

## **Report Précis**

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

Date: 26/01/2016

### **Subject**

Applications under Town and Country Planning Legislation.

### **Purpose of Report**

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

### **Access for the Disabled Implications**

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

### **Financial Implications**

None

### **Crime and Disorder Implications**

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

### **Human Rights Act**

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

### **Representations**

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

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

### **Recommendation(s)**

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

### **Background Papers**

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

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**2013/0223 Approval**

**Pages 7 - 26**

Extraction of coal ash and subsequent restoration of the land. (Amended description)

Hill Street, Elsecar , Barnsley, South Yorkshire, S74 8EN

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**2015/1070 Approval**

**Pages 27 - 47**

Residential development of 278 dwellings with public open space and landscaping.

Land off Summerdale Drive and Carrs Lane, Cudworth, Barnsley

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**2015/1277 Approval**

**Pages 48 - 61**

Erection of 32 no. dwellings and access road (Outline)

Former Longcar Conference Centre, Longcar Lane, Barnsley, S70 6BB

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**2015/1460 Approval**

**Pages 62 - 70**

Variation of condition 2 of app 2014/0570 (Increase height of building by two floors and rearrange internal layout to provide 27 additional apartments and residents gym and associated external alterations) to allow removal of balconies from all apartments

Land at Heelis Street, John Street, Burleigh Street, Barnsley, S70 1LW

## PLANNING APPLICATIONS – WITH REPORTS

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**Ref 2013/0223**

Applicant: Mr. Mario Monfredi

Description: Extraction of coal ash and subsequent restoration of the land.

Site Address: Hill Street, Elsecar, Barnsley, South Yorkshire, S74 8EN.

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Councillor Tim Shepherd requests that the application be referred to the Planning Regulatory Board and advises that he is against it.

46 representations received objecting to the proposal.

### **Background**

Members will recall that the application was referred to the December meeting and was deferred for a site visit.

### **Site Location and Description**

The roughly south-west to north-east elongated application site (approximately 0.9 hectares) lies on the western side of Hill Street (B6097), Elsecar, immediately to the south of the railway station/line. The site comprises of a contractor's depot with open storage (building materials and equipment) at the eastern end and open scrubland to the west. The majority of the site is relatively flat but there is a steep bank down on the southern side of the site.

To the south west is an area of woodland and to the west across the railway line is parkland off Millhouses Street. To the north are residential properties off Noble Street, Gill Street, Greenacre Close and Millhouses Street, and a park and ride facility associated with Elsecar Station. To the east across and on Hill Street are commercial, community and further residential properties whilst to the south is a mixture of uses comprising of workshops, fields/scrubland and residential properties off Foundry Street. The nearest residential properties to the site are off Foundry Street and Hill Street.

### **Proposed Development**

The applicant proposes to recover 40,000 cubic metres of coal ash (originating from the boilers of steam locomotives and possibly a former iron foundry to the south of the site) which can be used in the manufacture of concrete blocks, over a period of some 6 months and subsequently restore the land pending possible future residential use. The ash would be extracted up to a maximum depth of 9m from the western half of the site commencing some 170m from Hill Street.

Originally, it was intended to import some 27,000 cubic metres of inert fill over a period of 12 months to create levels in keeping with a potential residential layout. However, it is now proposed to redistribute existing fill on the site to form the final ground levels which would largely reflect the assumed natural ground level before the ash was deposited on the site. The area would then be seeded pending a possible future planning application for residential development.

All surface vegetation would be cleared from the extraction area and the ash, if needed, deposited into a power screed (a machine used to level and remove excess material ) that would load it onto road-going 20 tonne HGVs (up to 15 loads per day over the 6 month period). The material would then be transported along the haul road over the eastern half of the site and then onto Hill Street.

Plant and machinery to be used on the site would include 2 no. x 360's 16-24 tonne tracked excavators, 1 no. 12-14 tonne loading shovel, 1 no. 9 tonne on site dumper truck, 1 no. JCB and 1 no. 2 tonne twin drum Bomag vibration roller.

The proposed hours of working are 7:30 am – 5:30 pm Monday to Friday, 8:00 am – 1:00 pm Saturdays with no working on Sundays and Bank/Public Holidays. The operations would generate 6 jobs for the duration of the development.

The planning application is accompanied by Dust and Noise Management Plans (including a noise survey) and an Ecological Appraisal.

The Dust Management Plan includes the following dust mitigation proposals:

- All HGVs would be sheeted prior to leaving the site.
- A road sweeper would be employed when necessary to keep the main tarmac access road in the vicinity of the site entrance clean and to remove any mud and any other debris brought off the site onto the public highway.
- Internal un-surfaced haul roads would be well maintained and compacted to minimise any spillage from vehicles and dust emissions from loose and uneven surfaces.
- In dry/adverse weather conditions and during extraction/screening operations, the area being worked would be kept damp by regular application of water via bowsers.
- Double handling of material would be avoided wherever possible.
- Any temporary stockpiles would be located with regard to sensitive areas and taking account of the prevailing wind conditions and would be dampened where necessary.
- Any soils to be stored for re-use in restoration would be seeded to prevent the generation of dust.
- Restriction of vehicles speed on the site to 10 mph.
- Visual awareness with any significant dust emission occurring with the potential to travel beyond the site boundary being reported to the site manager for action. Operations to be halted if necessary.
- The keeping of a site log relating to the management of dust, and details of complaints and remedial action.
- Any off-site complaint in relation to any fugitive dust emissions would be investigated by the site manager and corrective action taken in accordance with an Action Plan.
- All staff would be trained and instructed in operational and control procedures to control emissions.

The Noise Management Plan includes the following mitigation measures:

- Stationary noise sources to be sited as far as possible from noise sensitive areas and where necessary, acoustic barriers (e.g. earth bunds) to be utilised as a shield.
- Movement of vehicles to and from the site to be controlled and to be within the permitted hours only.
- Regular documented maintenance checks of plant and machinery and particularly any items employed for noise reduction.
- Use of the quietest plant and machinery for a particular job.
- Staff training to minimise noise e.g. minimising drop height.

The boundaries of the excavation are currently fenced. If this was required to be removed during extraction, then temporary security fencing would be employed. On completion, permanent fencing would be reinstalled. Security lighting would be to the site compound only at the entrance to the site off Hill Street.

### **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 and saved Unitary Development Plan policies.

### **Barnsley Local Development Framework Adopted Core Strategy (CS)**

Relevant policies 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.

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.

CSP38 - Minerals - supports amongst other matters proposals to extract minerals prior to the commencement of non-minerals development which may otherwise sterilise the mineral and high quality and appropriate reclamation and afteruse within a reasonable timescale. All mineral proposals should be of limited duration, have no unacceptable adverse environmental or amenity impacts, be subject to appropriate reclamation and afteruse and result in a net increase in biodiversity.

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 Unitary Development Plan adopted 2000 (UDP)**

The site is currently allocated as Safeguarded Land in the UDP. Relevant (saved) policies include:

GS5 – Derelict and Degraded Land – refers to vacant sites which are not to be immediately developed and that appropriate site treatment should be undertaken to enhance the site and improve the environment.

GS10 – Safeguarded Land – states that existing uses will normally remain during the plan period. Planning permission for the permanent development of such land will only be granted following a review of the UDP.

M9B – Working and Restoration – refers to schemes of working, restoration and afteruse will be required.

M9C – Working and Restoration – refers to the detailed measures required for mineral working.

### **Emerging Local Plan**

Proposed allocation: Housing proposal (H2) indicative development of 76 dwellings.

### **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 give great weight to the benefits of mineral extraction, including to the economy and 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. They should also ensure, in granting planning permission for mineral development, that there are no unacceptable adverse impacts on the natural and historic environment and human health and ensure that any unavoidable noise, dust and particle emissions are controlled, mitigated or removed at source;

## **National Planning Policy Guidance (NPPG)**

The NPPG identifies relevant issues that should be taken into account. The principal issues that the mineral planning authority should address in this case are considered to be:

- [noise associated with the operations](#);
- [dust](#);
- traffic;
- land stability;
- biodiversity;
- restoration; and
- visual impact on the local and wider landscape.

## **Consultations**

Environment Agency – No objections.

Coal Authority – No objections. Attachment of an informative recommended.

Yorkshire Water Services – No objections subject to the attachment of a condition and informatives.

Network Rail – No objections subject to a condition.

BMBC Regulatory Services – No objections subject to the imposition of a condition.

BMBC Drainage – No objections subject to the imposition of conditions.

BMBC Highways – No objections subject to the attachment of conditions.

BMBC Forestry – No objections subject to the attachment of a condition.

BMBC Biodiversity – Recommends approval subject to the attachment of conditions.

South Yorkshire Mining Advisory Service (SYMAS) – No objections.

## **Representations**

The proposal was advertised by way of a site notice, the local press and neighbour notification letters sent to 29 local residents and businesses. A re-consultation was also carried out when the description changes to reflect the landfilling element being removed from the scheme. A total of 49 letters of objection/comment have been received (46 in reality due to doubling up) from residents and some businesses on Church Street, Fitzwilliam Street, Hill Street, Noble Street, Weir Close, The Croft, Gill Street, Foundry Street, Allot Street, King Street, Wentworth Road, St. Helens Street, Wath Road, Wood View, Wilkinson Road and Cobcar Street, raising the following concerns:

- The application description has been amended and does not reflect the landfilling aspect.
- The application should be screened for an Environmental Impact Assessment There are a complex of environmental matters that need to be considered and as such, the full EIA process should be undertaken.
- The work will create nuisances of noise, dust and vibration impacting on the enjoyment of my home and garden. The noise from transport and plant and machinery will be in very close proximity to our properties causing daily disruption. The noise report appears to be out of date now and have little relevance. The report is lacking in detail raising concerns that noise will not be dealt with effectively. The NPPF makes it clear that planning authorities should ensure that unavoidable noise emissions are controlled, mitigated or removed at source. The noise report suggests a limit to daytime operations but no working hours are suggested in the Design and Access Statement. The proposed working hours seem excessive. There is an inconsistency in the hours of operation in the revised Design and Access Statement and the submitted application form.
- There is potential damage to the adjoining woodland habitat for wild birds in particular. Any further urbanisation of the area by house building will further reduce my enjoyment of an existing peaceful rural setting and cause further loss of natural habitat for local wildlife. Trees and shrubs have been removed from the site as well as alongside the railway and for the Park and Ride destroying habitats. Far from being industrialised, contaminated land, the western half of the site contains fertile soil capable of supporting a diversity of trees and shrubs and should be left to re-vegetate naturally. The submitted ecology report only references bats and birds within the existing building and does not reference what ecology will be impacted by the loss of vegetation. The protected species surveys are out of date and should be repeated.
- The proposed extraction of 40,000 cu.m of material poses serious short and long term risks to the already fragile foundations of our property on land which has been mined previously, contains air shafts, and has experienced subsidence, to the extent that the properties had to have remedial works carried out and some demolished. There is also the possibility of subsidence to the railway line and to the roads in the area.
- The works will have detrimental effects on our air quality and also in terms of traffic problems/congestion, highway safety and general quality of life. The routes likely to be used to access the proposed site are all small roads in a populated residential area which is home to people and children of all ages. Will the roads stand up to the heavy pounding by lorries. There is no consideration of access into the land, where lorries will wait and whether there are gates This is a congested area with shoppers, buses (10 minute service), cars and commuters. There would be a greater risk of accidents due to the proximity to parked cars, a severe bend in the road and a busy junction, which buses use, all on a steep hill. Pedestrians walking to and from the railway station would be at risk. There is a bus stop very close to the proposed site entrance. When buses park and vehicles start to overtake, I am concerned about the complex layout of the road.



