopment of brownfields site within a highly accessible location. The Design & Access Statement promotes a fabric first approach to achieve a highly insulated envelope to the units and improve energy performance and contribute towards a very good BREEAM performance. This would ultimately ensure that policy expectations of CSP2, CSP3, CSP4 and CSP5 are embraced in terms of buildings performance, energy production and use of natural resources.

Drainage

There is no historic record of flooding due to drainage issues in the area of the development. Surface water is at present drained to a combined sewer and this arrangement would be maintained. To meet the requirements of CSP4 discharge rates to the sewer will be reduced by 30%, this will be achieved through the use of attenuation with appropriate flow control. Subject to the recommended conditions the drainage authorities are satisfied with the proposals.

Ground Conditions / Mining Legacy

A Phase 1 site investigation report has been provided which assesses ground conditions and mining legacy risks. There are no recorded landfill sites within 250m of the site and the Coal Authority advises that the site is located within a defined low risk area and as such recommend that standing advice should be applied to any planning approval. There are no previous uses of the site which would give concern regarding contamination, and the proposed use is not a sensitive one which requires any further assessments to be undertaken.

Ecology

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. There is limited vegetation cover across all 3 sites, where trees are present (Site A) at the tree officers recommendation these will be retained. Hoyland falls within the Dearne Valley Green Heart 'Nature Improvement Area' and as such it is recommended that a condition is applied requesting biodiversity enhancements.

Heritage

The application has been accompanied by an Archaeological and Heritage Assessment that confirms that there are no designated assets within the application sites likely to come to any harm. Both the Conservation Officer and SYAAS raise no objections to the proposals.

Conclusion

Overall the scheme is considered to deliver significant regenerative benefits to what are at present underutilised areas of Hoyland Centre. The collective redevelopment of the centre has been a key regeneration objective of the Council for many years and the proposal would be a significant step in achieving these aspirations.

The proposal would reinvigorate the Market making it more visible and connective with the town.

This will create jobs and benefit the existing town centre helping Hoyland strengthen its role as a district centre. The sites are highly accessible and in a prominent position with good transport links and the proposal would deliver a sustainable form of development. As well as providing parking facilities to serve both the new development and existing shops, the overall enhancement to the townscape would revitalise the centre bringing renewed optimism in its role.

The proposals are therefore in complete accordance with the regenerative aspirations of the Council. In addition the proposals are in accordance with key objectives of the Core Strategy which strive to develop Principle Towns as the focus for new development. Furthermore, the proposals are in alignment with the general thrust of the National Planning Policy Framework which advises that planning authorities should positively promote competitive Town Centre environments to ensure their vitality as part of delivering sustainable development.

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 amended plans:
Location Plan Rev B (00.13.10) 02.101B Rev B,
Site A:
Existing Site Plan A (0013.10) 02.102 A, Proposed Site Plan Site A 02.119 Rev C, Car Park lighting Plan 8th Sept 2015, Tree Survey HTC05, Tree Protection Plan HTC 12,
Site B:
Existing Site Plan B 02.103 Rev A, Proposed Site Plan Site B 02.120 Rev G
Proposed Floor Plan Site B 02.121, Proposed Elevations Site B 02.125 Rev E, Proposed Elevations Site B 02.126 Rev F, 3D Views As Proposed (0010.13.02) 143 Rev C, 3D Views onto Site (0010.13.02) 147 Rev A, Sections - Boundary Levels (0010.13.02) 148 Rev A, Car Park lighting Plan 8th Sept 2015
Tree Survey HTC 06, Tree Protection Plan HTC13
Site C:
Existing Site Plan C 02.104, Proposed Site Plan Site C 02.122 Rev B, Proposed Roof Plan Site C 02.123 Rev B, Boyes Area Plans & Section 02.124 Rev A, Proposed Elevations Site C 02.127 Rev B, Elevations C2 02.128 Rev B, Elevations C3 02.129 Rev B, Existing & Proposed Sections 02.130 Rev A, 3D Views as Proposed 02.131 Rev B, Car Park lighting Plan 8th Sept 2015, Tree Survey HTC07 Tree Protection Plan: HTC14, Landscape Masterplan HTC11
and specifications within the submitted reports (Historic Environment Desk-Based Assessment ref 109240.01, Design & Access Statement May 2015, Drainage Strategy ref 38538-001, Sustainability Statement May 2015, Transport Statement JA/15936/TS/A, Phase 1 Geotechnical Site Investigation ref 38538-001 as approved unless required by any other conditions in this permission.

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

- 3 No development (above damp course level) shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. A sample panel of the materials shall be erected on site and 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 LDF Core Strategy Policy CSP 29, Design.

- 4 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.

- 5 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.

- 6 Within 3 months of 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:
- Measures to control waiting on Mallin Croft;
 - Kerb radii improvement at the junction of High Street/Market Street;
 - Provision of a zebra crossing on High Street;
 - Provision of waiting restrictions on High Croft;
 - Provision of waiting/loading restrictions on Market Street;
 - Extension of the 20mph speed limit on Market Street;
 - Provision of waiting restrictions on Duke Street;
 - Provision of loading restrictions on the one way gyratory namely Southgate/ Milton Road / High Street/ King Street;
 - Provision of Off Street Parking Place Order on Sites A and C;
 - Provision of a pedestrian crossing on West Street at the entrance to the car park;
 - Provision of/any necessary alterations to street lighting;
 - Provision of/any necessary alterations to highway drainage;
 - Any necessary signing/lining;
 - Any necessary resurfacing/reconstruction.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

- 7 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.
- 8 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.
- 9 No construction shall take place until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.
- 10 No construction shall take place until details of all highway retaining structures, including specification and calculations, shall have been submitted to and approved in writing by the Local Planning Authority, and the development shall then be carried out in strict accordance with the approved details.
Reason: To ensure that the highway is appropriately retained in the interests of safety in accordance with Policy CSP26 New Development and Highway Improvement.
- 11 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.

- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 13 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 14 The development shall not be brought into use until a service yard management plan (including measures to control noise and disturbance) and a car park management plan has been submitted and approved in writing by the Local Planning Authority for Site B. The approved plans shall then be strictly adhered to thereafter.
Reason: In the interests of amenities of local residents and highway safety in accordance with Core Strategy Policies CSP26 & CSP 40.
- 15 The development shall not be brought into use until a markets car park management plan has been submitted and approved in writing by the Local Planning Authority. The approved plan shall then be strictly adhered to thereafter
Reason: In the interests of amenities of local residents and highway safety in accordance with Core Strategy Policies CSP26 & CSP 40.
- 16 Development shall not commence until details of measures to control the one way system in the car park on Site A have been submitted to and approved in writing by the Local Planning Authority. The measures approved shall be provided prior to the development being brought into use and shall be retained thereafter.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP26.

- 17 Upon commencement of development, full details of both hard (materials for walls, surfaces, furniture & Boundary treatments) and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall include any element of furniture and shall be implemented prior to the occupation of the building.
Reason: In the interests of the visual amenities of the locality.
- 18 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 19 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.
- 20 Deliveries to the foodstore located within site B shall be only take place between the hours of 0700 & 2100hrs Monday to Saturday and 0900 & 1800 on Sundays and Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 21 Within 3 months of the commencement of development full details of the measures of biodiversity enhancement across all 3 sites 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.

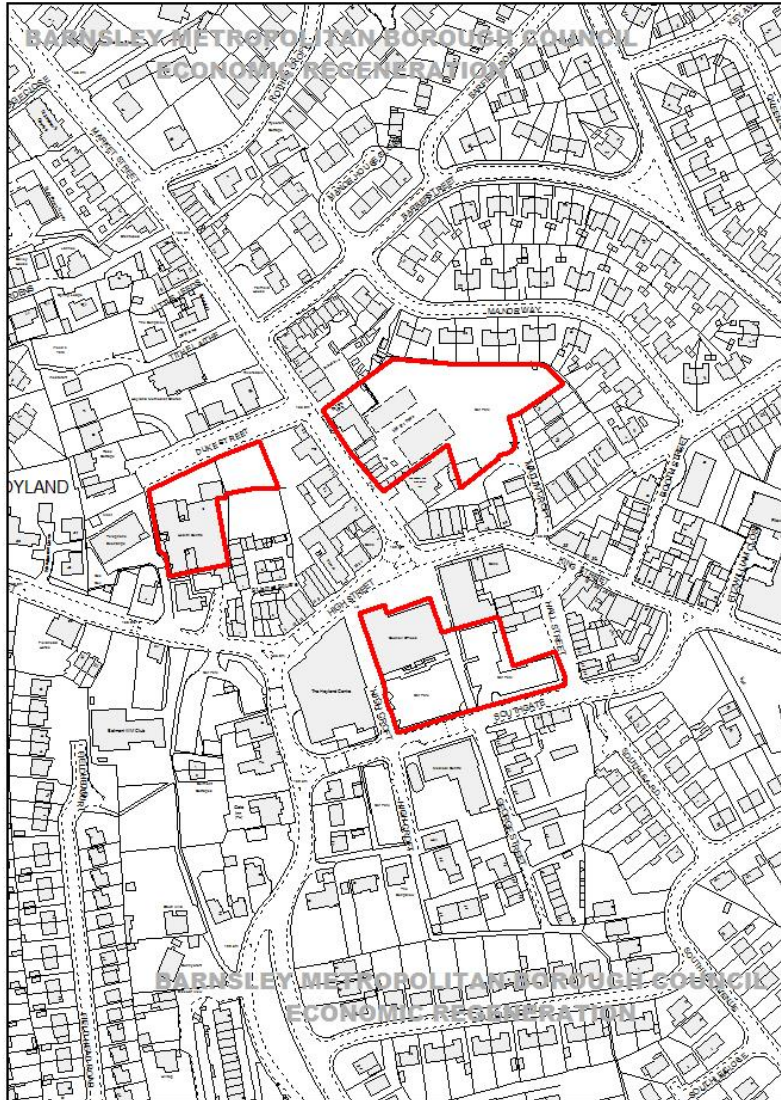
- 22 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
- Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 23 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.**
- 24 Prior to the completion of the market and retail units on site C the design of the public Clock to be erected on the former Town Hall shall be submitted to the Local Planning Authority for approval in writing. The approved clock shall be installed in accordance with a timetable to be agreed.
- Reasons: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 25 The glazing within the approved kiosks shall be kept clear and transparent at all times.
- Reasons: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**

- 26 Prior to occupation of the building/commencement of the use, full details of the proposed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include a method statement indicating how the facilities will be managed and serviced and how occupiers of the proposed development will be encouraged to maximise the use of the proposed recycling facilities to reduce general waste arisings. Prior to the occupation of the building/commencement of the use, the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.
Reason: In the interests of encouraging recycling and visual amenity in accordance with Core Strategy Policy CSP 40.
- 27 Prior to the occupation of any of the approved buildings a scheme describing the methodology to be employed to control litter and minimise waste from being deposited in the street shall have been submitted to and approved in writing by the Local Planning Authority. Such scheme shall, amongst other matters, provide details of the packaging to be used, any litter bins to be provided and any signage to be displayed on the premises advising customer of the need to dispose of litter in appropriate litter bins or other facilities. Any litter bins or other facilities provided pursuant to the requirements of this condition shall be retained and maintained for the duration of the development and the use shall operate in complete accordance with the approved scheme.
Reason: In the interests of the visual amenity of the locality in accordance with Core Strategy Policy CSP 40.
- 28 The approved acoustic fence to the boundary of site B shall be fully installed prior to the commencement of use of the approved foodstore. The acoustic fence shall be retained thereafter.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

PA Reference:-

2015/0711

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BARNESLEY MBC - Economic Regeneration



Scale 1: _____

Ref 2015/0462

Applicant: Mr Carl Lee

Description: Demolition of existing school and erection of 32 no. dwellings and associated infrastructure.

Site Address: Grove Street Junior & Infant School, Grasmere Road, Barnsley, S71 1ES

13 letters of public objection & 1 Councillor objection received.

Site Location & Description

The site is located approximately 700m to the east of Barnsley Town Centre and is predominantly characterised by traditional, terraced dwellings to the south and west of the site with some semi-detached housing located to the north. The remaining land use in the area is occupied by former industrial units and associated storage space, along with Oakwell Stadium, the home of Barnsley Football Club, which is located directly to the east.

The site measures approximately 0.47ha and slopes down gradually from west to east. It is boarded by Grove Street to the east, Belgrave Road to the north and Grasmere Road to the south. It is currently derelict, made up of the disused buildings of the former Grove Street Primary School, in addition to this, up to 50% of the site consists of hardstanding, that once formed a car park and school playground, and a small area of greenspace. There are two main buildings which range from 2-4 stories in height, with the latter occupying the western side of the site and the former to the east. The school building is of local significance within the area and reinforces the physical and architectural continuity within the area through the predominance of local pitched-face stone.

Proposed Development

The applicant seeks permission to demolish the buildings and erect 32 no. 2 story dwellings including 9no. 2 bed terraced units, 15no. 3 bed terraced units and 8no. 3 bed semi-detached units. The dwellings would be arranged in 3 no. rows facing the 3 no. adjacent highways.

All semi-detached units have 2 off street parking spaces each. The terraced units have 1 off-street car parking space each.

Planning History

The site has previously been subject to a planning approval for residential development by converting the existing school building to form 24no apartments (Ref: 2008/0274).

The approval included an area of public open space supporting children's play equipment which was to be made available for use by the general public.

Policy Context

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

The Core Strategy

CSP1 Climate Change
CSP2 Sustainable Construction
CSP3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP5 Including Renewable Energy in Developments.
CSP8 The Location of Growth
CSP9 The Number of New Homes
CSP10 The Distribution of New Homes
CSP14 Housing Mix and Efficient Use of Land
CSP15 Affordable Housing
CSP25 New Development and Sustainable Travel
CSP26 New Development and Highway Improvement
CSP29 Design
CSP35 Green Space
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations
CSP43 Educational Facilities and Community Uses

Consultation Draft Local Plan

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

Unitary Development Plan

The UDP designation is Community Facility

Saved UDP policies

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

Relevant Supplementary Planning Documents and Advice Notes

SPD Designing New Housing
SPD Open Space provision on New Housing Developments
SPD Parking
PAN 30 Sustainable Location of Housing Sites
PAN 33 Financial contributions to School Places

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

Para's 58 & 60: Design considerations

Consultations

Environment Agency – No Objections

SYPTTE – No comments

South Yorkshire Police – No objections subject to recommendations on Secured by Design.

Drainage – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

Regulatory Services – No objections subject to conditions

Ecology – No objections subject to conditions

Green Space – Contribution required for loss of open space

Highways DC – No objections in principle. Concerns over visibility at junctions with corner plots and footway widths but not of significance to recommend refusal of the application. Conditions are therefore recommended.

Design – No comments received

Education Services – Whilst the development would only generate 7 school places, concerns are raised as they are currently short of school places within the area

Contaminated Land Officer – No objections

Affordable Housing Officer – No objections

BDA – No comments

Ward Councillors – Cllr Bruff objects to loss of green space and potential parking issues

Representations

13 no. resident's objections and 1no. Councillor objection received. The main points of concern are:

- Overdevelopment
- Lack of green space
- Storage of waste bins/containers to the front of properties
- Loss of privacy/increased overlooking
- Lack of parking & pressure on existing parking, especially on match days

Assessment

Principle of Development

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

In terms of housing development, Members will be aware that the Council cannot currently demonstrate a deliverable five year supply of housing land. It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, paragraph 49 is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development at paragraph 14 of the NPPF should be used to determine planning applications and that relevant policies for the supply of housing should not be considered up to date. Other relevant development plan policies and material considerations should, however, still be considered.

Furthermore, residential development has previously been approved on the site under application 2008/0274 for the conversion of the school building into 24 apartments, which is a material consideration and establishes that residential development on the site has been accepted previously.

Therefore, it is necessary to consider if the development can be considered sustainable and if there are any adverse impacts from granting permission that 'would significantly and demonstrably outweigh the benefits.

Sustainability

The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental:

- The economic role relates to building a strong, responsive and competitive economy by ensuring sufficient land of the right type is available at the right time to support growth.
- The social role includes the provision of the supply of housing to meets the needs of present and future generations by creating high quality built environment, with accessible local services.
- The environmental role relates to protection and enhancement of our natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, adaption to climate change and moving to a low carbon economy.

The site is located in Urban Barnsley and Core Strategy policy CSP8 identifies this settlement as a priority for growth.

The proposal will bring about economic benefits associated with job creation during the construction phase and an increase in local spending power. It also provides additional housing within the borough to meet the needs of present and future generations. The site is also located within Urban Barnsley and Policy CSP8 states that 'Urban Barnsley will be expected to accommodate significantly more growth than any Principal Town'. The location is also on the edge of Barnsley Town Centre with the transport interchange and all the amenities provided by the town centre within walking distance. As such, it contributes significantly towards the socio-economic dimensions of sustainable development. The contribution to the environmental role is less clear but it is also proposed to deliver a 15% reduction in CO2 emissions by use of renewable, low carbon or decentralised energy sources, as required by Core Strategy policy CSP5. This can therefore be secured by way of a planning condition and would contribute in respect of moving towards a low carbon economy.

Overall, whilst the contribution to the environmental dimension of sustainable development would be largely neutral, the proposal would contribute to the economic and social dimensions and as such, the development is considered to be sustainable. On this basis, it is considered that the presumption in favour of sustainable development applies.

Affordable Housing

Core Strategy policy CSP 15 expects 15% of the proposed units to be affordable unless the requirement would render the scheme unviable. The types of affordable housing to be provided and the relative balance between the different affordable housing products would depend on local circumstances, but to give an indication, it is likely that a mix of up to 20% intermediate housing and 80% social rented will be acceptable.

Policy CSP15 states that the relevant affordable housing requirements will be sought 'unless it can be demonstrated through a viability assessment that the required figure would make the scheme unviable'. The applicants have submitted a viability assessment based on 'Argus' which is essentially a cash flow model where the value of the completed development is assessed against the development costs. The difference between the total development value and total costs equates to the residual land value (RLV). In order to assess whether a scheme can be regarded as being economically viable it is necessary to compare the RLV with a benchmark land value. A benchmark land value should equate to the market value assuming it has regard to development plan policies and all other material considerations.

Following a review of the Financial Viability Assessment, the Council's Affordable Housing Officer acknowledges that the site would not be viable should the Council pursue any affordable housing requirement. In this instance it is not considered appropriate to seek affordable housing on this site.

Loss of green space

The 2008 permission for 24 apartments on part of the site has not been implemented and has now expired. However, a covenant from the 2007 sale of the Western half of the site requires the development of part of the site as public green space extending to circa 750m². Although the covenant is separate to planning, part of the site, to the north between the two buildings, is on the Green Space Register. Therefore, paragraph 74 of the NPPF and Core Strategy Policy CSP 35 is relevant.

It should be noted that since the submission of the application Asset Management has agreed to remove the covenant relating to the onsite Green Space. Whilst this is separate to the planning requirements it does allow the applicant the ability to develop the site as shown in the submitted layout.

Paragraph 74 of the NPPF states “existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless;

- An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

Core Strategy policy CSP 35 ‘Green Space’ follows on from paragraph 74 of the NPPF and states that development proposals which result in the loss of green space will only be supported where an assessment shows there is too much of a particular type in that area or an appropriate replacement green space of at least equivalent community benefit, accessibility and value is provided.

The Councils Green Space Officer stated that the retention and improvement of onsite Green Space (not necessarily equipped) would be preferable but if that was not possible compensation would be required to offset the loss of the informal space. Given the removal of the covenant and the applicant’s case set out in the Viability Assessment, onsite provision is not possible in this case, especially given the size of the site. However, the applicant has agreed to provide a compensatory sum of £30k for the loss of green space which will be subject to a 106 agreement. As such, the proposal is in accordance with policy CSP 35.

Education

PAN 33 ‘Financial Contributions to School Places’ states that a financial contribution will be needed for planning applications for housing developments where the scheme provides 20 or more homes; and there is insufficient capacity in local schools. The Council’s Education Officer has indicated in this instance that there is sufficient space in secondary schools but insufficient space in primary schools.

The PAN requires 20 primary school places per 100 dwellings so the proposed development would generate the requirement for 7 spaces. In accordance with the calculation set out in the PAN the required contribution as a result of the development would be £49,168 (7 x £7024). The applicant has agreed to this contribution and it will be subject to a Section 106 contribution.

Heritage

The presence of the former Grove Street Primary School buildings could arguably represent a constraint against any development on site that intends to demolish these structures.

The NPPF sets out in broad terms that the planning system should endeavour to make decisions that contribute towards the conservation and the enhancement of the historic environment. This is expressed in paragraph 131 which outlines that particular account should be taken of the desirability of sustaining heritage assets and of new development making a positive contribution of local character and distinctiveness.

Further to this, CSP 30 'The Historic Environment' states that the management, conservation and enjoyment of Barnsley's historic environment will be positively encouraged. Despite the fact that the existing buildings are neither listed nor within a Conservation Area they may still be viewed as making a valuable contribution to Barnsley's historic environment and it would be desirable to retain them if possible.

However, it is considered that the scale and position of the existing buildings make it difficult to deliver a viable or marketable residential product, as such, for development to take place on the site, and move it forward from its current derelict state, it is necessary for demolition and redevelopment to take place.

Highway Safety

It is acknowledged that a number of objectors raised parking and highway safety as a concern, especially given the historic issue with parking in the area and the proximity of the site to Oakwell football stadium. It is also acknowledged that existing residents in the immediately adjacent streets are requested by the police to park their vehicles elsewhere on match days.

Parking issues have been cited in the area due to the density of the existing residential development with the predominant house type being terrace properties with limited off road parking. Furthermore, given the proximity of the site to the town centre and the lack of TRO's, a number of town centre workers' park on the streets and walk into the town centre.

However, the proposed scheme needs to be assessed on its own merits. The 9no. 2 bed units would have 1 parking space each, the 8no. semi-detached dwellings would have 2 spaces each and the 15no. 3 bed terraced units would have 1 space each. SPD 'Parking' states that properties up to and including 2 bedrooms should have one space and properties of 3 bedrooms and over should have 2 spaces. Therefore, 17no. properties would comply with the SPD but the 15no. 3 bed terraces would fall short. It should be noted, however, that the parking standards are maximum requirements, not minimum; furthermore, a reduction in the requirement can be considered where sites are located within a sustainable location, serviced by good public transport. In this case, the site is on the edge of Barnsley Town Centre with the transport interchange and all the amenities provided by the town centre within walking distance, as such, Highways DC consider a reduction appropriate in this instance.

By creating a number of access points from the properties on to the highway network it would mean that some on street parking would be lost for neighbouring residents. However, access points could be created for the existing buildings on the site without planning permission. As the streets surrounding the site provide a benefit for existing residents with no means of off road parking at present, it should not render the site undevelopable for an appropriate use put forward by the land owner.

CSP 25 'New Development and Sustainable Travel' establishes that new development will be expected to be located and designed to reduce the need to travel and be accessible to public transport. The sustainable location of the site has been previously discussed and is also relevant in this regard in that the nearby amenities and transport options will reduce the need of future occupiers to travel by unsustainable methods.