- The application details methods of cleaning up road dust which raises serious issues of air pollution with dust coating our buildings, plants, allotments, outbuildings, vehicles and critically, contaminating the air that we breathe, in an area with a high incidence of respiratory problems. Disturbed airborne coal ash dust could represent a critical health hazard both during excavation and transportation. Coal ash will have become toxic after so many years. It is known to contain mercury, arsenic, lead and many other toxic heavy metals. They will pollute the air, land and drinking water and pose an acute risk of cancer and neurological damage along with damage to the heart, lungs, kidney, reproductive and gastrointestinal systems, birth defects and impaired bone growth in children. There is a prevailing westerly wind which would blow dust towards residences.. Fear of a proposal can be a material planning consideration. The proposals in the dust management plan are not adequate. A full and detailed dust impact assessment should be carried out by a competent person/organisation.
- In 1975, a huge pile of used tyres was set alight. The rubber ash was spread all over the site in the 1990s. Road planings and excavated materials and aggregates were dumped and processed on the site causing air pollution with the dust. Doors and windows would have to remain closed with the current proposal. Lorries lumbering past, shedding dust clouds from wheels and brakes will be horrendous and stressful.
- The proposal would have a negative impact on our business.
- The proposal and anticipated future applications would impose a significant interruption on our views over fields towards Elsecar Woods and Wentworth. The western part of the site which is principally affected by the proposal is bordered by fields and community woodland designated as part of the South Yorkshire Forest. Looking across the site from north or south, much of the existing urban development in Hoyland and Elsecar is screened. Any development of this site would remove these benefits.
- The extraction/recycling of the coal ash is largely a 'red herring' as the clear intention of the application is to prepare the site for future residential development, rather than make use of the material. Removal of the ash and replacement with compacted builders' rubble would be the real contamination of the site.
- The application contains a number of statements which are either incorrect or misleading.
- This proposal which will affect the entire village. The people in the surrounding area have not had their chance to pledge their consent or not. Until I received your letter, I was totally unaware of the proposal.
- Concerns over the need for bore hole surveys, analysis of ash, control of dust, and sound monitoring
- Any screening facility/operations should be well away from residential properties at a low level.
- Concerns over what will happen to the excavated areas prior to infilling and the timescales
- Elsecar is a Heritage Village and the proposal would reduce the desire to visit. There are no benefits to local people.
- Any removal of ash from the site and replacement with rubble in anticipation of future residential development would pre-empt the outcome of the Local Plan and would therefore be premature. The proposed development conflicts with the emerging Local Plan (Development Sites and Places) which states that the woodland along the boundary be maintained and improved. The ash provides fertile soil to support trees and shrubs and this would be replaced by compacted rubble.
- All treated ground should be treated and landscaped. Unless a commitment is given to affordable housing on the site, the proposal should be rejected. There should be a suitable the restoration/landscaping proposal once extraction and landfilling works are completed.

- There is a lack of publicly available information. There has been no community consultation by the applicant and no pre-application advice sought from the Council. Presumably the Council has complied with the planning advertisement regulations.
- Consideration needs to be given to the Joint Waste Plan as the proposal involves the importation of waste.

## **Assessment**

### Material Considerations

Principle of development  
 Environmental and amenity impacts  
 Other issues

#### Principle of development

The recovery of 40,000 cubic metres of coal ash pending the possible future development of the site for residential use is supported by policies CSP38 and GS5, and planning policy statements in the NPPF. The extraction and use of these mineral assets would:

- Assist in reducing the need for the primary extraction of mineral resources and would be of benefit to the possible future use of the site;
- Support the principle that mineral resources should be fully recovered and provide a local supply; and
- Assist in the provision of an adequate and steady supply of minerals, including secondary minerals for which there is a demand.

Whilst policy GS10 refers to safeguarded land and that existing uses will normally remain during the plan period, the proposal constitutes a modest (in mineral extraction terms), temporary development, and would not change the use of the land.

The proposal therefore is considered to be acceptable in principle.

The policy background requires an assessment of the environmental and amenity impacts of mineral extraction including transportation.

#### Environmental and amenity impacts

##### Visual amenity

Any adverse visual amenity impact would be temporary bearing in mind the limited extraction period and as the site is to be restored pending possible future development. Whilst the nearest residential property on Foundry Street borders the site boundary, there are a number of trees which would help to screen views of the proposed operations from the property and other dwellings on Foundry Street. More distant residential properties across the railway line to the north of the site, in general are not aligned to face the site directly, whilst properties to the north east off Hill Street are some 170m distant from the extraction area. As the extraction area is in an elevated position relative to Elsecar to the south east, there would be some distant views of the operations but again, the adverse visual impact would be temporary and not significant.

## Highways

The Council's Highways Section notes that the only vehicular access into the site is from the B6097 Hill Street, the main road through the village of Elsecar and that the site frontage is on the inside of a gentle bend. The presence of a bus stop to the west of the site entrance, the local railway station, parking restrictions and a speed limit of 30 mph are also observed.

The objectors have raised a number of concerns on highways grounds which are outlined and responded to below:

- The site access is currently gated restricting access to the site and may result in vehicles arriving at the site requiring access having to park on the highway. To resolve this it is considered that the gates should remain secured in the open position for ease of access at all times whilst the site is in operation, with the use of secondary gates within the site if deemed appropriate.
- The site frontage is a high stepped brick boundary wall to the back edge of the footway. To resolve this the wall will need to be lowered to meet the sight lines required by Highways.
- With regards to concerns over the impacts on the bus stop, consultation is taking place with the South Yorkshire Passenger Transport Executive regarding the use of temporary bus stops and potential long term relocation of the stop.
- Concerns over vehicular movements are proposed to be controlled by a condition limiting the number of HGV vehicular movements to 30 per day (15 in and 15 out). A route for HGV's can also be conditioned to ensure they avoid the most congested spots.
- The impact on the condition of the carriageway can be considered through joint pre and post condition highway surveys.
- Movement of material, particularly during the winter months may lead to mud deposits on the highway or dust on neighbouring land. To resolve this the use of hard surfacing with an on-site wheel wash would reduce this possibility. A visiting sweeper should also be made available on an as needed arrangement.
- Due to the duration of the proposal, advanced signage of an appropriate nature can be considered.

As the above mitigation measures can be conditioned on any grant of planning permission, there are no objections on highway safety grounds. The Council's Highways Section are therefore satisfied that the proposal would not be of detriment to the free flow of traffic or highways safety.

## Noise

Regulatory Services note that the submitted Noise Management Plan includes reference to a previous planning application and that it mainly concentrates on the management processes during the operational works to ensure that:

- Noise impact is considered as part of the day-to-day routine
- Noise is primarily controlled by good operational practices, including noise mitigation measures and management controls
- All reasonable measures are taken to reduce noise emission from the Ash removal process.

The Noise report goes on to highlight the best practice measures to achieve the above. The Council's Regulatory Services Section have inspected the report and, whilst acknowledging that further information on aspects such as the noise levels of the machinery, position of machinery, and background noise levels, would need to be submitted, they are satisfied that the nature of the operations and length of time for the works means that an adequate noise risk assessment can be conditioned and agreed upon prior to the commencement of works. This approach is also helped by the applicant confirming that the operational times would not exceed 17.30 in an evening and would not commence before 0730 in a morning.

#### Dust

Regulatory Services are satisfied that the potential dust impacts can be adequately controlled through the adoption of the submitted Dust Management Plan for the duration of the development, such that there would be no problems for the surrounding areas.

The adoption of the Dust Management Plan can be conditioned on any grant of planning permission.

#### Drainage

The Council's Drainage Engineer notes that there are a number of both open and culverted watercourses within the site boundary which would require protection. However, there are no objections to the proposal subject to the imposition of conditions requiring full drainage details and relating to the protection of the watercourses.

Similarly, Yorkshire Water requires the imposition of a condition relating to the protection of a sewer which crosses the site.

#### Biodiversity

The initial ecology report including the protected species survey was considered to be unacceptable for a number of reasons by the Council's Biodiversity Officer. This has since been updated with further information and survey work having been carried out.

The Biodiversity Officer is now satisfied with the updated report that concludes that:

- The habitats offer little floristic interest as the species present are neither notable nor rare.
- There are no statutory constraints in respect of badgers, bats, great crested newts and reptiles.
- Only a small number of common bird species were noted with no notable species. However, the removal of vegetation such as scrub and trees should be done outside of the bird breeding season. If this is not possible, the affected vegetation needs to be checked by an experienced ecologist prior to removal.

The main issue identified is the presence of Japanese Knotweed, a non-native invasive species, in the western section of the site. Its presence needs to be assessed in preparation for safe removal. A condition can be attached to deal with this matter.

In order to compensate for the loss of scattered scrub and grassland to the west of the site, it is intended to provide enhancements within the western corner comprising of an area of species rich grassland, tree planting and the creation of a single hibernacula suitable for amphibians.

## Trees

The Council's Tree Officer notes that the majority of the trees on the site are small, low value, self-seeded specimens and that many have been removed by Network Rail in the interests of railway maintenance and safety. The trees are not worthy of protection through a Tree Preservation Order but replacement planting should be carried out following the extraction of the coal ash, preferably in areas of the site unlikely to be affected by any future development. This can be conditioned on any grant of planning permission.

## Contamination

Whilst there is substantial local concern and fear regarding potential health hazards emanating from the excavation and transportation of the coal ash, generating dust which may potentially contain concentrations of heavy metals and other contaminants, Regulatory Services, the Environment Agency and the Council's Contaminated Land Officer have not expressed any concerns from this perspective. As noted above, it is considered that potential dust impacts can be controlled.

Nevertheless, and whilst not required to do so by any consultee, the applicant has appointed a consultant to carry out a comprehensive chemical testing on the soils underlying the site and to produce a risk assessment with regard to the health of local residents and environment during site operations.

The report concludes that:

- The ash materials do not contain unusually high concentrations of heavy metals/metalloids or poly aromatic hydrocarbons, and do not contain any traces of asbestos.
- The concentrations have been compared to generic assessment concentration based on an exposure model which is expected to be overly conservative.
- Any potential exposure can be managed to mitigate any potential risks.
- The removal of the material would not present potential risks to groundwater or the local environment, and would in fact, act to clean up the area.
- No ground instability issues are expected by the proposed works.

In respect of the potential environmental and amenity issues outlined above, it is considered that the proposal, subject to the imposition of conditions on any grant of planning permission accords with the requirements of policies CSP26, CSP36, CSP38, CSP39 and CSP40, the relevant policy planning statements in the NPPF and the NPPG.

## Other issues

### Working and Restoration

The applicant has submitted a Design and Access Statement outlining the proposal and the proposed method of working and restoration. However, this was produced prior to the decision to not import inert fill material for the restoration of the site and in any event, whilst revised detailed final levels have been submitted, details regarding temporary storage of any overburden, treatment of the formation surface (e.g. seed mix and application rate) etc. have not been submitted.

Therefore, in order to fully comply with policies M9B and M9C and ensure that a detailed restoration scheme is submitted, approved and implemented for the extraction area, it is considered that an appropriate condition is attached to any grant of planning permission.

## Past Mining

The site falls within the Coal Authority's defined development high risk area and as such, any coal mining features and hazards need to be considered. However, whilst there are potential mining features within the application site, these only fall within the extreme northern part of the site and in an area where no excavation is proposed. In the circumstances, the Coal Authority do not consider that a Coal Mining Risk Assessment is necessary and do not object to the proposal.

SYMAS also have no objections and based on the sections provided consider the volume of coal ash quoted to be reasonable.

## Railway

Network Rail initially requested additional information including slope stability calculations in view of a concern that the proposed works could potentially create instability in the ground supporting the railway. The applicant commissioned a drilling team to carry out exploratory boreholes to establish the exact profile of the existing railway embankment and deeper test holes to assess the extent, if any, of shallow mine workings.

The outcome of the tests is that the coal ash has very little substance in terms of retaining capabilities and that its removal would not therefore cause problems with bank stability.

Network Rail has confirmed that the proposed development is acceptable in principle subject to the applicant to entering into an Asset Protection Agreement with them. They have requested that this be imposed by a planning condition. However, it would be the developer's responsibility under general common law, plus probably health and safety and other legislation to ensure that they do not affect or damage neighbouring land. A condition would therefore not be appropriate in this instance but an informative is proposed to be added to inform the applicant/developer of their responsibilities to liaise with Network Rail.

## Other Aspects raised in the representations

A representation notes that the description of development has been amended and does not reflect the landfilling aspect. As noted above, the description has been amended since the landfilling element of the original proposal has been removed. The application following the amendment was re-publicised and further consultations carried out with the appropriate consultees.

The planning application was screened in order to determine the need or otherwise for an Environmental Impact Assessment (EIA) to be carried out. It was determined that an EIA was not required.

It is acknowledged that there is an inconsistency in the proposed hours of working between the revised Design and Access Statement and the submitted application form; the application form indicating an end time Monday to Friday of 6:00 pm whilst the statement indicates 5:30 pm. However, the applicant has confirmed that the end time would be 5:30 pm.

The reported incident in 1975 regarding the burning tyres is of no relevance to the current planning application.

It is difficult to contemplate as to why the proposal would have any significant negative impact on local businesses. The coal ash extraction would be to the west of the site, well away from existing businesses on Hill Street. Whilst there would be an increase in traffic, Hill Street being a B classified road is already busy and any adverse impact would be temporary. It could also be argued that staff employed at the site may well utilise some of the local businesses resulting in a positive benefit.

Whilst there is no right to a view, the proposal would have no adverse impact in terms of interrupting any view as claimed. The possibility that the site may be developed in the future is not material to the current application.

It is claimed in a representation that 'the extraction/recycling of the coal ash is largely a red herring as the clear intention of the application is to prepare the site for future residential development, rather than make use of the material'. Whilst it may or may not be true that the applicant intends to seek planning consent for residential development in the future, the current application is valid in its own right and cannot be considered premature in local plan terms, in that the coal ash can and is intended to be used for the manufacture of concrete building blocks and as such has a value. Any subsequent planning application for residential development would be considered on its own merits.

There has been some criticism of the publicity given to the planning application by the Mineral Planning Authority (MPA). However, as noted above, the application has been publicised (twice) in accordance with regulations through press and site notices and individual neighbour notification (29 letters). The fact that 46 representations have been received would suggest that local residents have been made appropriately aware of the proposal.

Being a temporary operation and over 600m from the Elsecar Heritage Centre, it is not considered that the proposal would have any significant adverse impact on visitor numbers.

### Conclusion

The proposal is considered to comply with national and local policies and guidance and is in principle acceptable. It would, subject to the imposition of planning conditions, have no significant adverse impact on local residents and would be of some benefit if the site were to be developed in the future. Bearing in mind the need to comply with a number of significant pre-commencement conditions and to allow for restoration, it is considered that a period of up to 18 months be permitted to carry out the development subject to a limited period of 6 months to recover the coal ash.

### **Recommendation**

Planning Permission be Granted Subject To The Following Conditions and Informatives:

- 1 The development, including the restoration of the site, hereby permitted shall have a maximum duration of 18 months from the date of this decision.  
**Reason: The application is for a temporary period and to accord with CS policy CSP38.**

- 2 The development hereby permitted shall only be carried out in accordance with the following documents, unless amendments are made pursuant to the other conditions below:
  - a. Drawing titled 'Site Plan - Ash Removal', numbered 436 - 101, dated May 2014 and submitted with an e-mail of 21 May 2014;
  - b. Drawing titled 'Proposed Sections', numbered 436 - 102, dated May 2014 and submitted with an e-mail of 21 May 2014;
  - c. Drawing titled 'Proposed Sections', numbered 436 - 103, dated May 2014 and submitted with an e-mail of 21 May 2014;
  - d. Dust Management Plan for Hill Street, Elsecar, Barnsley, supplied with an e-mail of 5 June 2013;
  - e. Ecological Appraisal for Hill Street, Elsecar, produced by Protected Species Surveys and dated October 2015 (Rev A); and
  - f. Design and Access Statement, Rev B amended 22 April 2013 except that all references to the importation of inert fill are deleted.

**Reason: For the avoidance of doubt and in the interests of local amenity consistent with CS policy CSP40, UDP policy M9C and the relevant planning policy statements in the NPPF.**
  
- 3 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 Mineral Planning Authority (MPA) during normal working hours.
 

**Reason: To allow for monitoring by the MPA and to ensure that the development is carried out in accordance with the approved details.**
  
- 4 The extraction of coal ash shall only take place over a continuous period of 6 months within the development timescale stated in condition 1 above. The MPA shall be notified of the date of commencement of coal ash extraction at least 7 days prior to work commencing on site.
 

**Reason: In order to minimise the extraction period in the interests of residential amenity and to accord with CS policy CSP38 and the relevant planning policy statements in the NPPF and to allow for monitoring by the MPA.**
  
- 5 Working operations within the site including vehicle haulage movements and maintenance shall be limited to the hours between 0730 hours and 1730 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 in accordance with CSP40.**
  
- 6 The quantity of coal ash to be recovered shall not exceed 40,000 cubic metres. Extraction of coal ash shall be limited to a maximum of 9.0m below existing ground levels. A written record shall be kept by the operator of the quantity of coal ash extracted in cubic metres on a daily basis. This record shall be made available to the MPA for inspection on request and shall be retained for at least 1 year from the date of production.
 

**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 the relevant planning policy statements in the NPPF.**



- 7 The number of HGV vehicular movements associated with the development shall not exceed 30 per day (15 in, 15 out). A record shall be kept by the operator of the number and type of vehicular movements into the site on a daily basis. This record shall be made available to the MPA on request and shall be retained for at least 1 year from the date of production.  
**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 the relevant planning policy statements in the NPPF.**
- 8 No development shall commence until full surface water drainage details, have been submitted to, and approved in writing by, the MPA. Thereafter, no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme as approved shall then be retained throughout the life of the development.  
**Reason: To ensure the proper drainage of the area in accordance with CSP4.**
- 9 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 or obstruction shall be located over or erected within 3 metres either side of the centre line of, of any watercourse/sewer, which crosses the site.  
**Reason: To prevent damage to an existing watercourse/sewer and to allow sufficient access for maintenance and repair work at all times.**
- 10 All on-site vehicular areas shall be hard surfaced and drained in an approved manner prior to the development being brought into use.  
**Reason: To prevent mud/debris from being deposited on the public highway in the interests of highway safety and to accord with CS policies CSP26 and CSP40.**
- 11 Site lines, having the dimensions 2.4m x site frontage, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.  
**Reason: In the interests of highway safety and to accord with CS policy CSP26.**
- 12 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.  
**Reason: In the interests of highway safety and to accord with CS policies CSP26 and CSP40.**

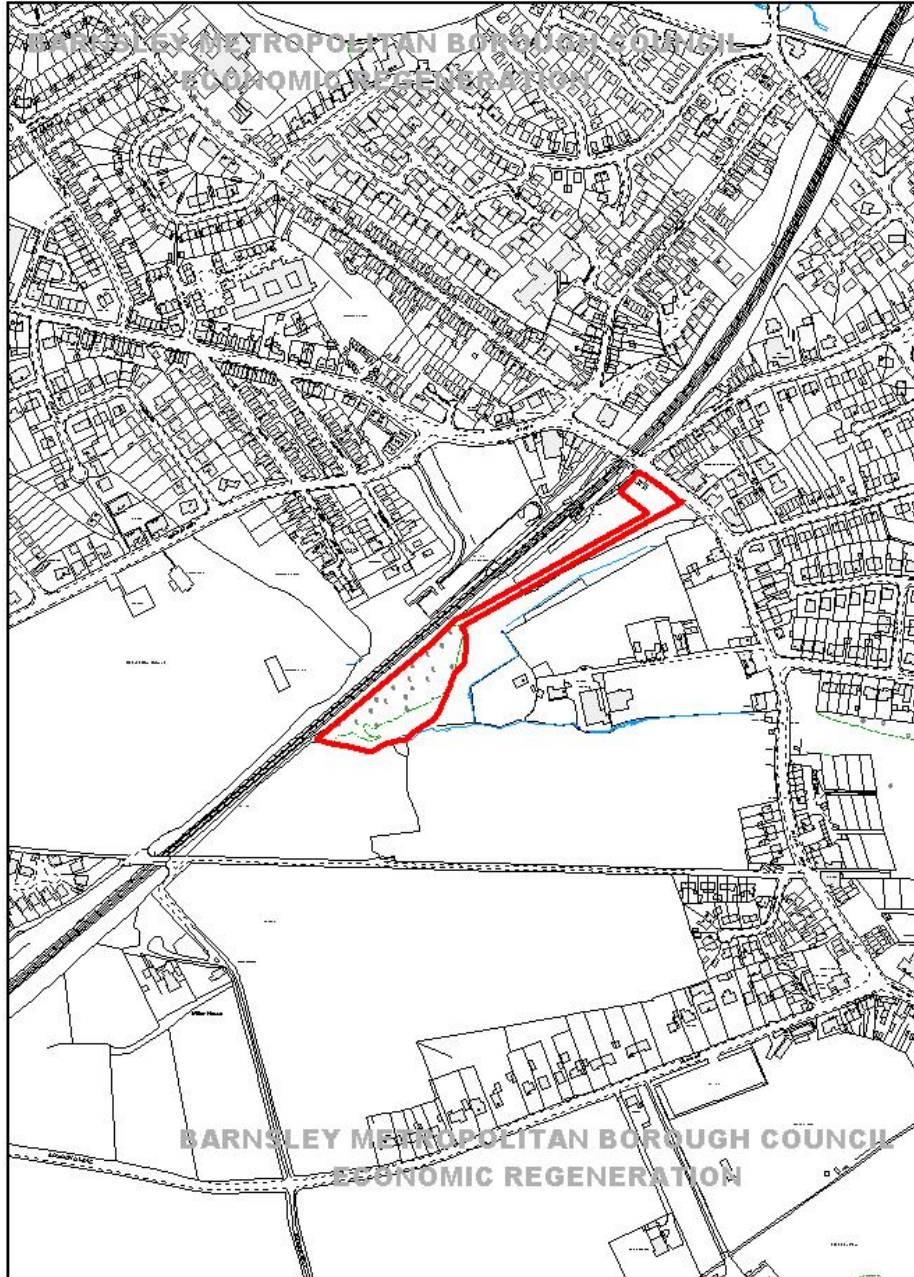
- 13 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the MPA. The methodology of the survey shall be approved in writing by the MPA and shall assess the existing state 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 MPA, 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 MPA.  
**Reason: In the interests of highway safety and to accord with CS policy CSP26.**
- 14 Vehicular and pedestrian gradients within the site shall not exceed 1:12.  
**Reason: To ensure safe and adequate access and to accord with CS policy CSP26.**
- 15 The site access gates to the rear of the footway are to remain secured in an open position during haulage operations for the duration of the works.  
**Reason: In the interests of highway safety and to accord with CS policy CSP26.**
- 16 No development shall commence until a haul route avoiding Hoyland Town Centre gyratory system for construction traffic has been submitted to, and agreed in writing by, the MPA. The agreed route shall be adhered to for the duration of the works.  
**Reason: In the interests of highway safety and to accord with CS policy CSP26.**
- 17 No development shall commence until arrangements have been entered into with the MPA to secure such works to mitigate the effect of the development, and such works shall be completed prior to the development being brought into use. Such works shall comprise of:
- a. Provision of advance highway warning signs for the site entrance;
  - b. Temporary and permanent relocation of adjacent bus stop;
  - c. Any necessary signing and lining;
  - d. Provision of/any necessary amendments to street lighting;
  - e. Provision of/any necessary amendments to highway drainage; and
  - f. 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 MPA.  
**Reason: In the interests of highway safety and the free flow of traffic and to accord with CS policy CSP26.**
- 18 No development shall commence, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the MPA. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:
- a) The parking of vehicles of site operatives and visitors;
  - b) Means of access for construction traffic;
  - c) Loading and unloading of plant and materials;
  - d) Storage of plant and materials used in constructing the development; and
  - e) Measures to prevent mud/debris being deposited on the public highway.
- Reason: In the interest of highway safety and to accord with CS policy CSP26.**

- 19 No development shall commence until a revised Noise Management Plan has been submitted to, and approved in writing by, the MPA. The revised plan shall include (but not be limited to):
- a. Details of the noise levels likely to be created by the proposed operations;
  - b. Details of the noise levels of all plant and machinery to be used on the site and the impact on the current background noise levels;
  - c. Details of management plans/mitigation to be put in place to control the noise levels on the site over the different phases of the proposed works; and
  - d. Details of where plant and equipment would be located during the works to address sensitive receptors, and location of any noise attenuation bunds.
- Reason: In the interest of residential amenity and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.**
- 20 All operations on site shall be carried out in complete accordance with the approved Dust Management Plan. When, due to site conditions the prevention of undue dust impact is considered to be impracticable by the MPA, operations shall cease until such time as conditions improve such as to permit resumption.
- Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.**
- 21 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 coal ash leaving the site shall be securely sheeted;
  - c) The effective maintenance of the access road including the use of a road sweeper;
  - d) The enforcement of a speed restriction of 10 mph on all vehicles moving on site and on the haul road;
  - e) Any vehicles permanently stationed at the site shall be equipped with upward pointing exhausts; and
  - f) The suspension of the movement of 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 the relevant planning policy statements in the NPPF.**

- 22 Within 6 months of the date of this planning permission, a landscaping scheme shall be submitted to, and approved in writing by, the MPA. The scheme shall provide details (plant species, size, planting distance, numbers and planting method) of tree and shrub planting to be carried out. The plants shall be located in areas unlikely to be affected by potential future development including the habitat enhancement area referred to in condition 24 below. All tree and shrub planting as approved in the scheme shall be carried out in the first planting season following the completion of the development. Any trees or shrubs planted as part of the scheme which are removed, or in the opinion of the MPA 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 MPA.  
**Reason: To ensure that a landscaping/planting scheme is submitted and implemented in the interests of visual amenity and to accord with CS policy CSP29, and the relevant planning policy statements in the NPPF relating to requiring good design.**
- 23 Habitat enhancements shall be carried out in within the western corner of the site as shown on Figure 3 of the approved Ecological Appraisal, at the earliest opportunity following the completion of the development and in any event within 12 months. The enhancements shall comprise of the provision of species rich grassland, tree planting in accordance with condition 23 above, and the creation of a single hibernacula suitable for amphibians. The design details of the species rich grassland and hibernacula shall be submitted to, and approved in writing by the MPA within 6 months of the date of this planning permission. Thereafter, the development shall be carried out in accordance with the approved details.  
**Reason: In the interests of biodiversity and to accord with CS policy CSP36 and the planning policy statements in the NPPF relating to conserving and enhancing the natural environment.**
- 24 A detailed assessment of the Japanese knotweed as noted in the approved Ecological Appraisal shall be undertaken by an experienced knotweed specialist during the growing season and an appropriate and detailed mitigation strategy drawn up to ensure its safe removal from the site and safe disposal. The assessment shall be submitted to, and approved in writing by, the MPA prior to any disturbance of the area occupied by the weed. Thereafter, the development shall be carried out in accordance with the approved assessment.  
**Reason: In the interests of biodiversity and to accord with CS policy CSP36 and the planning policy statements in the NPPF relating to conserving and enhancing the natural environment.**
- 25 Following the removal of the coal ash in accordance with this permission, the restoration of the site shall be carried out in accordance with a scheme which shall be submitted to, and approved in writing by, the MPA within 6 months of the date of this permission. The scheme shall include details of any storage areas for any overburden/soils and their protection during the operations, methodology for the replacement of such, grass seed mix/application rate and the timescale for the completion of the restoration.  
**Reason: To ensure the restoration of the site and to accord with CS policy CSP38, UDP policy M9B and the relevant planning policy statements in the NPPF.**

- 26 In the event of any failure to achieve the restoration levels approved under this planning permission, then within 3 months of the date of expiry of the permission an amended scheme of reclamation shall be submitted to, and approved in writing by, the MPA. The scheme shall include, but not be limited to:
- a) Details of final levels;
  - b) Surface treatment;
  - c) Drainage; and
  - d) The timescale for implementation.
- The scheme shall be fully implemented and 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 UDP policies M9B and M9C.**

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**BARNESLEY MBC - Economic Regeneration**



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

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**Ref 2015/1070**

Applicant: Barratt Homes

Description: Residential development of 278 dwellings with public open space and landscaping

Site Address: Land off Summerdale Drive and Carrs Lane, Cudworth

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38 objections from local residents.