The NPPF sets out similar requirements in section 4 'Promoting Sustainable Transport', which states in paragraph 34 that development generating significant movement should be located where the need to travel will be minimised. It is evident that the minimal, but acceptable, parking provision, along with the highly sustainable location of the development site, is in accordance with the general thrust of this policy direction.

Local census data (2011) provided along with the application also demonstrates that over 80% of the local residents within this area have access to only one or less vehicles per household. Therefore, the applicant has argued that to provide for more vehicle spaces per unit in this proposal would not only be inappropriate but would also be contrary to the national and local policy emphasis on sustainable development and sustainable transport, as outlined above.

It is acknowledged that Highways DC have raised some concerns regarding the scheme, although they have also concluded that these points do not represent significant factors that could result in a formal objection or recommendation of refusal of the application. The main areas of concern are the width of footpath on Grasmere Road and visibility at plots 12 and 21 on the corners of Grasmere Road/Grove Street and Belgrave Road/Grove Street.

With regards to the footpaths/pavements around the site, those serving Belgrave Road and Grove Street meet and exceed the required 2m width. Grasmere Road does fall short by 300mm, however, the width of the footpath would remain as exists, therefore; a refusal could not be sustained on those grounds. In addition, given the amount of access points required there would be limited on street parking to the front of the properties which means visibility would not be limited by adjacent vehicles which is often the case with residential schemes.

Plots 12 and plots 21 are located on corner plots and have access points adjacent to junctions. However, the garages which serve the properties are set back from the junction and a condition has been recommended to ensure that the adjacent boundary treatments are suitably low to allow views over for both the future occupants and users of the neighbouring road network. The position of the dwellings are also better than the neighbouring terraced properties on corner plots as the side elevations tend to be adjacent to the back edge of the footpath with the front elevations having less than a 2m set back.

It should also be noted that the existing site has a dwarf boundary wall with railings on top surrounding it, including at these junctions. The height of the boundary treatment is approximately 1.8m which is far greater than the proposed scheme. It is acknowledged that views can be gained through the railings, however, under permitted development rights these could be replaced with a more solid solution which would have a greater impact on visibility than the proposal. Furthermore, on the corner of Belgrave Road and Grove street is mature planting which is up against the back edge of the footpath and restricts visibility, this would be removed as part of the scheme improving visibility at this corner. As such, again a refusal on these grounds could not be sustained.

Grove Street is relatively lightly trafficked adjacent to the site, with traffic generally moving at relatively slow speeds, as beyond the site are only 6 dwellings and Barnsley FC training ground. It is acknowledged that on match days vehicular movements increase, however, there are parking restrictions in place around the site which limits on street parking to allow access for emergency vehicles. Highways DC have raised no objections in principle and, subject to the imposition of appropriate conditions, the scheme is not considered to be of any significant detriment to highway safety.

Residential Amenity

The properties are set out in 3 rows, facing 3 streets with rear gardens backing onto one another. The properties fronting Grove Street only face the football ground and the properties fronting Grasmere Road and Belgrave Road meet the required separation distances to the properties opposite, given the existing development pattern and layout of the area. Plots 1 and 32 would be adjacent to the side boundaries of existing terraced properties and would project beyond their rear elevations, however, given the size, positioning and orientation would not result in overbearing features or significantly increase overshadowing. As such, the amenity of existing residents would be maintained to a reasonable degree.

With regards to the amenity of future residents of the development, the majority of the plots meet the required separation distances set out in SPD 'Designing New Housing Development', however, given the triangular nature of the site a small number fall short of the 21m window to window distance and 10m window to rear boundary. This only relates to a small number of plots such as plots 3 & 4 and Plots 28 & 29. The separation distance would still be a reasonable 18m and the buyers would be able to assess when purchasing plots.

In terms of internal spacing, all the proposed house types exceed the overall floor area set out in the South Yorkshire Residential Design Guide and the Technical Housing Standards. In terms of external spacing, the majority of the plots meet or exceed the garden areas set out in the SPD and South Yorkshire Residential Design Guide. There are some that fall short but they tend to be on the awkward triangular corner plots and are generally 2 bed units which are unlikely to be family home which require a larger garden. As such, the amenity levels for future occupants would be to a reasonable degree.

Design & Visual Amenity

The development will reflect the architectural features and physical layout/development pattern of the surrounding area, especially the terraced dwellings, contributing to the sites legibility, permeability and sense of place.

The area is characterised by a block pattern in accordance with the physical fabric of the surrounding area. This forms a tight urban grain whilst contributing the areas sense of place and historic character. The proposal would aim to mirror this by providing 3 active frontages facing Grove Street and Belgrave and Grasmere Roads. The layout will not include the rear access thoroughfares evident within the surrounding area; instead, the development will be one collective entity with private spaces bounded off by protected garden space. The idea behind this is to prevent access to the dwellings via a rear access route and therefore reduce the threat of anti-social behaviour and also maximise the amount of garden space available to future residents.

The proposed dwellings would front the neighbouring streets and retain the simple and robust façade associated with terraced housing in order to maintain an element of visual continuity within the area. Furthermore, the use of materials to reflect the surrounding dwellings would further add to the visual appropriateness and understanding of the area, making it easy to navigate as well as minimising the visual impact of the development on an architecturally sensitive streetscape. The dwellings will not, however, be a pastiche of the existing properties and will bring forward their own character through modern features such as the floor to ceiling first floor windows.

In terms of architectural features, the use of low boundary walls will help provide an enclosed space at the front of the dwellings, providing a distinction between public and private space, and will also reflect the existing walling around the site as well as walling to the front of neighbouring properties.

The 2.5 storey, 3 bed properties would incorporate front facing flat roof dormers. It is acknowledged that generally pitched roof dormers are more favourable; however, the proposed dormers reflect a number of existing ones, especially along Grove Street. The majority of the house types containing dormers front Grove Street with only 3 each on Belgrave Road and Grasmere Road. As such, they would reflect the character of the area and not be alien architectural features, to the detriment of the visual amenity of the street scene.

A large number of the properties have external pedestrian access to the rear garden areas but due to the lack of rear access routes the mid terraced properties do not. However, with regards to waste storage there are areas proposed to the front which would largely be screened by a screening structure and planting so as not to significantly affect the visual amenity of the street scene. Further details of this arrangement will be requested through boundary treatment and planting conditions.

There are some corner plots proposed as part of the scheme, as such, some side and rear boundaries will be adjacent to the highway with robust treatments required to protect amenity. Dwarf walls with railings have been proposed which are preferred above close boarded timber fencing in these areas for visual amenity and potential vandalism reasons. As mentioned above, a boundary treatment condition will be recommended so that these details can be considered more closely.

Ecology

A Bat and Breeding Bird Survey and Method Statement accompanied the application. It concludes that as a result of a bat presence, mitigation will be needed to facilitate the development in respect of European Protected Species legislation. A condition will be recommended to ensure that the development is carried out in accordance with the Method Statement.

Coal Mining and Contaminated Land

The application site does not fall with the defined Development High Risk Area and is located instead within the defined Development Low Risk Area. This means that there is no requirement under the risk-based approach that has been agreed with the LPA for a Coal Mining Risk Assessment to be submitted.

A comprehensive Geo-environmental report for the site has been submitted along with the application which confirms the above. As such, South Yorkshire Mining Advisory Service and the Coal Authority have raised no objections subject to the Coal Authority standing advice informative being attached to the decision notice.

Drainage

Details have been submitted to show that the site can be satisfactorily drained to ensure compliance with Core Strategy policy CSP 4 (i.e. a 30% reduction in run off rates). The Council's Drainage Engineer, Yorkshire Water and the EA have therefore raised no objections subject to the safeguarding of the recommended conditions.

Conclusion

There was no interest expressed in using the site for a community purpose and consequently the proposal reflects the requirements of Core Strategy policy CSP 43, and, a previous residential scheme has been approved on the site. The Council cannot currently demonstrate a five year supply of specific, deliverable sites for residential development and the proposed site is located in Urban Barnsley which is identified in the Core Strategy as the priority settlement for growth. As explained above, this necessitates the application of the NPPF presumption in favour of sustainable development. Taking into account the relevant development plan policies and other material considerations, subject to mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

It is acknowledged that there are some concerns with regards to the development, however, given that the proposal is an appropriate land use, the layout and design of the scheme is considered acceptable, the parking arrangements are in accordance with local and national policy and the scheme meets sustainability factors. the weight of the balance falls in the favour of the development.

As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

Recommendation

Members resolve to grant subject to conditions and the signing of a Section 106 agreement relating to Open Space and Education contributions:

- 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. 2256_104, 2256_105, 2256_106, 2256_107, 2256_108, 2256_109, 2256_110, 2256_111, 2256_112 & 2256_113), Reports (Bat and Breeding Bird Survey Report) 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 dwellings are 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 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**

- 8 No development shall take place until full foul and surface water drainage details, including a scheme to reduce surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:
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.
- 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 No development shall take place until a scheme for disposing of surface water by
Means of a sustainable drainage system is approved by the Local Lead Flooding Authority.
The scheme shall include the following details:
o A timetable for its implementation; and
o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.
The development shall be implemented in accordance with the approved
sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.
Reason: In the interest of the proper drainage of the site in accordance with CSP4.
- 11 No development shall take place until details of the continuous provision of temporary bat boxes within 500m of the development site, referred to in section 1.0 of the Bat and Breeding Bird Survey Report, are submitted to, and approved in writing by, the LPA.
The development shall proceed in accordance with the approved details.
Reason: To ensure the proper protection of the bats recorded on site in accordance with CSP36.
- 12 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

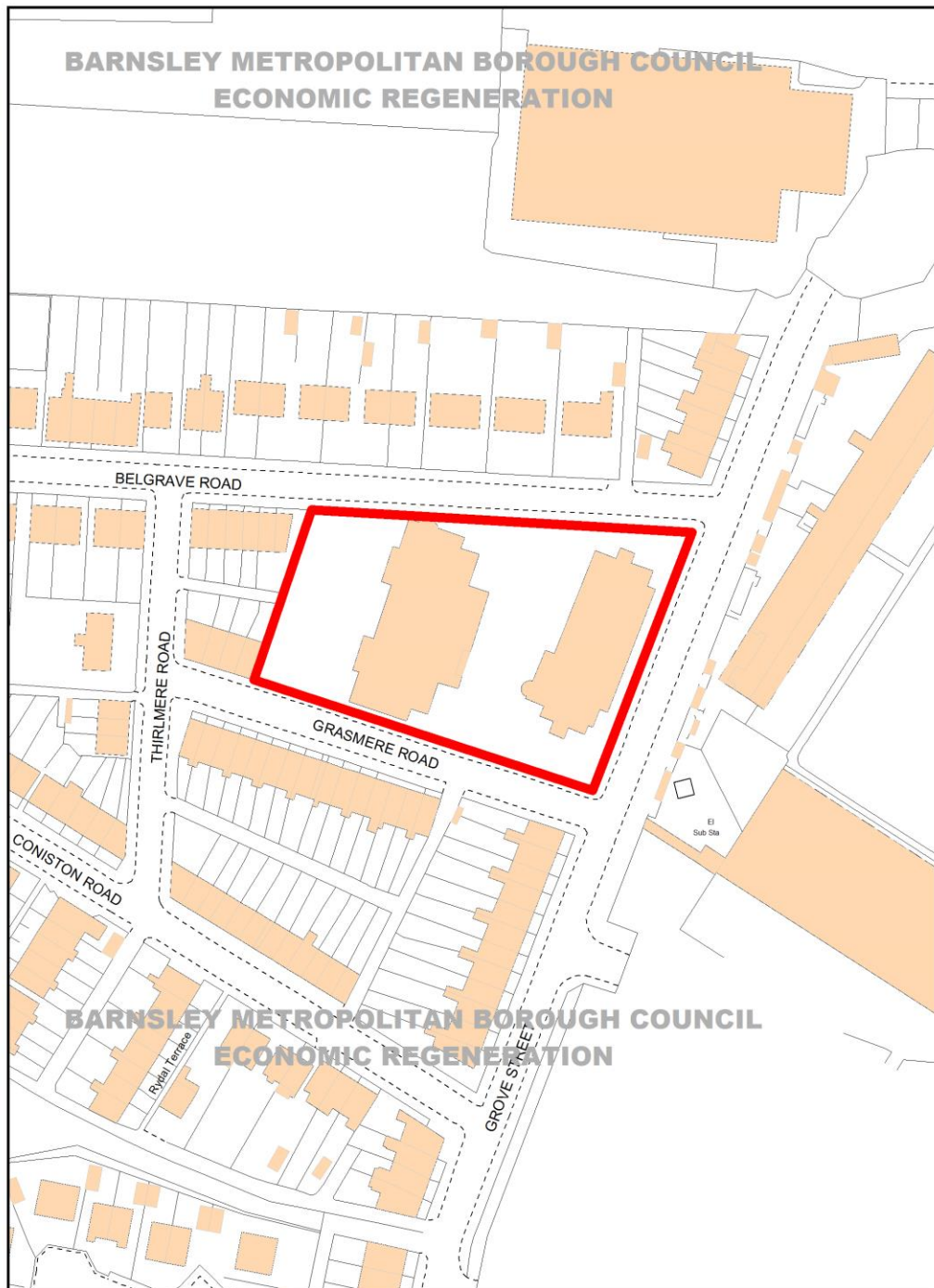
- 13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period 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.
- 14 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrances/exits 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.
- 15 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 amenities of residents and the visual amenities of the area in accordance with CSP 29.

PA reference :-

2015/0462

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BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

Ref: 2015/1073

Applicant: Mr John Dowle (Berneslai Homes)

Description: Erection of single storey extension to existing boiler house

Site Address: Pollyfox Sheltered Housing, Dodworth, Barnsley, S75 3QR

5 Objections have been received from local residents

Site Location

The proposal relates to a boiler house which serves a number of Berneslai Homes sheltered accommodation properties within the immediate area. The boiler house is located within the cul-de-sac of Pollyfox Way in Dodworth located just off High Street. The existing boiler house is brick built with a mono pitched sloping roof and a large chimney adjacent. The location of the boiler house is amongst residential properties and adjacent to the local community centre. The surrounding area is utilised by informal parking for residents along high street and within the cul-de-sac. Commuters to the community centre also park within this area.

Proposed Development

This planning application is being submitted by Berneslai Homes. The application seeks permission to extend the existing boiler house to provide biomass fuel (woodchip) storage facilities. The extension will project from the western elevation of the building by 4.9m measuring 6m in depth. The proposal will have a flat roofed design, measure 2.55m in height with hopper doors within the flat roof to allow for deliveries. The extension will have facing brickwork with white uPVC fascias to match the existing. An area to the side of the extension would be kept free as a 'box junction' in order to provide a space for delivery vehicles to park. Double yellow lines are proposed adjacent to the site to ensure access at all times. A new pedestrian access door will be provided adjacent to the existing chimney.

Policy Context

UDP – Principle Shopping & Commercial Centre

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 Local Plan Consultation Draft, 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

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

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

Core Strategy Policy 31: Town Centres – support will be given to maintaining and enhancing the vitality of Town, District and Local Centres.

Core Strategy Policy 40: Pollution Control and Protection - Developers will be expected to minimise the effects of any possible pollution and provide mitigation measures where appropriate.

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.

Saved UDP Policy

Policy S1 – Shopping and Commercial Centres

NPPF

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

In respect of this application, relevant policies include:

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

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

Consultations

Ward Councillors – No comments received

Highways DC – No objections

Environmental Health/ Pollution Control – No objections subject to conditions

Drainage – No objections

Neighbours

22 Neighbours were contacted by letter, and as a result 5 letters of objections to the proposal have been received with the following concerns:

- Concern over the fuel to be used and removal of waste product
- Concern over occupier of adjacent property gaining access to parking space
- Effect on the collection of waste bins
- Parking issues will be increased due to the double yellow lines imposed and loss of spaces from the extension site
- Will force cars to park on high street and will impact n ability of elderly and disabled
- Will cause a bottleneck and impact on highway safety

Assessment

Material Consideration

Principle of development

Visual Amenity

Residential Amenity

Highway Safety

Principle of development

The Council will seek to ensure that development is appropriate to its context, and improves what needs improving, whilst protecting what is good about what we have.

The site falls within a Principle Shopping & Commercial Centre. Dodworth falls within a Local Centre and as such has an important role serving smaller catchments and meeting local needs. The Council aims to support and improve the roll of the Local Centre to enable them to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres. The boiler extension will provide services for the surrounding properties within the area, providing an improved service for the needs of the local area.

Visual Amenity

The proposed extension is relatively small in size, and will extend an existing boiler house for functional needs within an existing courtyard area. The proposal has been designed for functionality with a flat roof and hopper doors within the roof to enable deliveries. The proposal will have facing brickwork and white uPVC fascia's to match the existing. The proposal is located to the rear of the properties, within a courtyard located off Pollyfox Way, and so is therefore not in a prominent position where there are views of the site from a wide area. Due to the size, design and location of the extension, to the rear of the existing properties, it is not expected to be a prominent feature within the street scene.

Overall the design, scale and position of the extension is considered in keeping and acceptable in accordance with Policy CSP 29 and CSP31 in the adopted Core Strategy.

Residential Amenity

The main criteria for assessing residential amenity is CSP 40 Pollution Control and Protection. The main sensitivity of the application in terms of residential amenity is that the site is located within close proximity to a number of residential properties. However, the proposal is to extend an existing boiler house to provide biomass storage facilities in connection with the adjoining boiler house. In essence it will therefore be just a storage room for woodchip. The Council's Pollution Control Section have assessed the scheme and raised no objections subject to conditions relating to restriction of hours on construction works and for deliveries to the site.

Highway Safety

There have been a number of concerns with regards to the lack of parking provision already experienced within this area, and the introduction of the proposed extension which will result in the loss of some of that provision.

At present there are no formally designated parking spaces within the courtyard but residents and visitors do utilise the area for informal parking facilities. It is acknowledged that the proposed extension will restrict parking within the area by the loss of a small area of the courtyard that is currently used as informal parking and the introduction of double yellow lines along one side of the courtyard. Whilst it is acknowledged that the loss of these areas will be an inconvenience for local residents and visitors, the current facility to park there has only been as a result of Berneslai Homes not requiring the space and therefore allowing people to park there. In addition there are no vehicular access rights off this courtyard for properties on High Street, whilst properties on Pollyfox Way have parking facilities in front of the properties. Berneslai Homes only intend to use a small area of the courtyard to facilitate the development, and the remainder will remain as existing. Highways DC have fully assessed the scheme and have no objections to the proposed loss of these unofficial spaces, and are satisfied that there is sufficient on street parking within the area in compliance with Core Strategy Policy 26: New Development and Highway Improvement.

Conclusion

The proposal represents a small scale extension to an existing facility which will benefit surrounding housing. Whilst it is acknowledged there will be an impact on existing parking facilities, this is not considered to be of sufficient detriment to recommend refusal of the application. The application is therefore considered in line with relevant policies and is recommended accordingly.

Recommendation

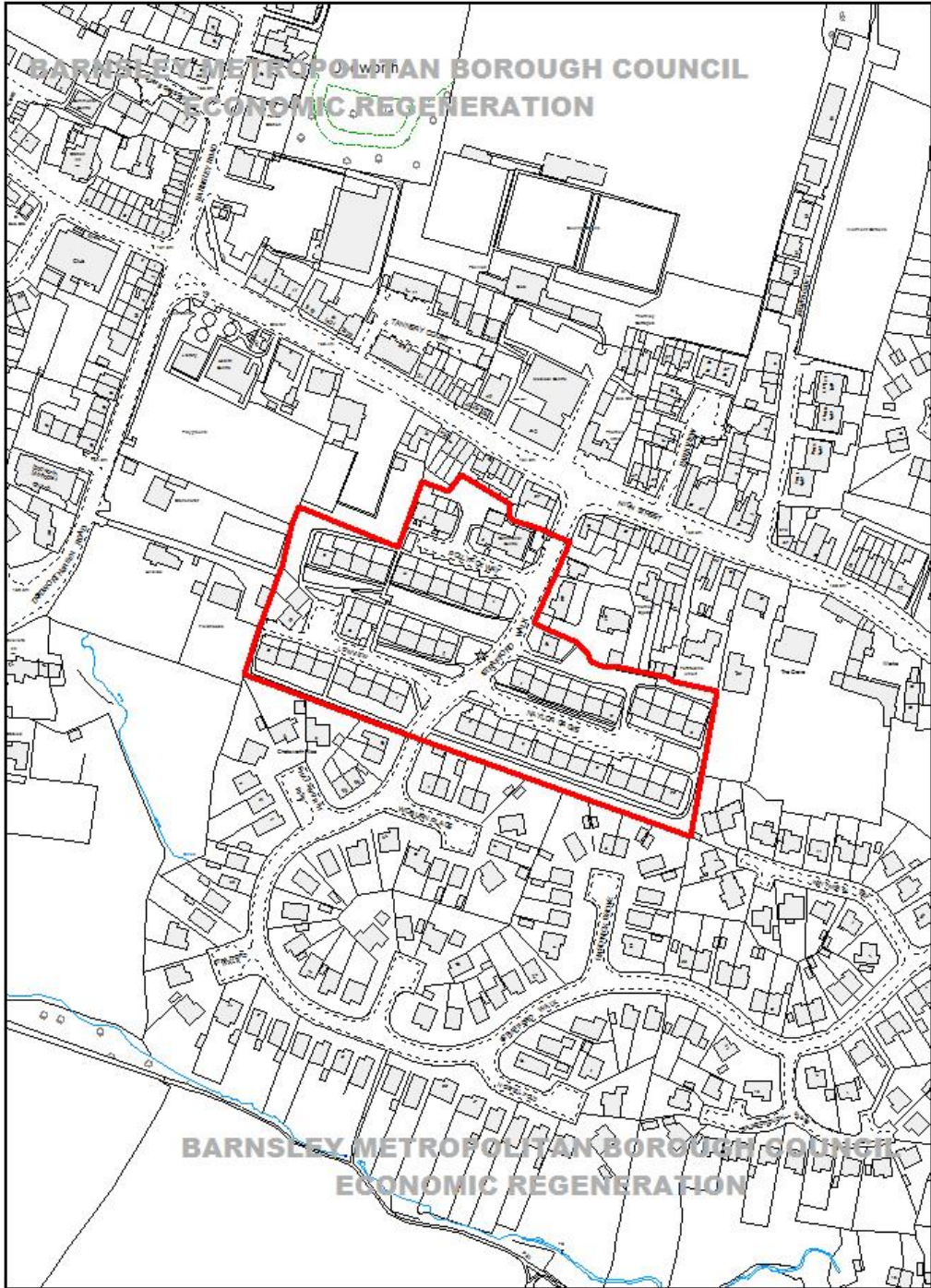
Grant Planning Permission subject to conditions:

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

- 2 The external materials shall match those used in the existing building.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

- 3 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos. NPS-DR-A-(00)-010; NPS-DR-A-(00)-011; NPS-DR-A-(00)-031 and NPS-DR-A-(00)-101) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 5 Deliveries shall be only take place between the hours of 0800 & 1800 Monday to Friday and 0900 & 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

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BARNSELY MBC - Economic Regeneration



Scale 1: _____

2015/0779

Applicant: Kevin Rogers

Description: Removal of condition 1 of app 2011/1157 to allow permanent use of site for a gypsy family.

Site address: Whitegate Stables, Common Road, Brierley, Barnsley, S72 9ES

**This application is a departure from the development plan
One letter of support and one of objection**

Site Location and Description

The site is located to the east of Brierley within the open countryside. It is enclosed by hedges, walls and fences. The site is accessed off Common Road and there are dwellings to the south-west of the site off Common Road and north-west of the site along Park View. None of these directly border the site. The closest property is approximately 100 metres away.

Currently on the site are two mobile homes, three touring vans, a small amenity block and a storage building clad in corrugated iron sheeting

Site History

The Council served an Enforcement Notice on the applicant in May 2007 (Ref: MCS/04/2236). The alleged breach of control was the siting of caravans/sectional buildings on the site and the use of the land and those structures/buildings for residential purposes. The notice required the applicant to permanently cease the residential use of the land and to remove all associated structures.

The applicant appealed the notice and the Planning Inspectorate allowed the appeal. Planning permission was granted subject to five conditions. Condition 1 limited the life of the permission to a period of five years beginning from the date of the decision which was the 5th November 2007. Condition 3 limited the number of caravans allowed on the site to three only two of which could be static caravans or mobile homes. The remaining conditions limited those people who could occupy the site to those with gypsy status, prevented any commercial and storage uses on the site and provided some guidance with regard to the remediation of the site.

Prior to the expiry of the 5 years of that permission the applicants applied for the removal of condition 1 which would have made the permission permanent and removed the temporary period and for variation of condition 3 to allow stationing of 5 caravans (application reference 2011/1157). The application went before the Planning Regulatory Board however Members sought to only allow a further temporary permission expiring 1st November 2015. The permission also included restrictions to 5 caravans only with a maximum of 2 static, and no commercial activity on site.

The applicant appealed against the imposition of the temporary condition but the Secretary of State considered that the disputed condition should remain and dismissed the appeal. A High Court judgement in January 2015 did rule that the Secretary of State had breached the Equality Act 2010 by adopting a process of intervening in all planning appeals relating to traveller and gypsy sites in the Green belt. Whilst the ruling did not look at the ultimate decision made on the appeals it did state that there was discrimination in the procedure by subjecting the appellants to a much lengthier process than was necessary.

Proposed Development

The current permission expires on the 1st November 2015. The applicant therefore seeks permission to remove condition 1 to allow the permanent use of site for a gypsy family.

A planning statement accompanies the application. This states that the family have become accepted members of the local community and that several of the younger members of the family still attend local schools. The statement claims that the continued occupation of the site is required to ensure that the family have a stable base.

A statement is also provided from families registered Social Worker which gives additional support to the applicants case to retain their family home.

Family Circumstances

The site is home to four families in total:-

- Kevin Rogers (senior) and his wife Roseanne and their five children
- Kevin Rogers (Junior) and his wife Lena and their son.
- Barry Blue Price and his wife Dilly and their two daughters.
- Mr and Mrs Rubin Rogers both 75 years old. Occupy the site in winter only, needed due to their age and vulnerability.

Mr Roger's (senior) son, Roman is 10 years old and has recently been diagnosed with Autistic Spectrum Disorder and the sub- category of Asperger Syndrome. Given Romans disability and the fact Whitegates has been his only home for 10 years and that he has built up a trusted peer group at the local School and in the surrounding community, the Social Worker is of the view that if the Rogers family were forced to move this would have a detrimental impact on the well-being of Roman.

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

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

Core Strategy

CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

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

In terms of their broad location sites will:

- Have good access to facilities
- Be primarily located within urban areas

In terms of their specific location the sites will:-

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

CSP34 'Protection of the Green Belt'

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

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

CSP29 sets out the overarching design principles for the borough to ensure that development is appropriate to its context.

South Yorkshire Gypsy and Traveller accommodation Needs Assessment – The updated figures published as recently as January 2012 identify an immediate shortfall of 28 pitches within Barnsley, this pitch requirement will rise to 37 by 2017.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

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

Planning Policy for Traveller Sites (PPTS)

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

Policy E: Traveller sites in the Green Belt

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

Policy H: Determining planning applications for traveller sites

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

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

Consultations

Brierley Town Council – No comments

Yorkshire Water Services Limited – No comments

Environmental Health - No objections

Public Rights of Way – No comments

Policy – No objections

Ward Councillors – No comments

Gypsy Liaison Officer – No comments

Drainage – No objections

Representations

The application was advertised through neighbour letters and a site notice placed on Common Road adjacent the site. In total one letter of support has been received from the Social Worker for the aforementioned reasons in her statement. One letter of comment has also been received which gives the opinion that the inspectors decision should be upheld and permission only allowed until 1 November 2015.

Assessment

The site has already benefited from two consecutive temporary planning permissions which is now due to expire (1st November 2015) and other than the fact the site is within the Green Belt, it broadly complies with the criteria in CSP 18. There is no dispute that the proposal would be inappropriate development which is harmful to the Green Belt. The buildings and structures including the walls and driveway also have a detrimental impact on the character and appearance of the area in that they enclose space and give it a developed urban appearance which contrasts starkly with the surrounding open and undeveloped land. The site is not in an area of high flood risk or affected by contamination and has adequate vehicular and pedestrian access from the highway. It would also provide a good safe living environment with appropriate standards of residential amenity with the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008).

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

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

- Unmet need for Gypsy and Traveller sites in Barnsley MBC
- Accommodation needs of the applicant
- Continuing uncertainty for the applicant with a temporary permission
- No other site for the family to go.
- Inspectors comments in dismissing the previous application
- Needs of a child with a disability.

As such, there are six main issues to consider.

- The effect of the development on the openness and visual amenity of the Green Belt.
- Whether there is any additional harm arising from the effect on gypsy policies in the Core Strategy 3 and the PPTS.
- Whether there are other considerations which favour the proposal including the general need for gypsy sites and future provision, the accommodation needs of the present occupiers and their personal circumstances.
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

- Whether the needs of the disabled son of the applicant constitute substantial weight that outweighs harm to the Green Belt.

Openness and visual amenity

The site lies adjacent to the built up area of Brierley with residential properties to the west on Park View and to the south west on Common Road, however to the north and east lie open fields and the Brierley Common Flashes. The site lies off a track which runs to the north alongside adjacent fields and connects to an unmade footpath which runs to the rear of properties on Park View to the west. The authorised site comprises no more than 0.2 Ha of land set back from Common Road by approximately 90m. The nearest dwelling lies 100m from the site.

The site used to be used for stabling horses but by the time it was acquired by the appellant there was a considerable amount of tipped material and scrap which was cleared. Currently on the site are two mobile homes, three touring vans, a small amenity block and a storage building clad in corrugated iron sheeting. Whilst the previous use would have had some impact on openness the present use comprises more substantial structures and buildings which result in a significant loss of openness.

The site lies in relatively flat semi-rural setting slightly divorced from an adjacent bungalow marking the edge of the village. The cluster of development on the site, particularly the mobile homes, is clearly visible approaching the village from the south along Common Road. From here it appears out of keeping in the open agricultural landscape.

The site is however well set back from Common Road, and not of an isolated rural nature and moreover adjacent the urban fringe of the settlement of Brierley. Policy C of the PPTS states that when assessing sites of a rural or semi-rural setting, LPAs should ensure the scale of such sites does not dominate the nearest settled community. Given the site is no more than 0.2 Ha the site is of a small scale. The set back from Common Road and the proximity to the fringe of the village lessen the perceived impact of the site visually and on the openness of the Green Belt, although the impact is still substantial.

Other harm

The LPA considers that there are no gypsy sites in Barnsley within the urban area, that the Council has not been able to identify any suitable sites to meet their objective of locating them there, and that the appeal site is in a reasonably sustainable location. The LPA agrees that the location of the site, although in open countryside, would not conflict with the PPTS policy in that regard. There is also no evidence to suggest that tension in community relations should count against the proposal or that there would be any significant harm caused in relation to road safety.

Planning policies

Policy CSP18 sets out criteria for the identification of new gypsy and traveller sites and for determining planning applications. The appeal site satisfies the criteria with the exception of the requirement that in terms of their broad location, sites should be located primarily within urban areas. However, in practice there are no gypsy sites in Barnsley within the urban area. The policy is not prescriptive, there is no bar on sites outside the urban area and in this case in all other respects the site is in a sustainable location and would satisfy the sustainability criteria set out in the PPTS.

There is an acknowledgement in the PPTS that gypsy sites may be appropriate in rural areas although in the open countryside, away from existing settlements, new sites should be strictly controlled. In this case the site is not considered to be in the open countryside and there is no conflict with the PPTS.

Core Strategy Policy CS34 and the PPTS confirm that gypsy sites are inappropriate development in the Green Belt. Otherwise the proposal is generally in accordance with the development plan. I do not find that any additional harm arises from the effect of the proposal on gypsy policies in the Core Strategy or in the PPTS.

General need

The South Yorkshire Gypsy and Traveller Accommodation Needs Assessment (2011) identified that 46% (64 households) of the current population of Gypsy and Travellers in Barnsley, were residing in caravans and trailers and 54% (76 households) in bricks and mortar housing. The 2014 Caravan Count identified, of the 64 households that live in caravans and trailers, 8 were on unauthorised encampments.

The estimated five year need from 2014 to 2019 is 47 pitches. These figures have taken into account the Smithies remodel which created an additional 2 pitches (28-30), the permission for 10 pitches at Burntwood Cottages/Victoria Gardens which was won on appeal and the permission for a single pitch at the Michaels Estate in Grimethorpe.

As such, it is acknowledged that there is a very significant existing shortfall in gypsy site provision at present.

Future provision

The consultation draft of the Local Plan Policies Map allocates sites to meet the unmet need. However, the documents are still at an early stage in their preparation and, as such, carry little weight. Furthermore, the policies do not cover issues such as ownership, scope to provide essential services and ground stability. Therefore, some of the sites, or full allocation of pitches on the sites, may not come forward to meet the need, with the exception of the site subject to this application as that has been shown to be suitable for a number of years.

In addition, a site was recently approved and constructed off Grange Lane for an emergency stopping place to help better management of, and reduce the frequency of, illegal and unauthorised encampments which are symptomatic of the current shortfall in pitch provision. Unfortunately, due to enforcement issues the site temporarily closed.

As outlined above, progress is being made regarding travellers sites; however, it has to be acknowledged that the current failure of the development plan process to bring forward sites in a timely fashion and the associated lack of available sites adds significant weight in favour of the proposal.

Accommodation needs of the appellant

The appellant and his sons and son in law work in the locality. Living as an extended family is part of the gypsy culture. The appeal site is a relatively narrow, tapering strip of land currently occupied by three households. It is approaching capacity. Nonetheless the family needs a settled base and at present the appeal site is their only option. This is a further significant consideration.

Personal circumstances

The appellant has two children who attend the village primary school and two grandchildren who are under school age. One of the children has a disability and is reliant on a settled and stable home life. At present the temporary consent allows health and education services to be accessed although there would be potential disturbance to this provision at the end of the temporary period.

When the original temporary permission for five years was granted on appeal in 2007 it was on the understanding that an alternative site would become available through the development plan process. The present permission has extended the original temporary permission for another three years, and the situation is now thus that the family have been living on the site for over ten years in November when the permission expires, and have been unable to secure an alternative site.

The stress to the family associated with an extended period of uncertainty together with the effect on the education and health care of the children at the end of this period adds some further weight to the case for the creation of a permanent permission.

Best interests of the child

Paragraph 16 of the revised Planning Policy for Traveller Sites 2015 states,

“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”

The inclusion of “subject to the interests of the child” has only this year been included into the policy as a 2015 amendment, and given that the applicants son has disability in the form of Autistic Spectrum Disorder and the sub- category of Asperger Syndrome can be considered to carry substantial weight. Given the child has lived on the site his entire life and is settled into the local community and attends the local school and health care facilities, any move or change would be unhealthy for his well-being. This is supported by the statement from the Rogers family social worker.

The LPA considers this to be a key overriding circumstance that, with the other circumstances detailed above, substantiates very special circumstances in favour of the scheme. The Council’s Legal Advisor has also backed up this view.

Balancing harm against other considerations

Inappropriate development in the Green Belt is by definition harmful and must be given substantial weight. Added to this is the significant loss of openness and detriment to visual amenity. On the other side of the balance the general need for gypsy sites, future site provision, the accommodation needs of the appellant and his extended family all attract significant weight in support of the proposal and the continuing uncertainty associated with a further temporary permission adds some additional weight. Added to this case are the need to consider the best interests of the children on the site with 1 child in particularly reliant on stable surroundings.

I am of the view that the case put forward by the applicant forms very special circumstances that balances the inappropriateness of the development and its impact on openness. I am also of the view the impact on visual amenity which is significant is countered by the other factors in favour such as the lack of available sites, uncertainty from temporary permission and the needs of the family.

On 3 July 2013, the latest appeal was recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 to, the Town and Country Planning Act 1990, because it involves proposals for significant development in the Green Belt. It is noted that the Secretary of State considered that the disputed condition should be retained and dismissed the appeal

However, as alluded to above, Mr. Pickles, by 'calling in' applications, had breached the Equality Act 2010 by indirectly discriminating against Gypsies and Travellers through the policy. Furthermore, the Secretary of State's decision was partly based on the fact that the temporary permission would run out when the Local Plan was proposed to be adopted in 2015; therefore, there would have been a clearer indication of potential permanent locational opportunities. That is now not the case with the Local Plan adoption not likely until at least 2017.

Overall Conclusion

The site is relatively self-contained and partially screened from surrounding vistas to ensure that existing residents are not unacceptably affected or disturbed. The site is also well maintained and there is no evidence of any activities occurring which should upset residential amenity. The screening also ensures that the visual impact of the inappropriate structures on the amenity/local environment is reduced which is more favourable in terms of policy CSP34. The access arrangements are also acceptable to accommodate the demands of the application site. Given that the site is located on the periphery of Brierley and adjoins an existing residential area it is also well located in terms of accessibility to the town centre, bus routes and public facilities.

Given the above, it is concluded that the site is well integrated into the built up area of the village and into its social structure and generally accords with Core Strategy Policy CS18. As a consequence the proposal is of a balanced nature and it is considered that the circumstances in favour outweigh the harm caused both by inappropriateness of the development and its impact on openness and visual amenity. As such, this amounts to the very special circumstances necessary to justify the grant of a permanent permission.

Recommendation

Grant subject to:-

- 1 The site shall not be occupied by any persons other than gypsies and travellers as defined in paragraph 15 of ODPM Circular 01/2006.
Reason: In accordance with advice in ODPM Circular 01/2006.

- 2 No more than five caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than two shall be static caravans) shall be stationed on the site at any time.
Reason: In the interests of the visual amenities of the Green Belt and in accordance with the NPPF and Barnsley Core Strategy Policy CSP 34, Green Belts.

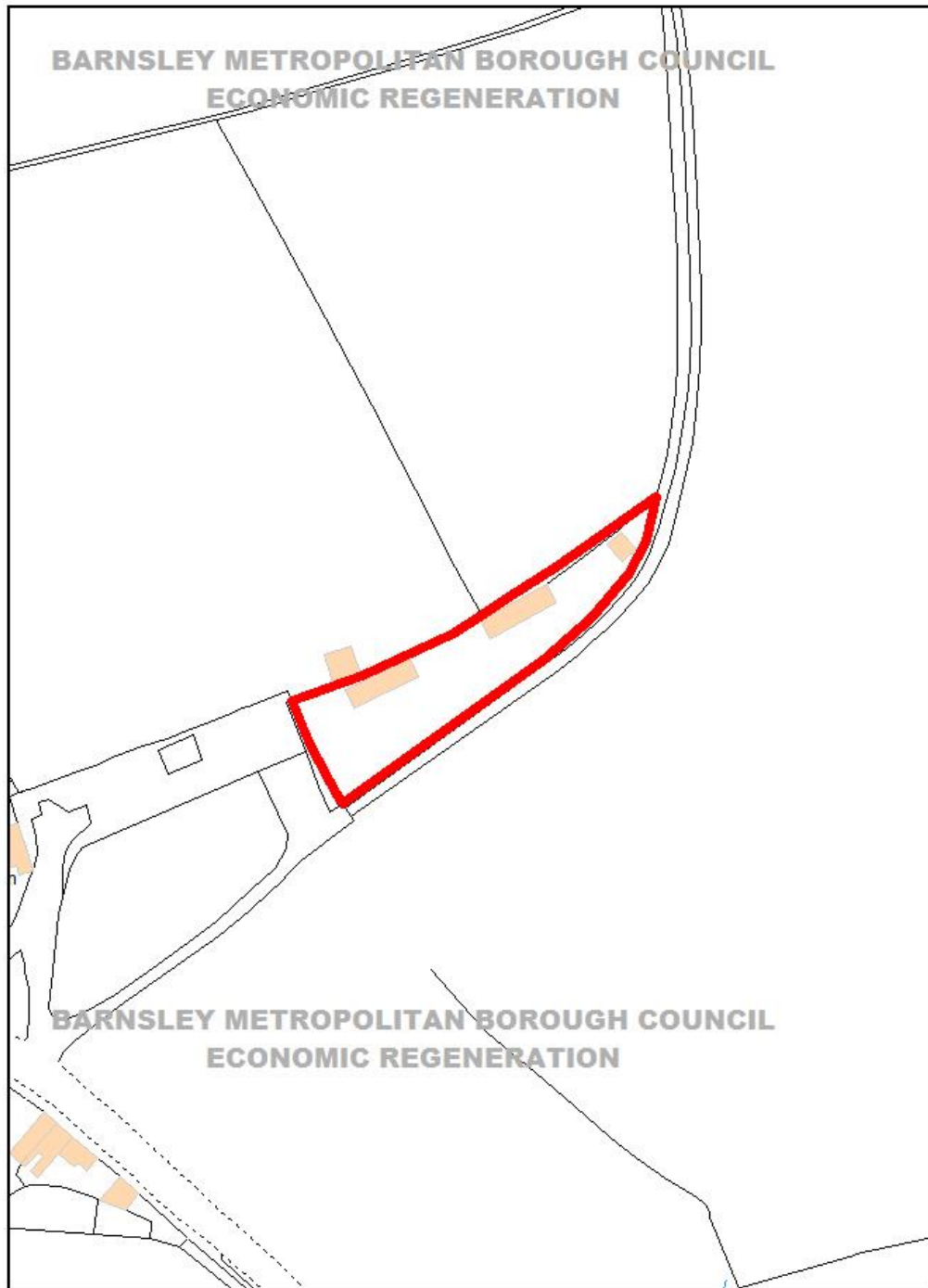
- 3 No commercial activities shall take place on the land, including the storage of materials.
- Reason: In the interests of the visual amenities of the Green Belt and in accordance with the NPPF and Barnsley Core Strategy Policy CSP 34, Green Belts.**

PA reference :-

2015/0779

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BARNESLEY MBC - Economic Regeneration

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Scale 1:1250

2015/0894

Applicant: Ryan Morley

Description: Change of use from function room of a Working Men's Club (D2) to house in multiple occupation (C4) with associated external changes including erection of pitched roof with new openings

Site address: Great Houghton WMC, 20 High Street, Great Houghton, Barnsley, S72 0AB

Cllr Higginbottom requested the scheme be referred to Planning Board to assess highway safety and parking.

Site Location and Description

The Working Mens Club is situated on the northern side of High Street to the east of the junction with Woodlands View. The club consists of mainly single storey flat roofed sections to the north and west with a narrow two storey section running to the south at the front.

The club has a long narrow footprint with some considerable land to the rear. The function room is relatively close to the western boundary which is presently screened by a large hedgerow running along the boundary with No 2 Woodlands View, at present only an escape door and small high level windows to toilets are located on this boundary facing that of No 2.

Proposed Development

Permission is sought for a change of use from the existing function room/concert hall (D2) to a house of multiple occupation creating 8 bedsits and a communal area. The remainder of the working mens club would remain as existing.

The changes involved introduce a window to each bedsit and 2 to the communal area, 5 to each elevation and an access ramp and access door to the northern side elevation as well as a door to the west elevation for the communal area.

The proposal also creates a pitched roof over the function room to replace the existing flat roof and the application also indicates an outside communal area adjacent to the car park to be used as amenity space.

The applicant has indicated that the concert hall has been empty for months and in order to continue with the remainder of the working mens club an alternative viable use needs to be found

Policy Context

The site is allocated as Housing Policy Area in the Unitary Development Plan.

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

CSP26 – New Development and Highway Improvement

CSP29 – Design

CSP40 – Pollution Control and Protection

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.

Saved UDP Policies

Policy H8 (Existing Residential Areas) – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use.

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy, landscaping and access arrangements.

H8D – Planning permission for infill, backland or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

SPDs/SPGs

SPD 'Designing New Housing Development'

SPD 'Parking' provides parking requirements for all types of development.

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

Great Houghton Parish – No objections

Yorkshire Water Services Limited – No objections

Environmental Health – No objections

Highways DC – No objections

Ward Councillors – Cllr Higginbottom referred to Planning Board on grounds of parking and highway safety.

Drainage – No objections

Representations

The application was advertised through both neighbour letter and site notice. In total 4 letters of objection have been received raising the following concerns:-

- Proximity of building to houses resulting in noise, disturbance and impacts on privacy.
- Overlooking from introduction of new windows
- Cramped nature of accommodation
- Car park to rear will cause disturbance.

The objections also referred to non-related planning matters such as the tenants which may live in the bedsits and surrounding house prices.

Assessment

Material Consideration

Principle of development
Design
Residential Amenity
Highway Safety
Conclusion

Principle of development

The building lies within a Housing Policy Area. Given the building is existing and that no additional floor space is to be created, the proposal merely seeks to convert some of the existing floor area, there is not considered to be any objection in principle as the proposal is seeking a re-use of an existing building for residential purposes. . As such the proposal is acceptable in principle providing it complies with Core Strategy policies and there is no adverse impact on residential amenity, highway safety or in design terms.

Design

The proposal makes only minor alterations to the existing external appearance of the building. The main alterations proposed are the introduction of windows to the side elevations for the bedsits and the communal area. The windows are in keeping with the existing building and given the bedsits are to the rear no discernable change will be visible from the principle front of the building.

The flat roof is to be replaced with a shallow pitched roof sloping away from the side boundary which is a visual improvement. Overall the changes do not significantly alter the external appearance and as such the proposal is considered in accordance with policy CSP29 of the Core Strategy.

Residential Amenity

In terms of residential amenity the impact has to be looked at in terms of existing and future residents.

In terms of the neighbouring occupiers, the main issue will be from the additional windows and potential noise/disturbance. The proposed bedsits will each have a single window to the rooms. On the eastern side these new windows would look out onto the access road and a boundary hedge which would be over 8 metres away from the windows with the nearest residential property being over 30 metres away. On the western side, the distances are significantly reduced. The new windows in the bedsits would be only 2.5m away from the boundary with No. 2 Woodlands View, which itself is only 2.5m away from the boundary. As such only a distance of 5 metres would be between the bedsit windows and the rear of No. 2 Woodlands View. If this was a new build, then this reduced distance would not be acceptable. However, the proposal is only for a conversion of the existing building and, apart from a new roof which pitches away from this close dwelling, there would be no significant increase in overshadowing to this near neighbour. Furthermore, both buildings are single storey, and as such, with a condition to control suitable boundary treatment, there would be no loss of privacy to No. 2 Woodlands View.