**Site Description**

This is a large 11.62ha site located immediately beyond the existing south west edge of the built up settlement of the Cudworth. The site is irregular in shape and spans across a number of fields located to the south of houses located on Newland Avenue/Newtown Avenue and to the west of houses located on Carrs Lane.

The site currently used for agricultural purposes, comprising in the main of large open fields. Field boundaries are defined by established hedgerows. It has varied topography but the prevalent slope falls from north to south east, (approximately 20m) levels do however, fall to the west from the entrance point located off Newland Avenue.

Large sections of the northern and eastern boundaries abut rear gardens of existing residential properties (Newtown Avenue & Carrs Lane). The site continues to abut the countryside to the south and south west. Immediately beyond the south east corner is Ring Farm which was previously home to the horses that were part of the mounted division of South Yorkshire Police.

The land to the west slopes down steeply into a valley before rising again, on the other side of this valley is Lundwood. The preferred route for the HS2 rail line follows the valleys alignment.

**Proposed Development**

The application is for full planning permission to construct a development of 278 dwellings. The plans are to construct an estate that would contain a mixture of detached, semi-detached and terraced dwellings. The overwhelming majority would consist of two storey houses (263 out of the 278) with the remaining 15 properties being bungalows. Overall accommodation split of the properties would be:

22no x 2 bedroom  
150no x 3 bedroom  
106no x 4 bedroom

The site would be served by two accesses, these being taken from Carrs Lane and Newland Avenue both of which link to Barnsley Road that is the main thoroughfare passing Cudworth.

The plans include a central area of public open space which would include a LEAP standard play area and various footpath linkages. A drainage attenuation pond is proposed to be constructed in the south eastern most part of the site.

## History

No previous planning applications have been submitted on the land associated with this application. Outline planning application B/85/1638/CU was refused permission by the Council 19<sup>th</sup> December 1985 on a strip of land adjoining the site for a proposed residential development. The 2 reasons were that the site was not allocated for development in the Cudworth and Grimethorpe town map; *1) there was adequate land to meet the housing needs of the locality for the foreseeable future, 2) It would have been an undesirable form of ribbon development along the western side of Carrs Lane into an area of pleasant, open countryside to the detriment of the visual amenities of the locality.*

## Policy Context

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

The Council has produced a Local Plan consultation, 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.

### Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'  
CSP4 'Flood Risk'  
CSP8 'The Location of Growth'  
CSP9 'The Number of New Homes to be Built'  
CSP10 'The Distribution of New Homes'  
CSP14 'Housing Mix and Efficient Use of Land'  
CSP15 'Affordable Housing'  
CSP25 'New Development and Sustainable Travel'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP35 'Green Space'  
CSP36 'Biodiversity and Geodiversity'  
CSP39 'Contaminated and Unstable Land'  
CSP40 'Pollution Control and Protection'  
CSP42 'Infrastructure and Planning Obligations'

### Saved UDP Policies

UDP notation: Safeguarded Land

### SPD's

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



## Planning Advice Note's

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

## Other

South Yorkshire Residential Design Guide

## Emerging Local Plan

Proposed allocation: Housing Proposal (H32) indicative development of 333 dwellings.

## NPPF

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

## **Consultations**

Affordable Housing Officer – The policy requirement is for provision equivalent to 15% of the overall number of dwellings on site unless a viability assessment is able to demonstrate that this level of provision would make the construction of the development unviable.

Coal Authority – No objections.

Contaminated Land Officer – No objections.

Drainage – No objections subject to the condition that full foul and surface water drainage details are submitted prior to the commencement of development for approval by the Council and Yorkshire Water.

Education – The development raises issues with regards to the availability of primary school places. Therefore a commuted sum of £925,000 would be required to fund the potential expansion of either Birkwood, Churchfield and Cherry Dale Primary school.

Highways – No objections subject to conditions including arrangements to secure off site mitigation works and implementation of the measures set out in the travel plan, a construction method statement and the proposed parking/manoeuvring arrangements being put in place prior to the occupation of the properties.

Regulatory Services – No objections subject to conditions.

Tree Officer – No objections subject to conditions.

South Yorkshire Police ALO – Comments have been received detailing a number of physical security measures which would assist to enable the development to comply with Secured by Design scheme. Concerns are raised about the inclusion of rear parking courts which have limited surveillance.

SYAS – No comments received.

SYMAS – No objections subject to the recommendations in the Coal Mining Risk Assessment being adhered to.

SYPTTE – Welcome the employment of a travel plan co-ordinator as well as the other measures proposed to encourage sustainable transport such as travel information and personalised journey planning. However they identify that the bus stops that were located nearest to the site when the Transport Assessment was undertaken are no longer in use following the discontinuation of the number 31 bus service. Consequently no bus stops are within the recommended walking distances of 400m, with the actual walking distances being 600m for the majority of the site and in some cases up to 1000m.

Yorkshire Water – State that a 381mm diameter public sewer is recorded to cross the site and that no development should take place within an easement along its alignment.

## **Representations**

The application has been publicised by press and site notices and individual neighbour notification to 228 households. 38 objections have been received from local residents. A petition containing 1000 signatures on behalf of Cudworth Unites is also referred to in one of the objections but has not been submitted to the Authority.

The main objections to the proposals are summarised as follows:-

Harm to the living conditions of existing properties as a result of overlooking, loss of outlook including open views across a field, increased noise and disturbance and the overbearing nature of the development. It is stated that brick walls would be required in some locations to provide secure boundaries rather than timber fences.

Loss of greenspace/land belonging to the countryside, reducing agricultural capacity, increasing reliance on imports and adding to the overpopulation of the country.

Planning policy/sustainability – It is asserted that the development would not comply with the Barnsley Core Strategy in that the site is greenfield and has poor access to public transport and would harm the health and safety of the population. In addition the distances to local services and bus stops referred to in the Transport Assessment are disagreed with in a number of cases.

Design – Concerns are raised by the small plot sizes compared with existing properties and that the development would not fit in with or enhance the local area.

Potential impact on a tree protected by a TPO.

Potential impact on bats roosting in a building located adjacent to the site.

Highway safety - Existing roads do not have capacity to accommodate the additional traffic flows from the development and that existing levels of on street parking and conflicts between vehicles would increase the risk of accidents to walkers, children, cyclists and horse riders. Specific locations mentioned include Carrs Lane, Low Cudworth Green, White Cross Road, Lunn Road, St John's Road, Snyderdale Road, Lunn Road/Barnsley Road at the Star Pub, Barnsley and Pontefract Roads and Edderthorpe Lane.

Concerns that all routes to Barnsley Road in Cudworth are unsuitable to accommodate the additional traffic flows and HGV's.

Concerns about poor visibility between the junction between Carrs Lane and White Cross Road.

Conflicts with on street parking at Dorothy Hyman Stadium.

Winter road conditions and lack of gritting. It is stated that cars regularly get stuck attempting the junction between Carrs Lane and White Cross Road because of the combination of ice and snow and the gradient.

It is requested that Newtown Avenue is blocked off to prevent it becoming a rat run to Darfield Road and Snyderdale Road.

Concerns that the number of vehicle journeys that will occur has been underestimated in the TA.

Some residents assert that Newland Avenue would become the main access, contrary to what is indicated on the plans and in the supporting reports and that it would see an unacceptable rise in traffic as a result.

It is queried whether the Transport Assessment can be relied upon as being independent.

It is queried whether the Council have sufficient resources to cope with waste collections from the development.

Concerns are raised that local schools, health care facilities, dentists, Council services, policing, shops, the post office and sewage network are at saturation point and could not cope with the additional demand.

Harm to the village character and the rural character of the Carrs Lane part of Cudworth. Concerns that people will move away from Cudworth as a result of the development.

Concerns that a drain passing through the site has become blocked in the past and caused flooding within the field.

Pedestrian safety – Concerns about the adequacy of the footpaths on Carrs Lane and conflicts between vehicles and pedestrians as pedestrians are forced into walking in the road, in particular pushchair users.

Concerns about the poor state of footpaths and roads in the area and about the diminishing resources that the Council has to fix problems. It is stated that the development would add to this burden and increase the speed of the deterioration.

Localism – Local opposition to the plans should dictate that the application is refused permission.

It is asserted that a greater amount of consultation should have been undertaken with the local community.

The proposed trees – Concerns the trees planted within the development in locations adjacent the highway will become a maintenance burden for existing Council tax payers.

Biodiversity – Concerns that the ecology report has not acknowledged that the site provides foraging habitat for a range of species including rabbits, grass snakes, bats, owls, great crested newts, lapwings, buzzards, sparrow hawks, kestrels, partridges and hedgehogs. In addition concerns are raised that a further loss of arable habitat would harm the local wildlife sites in the area as they cannot be expected to support wildlife on their own.

Concerns that the reference to the development providing local job opportunities is misleading as no firm commitment has been provided.

1 letter is supportive of the development if it is to build Council houses because of the number of local people on the housing waiting list.

Concerns about mud being deposited on local roads and noise and dust during the construction phase which is projected to last up to 9 years. Related concerns are raised that residents would be inconvenienced by inappropriate parking by construction workers including having their driveways blocked, as happened during the ground testing work.

Public transport – Concerns the assumptions about bus usage and cycling as an alternative to using the private car are unrealistic taking into account of practical considerations including shopping bags, the need to transport children safely and the age of people. In addition it is stated that the number 31 service is no longer in use and that consequently the nearest bus stops to the site are approximately 1000m from the centre of the site which is more than the maximum recommended distance of 800m.

Concerns that the development would only benefit the developer and the Council and not the local community as local shops would not be used and there are no local companies available to supply building materials.

Affordable housing – Concerns about the affordability of the houses to local people and that no social housing forms part of the plans.

Ground conditions – It is suggested that the development might be unsafe because of the geological fault line passing through the site.

HS2 – Concerns that the demand for the houses would be low because of the proximity to the preferred HS2 route, or that buyers would not be made aware of it.

Concerns that further applications might be made to extend the development further to the south and encroach upon the countryside to a greater degree.

Concerns that Carrs Lane floods during periods of heavy rain making it unsuitable to accommodate further traffic.

It is queried why the plans do not include an access from Summerdale Road to ease the burden on Carrs Lane and Newland Avenue.

Concerns are raised that the information included in the applicants travel plan is out of date in that the Darfield Road post office closed in 2013 and No.31 bus service via St. John's Rd/ Lunn Rd and White Cross Rd was terminated on September 5th 2015.

Conflicts between farm traffic and HGV's and other construction site traffic over an extended period.

Flooding – A photo has been provided showing a section of Newland Avenue under water following a surface water flooding event. Associated concerns are raised that the development would increase flood risk for existing residents.

Loss of property values.

Crime risk – Concerns that the development shall attract criminals during the construction phase attracted by the machinery and building material and that appropriate deterrents should be put in place including CCTV.

In addition one of the objections raises the following concerns regarding the road safety audit:-

- The width of Carrs Lane would reduce to as narrow as 4.84m which is below the usual 5.5m requirement and that the Council would be responsible for any accidents as a result.
- It is asserted that the road safety audit was a desk based exercise and was not undertaken on site.
- It is stated that the audit doesn't take into account the real life situation on site including the obstructions to visibility caused by parked cars and trees.
- The proposed footpath extension does not take into account that the location would be blocked by on street car parking.
- It is stated that some of the drawings referred to in the safety audit are not included with the report and that the consultation timescales should be extended as a result.