In terms of noise and disturbance, the existing use of this part of the building is as a concert/function room and there was previously an exit door and windows in the western elevation. An argument could be made that the buildings use as a function room would be more detrimental to adjacent residential amenity, due to noise and disturbance, than a residential use aimed at single occupants. However, it is acknowledged that having the bedsits close to the boundary, and having an outdoor communal area close to the rear of properties on Woodlands Walk could result in disturbance to neighbouring dwellings. However, it is not considered that this would be any greater than a standard garden area for residential properties, and the Council's Environmental Health Section have confirmed they have no objections to the scheme in terms of noise and disturbance. On balance, it is therefore not considered that the proposal would result in any significant detriment to the amenities of neighbouring occupiers.

In terms of potential occupiers of the building, the proposal changes the existing function room into an 8 bedroom bedsit, all with en-suites. The layout shows a communal area for the bedsits which will share a wall with the lounge and bar to the working men's club. This internal situation will be very similar to that of a similar scheme that was approved under delegated powers at Middlecliffe Working Mens Club. In that situation a noise assessment proved that upgrading noise insulation in the party wall would result in the noise levels between the two uses being acceptable and as such the LPA considers that a similar condition can be imposed on this scheme to insure suitable noise protection, due to the similar layout and circumstances. The Council's Environmental Health Section have assessed the scheme and raised no objections.

The bedsits themselves are of 19 sq metres each with a kitchen and en-suite incorporated within the rooms. The communal area for the 8 bedsits is 42 sq metres in area and provides additional space with a cooking and kitchen area and a communal lounge area to the opposing side. As of 1st October 2015, the Government has introduced a nationally described set of space standards for housing. This provides standards for internal space within new dwellings. The standards are more applicable to new build dwellings rather than conversions to HMO's. However, they do provide a useful guide to assess the living areas and the amount of minimum gross internal floor areas that would be acceptable. The standards do not provided details for 8 bed, 8 person accommodation but do provide guidance on 4 bed 8 person units (117 square metres) and 6 bed 8 person units (125 square

metres). There is an approximate 7% difference between the two floor areas so on this basis it would be reasonable to suggest an 8 bed 8 person unit should have a minimum of 135 square metres of internal floor area. Including all the bedsits and communal area the internal floor area is 194 square metres. Given the type of accommodation provided the accommodation, whilst appearing cramped on plan form, would appear acceptable and any potential occupants would have the ability to view this situation for themselves and make their own minds on whether they would wish to go ahead and purchase.

For potential occupants on the western side of the building there is also the issue of the outlook from those bedsits to the west will be constricted by the proximity to the boundary. This is not ideal but given that the occupants would have the ability to utilise the internal and external communal areas, and that light would still be able to be gained into each bedsit to afford an adequate standard of living, it is not considered a sufficient reason to refuse the proposal.

On this basis, of the above, the proposals on balance are considered acceptable in terms of residential amenity and in accordance with saved UDP policy H8A.

Highway Safety

The WMC is in a central village location with access to public transport links readily available, giving access to employment and nearby towns.

The WMC currently has an internal floor space of 388 m² reducing to 212 m² subject to securing planning approval. The reduction in floor area with the loss of the function room whilst maintaining the lounge games room and bar areas means the on-site parking area exceeds the current requirements for parking.

The club has a large surfaced car park with good access on to Middlecliffe Lane; the application includes parking for 8 vehicles, i.e. one per bedsit. Therefore the proposal complies with current on-site parking requirements as outlined within SPD - Parking.

Conclusion

The layout results in 8 bedsits created in a function room to cut the owners' costs for the club and increase revenue from an unused floor space. Whilst the bedsits offer small rooms the scheme proposes low budget accommodation which is not intended for families, and is of a functional basis. The building is close to nearby residents and windows are introduced are close proximity however these are at a ground floor level whereby it is considered suitable boundary treatment would prevent any overlooking from occurring. The site is within a Housing Policy Area and compared to the activities that could be associated with the existing use, it is not considered that the change of use would have any significant detriment to residential amenity, visual amenity or highway safety.

Recommendation

Grant subject to:-

- 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 (No GW3-002) and specifications as approved unless required by any other conditions in this permission.

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

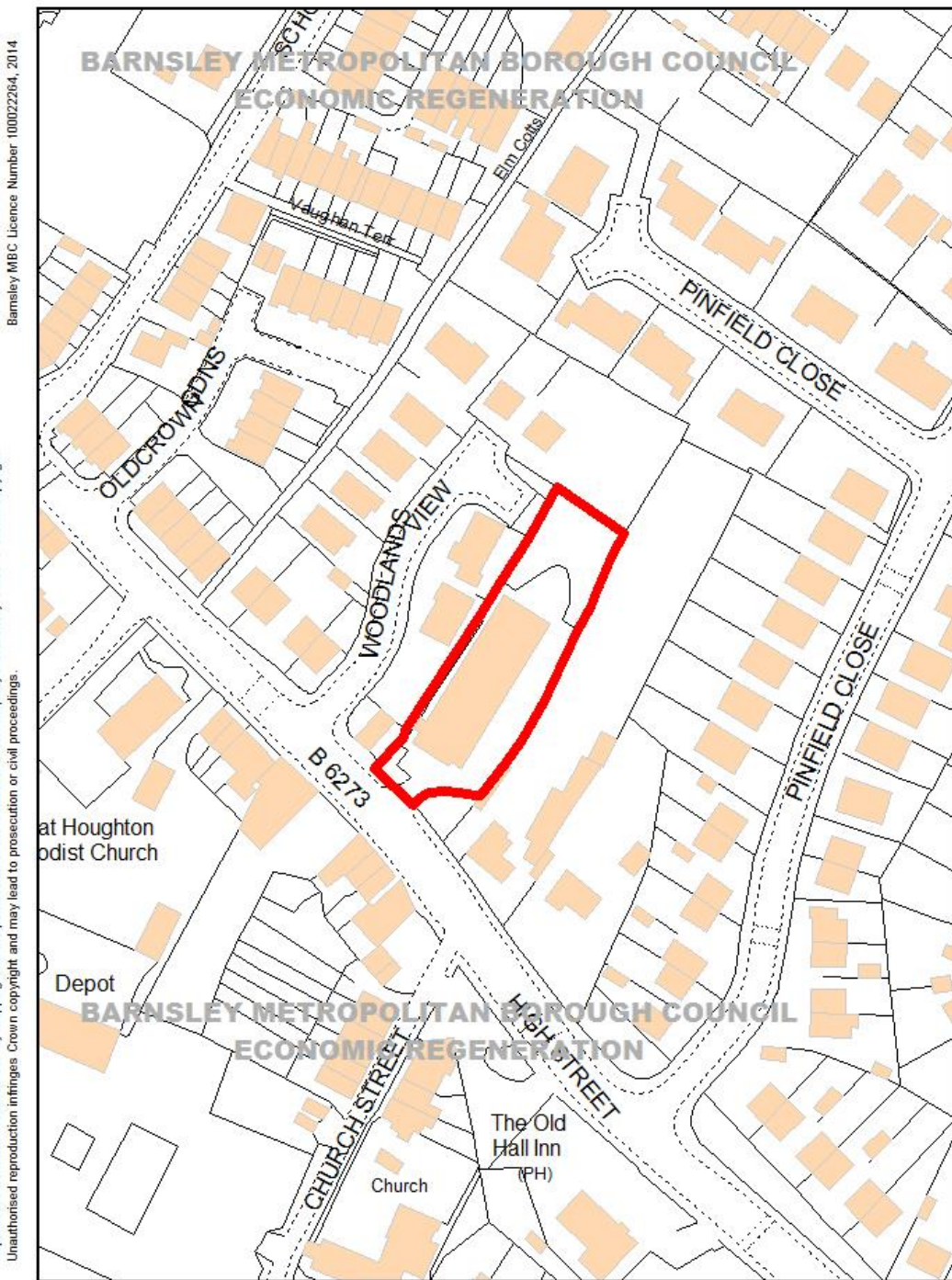
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 4 The scheme shall proceed only once the upgrading of the wall between the proposed communal area and the bar and lounge area to the following specification;
50mm (minimum) gap to masonry wall
50mm (minimum) timber (or metal) stud
50mm mineral wool insulation (45 kg/m³ density) between studs
2 X 15mm bloc plasterboard
The measures implemented shall be retained for the lifetime of the development.

Reason: In the interests of the amenities of residents of the bedsits and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. This shall include a 2 metre high boundary wall or fence to the western side elevation running to the rear of Nos 2 and 4 Woodlands View. The boundary treatment shall be completed before the bedsits are 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.

PA reference :-

2015/0894



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BARNESLEY MBC - Economic Regeneration

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Scale 1:1250

2015/0823

Applicant: Mr Robert Lunn

Description: Variation of condition 1 of planning permission 2011/1248 - extension of time limit to complete work on the site

Site address: Former Carlton Colliery Site, Shaw Lane, Carlton, Barnsley.

Background

Planning permission (reference 2007/1365) was granted on the 1 October 2008 for the 'Restoration of former colliery site by raising land using imported materials' for the former Carlton Colliery site off Shaw Lane, Carlton.

It was intended to reclaim the site for possible future development through the removal (levelling) of heaped red shale/colliery spoil on the site and the importation of soil material (engineering fill) spread to a depth of 250mm to remove any undulations and level the site, before capping with imported clays to a depth of 1.3 metres to seal contaminated colliery spoil. The site was to be finished with 300mm of subsoil overlain with 150mm of topsoil to give an overall depth of 2 metres. As there was no top soil available on site, it was intended to mix nutrients such as compost to the clay based sub soil to create a 'top soil'.

During the first phase, a clay lined, landscaped pond was to be constructed in the north eastern corner of the site together with a 3 metre high bund to screen the development from the residential properties on Shaw Lane. An additional bund was proposed along the western boundary of the site.

The importation of materials was to amount to some 110,000 cubic metres and could in theory be completed within 12 months. However, owing to the availability of contracts and the period of activity on site, the applicant considered that the site would take up to 3 years to fill.

On completion of infilling, the site would be grass seeded and the periphery of the site tree planted (approximately 3.5 hectares). Any future development proposals would be the subject of a further planning application.

Whilst the development was commenced by the owner of the site at that time, it remained substantially incomplete and the permission expired on 26 May 2012.

On the 25 July 2013, planning permission was granted (reference 2011/1248) to vary condition 3 of planning permission 2007/1365 to extend the period of time to complete the reclamation work on the site. The permission was subject to 27 planning conditions including condition 1 which, with the exception of landscaping and aftercare, provided for a period of a further 2 years to complete the scheme. The permission expired on the 24 July 2015.

Three further temporary planning permissions were also granted for the site during the above periods:

- 2009/0025 - Formation of storage area for up to 36 skips - expired 4 June 2010;
- 2009/1353 - Removal off site of red shale/ash heap - expired 7 April 2011; and
- 2013/1339 – Submitted by the new owner of the site for the recovery of red shale and ash with ancillary activity – granted on the 17 December 2014, expiring on the 16 December 2015.

The officer report to the Planning Regulatory Board in respect of planning permission 2013/1339 noted that 'it is likely that the proposal if approved would in due course require amendments to planning permission 2011/1248 in respect of the timescale to carry out the reclamation scheme and in terms of the quantity of material required to be imported to achieve the approved restoration levels'.

Site Location and Description

The application site is the former Carlton Colliery and coking works. The site of some 8 hectares is located to the south of Shaw Lane and adjacent to the Trans Pennine Trail and a railway line which form the eastern boundary. To the west lies the site of Manor Bakeries, while to the south is woodland and agricultural land. Agricultural land is also present to the north of Shaw Lane.

Access to the site is off Shaw Lane, via the former colliery access road.

The nearest residential properties lie off Shaw Lane, approximately 80 metres to the east of the site access road, and 125 metres to the north of the main site. A small former sewage works site lies close to the residential properties.

All of the red shale and a major portion of the ash on the site have been excavated under the relevant planning permissions, with the ash washed to recover fuel. The pond required by the restoration scheme has also been formed within the northern part of the ash and red shale excavation area.

Proposed Development

As noted above, planning permission 2007/1365 for the reclamation of the former colliery site was implemented by the previous owner of the site who imported construction and demolition waste and stockpiled it at the southern end of the site. The recovery of red shale and ash under planning permission 2009/1353 was also implemented by the previous owner. The current owner is continuing the recovery of these materials under planning permission 2013/1339 and has indicated that operations will be completed by the deadline of 16 December 2015. However, the area from which the materials are being recovered is the phase 1 and 2 area of the restoration scheme. It has therefore not proved possible to make any significant progress with regards to the reclamation works required as it cannot commence until the recovery of the red shale and ash is completed.

It should be noted that the works that have taken place have been under compliance with Condition 6 of planning permission 2013/1339 which restricted the number of HGV movements to 12 loads per day and this had to be accommodated within the overall limit of 40 movements per day set by condition 7 of planning permission 2011/1248 (the extended reclamation scheme). Only a limited volume of material has therefore been imported to the site to date and stockpiled for use in the reclamation scheme.

The applicant therefore wishes to extend planning permission 2011/1248 by a further 2 years in order to complete the reclamation works.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy, the Joint Waste Plan, and saved Unitary Development Plan policies.

Barnsley Local Development Framework Adopted Core Strategy (CS)

The CS does not contain policies or text regarding waste and recycling as these issues are covered by the adopted Barnsley, Doncaster and Rotherham Joint Waste Plan. Relevant Mineral and general policies however, include:

CSP26 – New Development and Highway Improvement - states that new development will be expected to be designed and built to provide safe, secure and convenient access for all road users and refers to the need for developers to take mitigating action or to make a financial contribution to make sure that any necessary improvements go ahead.

CSP38 - Minerals - supports amongst other matters proposals for the recovery of material from mineral waste tips and land reclamation schemes and high quality and appropriate reclamation and afteruse within a reasonable timescale.

CSP39 - Contaminated and Unstable Land - refers to the need to set out detailed measures to allow development to go ahead safely where future users or occupiers of a development would be affected by contamination. Where measures are needed, these will be required as a condition of any planning permission.

CSP40 – Pollution Control and Protection – development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP)

The JWP was adopted in March 2012. Relevant policies are:

WCS1 - refers to the overall strategy for achieving sustainable waste management and amongst other matters states that proposals for new facilities utilising construction, demolition and excavation waste will be assessed on a case by case basis. Proposals for additional landfill capacity must demonstrate why it is required. Priority will be given to waste proposals which maximise the reuse of vacant or underused brownfield land, particularly within established employment areas.

WCS4 - refers to waste management proposals on non allocated sites and states that they will be permitted provided they demonstrate how they do not significantly adversely affect the character or amenity of the site or surrounding area and contribute towards the aims of sustainable waste management in line with the waste hierarchy. Priority again is given to the reuse of vacant or underused brownfield land and proposals should facilitate quicker and better quality reclamation. The types of location where waste proposals may be acceptable include mineral workings.

WCS6 - covers general considerations for all waste management proposals (access, highway capacity, noise, dust, wildlife and habitats etc). Proposals must include sufficient information to demonstrate that they comply with the requirements within the policy.

Barnsley Unitary Development Plan adopted 2000 (UDP)

The site is currently allocated as a Site for Expansion of Existing Firm in the UDP.

There are no relevant saved policies.

National Planning Policy Framework (NPPF)

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

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

In respect of this application, relevant planning policy statements include:

- The planning system should contribute to and enhance the natural and local environment by remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate;
- The effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account;
- Decisions should ensure that the site is suitable for its new use and after remediation, as a minimum, land should not be capable of being determined as contaminated;
- Decisions should aim to mitigate and reduce to a minimum adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- Local planning authorities should provide for restoration and aftercare (in respect of mineral sites) at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.

Waste Management Plan for England (WMPE) December 2013

The key aim is to work towards a zero waste economy using the waste hierarchy i.e. waste prevention, re-use, recycling, recovery (including anaerobic digestion and energy from incineration) and disposal (landfill and incineration without energy recovery) as a last option.

National Planning Policy for Waste (NPPW) (October 2014)

The NPPW sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management, and detailed waste planning policies. Positive planning plays a pivotal role by amongst other things, driving waste management up the waste hierarchy, enabling waste to be disposed of or recovered in line with the proximity principle and helping to secure the re-use, recovery or disposal of waste without endangering human health and the environment.

In determining planning applications, waste planning authorities should consider the likely impact on the local environment and on amenity against various criteria including landscape and visual impacts, traffic and access, air emissions including dust, odour, noise, light, vibration etc. and ensure that waste management facilities are well designed.

National Planning Policy Guidance (NPPG)

The NPPG refers to the waste hierarchy and notes that Waste Planning Authorities should be aware that the continued provision and availability of waste disposal sites remain an important part of the network of facilities, and that extensions of time limits to exercise the planning permission may be needed in some circumstances, taking into account the Local Plan and all material considerations.

Consultations

Environment Agency – No objections.

BMBC Regulatory Services – No objections subject to the attachment of the previous conditions.

BMBC Highways – No objections.

Representations

The proposal was advertised by way of a site notice, the local press and neighbour notification. No representations have been received.

Assessment

Material Considerations

Principle of development

Principle of development

The policy background in relation to this application, despite the adoption of the CS and the JWP and the introduction of the NPPF, WMPE, NPPW and NPPG remains much the same as at the time when planning permission 2007/1365 was granted in October 2008.

The intention remains to import waste materials and clay to seal the contaminants on site, preventing them from reaching the surface through capillary action and by so doing, improve and prepare the site for possible future use/development. It is considered that in the circumstances, the waste materials are being reused (i.e. as a resource) to address an existing constraint on the potential future use of the land.

In reusing local waste materials and encapsulating contamination, the proposal complies with the JWP policies WCS1 and WCS4, the WMPE and the NPPW as outlined above. In particular it supports the waste planning strategy by assisting movement 'up the waste hierarchy'. Most products should be reused or recycled; waste management simply in the form of disposal is regarded as a last option.

In treating contaminated, derelict (brownfield), potential development land, the proposal also complies with CS policies CSP38 and CSP39, JWP policies WCS1 and WCS4, and the relevant planning policy statements in the NPPF.

Similarly, the proposal remains acceptable in respect of its potential environmental impacts in terms of visual amenity, highways, drainage, dust and noise, and biodiversity since circumstances have not changed and no objections have been received from consultees or local residents. The proposal therefore, in environmental respects, complies with CS policies CSP26 and CSP40, JWP policy WCS6 and the relevant planning policy statements in the NPPF, and subject to the development being carried out strictly in accordance with the approved plans and documents and conditions of the previous planning permission (2011/1248), the development remains a sound proposition.

The NPPG supports extensions of time to exercise planning permissions in respect of waste facilities in some circumstances. The removal of the red shale and ash and associated recovery of fuel, whilst (together with a change in ownership) has resulted in a delaying progress on the reclamation scheme, has yielded useful materials (coal, aggregates and an ingredient for the manufacture of concrete blocks), and will be of benefit to the reclamation scheme as a whole.

In conclusion, it is considered that in the circumstances, planning permission should be granted for an extension of time to complete the reclamation scheme, for a further period of 2 years.

Recommendation

Planning permission be granted subject to the following conditions:

1. With the exception of landscaping and aftercare, the development hereby permitted shall have a duration of 2 years from the date of this decision.
Reason: To ensure that the development is carried out in an appropriate timescale in accordance with CS policy CSP38 and JWP policy WCS4.
2. The applicant shall be responsible for ensuring that, a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, shall always be available at the site for inspection by the Waste Planning Authority (WPA) during normal working hours.
Reason: To ensure that the development is carried out in accordance with the approved details.

3. The development hereby permitted shall only be carried out in accordance with the following documents approved under planning permission 2007/1365 and consolidated under planning permission 2011/1248, unless amendments are made pursuant to the other conditions below:
- a) Drawing number DTS/CC/2006/REST 03 – Restoration Scheme - showing the red line application boundary - dated August 2006, and received by the WPA on 21 December 2007;
 - b) Drawing number DTS/CC/2006 01A – Former Carlton Colliery – Topographical Survey Showing Pond Areas - dated March 2008, and received by the WPA on 3 March 2008;
 - c) Drawing number DTS/CC/2006/DUST 01 – Remediation Strategy – Dust Plan – dated August 2006, and received by the WPA on 6 September 2007;
 - d) Drawing number DTS/CC/2006/SC 02 – Remediation Strategy – Spontaneous Combustion Plan – dated August 2006, and received by the WPA on 19 September 2007;
 - e) Drawing number DTS/CC/2007 02B as amended by 2007/1365/01 - RevA – Remediation Strategy – Site Office and Parking Locations and Pass-by Positions - dated November 2008, and received by the WPA on 7 January 2009, subject to the limitations expressed in the Council's letters of 22 January and 5 March 2009;
 - f) Drawing number DTS/CC/2007 02C – Remediation Strategy – Noise Monitoring Positions – dated November 2006, and received by the WPA on 6 September 2007;
 - g) Drawing number DTS/CC/2007/REST 03B – Remediation Strategy – Restoration Scheme – dated March 2008, and received by the WPA on 3 March 2008;
 - h) Drawing number DTS/CC/2006/REST 04 – Remediation Strategy Restoration Phasing Plan – dated November 2006, and received by the WPA on 6 September 2007;
 - i) Drawing number DTS/CC/2006/REST 06 – Remediation Strategy – Restoration Cross Sections – dated November 2006, and received by the WPA on 15 June 2007;
 - j) Drawing number DTS/CC/2006/REST/07 – Remediation Strategy – Restoration Cross Sections – dated November 2006, and received by the WPA on 15 June 2007;
 - k) Drawing number DTS/CC/2007/REST/08 – Remediation Strategy - Screening Bund Construction – dated May 2007, and received by the WPA on 19 September 2007;
 - l) Drawing number DTS/CC/2007 11 – Proposed Restoration – Proposed Passby Position – dated September 2007, and received by the WPA on 19 September 2007;
 - m) Statement To Accompany A Planning Application For The Remediation Of The Former Carlton Colliery, produced by Fennell, Green & Bates and dated August 2007, received by the WPA on 19 September 2007;
 - n) Restoration Landscaping Proposals, produced by Fennell, Green & Bates and dated August 2007, received by the WPA on 6 September 2007;
 - o) Drawing number DTS/B/292/1b - Landscape Details - dated May 2010, and received by the WPA on 28 June 2010;
 - p) Drawing number 2007/1365/02 - Drainage Pond Details - dated December 2008;
 - q) Spontaneous Combustion Report For the Site Known As Carlton Colliery, prepared by Cromwell Wood Estate Company Limited and dated August 2007, received by the WPA on 6 September 2007;
 - r) Dust Report for the Site Known as Carlton Colliery, prepared by Cromwell Wood Estate Company Limited and dated March 2006;
 - s) Dust Action Plan, November 2008, Revision A - April 2009;
 - t) Assessment of Environmental Noise for DTS by Vibrock Limited, report number R07.5216/1/PC dated 22 October 2007;
 - u) Noise Monitoring Procedure Scheme by Vibrock Limited, scheme number SCH09.5921/1/TJW, dated 01.05.09;
 - v) Site Investigation report prepared by Cromwell Wood Estate Company and dated April 2006; and

w) Letter dated 6 May 2009 from Mr J Carlon to Mr J Scott and attached Remediation Strategy for Former Carlton Colliery, Revision 3 - April 2009.