## **Assessment**

### Principle of development

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

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

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

- approving development proposals that accord with the development plan without delay
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-

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

The existing Unitary Development Plan notation on the proposed housing site is Safeguarded Land (not Green Belt as is stated in a number of representations). This term is derived from the former Planning Policy Guidance Note 2 'Green Belts' which was National planning policy prior to being cancelled by the NPPF. However, Safeguarded Land is a slightly misleading term because this designation actually represents "*areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period. It should be genuinely capable of development when needed.*" (PPG2, Annex B, para B2).

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

The Unitary Development Plan was adopted in 2000 and therefore the extent it can be relied upon in terms of current development needs is dated. Indeed, the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework.

Given that the Core Strategy has superseded large parts of the UDP and identifies Cudworth as a Principal Town where 1,800 homes are expected to be distributed between 2008 & 2026, it is considered that the Safeguarded Land designation is out of date. Accordingly, the proposal should be judged against relevant Core Strategy policies and the NPPF, in particular paragraph 14, which indicate that planning 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 taken as a whole; or specific policies in the Framework indicate development should be restricted.

### Design and Layout

The relevant local planning policies for assessing the plans are the Designing New Residential Development SPD, CSP29 'Design', CSP14 'Housing Mix and Efficient Use of Land'. In addition it is necessary to consider the effect of the development on the visual amenity of the adjacent Green Belt.

The first aim of CSP14 'Housing Mix and Efficient Use of Land' is to ensure that housing developments achieve a mixture of house size, type and tenure. The fundamental aim of this policy is considered to be satisfied given that the plans contain a variety of house types including detached, semi-detached and attached houses and bungalows. These would host a mixture of two, three and four bedroom dwellings that would be suitable to meet a range of needs.

Policy CSP14 also aims to achieve a minimum density of 40 dwellings per hectare in the interests of making efficient use of land. However, this is difficult to achieve in some areas where current market conditions do not lend themselves to apartments. The proposed density equates to 34 dwellings per hectare of the sites developable area, this considered to represent an appropriate balance when having regard to relevant design and separation distances, the scale is also considered to be more reflective of the existing housing stock within the vicinity.

The plans are to build on a greenfield site and so the development would not contribute towards one of the aims of CSP14 being satisfied which targets the building between 55% and 60% of new dwellings on brownfield land. However there is insufficient brownfield land available to deliver the new homes target in the Core Strategy and draft local plan without greenfield sites being needed. In addition the Council is currently unable to demonstrate a deliverable 5 year housing land supply. These considerations would significantly outweigh this aspect of the policy.

The development would comprise of 14 different house types, which adds to the vibrancy of the estate. There would be 4 character areas to the development (Central Court/Central Street/Boulevard/Landscape Edge) where different material pallet would be used. This variation in materials should avoid the development appearing monotonous. In addition, the plans incorporate tree planting proposals, including a tree lined boulevard around the primary estate road serving the development, at a level which are considered satisfactory to the Council's Tree Officer.

The broad mix of house types would appeal to a range of accommodation needs from family housing to older person's accommodation, it is especially welcomed that some bungalows would also be provided. The range of the accommodation meets the policy aspirations of CSP14.

The western and southern boundaries of the site are located adjacent to the Green Belt. In these instances the houses are set back from that boundary and include space for tree planting which has been informed by a landscape assessment.

In summary the plans are assessed to be acceptable in relation to housing planning policy and design/visual amenity considerations taking into account a range of policies including CSP14 'Housing Mix and Efficient Use of Land', the Designing Residential Development SPD and CSP29 'Design'.

### Residential Amenity

The application is sensitive because the site borders a number of existing properties which have established open views across the sites fields. However, loss of view is not a material planning consideration.

In the main the plots have been designed so that they are complaint with SPD spacing distances. An exception to this is the relationship of plots 140-145 on the eastern boundary to No.s 18 and 26 Carrs Lane. However, to provide a greater degree of openness and privacy, bungalows are proposed on these plots.

Some of the plots within the site fall slightly short of the minimum back to back separation distance and minimum garden sizes aimed for by the SPD. This is mainly a problem for the plots turning corners and where space is lost in order to accommodate the number of parking spaces required by the SPD and connections between some of the houses and remote parking spaces. However, as the difference between what is proposed and the SPD standards is marginal, it is considered that removal of permitted development rights will be sufficient to ensure adequate levels of amenity for potential occupants of the dwellings affected.

Proposed levels for the plots have not been fully detailed. Therefore it would be necessary to agree plot levels prior to the commencement of development by way of a condition. The usual construction method statement would also need to be put in place to mitigate the effects of noise and dust during the construction phase.

## Highway Safety

It is recognised that highways concerns form the crux of the majority of objections to the proposals. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of the development would be severe.

The development is predicted to generate some 161 and 164 vehicle trips in the respective morning and evening peak hours. A Transport Assessment and an independent Phase 1 safety audit have been undertaken. They conclude that the local road network would operate safely and within capacity following the addition of traffic flows from the development.

A level of mitigation would be required in the form of improvement to some of the existing footpaths on Carrs Lane. These details would be addressed by a condition that would ensure they are delivered within an appropriate timescale.

Within the site the layout plan has required revisions to ensure that the design of the roads meets the required standards in terms of carriageway width, visibility, speed calming, manoeuvrability and parking. The amendments undertaken have been met with approval Highways Officers but would continue to be refined as part of a S38 agreement associated with the eventual adoption of the estate roads by the Council.

Access to local services and public transport are other considerations in terms of judging the overall sustainability of the site in a highways context. The Transport Statement indicates that essential facilities are located within 800m of the centre of the site. These include a primary school, greenspace area, a convenience shop, a sports centre, and church. In terms of public transport, the nearest bus stops are located between 600m and 1000m from the site following the recent cancellation of the number 31 bus service. The site therefore does not score as well as it did previously for public transport accessibility but it is noted that the site is located within 1200m of Cudworth town centre, which is a principal town and provides immediate access to a variety of shops including a supermarket, a health centre, a dentists practice, pubs and banks. For these reasons, the site is considered to represent a sustainable location.

The cancellation of the number 31 bus service is unfortunate but it is not considered that the loss of this service materially affects whether or not the site should be judged as sustainable. It remains within a Principal Town, scores well when judged against other criteria and, unlike many of the allocations proposed in the Consultation Draft Local Plan and the subsequent Additional Sites Consultation, it is not within the Green Belt. The applicants have also agreed to approach SYPTE and the operator about getting the bus service restored although no weight is being given to this because a resolution is yet to be identified. In addition, mitigation is proposed in the form of a travel plan. Measures set out aim for a reduced reliance on individual car usage include the appointment of a travel plan-coordinator who would be tasked with working with the residents to prepare personalised journey plans, information on public transport, car sharing, cycle routes and discount purchase options. The plan also sets out a regime for monitoring and sharing the results with residents. This would be important in order for the development to comply with CSP25 'New Development and Highway Improvement'.



### Section 106 considerations

Education – The Head of School Organisation has considered the effect of the development on Birkwood, Churchfield and Cherry Dale Primary Schools. It has been identified that a contribution would be required in order to increase capacity at one of these schools. The commuted sum has been calculated as £925,000, which will be secured within a section 106 agreement.

Open space provision – The plans include a central area of public open space which is indicated to host a LEAP standard play area with at least 4 items of play equipment. This complies with the SPD insofar as the area being a minimum of 15% of the developable area. However the formal recreation (sports pitches, courts and greens etc) is not covered as the needs assessment have indicated that existing facilities in the area would be in greater need of enhancement. An off site contribution of £272,334.18 is therefore required.

Affordable housing – The policy requires an affordable housing provision of 15% of the overall number of dwellings unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable. In this case, it has been determined that provision would be met best via the payment of a commuted sum to the Council to invest in provision off the site. The Housing team have calculated that the commuted sum equivalent to the value of 15% of the dwellings forming the plans would be £2,839,064.00. The applicant has indicated that this figure would render the proposed development unviable taking into account the other contributions that have been requested. Therefore, subject to members being minded to support the officer recommendation, it has been agreed with the applicant that the District Valuation Service will be commissioned to independently assess the applicant's viability appraisal before the final figure can be agreed as part of the S106 Agreement. This approach is deemed acceptable because the site is considered to be in a sustainable location, the Council cannot demonstrate a 5 year supply of housing and for the reasons explained elsewhere in the report, the scheme is considered acceptable in all other respects (subject to necessary mitigation). Accordingly, when weighting up the merits of the scheme, the extent of the commuted sum would not tip the balance one way or the other.

### Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is located outside of flood zones 2 and 3. This means that the site is not classed to be at any significant risk of flooding complying with CSP4 'Flood Risk' and the advice in the NPPF. Management of surface water run off from the development is another important consideration in order to prevent an increase in the risk of flooding off the site. Surface water run off from the development is proposed to be channelled to a large attenuation basin in the south eastern most part of the development. This has been designed with sufficient capacity to accommodate surface water run off associated from the development. Water will then be discharged into Small Bridge Dyke at a restricted rate equivalent to the present Greenfield conditions (5l/s/ha).

In terms of foul sewerage, Yorkshire Water has confirmed that there is capacity in the local network to accommodate the development. However, given that they have identified that a public sewer has the potential to be affected by the development, a condition would be required preventing development until such a time that the applicant has entered into agreement regarding a diversion.

## Ground Conditions

The site is located in a Coal Mining Referral Area. The submitted Coal Mining Risk assessment has concluded that the layout has been appropriately designed taking into account the constraints posed by areas of risk on the site.

Other risks to the development including geological fault lines and the potential for any contaminated land have been considered as part of a desk top ground investigation report. Risks are assessed to be low, although an intrusive site investigation is recommended prior to the commencement of development to inform whether any mitigation is required in relation to the foundation design of individual properties. The Coal Authority, SYMAS and the Contaminated Land Officer are satisfied that the risks have been appropriately assessed, and have not objected to the application.

## Ecology

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is supported by a phase 1 habitat survey which has concluded that the ecological potential of the site is low taking into account the habitat on site and its potential to support protected species including bats and Great Crested Newts. The report does identify that bird nests would have the potential to be affected during site clearance works. Provided that such works are undertaken outside of March to August the relevant legislation would not be breached.

The report does also contain details of mitigation proposals which would include the planting of trees favourable towards nesting and foraging birds as part of the landscaping scheme. In addition it is proposed to include a number of bird nesting boxes within the development. The Biodiversity Officer has considered the report findings and recommendations and has not raised any CSP36 objections subject to a condition requiring further details of the mitigation proposals prior to the commencement of development.

## **The Balancing Exercise**

The NPPF states that a presumption in favour of sustainable development should be at the heart of every application decision.

The NPPF also states that development proposals which accord with the development plan should be approved without delay. As has been established above, the proposal does not accord with the existing site specific land use policies affecting the site. However, in this case, the UDP policy is classed as out of date by the NPPF and as such the NPPF indicates that planning 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 NPPF as a whole; or
- specific policies in the NPPF indicate development should be restricted

The proposal is compliant with the Core Strategy insofar that Cudworth is identified as a Principal Town which is prioritised for housing growth (1800 net new dwellings before 2026). The proposals therefore accord with policies CSP8 and CSP9. These are considerations that need to be afforded significant weight in the consideration of the application.

In addition to the above, the NPPF states that there are three dimensions to sustainable development; economic, social and environmental.

The delivery of 278 net new homes would make a significant contribution towards the Borough wide and local targets being met. The development would also contribute towards addressing the deficiency in the 5 year housing land supply. The proposal would therefore score highly in terms of the economic and social aims of the Borough that are set out in the Core Strategy. In addition, the plans include proposals for policy compliant levels of public open space on site and a commuted sum for the enhancement of formal recreation facilities off site. The development does raise issues for the availability of primary school places off site, but this would be appropriately mitigated through the payment of a commuted sum. This would not be a negative social consequence therefore. In addition, if viable, the payment of a commuted sum for the provision of affordable housing off the site would also be a social benefit.

The environmental considerations of the development have been assessed. The site would contribute housing delivery without requiring loss of any Green Belt land which is a positive. Whilst green field, the ecological value of the site has been assessed to be low and can adequately be compensated for by the measures set out in the ecological report. In addition, the site is not classed to be at risk of flooding and includes acceptable measures to prevent an increase in flood risk downstream. Furthermore the Transport Assessment identifies that the local road network would continue to operate within capacity without any significant impacts, and mitigation would be provided in the form of a travel plan and improvements to footpaths on Carrs Lane. In addition, the plans appropriately take into account ground conditions and the risks posed by shallow coal workings. Overall, it is judged that the environmental implications of the development would not be significant or adverse.

The development would therefore deliver a number of benefits which would indicate that the presumption in favour of sustainable development would apply and is also considered acceptable when taking into account other development plan policies and material considerations.

### **Recommendation**

Grant planning permission subject to completion of S106 Agreement (Education, Public Open Space, Affordable Housing and a Travel Plan) and the planning conditions listed below.