Reason: For the avoidance of doubt and in the interests of local amenity.

4. Working operations within the site including vehicle haulage movements and maintenance shall be limited to the hours between 0800 hours and 1800 hours on Monday to Friday and 0800 hours and 1300 hours on Saturdays, and not at all on Sundays, Bank and Public Holidays.

Reason: In the interests of local amenity.

5. The maximum amount of inert materials accepted at the site shall not exceed 110,000 cubic metres less the volume of material imported and retained under planning permissions 2007/1365 and 2011/1248. A written record shall be kept by the operator of the amounts and type of material accepted on a daily basis. These records shall be made available to the WPA for inspection on request and all such records shall be retained for at least 2 years.

Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and JWP policy WCS6.

6. The number of HGV vehicles entering the site shall not exceed 20 vehicles per day. A record shall be kept by the operator of the number of HGV movements into the site on a daily basis. These records shall be made available to the WPA for inspection on request and all such records shall be retained for at least 2 years.

Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and JWP policy WCS6.

7. On-site vehicular areas shall be hard surfaced and drained in accordance with approved plan 2007/1365 - 04 and retained for the duration of the development.

Reason: To prevent mud/debris from being deposited on the public highway in the interests of highway safety and to accord with CS policy CSP40 and JWP policy WCS6.

8. The parking and manoeuvring facilities and passing bay shown on the approved plan 2007/1365/01 RevA - Remediation Strategy – Site Office and Parking Locations and Pass-by Positions, shall be retained for that sole purpose at all times.

Reason: In the interests of highway safety.

9. Vehicle wheel cleaning facilities as specified on drawing number 2007/1365/03 approved under planning permission 2007/1365 shall be provided and maintained in the approved position for the duration of the development and shall be used by all vehicles prior to exiting the site. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.

Reason: In the interests of highway safety and to accord with CS policy CSP40 and JWP policy WCS6.

10. Operations associated with the development, excluding topsoil and subsoil stripping, shall be controlled such that the free field equivalent continuous noise level (L_{aeq} 1hr) shall not exceed 55dB(A) or 10dB(A) (L_{aeq} 1hr) above the background noise levels whichever is lower, as recorded at the boundary of any inhabited property.

Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.

11. Any topsoil and subsoil stripping shall not exceed 70dB(A) (L_{aeq} 1hr) as recorded at the boundary of any inhabited property, and be limited to a period not exceeding 8 weeks at any property.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
12. All vehicles used on site shall not exceed a sound pressure level of 80dB(A) as measured at a distance of 10 metres, 1.2 metres above ground level, under free field conditions or comply with the standards in BS 5228 Noise on Construction and Open Sites Part 1 1984, whichever level is lower.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
13. The monitoring of mobile plant shall be undertaken in accordance with the approved scheme, number SCH09.5921/1/TJW prepared by Vibrock Limited. Any mobile plant that does not meet with the specified noise limit shall be suspended from use on site until the specified noise limit can be shown to be achieved.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
14. All mobile plant shall be fitted with white noise vehicle reversing alarms.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
15. All operations on site shall be carried out in complete accordance with the approved Dust Action Plan, November 2008, Revision A - April 2009. When, due to site conditions the prevention of undue dust impact is considered to be impracticable by the WPA, operations shall cease until such time as conditions improve such as to permit a resumption.
Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and JWP policy WCS6.
16. Any equipment used to monitor dust shall be installed, used and maintained for the duration of the development. Dust monitoring and meteorology records shall be made available to the WPA for inspection on request.
Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and JWP policy WCS6.

17. Measures shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. These measures shall include but not necessarily be limited to the following:
 - a) The use of adequate and working water suppression (hoses/sprinklers/water bowsers etc.) which shall be available for use, and utilised at all times when dust generating materials are being handled on site. Any materials likely to cause dust shall be effectively dampened prior to being handled;
 - b) All vehicles transporting waste materials entering and leaving the site shall be securely sheeted;
 - c) The effective maintenance of the access road;
 - d) Any vehicles permanently stationed at the site shall be equipped with upward pointing exhausts; and
 - e) The suspension of the movement of the subsoil materials during adverse dry windy conditions.

Reason: To protect local amenity, and to safeguard the occupants of nearby dwellings from the effects of dust and to accord with CS policy CSP40 and JWP policy WCS6.
18. Deposited material shall be compacted in layers not greater than 200mm.

Reason: To allow for a high level of air exclusion in the interests of reducing the risk of underground fires.
19. The screening bunds shown on approved drawings (numbers DTS/CC/2007/REST 08 – Screening Bund Construction and DTS/CC/2007/REST/03B – Restoration Scheme), shall not exceed 3 metres in height and the slopes shall be no greater than 1 in 3.

Reason: In the interests of visual amenity and maintenance of the bunds.
20. Any soakaways or lagoons constructed as a means of storm/surface water disposal or storage shall not be constructed within 10 metres of the railway boundary or at any point which could adversely affect the stability of railway infrastructure.

Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.
21. Any cranes and jibbed machines, used in connection with the development, shall be so positioned that the jib or suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail track if the boundary is closer than 3 metres.

Reason: In the interests of maintaining the safety of railway operations.
22. Within 12 months of the date of this permission, details of the composition of the top soil to be used in the reclamation of the site shall be submitted to, and approved in writing by, the WPA. Top soiling shall thereafter be carried out in accordance with the approved details.

Reason: In the interests of the proper reclamation of the site.
23. The development shall be carried out in full accordance with the approved Remediation Strategy, Revision 3 - April 2009. Interim validation reports shall be submitted to, and approved in writing by, the WPA on a 6 monthly basis. The reports shall include but not be limited to, information on the type of material imported, its origin, sample analyses (as indicated in level 2 compliance point 8.13 of the approved Remediation Strategy) and WAC analyses to categorise the waste.

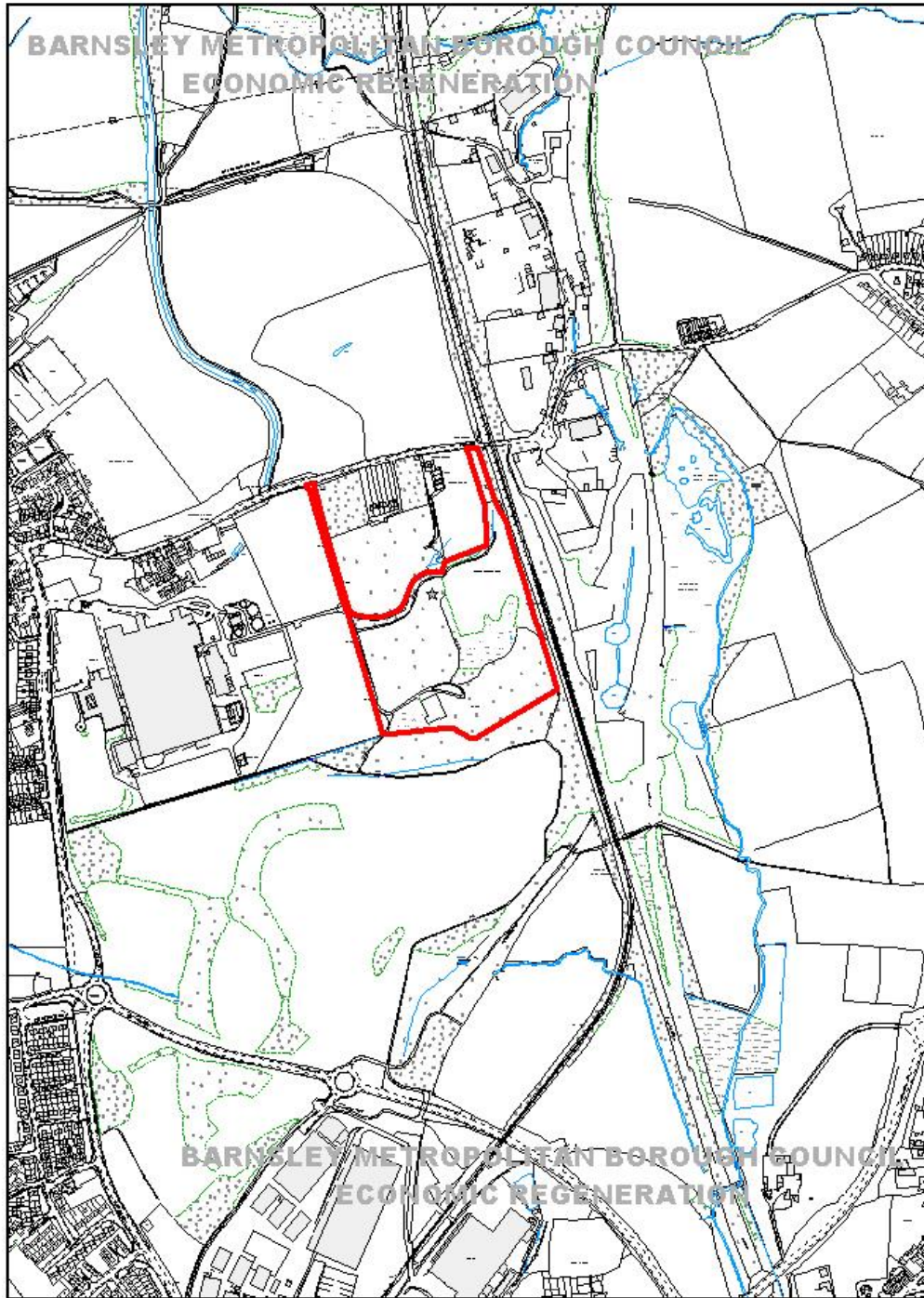
Reason: To protect the environment and ensure that the site is remediated suitable for the proposed use and in accordance with CS policy CSP39.

24. Landscaping of the site shall be carried out in accordance with the approved plan number DTS/B/292/1b. All planting and seeding as approved shall be carried out in the first available planting and seeding season. Any trees or shrubs planted as part of the scheme which are removed or, in the opinion of the WPA, become severely damaged or are found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with trees or shrubs of a similar size and species to the satisfaction of the WPA.
Reason: For the avoidance of doubt and to ensure that landscaping is implemented and maintained in the interests of visual amenity and to accord with CS policy CSP38 and JWP policy WCS6.
25. In the event of any failure to achieve the approved restoration levels within the timescale pursuant to condition number 1 above, within 3 months of the date of the expiry of the permission, an amended scheme of reclamation shall be submitted to, and approved in writing by the WPA. The scheme shall include, but not be limited to:
- a) Details of final levels;
 - b) Surface treatment;
 - c) Drainage;
 - d) Landscaping including maintenance for a period of 5 years; and
 - e) The timescale for implementation.
- Once approved the scheme shall be fully completed in accordance with the approved details, including timescale.
Reason: In the interest of the proper reclamation of the site and to accord with CS policy CSP38 and JWP policy WCS6.

PA Reference:-

2015/0823

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BARNESLEY MBC - Economic Regeneration



Scale 1: _____

2014/0316

Applicant: Mr Julian Bland

Description: Erection of a detached dwelling with attached garage, access and parking.

Site address: Land adjacent Old Hall, 1 High Street, Great Houghton, Barnsley, S72 0EN

One objection letter has been received and Councillor Higginbottom has stated that she is unable to support the application.

Background

Members may recall this application was presented before them at the July PRB and was approved subject to the completion of a unilateral agreement securing public access/use to the land to the rear of numbers 1 to 5 Church Street. In order to secure this legal agreement the applicant has needed to gain the consent from the banks to enter into the agreement. Although the applicant has entered into a number of discussions, the banks have informed him that they will not be able to execute the proposed agreement. On this basis the applicant has requested the application be re-considered again but without reference to any legal agreement.

Given the above, the application is presented to Members again for the same development as previously seen i.e. one dwelling with attached garage, access and parking, but without any provision for securing public access/use to the land to the rear of numbers 1 to 5 Church Street.

Site Location and Description

The site forms part of the curtilage of the (former) Old Hall Inn Public House. The public house has planning permission (ref 2012/1000) for a change of use to single dwelling, this remains in the applicant's control. The site previously served as a car park and beer garden, it is level and has an open frontage to the highway.

The former public house is an imposing detached building located within an established residential area. The properties in this area comprise of a mixture of terrace, semi and detached properties constructed from both brick and coursed stone. St Michaels (Grade II listed) Church is located across the South Western boundary. Across the north west boundary of the applicant site there is a smaller triangular piece of land that abuts the rear boundary of nos 1-5 Church Street, this is separated from the site by metal rail fence. This area of land is currently used for parking and access (informally) to the Church Street Properties. Pedestrian access is also taken through this area via a gate in the rear boundary wall of the church. A formal public footpath (no.9) is recorded as running through the redline boundary of the site, in practice its alignment is obstructed for its entire length with pedestrians utilising the alternate route via the adjoining land that is referenced above.

Proposed Development

The application is for full planning permission for the erection of a single two storey detached 4 bed dwelling with attached double garage. Two parking spaces would be provided to the front of the dwelling which would be accessed via the existing dropped crossing onto High Street. A private enclosed garden measuring 150m² would be provided to the rear of the property. The location of the property would obstruct the legal alignment of footpath No.9.

Background to Footpath

The recorded public footpath No.9 currently runs directly across the development site. The applicant applied to stop up the footpath in February 2014 on the grounds that it is necessary to do so to allow development and that the footpath is obstructed and therefore impassable (and has been for several years).

The application was accepted and orders were made to stop up the path. Objections were received to the orders, so they were sent to the Secretary of State (Planning Inspectorate) for determination. The matter is being dealt with through written representations, and the appointed inspector is scheduled to visit the site on the 28th October. There's no fixed date for a decision.

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 4 – Flood Risk
CSP 26 – New Development and Highway Improvement
CSP29 – Design
CSP30 – The Historic Environment

Saved UDP Policies

Unitary Development Plan Connotation – Housing Policy Area

Policy H8 (Existing Residential Areas) – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use.

H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy, landscaping and access arrangements.

H8D – Planning permission for infill, backland or tandem development involving single or a small number of dwellings within existing residential areas will only be granted where development would not result in harm to the local environment or the amenities of existing residents, create traffic problems or prejudice the possible future development of a larger area of land.

SPDs/SPGs

SPD 'Designing New Housing Development'

SPD 'Parking' provides parking requirements for all types of development.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

Para's 58 & 60: Design considerations

Consultations

Drainage – No objections

Great Houghton Parish – No objections provided the public footpath is not affected and remains as it is.

Highways DC – No objections subject to conditions

Public Rights of Way – No objections

Regulatory Services - No objections

Ward Councillors – Cllr Higginbottom has written in to state she will not be able to support this application and would like to see the legal alignment of footpath no.9 opened up.

Yorkshire Water Services Limited – No objections

Representations

The application has been advertised by way of a site notice as being of a local interest that affects a public footpath, in addition properties which share a boundary to the site have been consulted in writing.

One letter of objection has been received raising the following concerns:

The loss of parking and the historic footpath would be a detriment to the village and would cause traffic chaos for the residents of Church Street & Rodes Avenue which are single access roads and cannot accommodate parking for the amount of traffic on events such as Weddings at Funerals at the nearby church.

The planned access to the property is also extremely close to the entrance to Church St & Pinfield Close. This could easily create an accident black spot in an area that is often congested with traffic already.

Assessment

Principle of development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps and Urban Fabric, i.e. land within the settlement with no specific allocation, in the consultation draft of the Local Plan Document

All new dwellings proposed within existing residential areas must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the proposal would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

Saved UDP policies H8A and H8D and Core Strategy policies CSP 26 and 29 provide the policy framework for assessing infill developments, they are reinforced further by guidance provided within Supplementary Planning Guidance Document 'Designing New Housing Development' and the South Yorkshire Residential Design Guide. The National Planning Policy Framework also has many parallels to above policies and states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Public Rights of Way

The footpath that crosses the site has been fundamental to the consideration of the application.

The legal alignment on the definitive rights of way map shows that footpath no.9 dissects the site along a northeast/southwest axis and historically it provided access to the church. The application would encompass its alignment prohibiting any scope for its future reinstatement.

A diversion of the path would need a suitable alignment and permission from any other landowner affected. It is understood that the church does not want a permanent footpath through its land and therefore there is nowhere to divert the legal path to, as such the applicant had no choice but to apply for an extinguishment order for footpath 9. This has been undertaken under a separate application, following public objections the final decision will now be made by the Planning Inspectorate using the written representation process, the timescale for the determination of this could extend to early next year but should be treated separately to the current planning application. Should the extinguishment be unsuccessful (in its entirety) the proposal does leave an area of land along the rear boundary that could accommodate a diversion around the proposed dwelling such that no detriment would occur from a right of way perspective. It should however, be noted that a failure to accommodate the PROW could ultimately prohibit the ability to implement the application (should Members be minded to approve). The PROW officer has been consulted and has raised no objections to the application.

Design and layout

The proposed dwelling is a large 4 bed detached dwelling with a broad frontage and narrow length. The property has a single storey double garage to the North West side. The proportions of the dwelling proposed appear large but are similar to that of the Old Hall that was recently converted, in that it would be of a similar width and positioned on an equal building line. In terms of materials it is proposed that the dwelling would be constructed in red bricks with a grey concrete tiled roof as would be compatible with that of the Old Hall. Overall the design and scale of the property is considered in keeping and acceptable in accordance with policy CSP29 of the Core Strategy.

Heritage

St Michaels Church is Grade II listed and shares a boundary to the rear of the site. The principle elevations to the church are presented to High Street and Church Street, the elevation presented to the site comprises of a later somewhat adhoc extension. Having regard to the design and siting of the property is not considered that the character or setting of the Church would be unduly harmed and therefore no objections are raised against the provisions of policy CSP30.

Residential Amenity

In terms of residential amenity the nearest properties are those to the west 1, 3 and 5 Church Street, to which the corner of the proposed double garage which is only at a single storey height achieves a separation of 13.5 metres from the rear elevation of dwellings 3 and 5, with 20 metres achieved to the two storey side gable of the proposed dwelling. As a consequence the separation distances afforded is considered sufficient and given the proposal incorporates windows only to the front and rear elevations there would not be any adverse overlooking to adjacent properties.

The dwelling itself would exceed amenity standards with respect to room and garden sizes, accordingly it would comply with the recommendations of the South Yorkshire Residential Design Guide.

Highway Safety

The formation of a new access (separate) to serve the site whilst preferred would be problematic as existing levels within the site along the rest of the site frontage are raised above the adjacent highway. The proposal is to use an existing access shared with the adjacent area used for parking by locals and visitors to the nearby Church.

The position of the access and the resultant alignment of the private driveway means that vehicles emerging from the site do so at an acute angle which impacts on visibility. To address this, arrangements would be secured to allow vehicles to turn within the site allowing them to emerge in a forward gear, reducing the detrimental impact on highway safety.

The Council's Highways Section have inspected the scheme and have raised no objections subject to conditions. As such the scheme is considered acceptable in terms of highway safety.

Impact of loss of Legal Agreement

In the application that went before Members at the July Planning Board, the applicant had indicated that the area to the west of the site, which is also within their ownership and forms a communal area, would be given up and made available for both the Church and local residents to park. Unfortunately the applicant's banks were unable to execute the legal agreement and as such this arrangement no longer constitutes part of the application.

Whilst the loss of the legal agreement is undesirable, it still needs to be assessed whether the application as it now stands meet with the relevant local and national planning policies. As is shown from this report, the land is suitable for residential development and does not give rise to any significant concerns related to visual amenity, highway safety, or residential amenity. As such it is still considered that the scheme meets with relevant planning policies.

Conclusion

It is considered that the proposal represents the efficient development of an otherwise underutilised site. The curtilage property is of a sufficient size to accommodate the proposed dwelling without having an undue impact on the amenity afforded to adjacent properties or the character/setting of the adjacent listed building or street scene. Whilst the benefits gained from having a legal agreement to secure the adjacent land for public access/use would have provided added benefits to the scheme, it is not considered that the loss of this agreement renders the scheme worthy of a refusal as it still meets the relevant local and national planning policies.

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 (No JBGH-313-2) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.

- 4 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 5 Should the extinguishment order relating to Footpath No 9 be successful and no further Definitive Map Modification Order be successful then the area shown to the boundary for a footpath diversion shall revert back to garden area for the dwelling.
Reason: In the interests of Visual Amenity in accordance with policy CSP29 of teh Core Strategy.
- 6 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 7 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.
- 8 No development shall take place until:
(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

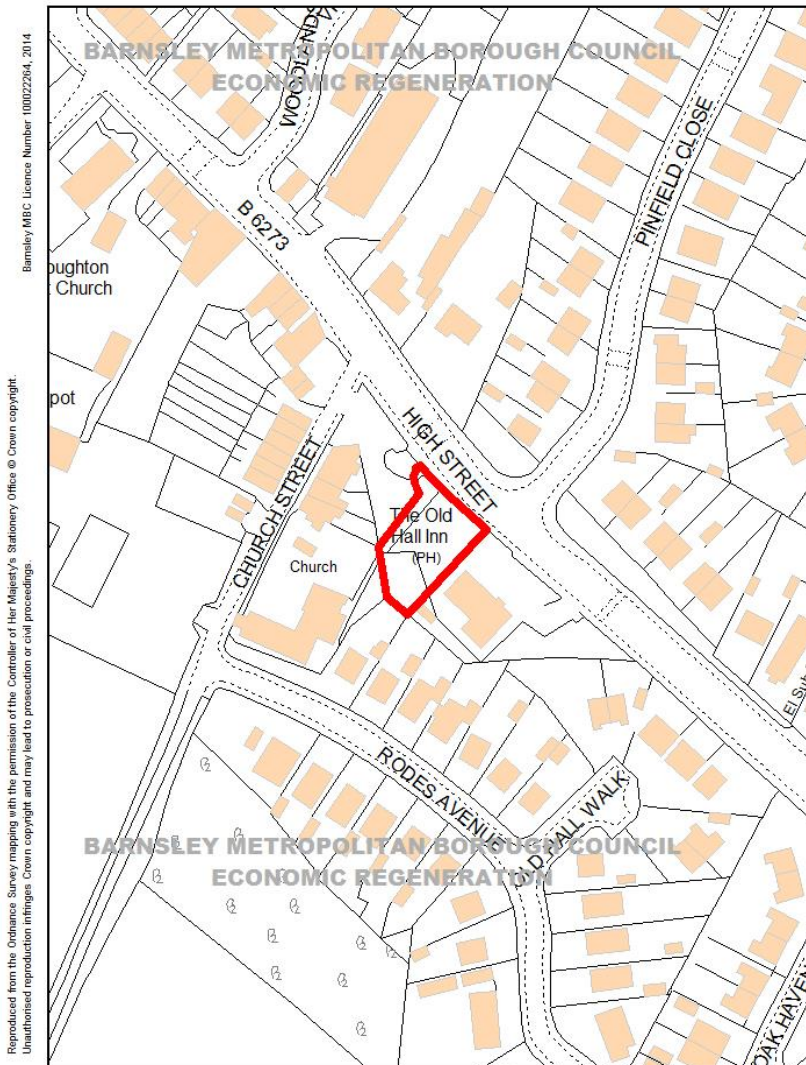
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Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

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

PA reference :-

2014/0316



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BARNLEY MBC - Economic Regeneration

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



Scale 1:1250

Ref: 2015/0919

Applicant: Mr Kevin Precious (BMBC)

Description: Erection of single storey classrooms extension, formation of car parking and alterations to bus turning area.