In respect of affordable housing, the recommendation is to also authorise officers to instruct the District Valuation Office to undertake an independent viability appraisal of the scheme in order to ascertain the level of the affordable housing commuted sum. Once known, a further report will be presented to members relating to the level of the affordable housing contribution. Should the applicant also submit additional details to satisfy the recommended conditions prior to the further report being considered by members, this report would also summarise any minor changes arising as a result (e.g. updated wording of planning conditions/minor changes to internal layout).

- 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:-

- YW-04-03, Site Location Plan
- YW-04-03, Proposed Site Layout rev P
- 2010/ASH/C/01 Statesman range rev G , The Ashford 2010 range
- 2010DWS/C/01 Statesman range rev C, The Dewsbury (Semi) 2010 range
- 2010/FIN/C/01 Statesman range rev C, The Finchley 2010 range
- 2010/BAR/C/02 Statesman range rev B, The Barwick 2010 range elevations
- 2010/BAR/C/01 Statesman range rev D, The Barwick 201 range floor plans
- 2010/CHE/C/01 Ambassador range rev H, The Cheadle 2010 range
- 2010/MOR/C/01 Ambassador range rev H, The Morpeth 2010 range
- 2010/COL/C/01 Ambassador range rev C, The Colchester 2010 range
- 2010/FAR/C/01 Embassy range rev H, The Faringdon 1
- 2010/KIN/C/01 Embassy range rev A, The Kington 2010 range
- 2010/LIN/C/01 Embassy range rev D, The Lincoln 2010 range
- 2010/THO/C/01 Embassy range rev G, The Thornberry (DET) 2010 range
- 01 The Beadle Classic
- 01 The Alford Classic
- Garage type SSG1S rev A, Single det side gable
- Garage type SDG2S rev A, Single semi det side gable
- ST-04-04, Boundary Treatment A 1800mm screen wall
- ST-04-04, Boundary Treatment B, 1800mm high closed boarded timber fence
- SCP report ref GWB/14923/TA/01 'Transport Assessment'
- Bryan G Hall stage 1 road safety audit  
Stage 1 Road Safety Audit
- SCP report ref GWB/14923/TP/01 'Travel Plan'
- ARP report ref 1048/69 'Flood Risk Assessment'
- FDA Landscape Ltd 'Landscape Appraisal'
- Sirius report ref C6138 Rev 1 'Preliminary Appraisal report (desk study)'
- Sirius report ref C6138A Rev 1 'Geo-environmental appraisal'
- Sirius letter C6138/JL/6572 rev 1 'Gas assessment letter (rev 1)'
- Sirius Supplementary Mining Investigation letter.

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

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials
- Storage of plant and materials used in constructing the development
- The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

**Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**

- 7 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:

- a) Footway widening on Carrs Lane
- b) Provision of footway on the south side of Low Cudworth
- c) Provision of footway to connect the western footway on Low Cudworth to the steps to White Cross road
- d) Provision of signs warning of pedestrians in carriageway on Low Cudworth in the vicinity of White Cross Road
- e) Provision of new road markings at the Carrs lane/Lunn Road/White Cross Road junction
- f) Provision of "junction ahead "warning sign on Lunn Road
- g) Measures to control footway parking on Lunn Road Manor Rd/Barnsley Rd need to give this further consideration
- h) Provision of/any necessary alterations to street light lighting
- i) Provision of/ any necessary alterations to highway drainage
- j) Any necessary resurfacing/reconstruction
- i) Any necessary signing/lining

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.

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

- 8 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access road with Carrs Lane, such that there is no obstruction to visibility and forming part of the adopted highway.

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

- 9 Development shall not commence until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 10 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 600mm above the nearside channel level of the adjacent highway.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 11 Vehicular and pedestrian gradients within the site shall not exceed 1:12.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 12 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.**
- 13 Development shall not commence 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.**
- 14 No development shall take place until full foul and surface water drainage details, including a scheme to limit surface water run off to greenfield run off rates and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.  
**Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.**

- 15 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, in accordance with Core Strategy Policy CSP 29.**
- 16 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 others of similar size and species.  
**Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 17 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, 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.**
- 18 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:
- Root protection areas (RPA)
  - Tree constraints plan (TCP)
  - Tree protection plan (TPP)
  - Arboricultural implication assessment (AIA)
  - Arboricultural method statement (AMS)
- No development or other operations shall take place except in complete accordance with the approved methodologies. The approved fencing shall be installed before machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority  
**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**

- 19 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.**
- 20 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.**
- 21 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:  
 (i) a survey of the extent, scale and nature of contamination;  
 (ii) an assessment of the potential risks to:  
 o human health,  
 o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,  
 o adjoining land,  
 o groundwaters and surface waters,  
 o ecological systems,  
 o archeological sites and ancient monuments;  
 (iii) an appraisal of remedial options, and proposal of the preferred option(s). This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.  
 The development shall be carried out in accordance with the approved report including any remedial options.  
**Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.**
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 90, 91, 140-145, 153, 154, 172, 173, 191-192, 195-197, 200-201, 215-217 which would otherwise be permitted by Part 1 of Schedule 2 to that Order.  
**Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.**



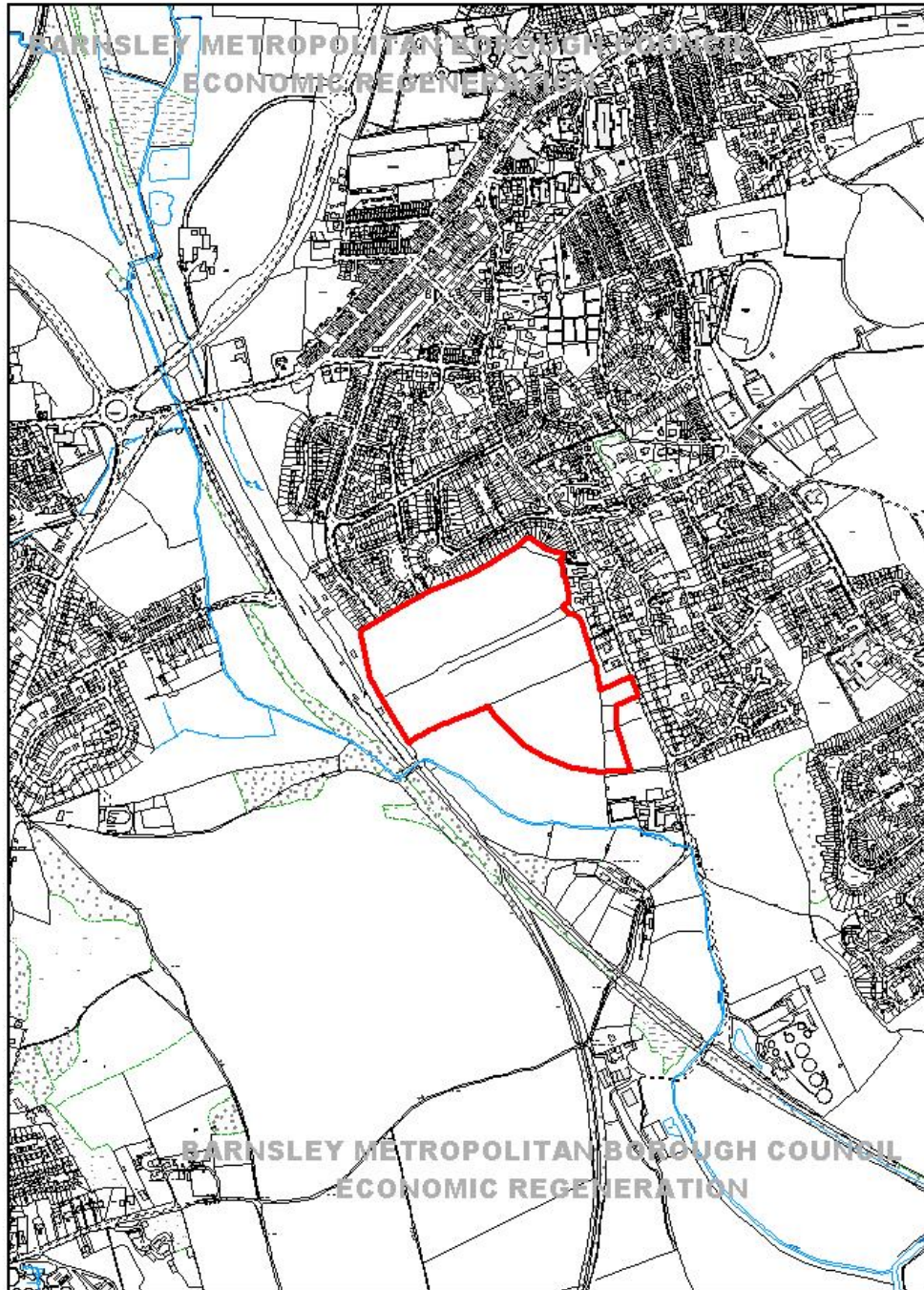
- 23 Prior to the completion of the surface water attenuation pond, a plan indicating the position of boundary treatment to be erected for the area located around the attenuation pond should be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the pond is brought into operation or in accordance with a timescale to be agreed. Development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29**
- 24 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (SLR Ref: 424-03696-00024), 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.**
- 25 No construction of buildings or other structures shall take place until measures to divert or otherwise formally close the sewer that is laid within the site have been implemented in accordance with details that have been submitted to and approved by the local Planning Authority.  
**Reason: In the interests of satisfactory and sustainable drainage**
- 26 The development shall be carried out in accordance with the recommendations in Sirius reports C6138 Rev 1 Preliminary appraisal report (desk study), C6138A Rev 1 Geoenvironmental appraisal, C6138B 'Supplementary Mining Investigation'  
**Reason: In order to ensure safety and stability of the proposed development in accordance with CSP39.**
- 27 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.  
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.**

28 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- o The programme and method of site investigation and recording.
- o The requirement to seek preservation in situ of identified features of importance.
- o The programme for post-investigation assessment.
- o The provision to be made for analysis and reporting.
- o The provision to be made for publication and dissemination of the results.
- o The provision to be made for deposition of the archive created.
- o Nomination of a competent person/persons or organisation to undertake the works.
- o The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

**Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in accordance with Core Strategy Policy CSP 30.**



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**BARNESLEY MBC - Economic Regeneration**



Scale 1: -----

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**Ref 2015/1277**

Applicant: BMBC

Description: Erection of 32no. dwellings and access road (outline)

Site Address: Former Longcar Conference Centre, Longcar Lane, Barnsley, S70 6BB

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5 letters of objection received.

**Site Location & Description**

The application relates to the recently demolished Longcar Conference Centre located on the corner of Longcar Lane and Racecommon Road. The site is roughly rectangular in shape and measures approximately 0.87Ha. It is situated within an established residential area and borders residential properties to the East and South, with further dwellings opposite the highways to the North and West. There are a mixture of property designs, styles and ages surrounding the site with traditional terraces to the East, red brick semis to the South and South East and modern 2, 2.5 and 3 storey townhouse to the North.

There are a number of trees and hedges on the site which are generally located around the site's boundary. Vehicular access is taken from Longcar Lane to the North.

**Proposed Development**

The applicant seeks outline permission, including details of access, layout and scale for 32no. dwellings. The site would consist of 30no semi-detached properties and 2no detached properties. These would be made up of 6no. 2 storey, 2 bedroom properties (type A), 16no. 2 storey, 3 bedroom houses (type B) and 10no. 3 storey, 4 bedroom houses.

11 of the properties would front Longcar Lane, 2 would front Racecommon Road and the remainder would be arranged around a new 'U' shaped access road.

Each property would have access to private amenity space and 2no. off road parking spaces.

**Planning History**

2015/1014 – Demolition of existing building (prior notification) – Prior Notification not required

**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. The site is identified for housing purposes within the additional Consultation document ref (AC6).

Allocation: Housing

## 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**

South Yorkshire Police – No objections

Drainage – No comments

Yorkshire Water – No objections subject to conditions

Regulatory Services – No objections subject to conditions

Ecology – No objections

Highways DC – No objections subject to conditions

Design – No objections

Education Services – Likely shortage of Primary school places within the area from 2017 – request contribution of £53,445.

Contaminated Land Officer – No comments

Affordable Housing Officer – No Objections, scheme is policy compliant

Ward Councillors – Cllr Green raised points regarding design and highway safety

Barnsley Civic Trust – No objections

Tree Officer – No objection subject to relevant permissions being obtained

## **Representations**

The application was advertised by way of a site notice and press notice with immediate neighbours being notified by letter. 5 letters of objection received. The main points of concern are:

- Increase parking problems
- Reduced highway safety
- Design out of keeping with the area
- Materials need to be reflective of context
- Loss of privacy
- Loss of security
- Overshadowing
- Overbearing
- Increase noise and disturbance

## **Assessment**

### Principle of Development

The site is allocated as Community Facility on the Saved UDP map, this reflects the former educational use associated with the Longcar Centre. Core Strategy Policy CSP43 Educational Facilities and Community Uses is relevant. The policy requires that it be demonstrated that the site is no longer required for community use. This assessment was carried out prior to the demolition of the building. No uses were identified, the premises were therefore considered surplus to requirements and as such policy CSP43 is met.