Site Address: Wombwell Park Street Primary School, Park Street, Wombwell, Barnsley

One objection received.

Site Description

Wombwell Park Street Primary School is located about half a kilometre to the south east of Wombwell town centre. The school buildings are at the end of a long approach road that contains a bus turn around. There are houses to the north west and south west but the school grounds about a belt of mature trees and open fields to the south east. This is a modern low rise school building that contains mostly single storey elements around a two storey central multi-use hall.

The school covers 1,670m² and the current pupil capacity is given as being 240 and this is expected to rise to 318. There are 20 existing parking spaces and teaching and non-teaching staff numbers have been confirmed as 65 at present rising to 71.

Proposed Development

The proposal is to provide 3 new classrooms alongside additional WC and cloakroom provision in a single storey extension measuring 28m by 11m. This is given as an increased floor area of 290m². The extension would be on the rear elevation facing the southwest boundary. There would be a mono pitched roof to complement the slope of the existing roofs. There would be a new entrance lobby formed onto the existing hard surfaced play area adjacent to where the extension would be built. The materials will complement those used on the existing school buildings.

In addition to the above, 2 parking spaces would be formed as part of the the existing bus turn around area. This has a central island with landscaping and a generous footway. In total, within the site, there would be there will be 27 parking spaces for the 71 members of staff. This proposal would result in a slight narrowing of the carriageway and loss of some of the pavement.

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

CSP26 New Development and Highway Improvement
CSP29 Design.
CSP43 Education Facilities and Community Uses.

Saved UDP Policies

The site is designated an existing Community Facility on the UDP.

SPDs/SPGs

Designing new housing development
Parking

Emerging Local Plan

The Draft Local Plan allocates the site as School Grounds.

NPPF

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

Consultations

Highways- No objections subject to conditions.

Regulatory Services – No objections subject to conditions

YWA- No comments received

Highways drainage- No comments received

Education – No comments received

Representations

One letter received raising concerns about the adequacy of the parking provision proposed and making comments about misuse of the facilities by local children outside school hours. The issues of children utilising the school outside of school hours is not a material planning consideration.

Assessment

Principle of development

The erection of an extension to an existing school would conform to CSP43 Education Facilities and Community Uses. This is a small scale extension in relation to the existing school. The existing school covers 1,670m² and the extension is 290m² a 17% increase. The main issues will be the impact on any nearby houses, the appearance of the school and the adequacy of the additional parking to accommodate the extra classrooms.

The alterations to the bus turning area and car parking are considered as ancillary to the education use and therefore acceptable in principle subject to other material considerations.

Residential Amenity

There is a thick belt of trees around the school grounds. The proposal is only single storey and there would be no issues of overlooking as the windows shown facing the boundary would be screened by these trees. In addition there is a large separation between the school grounds and the nearest houses on Roebuck Street due to the length of the rear gardens and the width of the tree screen.

The alterations to the bus turning area are not considered to result in any further disturbance to neighbouring properties over and above what is currently experienced.

Visual Amenity

The extension is designed to fit in with the design of the existing school as it includes a lean to roof and fenestration to match. Given the school's location away from the main road, the extension would not appear as a prominent feature on the street scene and is therefore considered as an acceptable ancillary structure to the main school building.

Highway Safety

The proposed development complies with the SPD- Parking for education facilities which only requires a maximum number of one space per staff member. The changes to the bus turning area are incorporated into the existing layout and do not raise any issues in relation to highway safety. The Council's Highways Section have assessed the plans and raised no objections subject to conditions.

Conclusion

The proposal would provide for an appropriate ancillary extension to the school to facilitate expansion of pupil numbers without resulting in any detriments to highway safety, visual amenity, or residential amenity

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 3916-009-PL04A, 3916-009-PL06, 3916-009-PL08, 3916-009-PL09, 3916-009-PL10, 3916-009-PL11A, and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

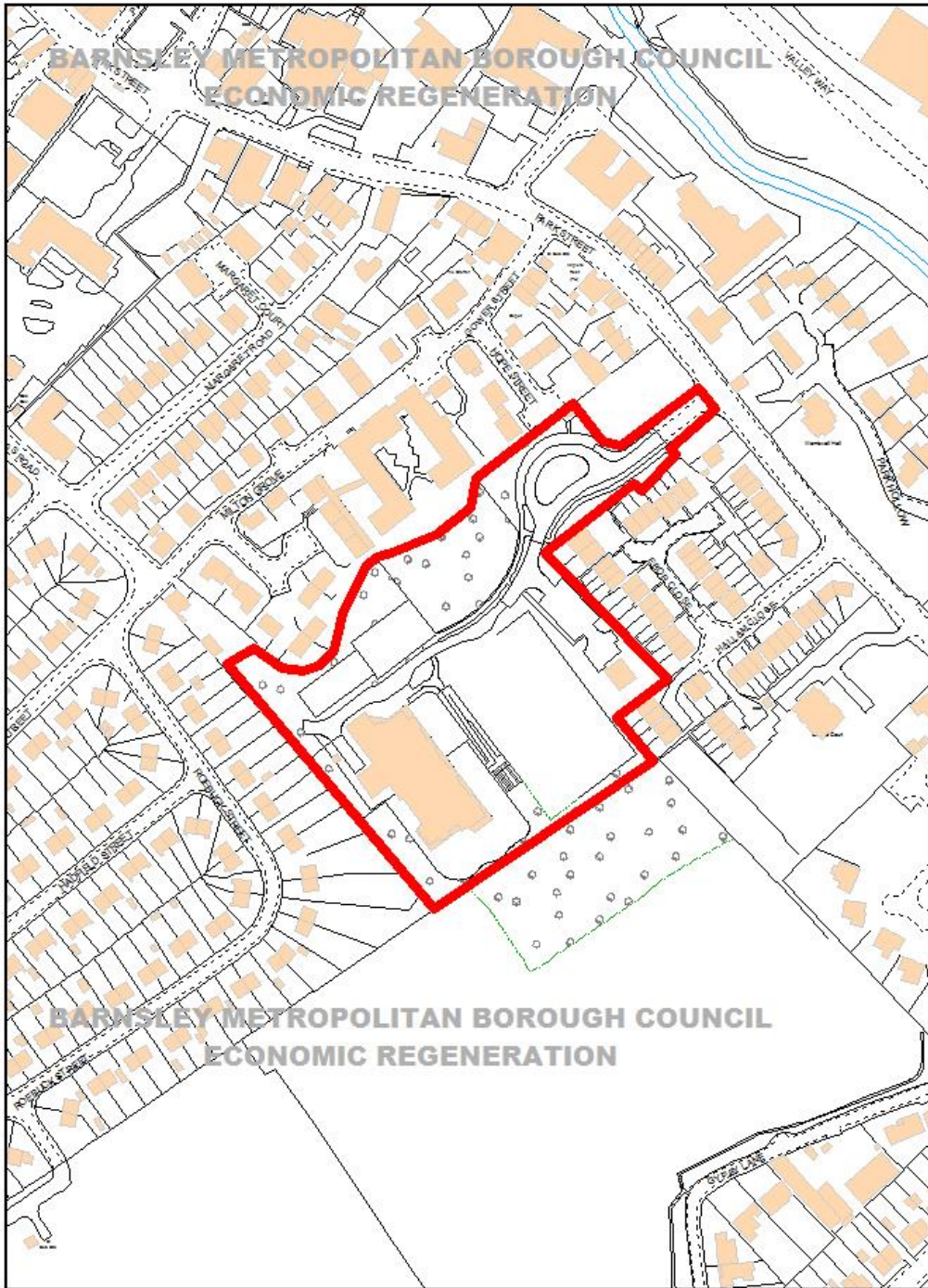
- 3 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose 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.
- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
-The parking of vehicles of site operatives and visitors;
-Means of access for construction traffic;
-Loading and unloading of plant and materials;
-Storage of plant and materials used in constructing the development;
-Measures to prevent mud/debris being deposited on the public highway.
Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.
- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

PA reference :-

2015/0919

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BARNSELY MBC - Economic Regeneration

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



Scale 1:2500

Ref: 2015/1102

Applicant: Mr Richard Waterhouse

Description: Erection of two storey rear extension to School

Site Address: Cudworth Churchfield Primary School, Snyderdale Road, Cudworth, Barnsley.

Site Description

This is a Victorian primary school, which is located on the junction of Snyderdale Road and Church Street. It is located in a predominantly residential area, although to the north is the Barnsley Business and Innovation Centre and to the west is the St Mary Magdelaine Church. The school, which was built over 100 years ago, is a red brick structure with stone detailing and a blue slate roof, and has a hard surfaced playground at the rear. A more modern single storey extension has been added to the rear elevation on the southern side of the building. At the rear of the playground is a detached school building that contains a gymnasium.

Proposed Development

The proposal is to build over part of the playground with a two storey rear extension, to provide an additional 2 classrooms with a further teaching space and ancillary facilities, whilst providing new outdoor sports pitch underneath. This would be flat roofed structure raised by pillars with an enclosed spiral staircase and low wall along the sides of the proposed 3G astro turf pitch. There would also be a new glazed entrance at the transition between the existing school building and the extension.

The extension would extend 22.5m from the existing rear wall of the school. It would be 11.8m wide and 8.3m high. The materials of construction have been chosen to provide a modern compliment to the existing school rather than mimic it. To provide a suitable transition a single storey curtain wall connection is proposed between the old and the new.

The Design and Access Statement submitted includes a breakdown of the reasons why the school requires an extension. In September 2012 the school increased its admission number from 40 to 50 and internal remodelling was carried out. In order to meet the forecast for pupil demand in the Cudworth area, it is necessary to increase the school admissions number from the 2016/17 academic year to 60. This will increase the capacity of the school from 350 to 420.

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 Joint Waste Strategy.

Core Strategy

CSP26 New Development and Highway Improvement
CSP29 Design.
CSP43 Education Facilities and Community Uses

Saved UDP Policies

The site is shown as an Existing Community Facility on the UDP.

SPDs/SPGs

Parking

Emerging Development Sites and Places DPD

The Draft Local Plan allocates the playground as school grounds.

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. An extension to an existing school would be sustainable development.

Consultations

Highways - No objections subject to conditions.

Pollution Control - No objections

Highways drainage- No objections.

Councillor C. Wraith has written in support of the scheme.

Representations

None received

Assessment

Principle of development

This is an extension resulting in an increase in classrooms in order to provide for the anticipated increase in pupil numbers going forward and would not raise any issues of planning principle. Policy CSP43 Education Facilities and Community Uses would support the scheme.

Residential Amenity

The extension is at the rear of the school and would be closest to the Barnsley Business and Innovation Centre. The nearest houses would be those on Church Street, which are separated by a high wall and previous extension. There would be very little impact from the new building and the sports pitch is on an existing playground.

Visual Amenity

The school buildings are on a corner and the main entrance is set back from Syndale Road. It is possible that the proposal may be fleetingly seen through the gap at the side of the building where access is taken to the rear playground. There is a high wall with previous extension behind facing on to Church Street so these two barriers would effectively screen the extension from the houses on this road.

This is a 100 year old school so the extension needs to be sensitively treated and this has been achieved by the design which although it is clearly a modern element that does not try to mimic the original. In particular the transition between the new and old is sensitively handled. To provide the reasoning for the design the applicant has stated the following: "The cladding and rendered surfaces are to contrast, yet complement the existing building... The proposed glazed curtain wall connection between the existing building and the development are to create an unnoticeable transition between the old and the new. The blue brick retaining walls surrounding the sports pitch are to create a continuation of the playground surface and give the illusion that the building is floating"

The extension therefore represents a very modern addition but its height would not go above the height of the existing building and the materials used, blue engineering brick and maroon render, are a 'nod' to the colours of the school uniform. The design is therefore considered to provide particular interest without creating a prominent feature on the streetscene.

Based on the above, the proposal would accord with the Councils design policy CSP29.

Playground Space

The extension would extend onto an area currently used as playground area. However, the scheme has been designed to ensure that the ground floor is still utilized as a recreational facility i.e. a sports pitch. As such it is considered that the quality of play space would be improved by the development.

Highway Safety

No objections are raised as the scheme would not affect the existing access or parking provision and the Council's parking requirements are met.

Conclusion

On a constrained site, the applicants have put forward a modern scheme that provides additional classroom space and outdoor recreation to facilitate the needs of the school. The scheme does not result in any detriment to neighbouring amenities or highway safety and whilst the design is of a contrasting design to the school building it is not considered to be of detriment to the visual amenities of the school or the surrounding area. The scheme is therefore recommended for approval.

Recommendation

Grant subject to conditions:

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

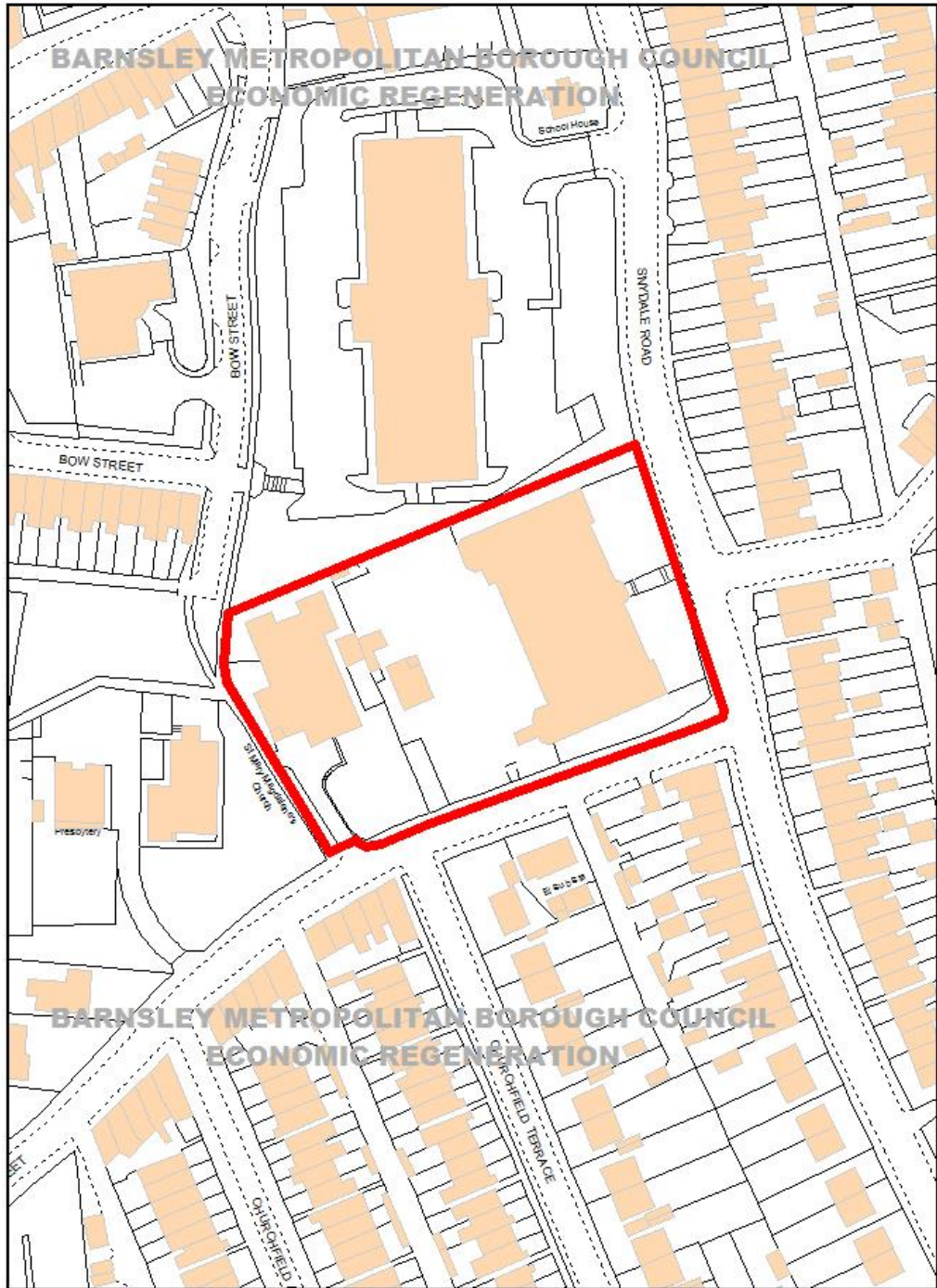
- 2 The development hereby approved shall be carried out strictly in accordance with the plans NPS-DR-A-(90)-010-P2, NPS-DR-A-(90)-011-P2, NPS-DR-A-(20)-020-P2, NPS-DR-A-(20)-021-P3 and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 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.
- 4 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.
- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

PA reference :-

2015/1102

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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: 2015/1090

Applicant: Mrs Sara Scholes (Berneslai Homes)

Description: New entrance canopy and re-order of entrance area. External re-contour and landscape including demolition of garages, new access and new parking area

Site Address: Hudson Haven, Upton Close, Wombwell, Barnsley

Site Description

Hudson Haven is a sheltered housing scheme within a large residential area on the north western edge of Wombwell. This part of Wombwell is characterised by elderly persons bungalows built on an informal layout that is interspersed with open spaces and mature trees. Hudson Haven, which is the end of Upton Close is mostly two storey, it has a well-defined raised set back entrance off its own access road behind a landscaped traffic island. There is a separate garage court to the northern side of the complex.

Proposed Development

The proposed scheme involves a number of alterations to the layout and frontage of the site. This includes:

1. Demolition of the garages and creation of a 14 space car park.
2. Demolition of bin store and removal of traffic island and resurfacing to form new 1:16 ramp to the entrance and new bin store.
3. New pavement to be formed over existing vehicular access, with creation of new dropped crossing.
4. Existing levels amended to reduce height of retaining wall.
5. New landscaping.
6. Form 4 new parking spaces including 2 disabled spaces.
7. New entrance canopy.

An application for new signage at the site has also been submitted and is to be considered separately under planning reference 2015/1091.

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

CSP26 New Development and Highway Improvement
CSP29 Design.
CSP43 Education Facilities and Community Uses.

Saved UDP Policies

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

Consultations

Highways-No objections

Pollution Control-No objections

Highways drainage-No comments

Representations

None received

Assessment

Principle of development

The extension or alteration to an existing residential facility/community facility would be acceptable in principle subject to an assessment of its impacts on residential amenity, visual amenity and highway safety.

Residential Amenity

The proposed demolition of the garages would open up the parking area in front of certain properties off Upton Close. Whilst this would open up the site it would allow more parking spaces to be created. However, the new car park would only have 14 spaces and would be for staff and visitors so there would not be the same amount of traffic as for private housing. As such there would not be any material harm to neighbouring amenities caused by the remodeling of the area.

The alterations to the frontage of Hudson Haven and the new entrance canopy are of a minor nature and sufficiently separated from neighbouring properties not to result in any significant detriment to neighbours' amenities.

Visual Amenity

The revamped entrance parking spaces and bin store would have only a minimal impact on the visual amenities of the area and would be complemented by additional landscaping. The new entrance canopy will give a stronger entrance feature and overall the proposals will be a visual improvement.

Highway Safety

During the course of the application the applicant has revised the plans to ensure there is not encroachment onto the adopted highway. The Council's Highways Section have assessed the plans and are of the view that the new parking spaces and frontage layout would not have a detrimental impact on highway safety

Conclusion

The scheme involves a package of minor works to provide a more useable layout for pedestrians and vehicles and to upgrade the visual appearance of the frontage of the building. The scheme is not considered to be of detriment to neighbouring amenities, visual amenities or highway safety and as such is recommended for approval.

Recommendation

Grant subject to conditions:

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

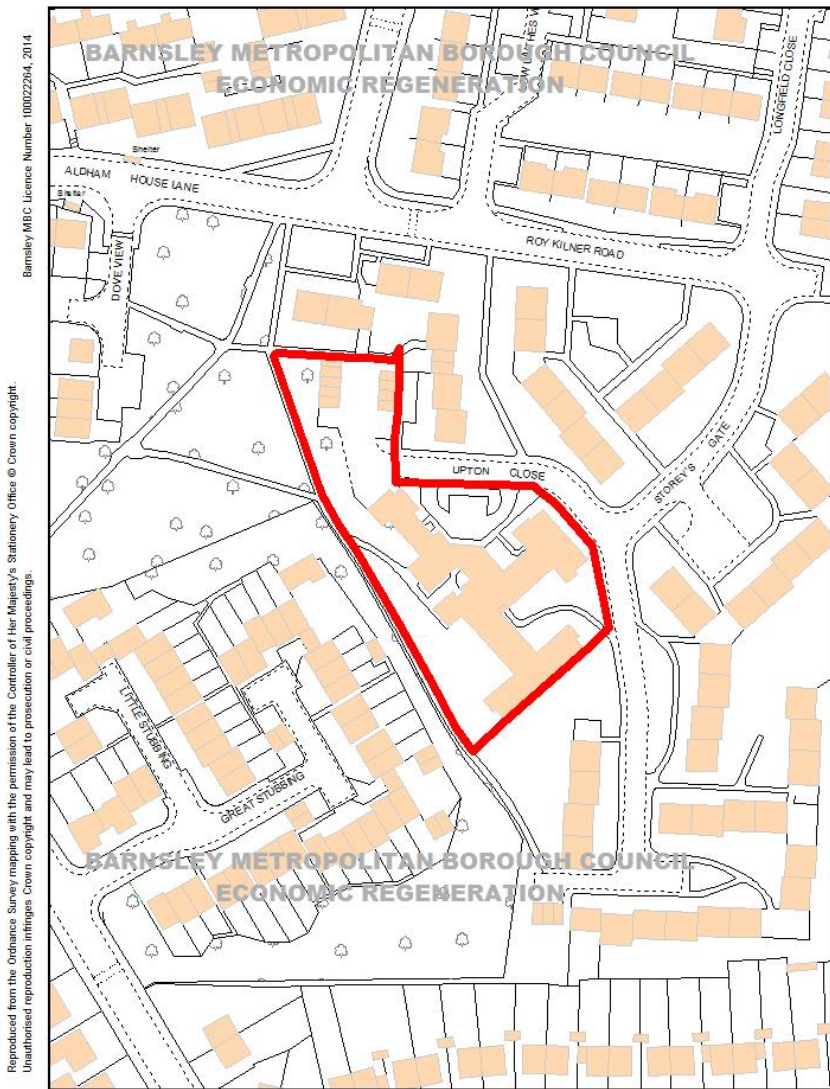
- 2 The development hereby approved shall be carried out strictly in accordance with the plans NPS-DR-A-(00)-013-P, NPS-DR-A-(00)-121-P, NPS-DR-A-(00)-060-P1 and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 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.