Due to the early stage of preparation the emerging Local Plan carries little weight in the decision making process, it should however, be acknowledged that the site has been identified as a housing allocation (ref AC6). This adds weight to the conclusion that the site does not meet the intention of the UDP designation and its loss would not increase local deficiencies of community uses.

The proposals represent the redevelopment of a brownfield site, located on the cusp of the town centre the site represents a highly sustainable location which aligns with the spatial strategy of the Core Strategy. The development for residential purposes would also be clearly be compatible with adjoining uses. The proposals are therefore considered to accord with good planning practice in compliance with the provisions of the NPPF as well as Core Strategy Policies CSP 8, 9 and 10.

### 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 application commits to the delivery of 4 onsite affordable units and is considered to be policy compliant with CSP 15. The units would be handed to Bernaslai Homes to manage.

## Green Space

As a reflection of the sites former use (Council asset) several parts of the site are on the Green Space register, this relates to the grassed area located along the Longcar frontage.

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.

However, given the informal nature of green space on the land and the existing provision within the area it is not considered necessary to retain the green space on the site or request a contribution for its loss. This assessment was undertaken prior to the building being demolished and it was acknowledged that the space served no formal recreation function.

The SPD requires a minimum of 15% of the gross site area of new housing development must be open space of a type appropriate to the character of the site. Where it is not possible to make such provision on the site an offsite contribution can be accepted. To satisfy the requirements of Policy CSP35 and SPD 'Open Space provision on New Housing Developments', an off-site contribution of £56,330 towards recreation/green space is required.

## 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 local 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.

## Highway Safety

Access would be taken from 2 priority controlled junctions from Longcar Lane with the development set around 'U' shaped arrangement. The internal road would be constructed to highway standards and comprise of a 5.5m wide carriageway with 700mm hard margins to both sides, all dwellings have a highway frontage. Each property would have 2no. off street parking spaces of the required length and width as set out in the South Yorkshire Residential Design guide, the majority of which would be laid out in a tandem arrangement. The proposed number of parking spaces would meet the requirements of SPD 'Parking' and in the case of the 2 bedroom properties would exceed them.

All of the proposed parking spaces, with the exception of plot 3, are immediately adjacent to the properties. Plot 3 fronts Longcar Lane but has a vehicular access point off Racecommon Road adjacent to the rear boundary. The reason for this is the proximity of the plot to the junction between Longcar Lane and Racecommon Road. In order to gain adequate distance to the junction the proposed access point is the most practical and logical from a highway safety point of view.



It is acknowledged that the access points of plots 4, 24 and 32 would be close to the junctions between the new access road and Longcar Lane, however, traffic would be moving slowly at these points and visibility would be adequate. The highways Officer has assessed the application and raised no objections, subject to conditions.

### Residential Amenity

The proposed access road and an existing access road/path separate the new dwellings from the properties to the east of the site. In addition, the existing and proposed dwellings would be orientated with their side elevations to that of existing side elevations with at least a 10m separation distance. As such, the proposal would not significantly increase overshadowing or result in overbearing features with respect of those neighbouring properties. In addition, and the lack of habitable room windows on those elevations would maintain privacy levels.

Plots 1 and 2 would be immediately adjacent to number 130 Racecommon Road; however, they would not project beyond the neighbouring front or rear elevations and would be orientated to the North. Therefore, overshadowing would not be significant and the dwellings would not result in overbearing features. There are no habitable room windows proposed on the side elevation of plot 1, as such, privacy levels would be maintained.

Plots 5-12 would be located beyond the rear boundaries of the properties fronting Frederick Avenue. All of the properties meet or exceed the required 10m from the proposed rear elevations to the boundaries shared with the private amenity space of neighbouring dwellings. Plots 5 and 6 and 11 and 12 meet the required 21m from the proposed habitable room windows to existing habitable room windows (rear elevation to rear elevation). Plots 7 and 8 meet the 21m to the original rear elevation of the neighbouring properties but do fall marginally short to the single storey rear extension. Plots 9 and 10 measure approximately 19m to the original rear elevations of numbers 18 and 20 and less to the rear extensions. However, the proposed dwellings would be on a lower level than the existing dwellings and would be orientated to the North, as such; they would not significantly increase overshadowing or result in overbearing features.

With regards privacy, levels fall to the North and the proposed boundary treatment and planting would go a long way to protect amenity levels. The separation distances set out in SPD 'Designing New Housing Developments' are guidelines and given the points raised above a slight reduction in this case would be acceptable and would not unreasonably affect the amenity of existing or future residents.

The side elevation of plot 5 would be to the rear of properties fronting Racecommon Road and concern has been raised regarding this by one of the house owners. However, the separation distance between the existing rear elevation and the proposed side elevation would be in excess of 15m which exceeds the 12m required by the SPD. As such, residential amenity levels would be maintained to a reasonable degree.

It should also be noted that all of the plots around the boundary of the site which adjoin existing properties are all two stories in height. All the three story properties are either within the centre of the site (plots 18-21) or front Longcar Lane, opposite the green space which 3 storey properties within the Strata development front.

All of the properties have adequate private amenity space, in accordance with the SPD, and have internal spacing reflective of the technical guidance set out in the South Yorkshire Residential Design Guide.

## Design & Visual Amenity

The application has been submitted in outline form which includes details of layout, access and scale.

The layout would achieve an active frontage to both Racecommon Road and Longcar Lane as well as the proposed road. This is in accordance with guidelines set out in SPD 'Designing New Housing Development' which state 'All new streets should be defined by the fronts of plots with buildings orientated to face the public highway, space or private street space to create an active frontage'.

Where side elevations of properties are presented to the highway elements of fenestration have been included to break up the expanse of brick work. Whilst landscaping details are reserved the indicative layout demonstrates that gardens will be well positioned. As such, they would not be over dominant or result in visually intrusive features to the detriment of the streetscene.

With regards to boundary treatments little detail has been provided given the outline nature of the application, however, some of the montages elude to dwarf stone walls to the front of dwellings and timber fencing to the rear. The full details will be conditioned to ensure sensitive treatments in prominent locations are achieved.

The surrounding area is made up of a mix of styles, designs and ages of properties which includes a mixed palette of materials. There are more traditional stone terraces to the East, red brick semis to the South and South East and more modern brick and stone town houses to the North.

The majority of the proposed dwellings are relatively standard 2 storey properties. The exception to this is property type D which is a 3 story semi with monopitched roof. The properties would have relatively large openings on the front and rear elevations and would be predominantly constructed from stone but with metal cladding at first and second floor level on one half of the pair of semis. The ridge height of one of the right hand side semi would be higher than the left resulting in a 'step'.

Three storey properties are not unusual within the locality, with such examples within the Strata development opposite the site. The properties take elements from the designs and materials within the immediate area to provide a reference and link to their setting. The properties do not pastiche what is already there but add their own character and personality. The three storey properties are located centrally within the site so that the development can 'step up' from the existing two storey properties to the proposed three storey dwellings by way of the proposed two storey units. In addition, as there are only 10no. 3 storey units they are somewhat diluted by the more traditional proposed dwellings which surround them. Therefore, they would not be overly dominant or result in visually intrusive features within the streetscene, in accordance with CSP 29 and SPD 'Designing New Housing Development'.

In terms of this application the layout and density proposed is considered acceptable and further consideration will be given to appearance and design details at reserve matter stage.

## Ecology

An Ecological Impact Assessment was submitted with the planning application. The survey identified that the site was of a low ecological value. A series of enhancement measures, such as bat roof boxes, are proposed which align with the objectives of the NPPF and policy CSP 36. These measures would be conditioned by the approval.

## Mining/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 Phase 1 'Preliminary Land Contamination and Geotechnical Risk Assessment' has been submitted along with the application which confirms the above. It goes on to conclude that 'No significant potential sources of contamination have been identified from the Preliminary Risk Assessment.'

## Trees

A Tree Report has been submitted with the application and the Council's Tree Officer has raised no objections to the proposal. The majority of the trees would be retained with new tree planting also proposed as part of the scheme. The majority of the existing trees are category 'C' and the only 'B' category tree, an Ash to the front of plot 31 and adjacent to Longcar Road, would be retained given its prominent location and contribution to the streetscene.

Full landscaping details have not been submitted with this outline application but will be considered at reserved matters stage.

## Drainage

Preliminary site investigation reports identify that the underlying geology is unlikely to be suitable for soakaway drainage. This will be investigated further by an intrusive survey, in the event that ground conditions are unsuited then an onsite retention system would be required that controls runoff as per the requirements of CSP4. The Council's Drainage Engineer and Yorkshire Water have raised no objections subject to the safeguarding of the recommended conditions which will address SUDS techniques.

## **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. The proposed site is located in Urban Barnsley which is identified in the Core Strategy as the priority settlement for growth. Furthermore the scheme would be a redevelopment of a brown field site within a highly sustainable area, close to the services and facilities the town centre has to offer.

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.

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

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

**Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.**

- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- (a) the design and external appearance of the proposed development.
- (b) landscaping

**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**

- 3 The access, layout and scale 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. This includes the mitigation measures recommended in the supporting reports and surveys referenced below. The approved plans and documents are as follows;

- 3382(1)002E - 'Site Layout'
- 2480(2)001 A - 'House Type A Plans'
- 2480(2)002 A - 'House Type A1-B Plans'
- 2480(2)003 A - 'House Type B Plans'
- 2480(2)004 A - 'House Type BB Plans'
- 2480(2)005 A - 'House Type DD Plans'

Layouts

- 2450(2)001
- 2480(2)002
- 2480(2)003
- 2480(2)005

Sections

- 3382(4)001

Documents

- Preliminary Land Contamination and Geotechnical Risk Assessment - 12-17-16-1-6005/DSR1
- Tree Survey - 150703
- Ecological Impact Assessment - 0885-A
- Design and Access Statement

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

- 4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

**Reason: To enable the impact arising from need for any changes in level to be assessed in accordance with Core Strategy Policy CSP 29, Design.**

- 5 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.**

- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.

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

- 7 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.**

- 8 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.**

- 9 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.**
- 10 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
- Reason: To ensure that satisfactory off-street parking/manoeuvring 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.**
- 11 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 12 All redundant vehicular accesses shall be reinstated as kerb and footway prior to **the development being brought into use.**
- Reason: In the interests of road safety in accordance with Core Strategy Policy CSP26 'New Development and Highway Improvement'.**
- 13 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details  
Tree protection plan
- The development shall be carried out in strict accordance with the approved details.

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

- 14 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

**Reason: To safeguard existing trees, in the interest of visual amenity.**

- 15 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units/bed spaces;
  - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
  - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved) ;
  - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
  - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.**

- 16 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Core Strategy policy CSP 35 and the Open Space Provision on New Housing Developments SPD.

**Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 35 and the Open Space Provision on New Housing Developments SPD.**

- 17 Prior to commencement of development details of a scheme to provide a contribution to meet the needs of the development in accordance with Planning Advice Note 33 'Financial Contributions to School Places or an equivalent replacement policy shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

**Reason: In order to mitigate against the effect of the development in light of the insufficient capacity within local primary schools.**

- 18 Notwithstanding details submitted within the ecological assessment detailed plans shall be submitted with the reserved matters application including biodiversity mitigation and enhancement measures. Thereafter the development shall proceed in accordance with the approved details.

**Reason: In accordance with CSP 36 'Biodiversity and Geodiversity'.**



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**BARNLSLEY MBC - Economic Regeneration**



Scale 1: -----

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**Ref 2015/1460**

Applicant: NW Build

Description: Variation of condition 2 of app 2014/0570 (increase height of building by two floors and rearrange internal layout to provide 27 additional apartments and residents gym and associated external alterations) to allow removal of balconies from all apartments.

Site Address: Land at Heelis Street/John Street/ Burleigh Street, Barnsley.

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No Objections received.

**Site Location and Description**

The site occupies a prominent location on the western edge of Barnsley Town Centre, it is a semi-circular in shape being bounded by highway (Heelis Street, John Street & Burleigh Street) on all sides. On the site is a multi-storey apartment block which stood unfinished for several years but in recent months has under gone a scheme of works and is nearing completion. The building stands at a maximum of 12 storeys with roof stepping down in 3 sections to a height of 3.

The building is predominantly enclosed by a wall cladding system fixed to a timber frame which is mainly a light stone colour with light green accents. Some render is utilised on the bottom two floors. Off street parking is provided on the site on the lower ground floor (accessed off Burleigh Street) and the upper ground floor (accessed off John Street).

The site is located on the edge of Barnsley town centre and is surrounded by a number of commercial, retail, leisure and residential uses.