- 4 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.
- 5 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - 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.**

PA reference :-

2015/1090



BARNSELY MBC - Economic Regeneration

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


Scale 1:1250

Ref: 2015/1091

Applicant: Mrs Sara Scholes (Berneslai Homes)

Description: Display of externally illuminated totem sign (1.1m in height)

Site Address: Hudson Haven, Upton Close, Wombwell, Barnsley

Site Description

Hudson Haven is a sheltered housing scheme within a large residential area on the north western edge of Wombwell. This part of Wombwell is characterised by elderly persons bungalows built on an informal layout that is interspersed with open spaces and mature trees. Hudson Haven, which is the end of Upton Close is mostly two storey, it has a well-defined raised set back entrance off its own access road behind a landscaped traffic island.

Proposed Development

This application is for a new aluminium totem sign measuring 1.4m by 1m with an overall height of 1.1m. The lettering, which will read Hudson Haven, would be formed from cut out polyester powder coated aluminium. There would be a Berneslai Homes logo and the whole sign would be externally illuminated. The totem sign would be located at the front of the site, at the beginning of a proposed new ramped access from the road to the entrance.

The proposal relates to application 2015/1090 for various alterations to the layout of the site which is also on this agenda

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 Joint Waste Plan. 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 designated an existing community facility on the UDP.

SPDs/SPGs

Advertisements, this states that

The Council is unlikely to grant consent for:

- Advance warning or directional signs.
- Advertising hoardings, including poster panels and banner signs.
- Signs on business premises above 1st floor level.
- Signs which appear out of scale or character with the building or locality.

Well-designed signs can project an image of quality, confidence and permanence; whereas too many or oversized signs can give a cluttered and unattractive appearance which does not relate to either the building or the surrounding area.

The Council is likely to approve signs which are:

- in character with the scale of the building;
- respectful of the architectural features of the building,
- designed using a style of lettering appropriate to the character of the building;

The best option for signs is often to use individual letters. Clear well-spaced letters are as easy to read as larger oversized letters.

Emerging Local Plan

The Draft Local 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.

Consultations

Highways- No objections

Pollution Control- No objections

Representations

None received

Assessment

Principle of development

This is freestanding small totem sign that would be at the bottom of a proposed ramp. There are elderly persons bungalows in the vicinity but those that face directly towards the entrance to the sheltered housing are separated by a road.

The Council has an adopted policy on Advertisements and the proposed totem would accord with this guidance. It is a modest proposal that would not cause any undue harm and is in character with the scale of the building.

Residential Amenity

There are elderly persons bungalows in the immediate vicinity but the residents would not be affected by the sign. Whilst it would directly face towards some habitable room windows this is across a road and the external illumination would be directed towards the sign and away from the bungalows.

Visual Amenity

The sign is small in scale in relation to the sheltered housing and is reasonable in terms of being the minimum size required to give direction to visitors.

Highway Safety

There are no objections in highway terms as the sign is not considered to cause any significant distraction to highway users.

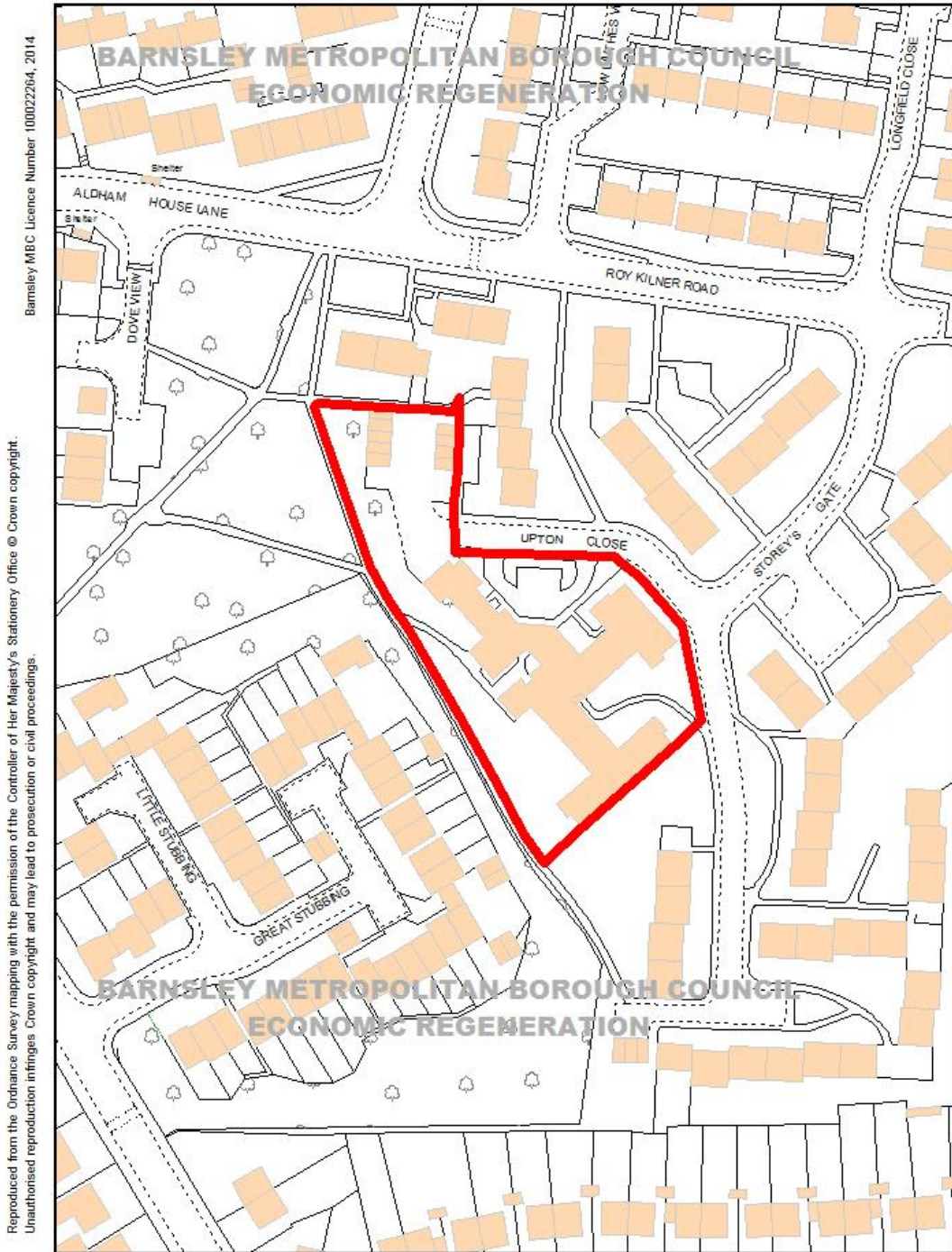
Recommendation

Grant subject to condition:

- 1 The development hereby approved shall be carried out strictly in accordance with the plans NPS-DR-A-(21)-013-P1, NPS-DR-A-(00)-080-P1, and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

PA reference :-

2015/1091



BARNESLEY MBC - Economic Regeneration

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



Scale 1:1250

2015/0969

Applicant: Junior Tykes

Description: Siting of a steel container

Site address: Laithes Lane Memorial Field, Athersley South

No Objections

This application is before Members as Councillor David Leech has had involvement in submitting the application on behalf of the applicants

Site Location & Description

Laithes Lane memorial field is located on the northern side of Laithes Lane between Lindhurst Road and Middlewoods Way Industrial Estate. The site is bounded to the west by Housing and to the east by Employment.

An access road is set back from the highway with a band of trees providing some screening and separating the playing fields from the highway.

Proposed Development

The applicant seeks permission for the siting of a steel container measuring 6.1m by 2.4m by 2.6m high and is to be painted green

Policy Context

The site is allocated as Green Belt in the Unitary Development Plan.

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

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

Policy CSP 34 states that to protect the countryside and open land around built up area the extent of the Green Belt will be safeguarded.

Policy CSP 35 states that the Authority will only allow development proposals that result in the loss of urban green space where the development is for small scale facilities needed to support or improve the proper function of the green space.

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.

Paragraph 81 of the NPPF states that local planning authorities should plan positively to enhance the beneficial use of the Green Belt, such as looking for opportunities to provide access; to provide opportunities for outdoor sport and recreation; to retain and enhance landscapes, visual amenity and biodiversity; or to improve damaged and derelict land.

Consultations

Highways DC – No objection

Park Services – No objection subject to conditions

Representations

A site notice was posted adjacent to the site, no comments have been received.

Assessment

Principle of development

Visual Impact

Residential Amenity

Highway Safety

Conclusion

Principle of Development

The site is situated within the Green Belt. The NPPF allows for the provision of appropriate facilities for outdoor sport/recreation where there is no harm to the openness of the Green Belt. Normally it would be requested that a more permanent structure be sought, however given limited funds available to the football club, this would not be a feasible option. The provision of this facility to assist in the recreational pursuits at the site is therefore considered acceptable in principle subject to other relevant material considerations.

Visual Impact

The proposed container is to be located adjacent to the access to the playing field beyond the band of trees adjacent to the highway, to provide safe storage of storage of goal posts, nets etc and machinery used in the maintenance of the football field. At the present time the equipment and machinery is transported to the site by various club managers and players.

It is acknowledged that the container would be visible from within the playing fields, however it is to be conditioned that the container be painted green to Ral 6005 or similar which would ensure that the container is not prominent against the backdrop of the band of trees. Given its small size it is therefore not considered it would be of detriment to the openness or visual amenities of the Green Belt or surrounding area.

Residential Amenity

The contained is sufficient distance from neighbouring properties not to impact on their amenities.

Highway Safety

The container would not impact on the existing access road and would therefore not impact on highway safety. The Council's Highways Section have raised no objections to the scheme.

Conclusion

It is therefore considered that the proposed container would not have a detrimental impact on the openness of the Green Belt and would provide facilities for outdoor sport and recreation and in this regard the proposal is considered acceptable and in compliance with Core Strategy Policy CSP 29, CSP 34 and CSP 35

Recommendation

Grant subject to conditions:

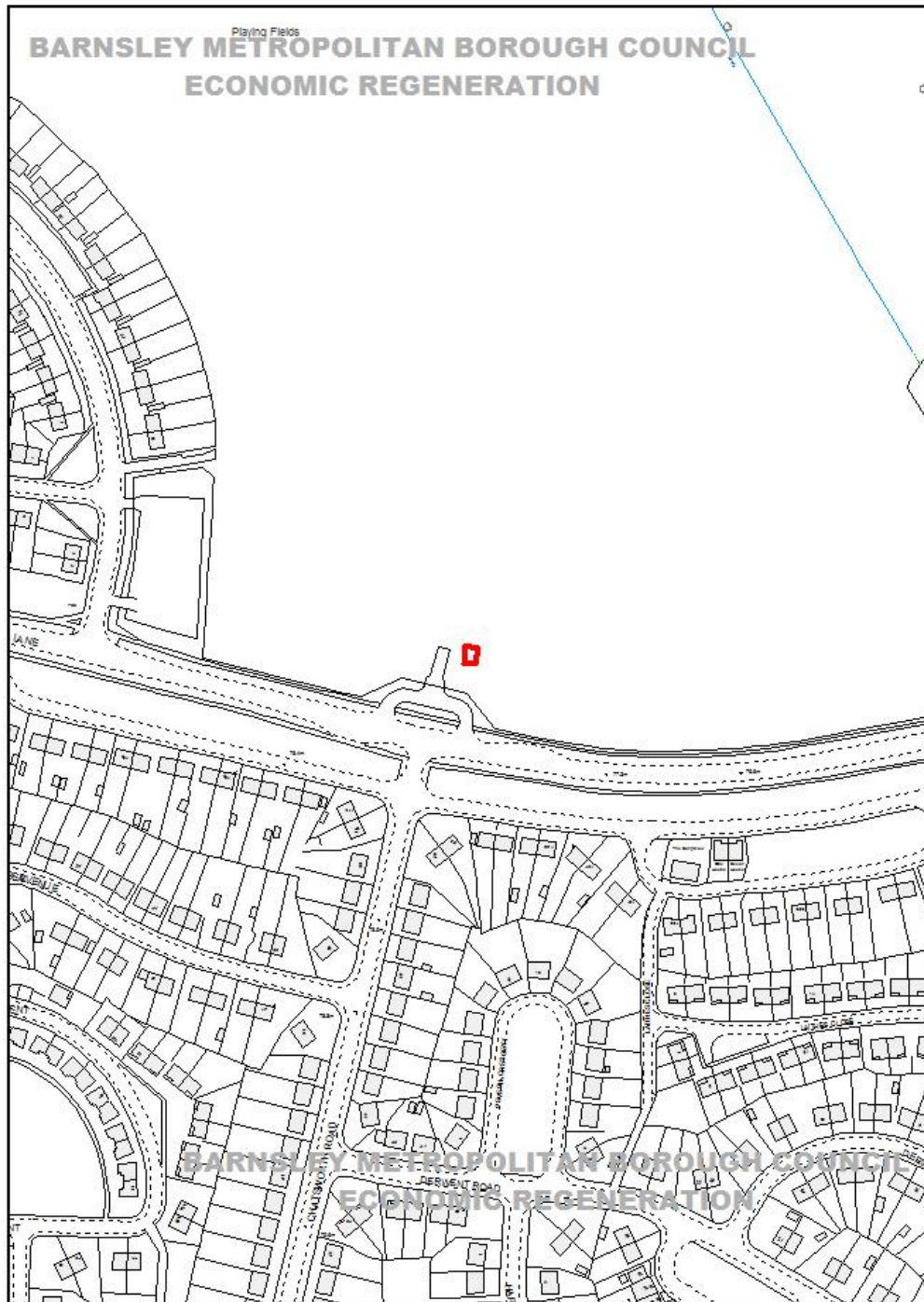
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 The approved container shall be painted Green Ral 6005 or similar prior to its installation or within 1 month of having been placed on site. The colour shall remain as such thereafter.
Reason: In the interest of visual amenity in accordance with CSP 29.

- 4 Should the football club cease to function, the club shall remove the container and restore the land to its previous condition.
Reason: In the interest of visual amenity in accordance with CSP29.

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BARNLEY MBC - Economic Regeneration



Scale 1: -----

Report

Report of the Head of Planning and
Building Control to the Planning
Regulatory Board on 27th October
2015

TRUSTEES OF BOULDER BRIDGE LANE TRUST V THE COUNCIL. APPLICATION FOR A CERTIFICATE OF APPROPRIATE ALTERNATIVE DEVELOPMENT PURSUANT TO THE LAND COMPENSATION ACT 1961.

1.0 Purpose of Report

- 1.1 To determine an application submitted by the landowner which seeks approval from Members to issue a Certificate of Appropriate Alternative Development pursuant to Section 17 of the Land Compensation Act 1961 to be issued for the land at Carlton Marsh, Carlton.

2.0 Recommendation

- 2.1 That Authority be given to the Head of Planning and Building Control to issue a S 17 Certificate confirming that if the land subject of the application for a Certificate of Appropriate Alternative Development were not acquired by the Barnsley Metropolitan Borough Council in exercising its Compulsory Purchase Powers, planning permission would **NOT** have been granted for any other use.

3.0 Background

- 3.1 On 9 December 1985 the Council made the Metropolitan Borough of Barnsley (Carlton)(Land Reclamation) Compulsory Purchase Order 1985 in respect of the land subject to this application.
- 3.2 On 13 November 1986 planning permission was subsequently granted on the land for reclamation of fuel by surface working and subsequent restoration of the site. A condition attached to the permission specified that the development, including the restoration of the site, should have been completed within three years from the commencement of development.
- 3.3 The CPO was confirmed by the secretary of state on 25th November 1986 and published in December 1986. A Notice of Entry was served on 17th January 1990. The Council took possession of the land following this Notice. However compensation was never paid to the Trustees' predecessors and the registered title remains registered in the names of the Trustees.
- 3.4 In 2014, an application was made by BMBC to the Upper Tribunal (Lands Chamber) for a valuation of compensation for the CPO to be paid to the Trustees in order that transfer of title to the land could be agreed or that the awarded compensation be paid into court and the vesting of the land effected by Deed Poll.
- 3.5 This was in response to incidents of vandalism and blocking of access to the land by the Trustees. It was decided that title to the land had to be secured by the Council before enforcement action could be successfully taken by the Council.

3.6 In November 2014 the Trustees commenced a claim in the High Court, challenging the validity of the CPO. Although part of this claim was struck out by the High Court in favour of the Council in April 2015, the remaining part of the Claim is listed for Trial in November 2015.

3.7 As part of the Case management function, the High Court has consolidated both the High Court matter and the Upper Tribunal matter. Therefore the s.17 certificate is required in order to provide evidence for valuation for both compensation, should the CPO be found to be valid, or damages in trespass, should the Trustees' claim be successful.

4.0 Objectives

4.1 The objectives of this report are to assess three suggested types of development which, in the opinion of the Trustees of Boulder Bridge Lane Trust, is development that, for the purposes of section 14, is Appropriate Alternative Development in relation to the acquisition concerned. A Certificate of Appropriate Alternative Development is NOT a planning application. The three suggested types of development are:
Light and general industrial purposes as now defined within classes B1 and B2 of the Town and Country Planning (Use Classes Order 1987 as amended)
Extraction of Fuel deposits
Landfill

4.2 Following the assessment a certificate under section 17 can then be issued which confirms whether any of the uses proposed would constitute appropriate development if the land had not been subject to a compulsory purchase order.

5.0 Description of site

5.1 This site lies to the north-east of Barnsley centre between Carlton, in the west, and Cudworth to the south-east and forms an elongated V shape. The western boundary of the site forms the left arm of the V and is marked by a mineral line to the west. The eastern boundary of the site forms the right arm of the V and is marked by a disused railway line, now landscaped and vegetated.

5.2 Between the two arms of the V shape lies the southern part of the Boulder Bridge Scrapyards. These narrow landscaped strips, particularly that to the north of Shaw Lane, provide important visual and landscape buffers between the Boulder Bridge scrap yards and residential dwellings approximately 100m to the east and 200m to the west.

5.3 The site to the south of Shaw Lane comprises an area of land comprising Carlton Marsh Nature Reserve, a statutory Local Nature Reserve (DEFRA ref 1008825) and Local Wildlife Site No 27. The eastern landscaped buffer is also part of the Royston and Carlton Boundary Walk.

6.0 Planning History

- 6.1 The land belonged to British Railways and was used as railway siding and goods yard until October 1985 when the Boulder Bridge Lane Trust acquired the land. Planning Permission was granted on 13th November 1986 for the reclamation of fuel by surface working and subsequent restoration of the site (B/86/0334/BA). A S52 legal agreement accompanied the permission, there were five conditions contained in the legal agreement: to observe and perform the (planning) conditions and other matters relating to pollution control; drainage and licencing; to carry out complete restoration; to restrict the use of HGV's; not to use the land for scrap metal storage or recovery activities; to remove all plant and machinery following restoration; to wash only materials recovered from the land. Some extraction of fuel deposit took place and the site has since been restored/reclaimed. The majority of the site has been designated as a statutory Local Nature Reserve since 1980 (statutory designation made under Section 21 of the National Parks and Access to the Countryside Act 1949, and amended by Schedule 11 of the Natural Environment and Rural Communities Act 2006), and has also been designated as a Local Wildlife Site since 1991.

7.0 Planning Policy

- 7.1 UDP Green Belt
UDP Nature Conservation Site
Local Wildlife Site No 27 (non-statutory designation)
Local Nature Reserve (Statutory Designation)
Draft Local Plan Green Belt and Local Nature Reserve
- 7.2 Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the recently introduced National Planning Policy Framework does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the adopted Core Strategy, the adopted Joint Waste Plan, and saved adopted Unitary Development Plan policies.
- 7.3 **Barnsley Local Development Framework Adopted Core Strategy (CS)**
- 7.4 The Core Strategy is a fundamental element of Barnsley's Local Development Framework. It considers the key elements of the planning and transportation framework for Barnsley, and the approach to its long term physical development to achieve the Council's vision of what sort of place Barnsley wants to become. The following policies are considered applicable to this application:
- CSP11 – Providing Strategic Employment Locations – refers to allocating 350 hectares of land in sustainable locations to go towards meeting the development needs of existing and future industry and businesses and that a 5 year supply of market ready sites will be maintained. Additional land may be allocated in response to reduction in supply or increase in demand.
- CSP12 – The Distribution of New Employment Sites – Sites outside urban Barnsley and the principle towns will have to demonstrate improved accessibility and the sustainability of their location.
- CSP21 – Rural Economy – aims at encouraging a viable rural economy by allowing development in rural areas if it supports the sustainable diversification and development of the rural economy or results in the growth of existing businesses or is

related to tourism/recreation or improves the range and quality of rural services in existing settlements. However, development in rural areas will be expected to:
Be of a scale proportionate to the size and role of the settlement;
Be directly related, where appropriate, to the needs of the settlement;
Not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area; and
Protect the best quality of agricultural land.

CSP25 – New Development and Sustainable Travel – outlines amongst other matters including parking provision that new development will be expected to be located and designed to reduce the need to travel, be accessible to public transport and meet the needs of pedestrians and cyclists.

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

CSP 29 – Design

CSP34 – Protection of Green Belt – the Green Belt is to be safeguarded and remain unchanged.

CSP36 – Biodiversity and Geodiversity – development will be expected to conserve and enhance the biodiversity and geological features of the borough. Development which may harm such features will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

CSP37 - Landscape Character - development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character Assessment in which it is located.

CSP40 – Pollution Control and Protection – development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise, smell, dust, vibration, light or other pollution which would unacceptably affect or cause a nuisance to the natural and built environment or to people.

7.5 **Barnsley Rotherham Doncaster Joint Waste Plan adopted March 2012**

7.6 Policy WCS5 states that additional landfill (including extensions to the sites identified in the adopted plan and any other new sites or extensions) will only be permitted where they can demonstrate that:

- in the case of municipal, commercial and industrial waste, other means of disposal are not available;
- in the case of construction, demolition and excavation waste, it represents the only viable method of reclaiming land and existing mineral workings that require reclamation;
- in the case of operations that are incidental in nature, it is necessary to allow the development to proceed (e.g. formation of a golf course) and will be complementary to existing activities; and
- details of future phasing and programme of after care will form part of the submission of a reclamation scheme.

7.7 Barnsley Unitary Development Plan adopted 2000 (UDP)

7.8 The site is designated as Green Belt. The following (saved) policies are relevant:

Policy ED4 – refers to proposals for economic development adjoining or close to housing will be assessed with particular regard to the likely impact on residential amenity in terms of a number of potential issues including noise, traffic entering or leaving the site, visual intrusion, outside storage, dust etc.

Policy GS18 - Any development which may adversely affect , directly or indirectly a local nature reserve will not be approved unless it can clearly be demonstrated that there is a case for the development which outweighs the case for safeguarding the conservation interest of the site after available measures to avoid, mitigate or compensate for any adverse effects have been taken into account.

7.9 National Planning Policy Framework (NPPF)

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

Development proposals that accord with the development plan should be approved and those which conflict refused 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 policy statements include:

Building a strong, competitive economy.

The planning system should support sustainable economic growth.

Supporting a prosperous rural economy.

Planning policies should support economic growth in rural areas by taking a positive approach to sustainable new development.

Local plans should support sustainable growth and expansion of all types of business and enterprise in rural areas and promote the development and diversification of agriculture.

Promoting sustainable transport

Decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.

Developments should be located and designed to accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts etc.

Requiring good design.

Good design is a key aspect of sustainable development.

Planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, respond to local character and history and are visually attractive.