**Planning History**

2006/0386 – Mixed Use development comprising of 86 apartments and ground/first floor commercial space (A3 & B1 Uses) - Approved subject to a section 106 agreement on the 21<sup>st</sup> June 2007. Relevant pre-commencement conditions were discharged and development subsequently commenced in the winter of 2008, it was subsequently abandoned following significant completion to the buildings frame.

2014/0570 – Increase height of building by two floors and rearrange internal layout to provide 27 additional apartments (113 in total) and residents gym and associated external alterations – approved with some conditions discharged.

**Proposed Development**

The applicant is applying to vary condition 2 (The development hereby approved shall be carried out strictly in accordance with the amended plans) of application 2014/0570.

This would allow a number of relatively small amendments from the approved scheme as outlined below;

- Minor alterations to the internal layout
- Minor alterations to the fenestration of the building
- Amendments to parking layout

However, the main alterations proposed from the previously approved scheme would be;

- Removal of all previously approved balconies
- Omission of additional floors previously approved.

In terms of the balconies, when the concrete frame was poured by the previous developer the balconies should have either been poured as part of the reinforced cast-in-situ concrete frame and floor construction, or, fixing connections should have been formed into the concrete. The absence of these features has resulted in the balconies omission.

## **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. 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 Development Sites & Places Development Plan Document (DSAP), 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.

### 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  
CSP10 The Distribution of New Homes  
CSP15 Affordable Housing  
CSP25 New Development and Sustainable Travel  
CSP26 New Development and Highway Improvement  
CSP29 Design  
CSP35 Green Space  
CSP40 Pollution Control and Protection  
CSP42 Infrastructure and Planning Obligations  
CSP43 Educational Facilities and Community Uses

### The Development Sites and Places DPD

The Council has produced a Consultation Draft of the Development Sites & Places Development Plan Document (DSAP), which shows possible allocations up to 2026 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.

Allocation: Town centre

## Unitary Development Plan

Development site – Policy TC58/23  
Comprehensive Development Area – Policy TC60

## Relevant Supplementary Planning Documents and Advice Notes

Designing New Housing  
Open Space provision on New Housing Developments  
Parking  
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

Planning Practice Guidance: - Planning Obligations

## **Consultations**

Design: No objections

Highways: No objections

Waste Management: Raise concerns over the waste store facilities.

## **Representations**

The application has been advertised by way of a site notice and properties which share a boundary tot the site have been consulted in writing. No letters of representation have been received.

## **Assessment**

### Principle of development

The site has the benefit of an extant planning permission (ref 2006/0386) for a mixed use development of 86 apartments. A subsequent amendment was approved to increase the buildings height by two floors to accommodate an additional 27 apartments (2014/0570), the additional floors of the latter permission will however, not be implemented and the site will be developed for 113 apartments following a reconfiguration of the lower and upper ground floors.

It is clear that the principle of the development has already been established, this does not need to be revisited, as the fall-back position remains the extant permissions which can still be implemented.

### Design

The removal of the previously approved 2no extra stories would revert the building back to the height approved on the original application; therefore, there would be no objections to this element of the proposed amendment. The loss of the previously proposed monopitch canopy/roof over the highest section of the building is somewhat of a disappointment as it undoubtedly added a further design dimension, however, it would not warrant a recommendation for refusal as the highest section would mirror the design of the previously approved lower sections, that being a flat roof.

The main amendment to the external appearance of the building would be the loss of the external balconies which would have served the residential units. It is unfortunate that they are being omitted as they would add an additional dimension to the exterior appearance. Building Control officers have confirmed that the omission is required out of necessity on safety grounds as the balconies cannot be sufficiently anchored within the frame of the building, this should be considered as the overriding priority for the site. Nevertheless, the loss of the balconies is contrary to policy CSP29, which expects high quality development and due weight has to be afforded to this.

### Residential Amenity

The site is situated within a mixed use area which is principally commercial in character. The nearest residential properties are located some 80 m away to the south east of the site and occupy a much higher elevation. There would be no significant impact upon the amenity afforded to these residents, especially as the overall height of the building would be reduced by 2no. floors from the previous approval.

The loss of the balconies would mean that future residents would not have access to outdoor personal space and further weight has to be afforded to this when balancing the merits of the proposal.

### Section 106 Contributions

Structurally it would be difficult to retrofit balconies given the lack of support built into the frame by the previous developers. Given that the omission of the balconies would have a detrimental impact on the appearance of the development and levels of amenity afforded to its residents it is considered that a contribution is required to enhance the appearance of the area and the environment of residents. The developer has offered a contribution of £58,000 (£1,000 per balcony omitted) which is to be used to provide off street parking on a grass verge that currently suffers from unregulated parking. This scheme would benefit both the

appearance of the area and the amenity of the residents who need convenient parking provision, and accordingly significant weight can be afforded to the contribution. Combined with the challenges associated with retrofitting balconies it is considered that the benefits associated with the S106 contribution outweigh the identified harm.

### Highways

The sites access arrangements have already been established and this would not be changed in light of the proposed amendments.

The site is located in a highly sustainable location with employment opportunities and the amenities of the town centre immediately to hand. In addition to this there are bus services, and the Transport Interchange within convenient walking distance. There are also public car parks and on street parking available in the immediate locality.

Parking within the development would reduce from 33 to 30 spaces as a result of some internal alterations; however, the number of apartments would also be reduced from 113 to 103 as a result of the additional 2 floors not going ahead.

Highways have been consulted on the proposals and have raised no objections, the sites immediate access to sustainable transport, amenities, employment and recreation opportunities provides a justification for a reduction to the onsite parking threshold. No objections are therefore raised subject to the recommended conditions.

### Waste Management

Waste Management have raised concern regarding the size and location of the bin store compared to the number of flats. However, the bin store proposed is the same as that approved on application 2014/0570 and this application is for a fewer number of properties.

### Conclusion

Although the omission of the balconies would detrimentally impact on the appearance of the structure and result in a loss in amenity for its residents, it is considered that the harm can be mitigated by way of a planning contribution and that this represents a pragmatic solution given the identified challenges associated with retrofitting the balconies. Elsewhere the amendments would maintain an appropriate design which would not compromise the integrity of the original proposals. The site occupies a highly sustainable location on the edge of the centre which is accessible to a range of users. Its location would allow future residents to forge good links with existing employment, retail, leisure and transport links and services within the town. This will contribute to the physical regeneration of the town and also secure economic use to what had been an otherwise underutilised site, which contributed negatively to the townscape.

## Recommendation

Grant subject to S106 agreement for payment of a £58,000 contribution towards public open space and subject to the conditions:

- 1 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved (outlined below) unless required by any other conditions in this permission.

14-021-01-E 'Lower Ground Floor Plan'  
14-021-02-B 'Upper Ground Floor Plan'  
14-021-03-D 'First Floor Plan'  
14-021-04-D 'Second Floor Plan'  
14-021-05-D 'Third Floor Plan'  
14-021-06-D 'Forth Floor Plan'  
14-021-07-D 'Fifth Floor Plan'  
14-021-08-D 'Sixth Floor Plan'  
14-021-09-D 'Seventh Floor Plan'  
14-021-10-E 'Eighth Floor Plan'  
14-021-11-E 'Ninth Floor Plan'  
14-021-12-A 'Tenth Floor Plan'  
14-021-17-E 'Elevations'

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

- 2 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.**

- 3 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.

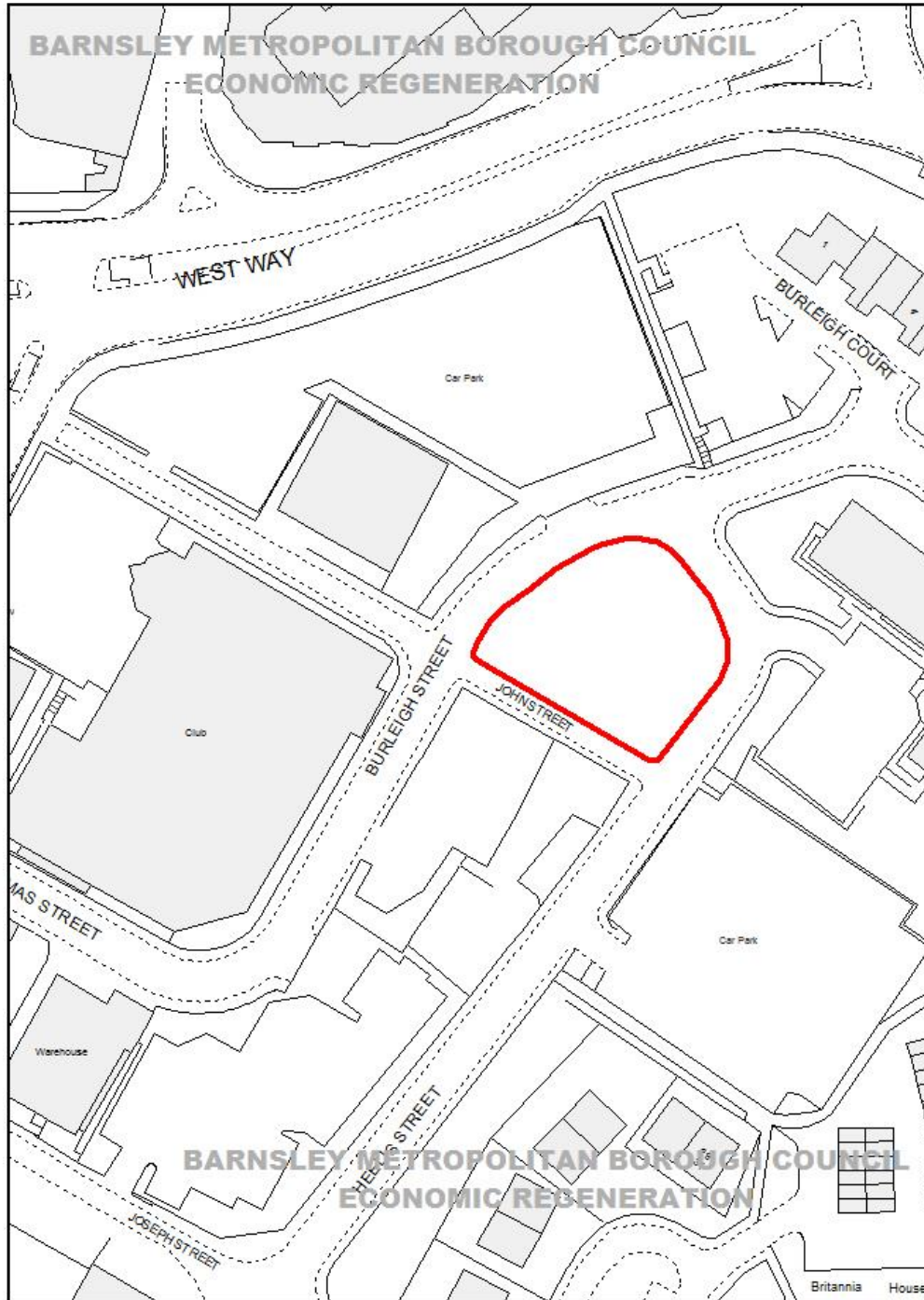
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**

- 4 Prior to the occupation of the first apartment 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.**
- 5 Prior to the occupation of the first apartment 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.**
- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**



- 7 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 Within 3 months of the date of the decision, full details of an external lighting strategy for the building shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the specification, location, orientation, angle and luminance of the proposed lighting. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.  
**Reason: To promote the appearance of the building in the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 9 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 10 Prior to the occupation of the building full details of the maintenance schedule for all external areas and façades of the new building (for the next 10 years) shall be submitted to, and approved in writing by the Local Planning Authority.  
**Reason: To ensure the highest quality of development and to protect or improve the setting of the adjacent conservation area in accordance CSP 29 and CSP30 of the Barnsley Core Strategy.**

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**BARNESLEY MBC - Economic Regeneration**



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

## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

01 December 2015 to 31 December 2015

#### **APPEALS RECEIVED**

2 appeals were received during December 2015.

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>
2015/0535	Erection of 1 no. dwelling with associated parking at Land at Stottercliffe Road, Thurlstone, Sheffield, S36 9RF	Written representation	Delegated
2015/0546	Erection of 3 no. dwellings and vehicular access to the highway at 116 Churchfield Lane, Kexbrough, Barnsley, S75 5DN	Written representation	Delegated

#### **APPEALS WITHDRAWN**

No appeals were withdrawn in December 2015.

#### **APPEALS DECIDED**

1 appeal was decided in December 2015:

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>	<b><u>Decision</u></b>
2013/0752	Use of natural pond for public fishing and erection of single storey cafe/shop building with car park at Willow Farm, Everill Gate Lane, Broomhill, Barnsley, S73 0YQ	Written representation	Delegated	Dismissed

#### **2015/2016 Cumulative Appeal Totals**

- 15 appeals decided since 01 April 2015
- 13 appeals (87%) dismissed since 01 April 2015
- 2 appeals (13%) allowed since 01 April 2015