Protecting Green Belt land.

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

Local planning authorities should take account of the need to promote sustainable patterns of development. They should consider the consequences for sustainable development of channelling development towards urban areas inside the Green Belt boundary, towards towns and villages inset within the Green Belt or towards locations beyond the outer Green Belt boundary.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt.

Meeting the challenge of climate change, flooding and coastal change.

Local planning authorities should plan for new development in locations and ways which reduce greenhouse gas emissions and should ensure flood risk is not increased elsewhere.

Conserving and enhancing the natural environment.

The planning system should contribute to and enhance the natural and local environment by (amongst other things), protecting and enhancing valued landscapes, minimising impacts on biodiversity and providing net gains where possible, and preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

7.11 National Planning Policy For Waste

- 7.12 Appendix A of the National Planning Policy For Waste (NPPFW) identified waste disposal as the least desirable solution for dealing with waste. Where proposal are not consistent with an up to date local plan then applicants would have to demonstrate need for a waste facility and a Local Planning Authority must consider the likely impact on the local environment and on amenity against environmental criteria set out in Appendix B of the NPPFW.

7.13 Draft Local Plan

- 7.14 The Council has also produced a draft Local Plan, which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact that it is at an early stage in its preparation. The site is allocated in the Draft Local Plan as Green Belt and as Local Nature Reserve Site LNR1 and Local Wildlife Site no. 27. Draft Local Plan Policy BI01 Biodiversity and Geodiversity states that development will be expected to conserve and enhance the biodiversity and geological features of the borough by protecting and improving habitats, species and sites with particular regard to designated sites, maximising biodiversity and geodiversity opportunities in and around new developments and goes on to state that development which may harm a biodiversity or geodiversity feature will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

8.0 Consultations

8.1 Highways

Access to the site could not be taken adjacent Shaw Dike Bridge due to poor highway visibility and acceptable visibility cannot be achieved to access the land to the south. As such, therefore, all of the land to the south of Shaw Lane could not be developed for any purpose unless an alternative means of access could be found, or substantial improvement works carried out which would require additional land.

In terms of the land to the north of Shaw Lane, there is already access to the land to the north which could be utilised so there would be no objections in principle to any of the three options. The critical issue would be the amount of vehicular movement. A nearby site has the number of vehicle movements per day limited, and providing this could be repeated, there would be no objections to any of the options.

8.2 Regulatory Services

There would be major concerns with regards to potential nuisance being caused to nearby residents in terms of noise, dust, odour, light and insects. While mitigation is possible for these forms of nuisance, the land in question currently forms a buffer/barrier between residents and the adjacent uses at Boulder Bridge. Therefore developing on this land would bring the potential for nuisance closer to residential properties and unless comprehensive mitigation could negate these potential nuisances this site would not be suitable for any of the three uses in principle.

8.3 Land Contamination

Light Industry - No major concerns about the land in question being developed for this use. Most of the land would be former railway land, and would have made ground over the site, which might have some heavy metal contamination. However, any pathway to a commercial use would be easily broken by a hardstanding layer on the site. The risk for potential leaching from this material would be very low, as this material will have been in situ for many years, and any leaching will probably have ended by now.

Extraction of Fuel Deposits- No concerns with regards to contamination issues.

Landfill - No significant concerns about this proposal, but the site is limited with capacity to landfill, as there is not a current hole to back fill. Also the current regulations with regards to landfill are quite stringent these days, and the Environment Agency would want to ensure there is no impact on the nearby nature reserve.

8.4 Public Rights of Way

- The Council has a legal duty to assert and protect all public rights of way and ensure the public has free passage along those routes recorded on the Definitive Map at present or in future as a result of subsequent legal processes. A Definitive Map Modification Order application has been received for the path down the railway line south of Shaw Lane, which is on hold pending the court case. User & documentary evidence and under Common Law are likely to prove public rights have been acquired and if proven the footpath will be added to the Definitive Map. This reduces the value of the land and adds an additional legal requirement (that is not guaranteed) if there is a need to divert the path.
- Carlton Marsh Leaflet published between 1991 and 1994 shows the path A – B south of Shaw Lane and the Old Railway sidings as part of the nature reserve. Local users and officers consider the wildflower meadow and dismantled railway line to be part of the nature reserve and public open space and they have been managed accordingly. Royston and Carlton Boundary walk leaflet from around 2000 shows both routes north and south of Shaw Lane as being used as part of this circular walk. This route was well publicised, signed and has been used on a regular basis without anyone claiming the route was not in BMBC jurisdiction or a public right of way.
- Any change to the width and alignment of the paths would require a diversion or extinguishment application under the Town and Country Planning Act or Highways Act to be submitted. It has to meet the legal criteria and be processed according to legislation including public consultation. The Council is committed to improving physical and emotional health by maintaining rights of way through green spaces that the public can use. Any further development adjacent to these paths would have an impact on enjoyment and health of users.
- Any successful removal of these routes through the legal process would have an impact on the footpath network in the area and increase the amount of walking users have to do on the road side, thereby increasing road safety risk. Any application north of Shaw Lane would take access along the existing concrete track that is being used to its full width by pedestrians. Any development in this location would be likely to put pedestrians in conflict with vehicles accessing the site as well as other issues relating to path width etc.

8.5 Biodiversity Officer

The adopted Core Strategy states at section 9.259 that the key ecological assets for Barnsley include: 50 Natural Heritage Sites (now renamed Local Wildlife Sites), and Local Nature Reserves, which are a national statutory designation.

Carlton Marsh is a designated Local Nature Reserve (LNR) – which is a national, statutory nature conservation designation. All of the CPO land south of Shaw Lane is designated as Carlton Marsh LNR. LNR's are designated both for their ecological value and for the robustness of that value which enables the general public to be able to view and interact with it through education, recreation, etc.

The site is also allocated in the UDP as Natural Heritage Sites (NHS), which have since been renamed as Local Wildlife Sites (LWS) – a non-statutory, locally-designated nature conservation designation. Carlton Marsh was designated as one of these sites in 1991 and its continued nature conservation value was confirmed by the 2010 independent ecology survey carried out on behalf of the Council by TEP ecologists. Most of the part of the LWS which is part of the CPO land too is recorded as being ‘modified neutral grassland’. The word ‘modified’ indicates relatively valuable nature conservation grassland which was artificially created by the Council from a brownfield site around the 1980’s. Significant ecological value can be created in this manner and the 2010 survey confirms that this has taken place and it is considered that this modified grassland could not be avoided or mitigated for if development took place on the CPO part of the LWS.

It should be noted that the boundary of the statutorily designated Local Nature Reserve is not contiguous with the non-statutory Local Wildlife site in the northwest of the site immediately south of Shaw Lane and abutting the live railway line. This part of the CPO land is made up of an access track to the site south of Shaw Lane, opening out further south to a modified neutral grassland of a similar character to the adjacent grassland which forms part of the LWS. It appears to have some significant ecological value, although we do not have the benefit of a professional botanist’s survey to confirm this. This part of the LNR has been carried forward as a significant greenspace in the Council’s Greenspace Register, which forms part of the evidence base for the Local Plan which is under development.

Subject to the findings of an independent ecology report of this part of the statutory LNR (by a suitably qualified ecologist), any of the proposed alternative uses would probably be opposed for all this area apart from the access track off Shaw Lane. The access track would have to be judged on its own merits including its ecological value, but it is likely to be of relatively low value. However, as it forms probably the only access to this part of the LNR any application would probably be opposed by the Council on access (for management) grounds.

The CPO land north of Shaw Lane (ie disused railway line) has no ecological land use shown on the UDP plan and there is no known ecological value known to the Council which would preclude a development proposal subject to the normal ecological evaluation of the site by a suitably qualified ecologist and avoidance, mitigation or compensation measures provided.

9.0 Assessment

9.1 Principle of development

B1 and B2 Light and General Industrial purposes
Extraction of Fuel Deposit
Landfill

The site is allocated as Green Belt in the adopted Unitary Development Plan. The essential characteristics of Green Belts are their openness and their permanance. The NPPF makes it clear that the construction of new buildings is inappropriate in Green Belt except in certain circumstances (e.g. buildings for agriculture and forestry). It goes on to specify other forms of development which are not inappropriate development in the Green Belt.

None of the appropriate alternative uses suggested by the landowner meet any of the exceptions listed in paragraphs 89 and 90 of the NPPF and as such are, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Such circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other material considerations.

In considering landfill, the adopted Joint Waste Plan policy WCS 5 will only accept additional landfill sites where it can be demonstrated that other waste sites are not available or it represents the only viable method for reclaiming land. The National Planning Policy For Waste identifies landfill as the least desirable solution for the disposal of waste where none of the other options of the waste hierarchy are appropriate. The land in its current form is a well-established nature reserve set in the Green Belt, there is therefore no demonstrable need for it to be reclaimed by the use of landfill. Similarly, it has not been demonstrated that other waste sites are not available. Accordingly, the use of the site for landfill would not be in accordance with WCS5 of the adopted Joint Waste Plan or the National Planning Policy for Waste.

There is no evidence that any other land outside the CPO area is likely to be forthcoming which would enable any development to be deliverable. The assessment has therefore been limited to the land identified in the CPO.

9.2 Biodiversity

The site is allocated as a statutory Local Nature Reserve in the adopted Unitary Development Plan and is also designated as Local Wildlife Site 27. Local Nature Reserves are managed for nature conservation and are places with wildlife that are of special interest locally and offer opportunities for people to enjoy nature. Although B1 and B2 uses would not be dissimilar to the uses that are currently undertaken on the adjacent land at Boulder Bridge, in the opinion of the Local Planning Authority B1 and B2 use of the Local Nature Reserve would result in significant harm to biodiversity. Furthermore, when considering the extraction of fuel deposit and landfill, the nature of these developments would be to undertake substantial and extensive works to the existing ground cover. In the opinion of the Local Planning Authority, any of the proposed uses would not preserve or enhance the biodiversity of the site and the Biodiversity Officer considers that the damage could not be avoided, mitigated or compensated. Use of the land for these purposes would therefore not be in accordance with UDP Policy GS18, Core Strategy Policy CSP 36 and the relevant paragraphs of the NPPF.

9.3 Employment Use

Allocated employment sites are set out in the adopted Unitary Development Plan and the Core Strategy states that the Council will allocate 350 hectares of land for strategic employment purposes towards meeting the development needs of existing and future industry and business, and the draft Local plan will identify sites up to 2033. This will provide a choice of sites in places that meet the needs of businesses and their workforce in terms of accessibility and are accessible from communities that would benefit from greater access to job opportunities. These sites will be located in urban Barnsley and the principal towns and in specified other sites as set out in the draft Local Plan. This site is not identified as an allocated employment site in any of these documents and does not comply with CSP11. It would also be contrary to CSP12 in that the location of the site cannot demonstrate improved accessibility or sustainability.

Although CSP21 and policy statements in the NPPF encourage a viable rural economy by allowing development in rural areas if it supports the **sustainable** diversification and development of the **rural** economy, B1 and B2 use is not rural in nature and it is subject to specific criteria which the proposed development does not meet, in particular, it must not have a harmful impact on the Biodiversity interests and Green Belt. The use of the land as B1 and B2 use would therefore not be in compliance with CSP21 and CSP 34.

9.4 Landscape and Visual Impact

The site lies within Barnsley Borough Landscape Character Assessment (LCA) C2 Lower Dearne Lowland River Floor which is characterised by flat valley floors, water in the form of lakes, rivers, reservoirs and canals with scarce residential settlement of the valley floors. Commercial development is quite common next to roads that cross valleys, other characteristic features include evidence of past industrial development including, dismantled railways, reclaimed land and discussed canals, trees, woodland and scrub dominated by species associate with wet ground. The strength of character is considered to be moderate, and the sensitivity to further built development is judged to be high and the landscape capacity is considered to be low. The LCA identifies that disused railway lines have the potential with proper management to act as important wildlife corridors, and The Landscape Strategy objectives are to conserve and enhance this landscape. The use of the land by any of the proposed alternative uses would, in the opinion of the Local Planning Authority, be likely to result in a loss of the important wildlife corridors that have been established on this site, as demonstrated by the statutory and non-statutory designations discussed elsewhere in this report, and would not therefore conserve and enhance the landscape of the Lower Dearne Lowland River Floor as set out in the Landscape Character Assessment. The loss of the landscaped bunds and the vegetation contained in the remainder of the site would, in the opinion of the Local Planning Authority, have a significant negative visual impact on the nearby residential dwellings, although substantial mitigation may alleviate this impact to an acceptable degree.

9.5 Highways

CSP 36 expects new development to be designed and built to provide safe, secure and convenient access for all road users. Any of the appropriate alternative use of the land proposed would need to be served by a suitable access for both personal and Heavy Goods Vehicles. The Highways Officer considers that the CPO site to the north of Shaw Lane has an existing safe and adequate access, which could be used for any of the three proposed alternative appropriate uses.

However, the Highways Officer considers that access to the site to the south of Shaw Lane could not be taken adjacent Shaw Dike Bridge due to poor highway visibility and it is considered that acceptable visibility cannot be achieved to access the land to the south. As such, therefore, all of the land to the south of Shaw lane could not be developed for any purpose unless an alternative means of access could be found, or substantial improvement works carried out which would require additional land.

9.6 Land Contamination

The Contaminated Land Officer is satisfied that any risk due to historic contamination by heavy metals would be very low and could be mitigated satisfactorily. The suggested uses would therefore be in accordance with Cores Strategy Policy CSP 39.

9.7 Regulatory Services

Core Strategy Policy CSP40 states that development will be expected to demonstrate that it is not likely to result in unacceptable effects or cause nuisance to the natural and built environment or to people, whether directly or indirectly.

Using the land for any of the three suggested uses would have the effect of removing the existing landscape and visual buffers and moving the nuisance effects of the existing Boulder Bridge operations closer to the nearby residential dwellings. It is also likely that any of the three suggested uses would additionally also raise potential major nuisance issues to these nearby residents in terms of noise, dust, odour, light and insects. Unless comprehensive mitigation could negate these potential nuisances this site would not be suitable for any of the three uses in principle, and would not be in accordance with CSP 40.

10.0 Other Material Considerations

- 10.1 Planning permission was granted on 13th November 1986 for the reclamation of fuel by surface working and subsequent restoration of the site and this constitutes a material planning consideration. The planning permission was granted subject to 10 planning conditions: Condition 1 required that the development shall be begun within 3 months from the date of the permission; Condition 2 required that upon completion of the fuel reclamation operation the site shall be restored in accordance with a scheme on the approved plan; and Condition 3 required that the development, including restoration of the site, shall be completed within 3 years of the commencement of development.

11.0 Conclusion

- 11.1 The suggested appropriate alternative uses would all constitute inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. Whilst these suggested alternative uses do not constitute planning applications, any proposals for these uses would be measured against these policies.
- 11.2 Added to the harm caused by inappropriateness, it is considered that the proposed alternative uses on this site would constitute encroachment within the countryside and would have an adverse impact on the openness of the Green Belt contrary to CSP34. Additional harm may also be caused as the suggested uses would not retain or enhance the landscape character, contrary to Core Strategy Policy CSP37 and policy statements in the NPPF relating to protecting Green Belt land and conserving and enhancing the natural environment.
- 11.3 Added to the harm caused to the Green Belt, the proposed alternative uses would not conserve or enhance the biodiversity features of the site but would cause significant harm to the land which is a statutorily designated Local Nature Reserve, which is also a non- statutory Local Wildlife Site, contrary to Core Strategy Policy CSP 36.

- 11.4 In respect of any other harm, it is considered that harm to visual amenity and nuisance due to the close proximity of residential dwellings may in principle be mitigated with comprehensive schemes.
- 11.5 It appears the proposed alternative uses would have no significant adverse effects in terms of contamination and Highways to the north of Shaw Lane only but that access to the South of Shaw Lane would be unacceptable in Highways terms without including more land. In addition, whilst footpaths would be affected by any development, there are legal procedures that enable footpaths to be stopped up or diverted.
- 11.6 Balanced against the harm detailed above, the Local Planning Authority must consider the benefits of the proposal and any material considerations which would outweigh the harm caused to the Green Belt and any other harms. The Government requires that the balance of benefits should be clear and obviously evident when set against the perceived harm.
- 11.7 That planning permission was granted in 1986 for reclamation of fuel by surface working is a material planning consideration. However, the permission was only for a limited period and restoration/reclamation of the site had taken place and biodiversity value sufficiently established to enable the site to be designated as a Local Wildlife site in 1991. The site was already designated as a statutory Local Nature Reserve. The Contaminated Land officer has confirmed that there would be little risk of pollution today.
- 11.8 Planning applications have to be determined on current national and local policies. Whilst planning permission may have been granted for reclamation of fuel by surface working in 1986, this use would not now be acceptable due national and local planning policies and environmental considerations as detailed above. Taking all this into account the Local Planning Authority considers that the previous planning permission carries little weight.

As such, in considering the suggested alternative appropriate uses, it is considered that the harm by reason of inappropriateness to the Green Belt, and harm caused in other respects, are not clearly outweighed by other considerations. Very special circumstances therefore do not exist and there are no alternative appropriate uses for this site suggested by the landowner.

12.0 Other Possible Appropriate Alternative Development

In considering whether any other uses not suggested by the Landowner are considered to be Appropriate Alternative Development, the Local Planning Authority must consider the contents of the development plan and any material considerations. The development plan allocates the land as Green Belt land and as such many uses including but not limited to: shops, financial and professional institutions, food and drink establishments, hotels and many other commercial, residential, and industrial uses, are inappropriate development in the Green Belt. The NPPF identifies buildings for agriculture and forestry as being appropriate uses, together with outdoor sports facilities, mineral extraction, engineering and local transport infrastructure as not being inappropriate. However, on this site, the fact that the land is a statutorily designated Local Nature Reserve and a non-statutorily designated Local Wildlife Site is a material planning consideration, and whilst any of these, or other potential uses may not constitute inappropriate development in the Green Belt, in the opinion of the Local Planning Authority the development of the site for any other use would not be acceptable due to the harm that would be caused to the biodiversity interests.

13.0 Recommendation

- 13.1 That the Head of Planning and Building Control issues a S 17 Certificate confirming that if the land subject of the application for a Certificate of Appropriate Alternative Development were not acquired by the Barnsley Metropolitan Borough Council in exercising its Compulsory Purchase Powers, planning permission would **NOT** have been granted for any other development.

Background Papers

Saved Adopted Unitary Development Plan Policies

Adopted Core Strategy

Adopted Joint Waste Plan

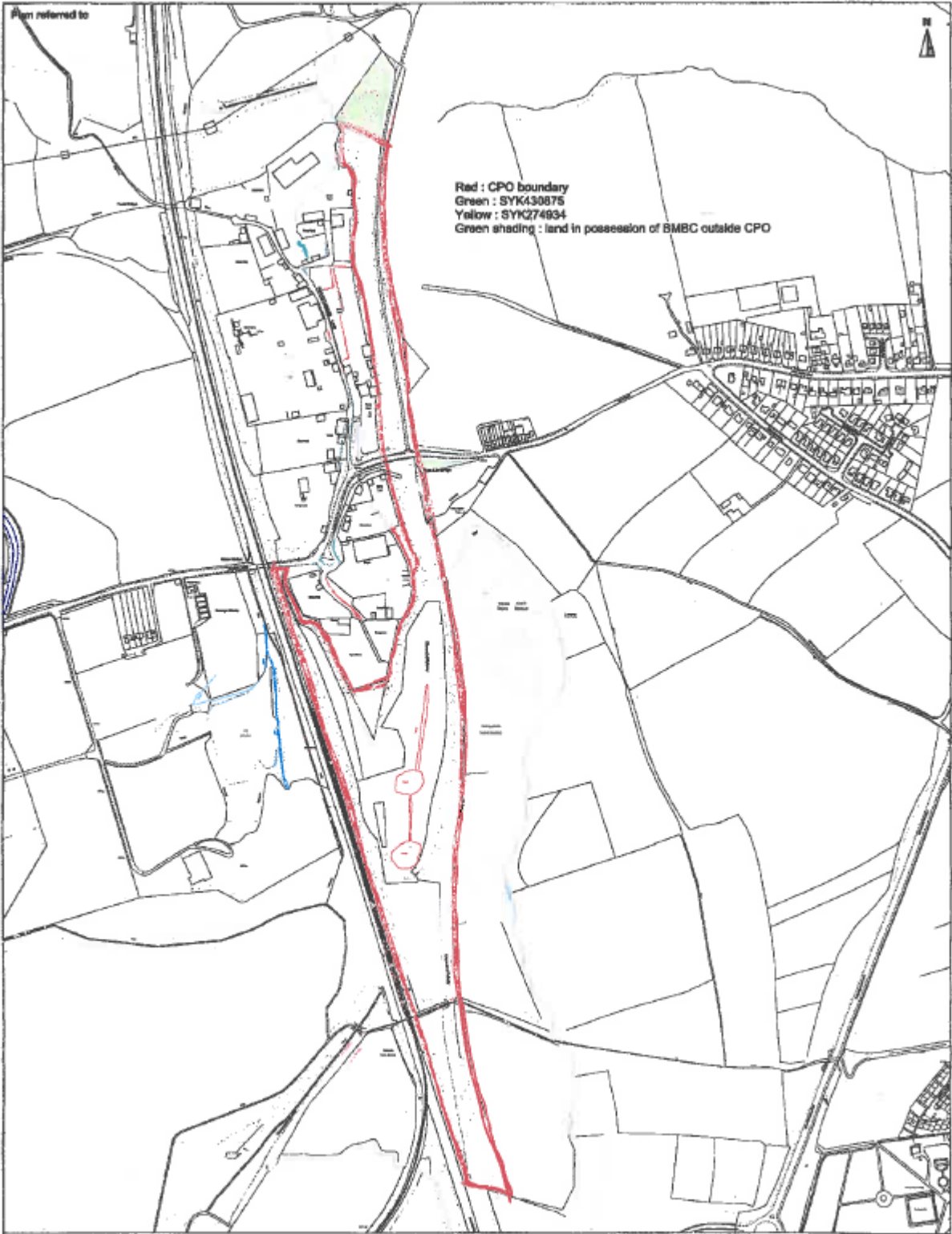
National Planning Policy Framework

National Planning Policy For Waste

Office Contact: Elaine Ward

Tel: 01226 774731

Date: 27th October 2015



BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 September 2015 to 30 September 2015

APPEALS RECEIVED

No appeals were received during September 2015.

APPEALS WITHDRAWN

No appeals were withdrawn in September 2015.

APPEALS DECIDED

3 appeals were decided in September 2015:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>	<u>Decision</u>
2012/1080	Residential development (Outline) at Land opposite 4-18 Station Road, Worsbrough Dale	Written representation	Delegated	Dismissed
2014/0482	Erection of 4no. detached dwellings at Land adj Millstones, Oxspring,	Written representation	Delegated	Dismissed
2014/1454	Change of use of storage caravan to residential use including associated works at Grange Farm, 67A Grange Road, Royston	Written representation	Committee	Allowed

2015/2016 Cumulative Appeal Totals

- 12 appeals decided since 01 April 2015;
- 10 appeals (83%) dismissed since 01 April 2015;
- 2 appeal (17%) allowed since 01 April 2015