

Report Precis

Report of the Development Service Director to
the Planning Regulatory Board
Date: 16/12/2014

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 Barnsley Library and Information Services, The Civic Centre, Eldon Street, Barnsley, S70 2JL

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2014/0754 Approval Page 4

Residential development of 66no. dwellings and associated infrastructure.
Land at Church Lane, Hoylandswaine, Barnsley

2014/1191 Approval Page 23

Material amendment to approved planning application B/04/2377/BA - Substitution of house types and amendment of layout to plots 44-91 in replacement of 28 dwellings.
Land at Cypress Heights, Carlton Road, Smithies, Barnsley, S71 3LT

2013/1329 Refusal Page 34

Demolition of existing shed and erection of dwelling, detached garages and associated landscaping.
Cat Hill Hall Mews, Cat Hill Lane, Hoylandswaine, Sheffield, S36 7JB

2014/1092 Approval Page 44

Erection of agricultural building .
Land at Ladyroyd, Silkstone Common, Barnsley, S75 4SF

2014/0807 Approval Page 52

Residential Development - 85 no. dwellings (Outline)
Land at Carrington Avenue, Barnsley, S75 1BW

2014/0823 Approval Page 68

Creation of two mini Football Pitches. (Outline)
The Fleets Smithies Lane Barnsley South Yorkshire S71 1NL

2014/0808 Approval Page 75

Conversion of Belle Vue House to 5 no. apartments (Full), and residential developments of 17 no. dwelling houses, 1no. sports pitch, ancillary works and car parking (Outline).
Belle Vue House, Cockerham Lane, Barnsley, S75 1AT

2014/0853 Approval Page 90

Erection of 192 dwellings with new access road from Littleworth Lane together with open space and balancing pond.
Former Priory School Site, Littleworth Lane, Barnsley, S71 5RG

2014/0315 Refusal Page 105

Formation of car park (Retrospective)
Land at Old Mill Lane, Barnsley, South Yorkshire

2014/0684 Approval Page 110

Residential development of 3 no. detached dwellings and formation of driveways.
Land at Roughbirchworth Lane, Oxspring, Sheffield

2014/1167 Approval Page 123

Change of use to temporarily store dry, non-ferrous waste metals.
Unit 4, Construction Way, Off Barkston Road, Carlton, Barnsley, S71 3HU

2013/1339 Approval Page 130

Recovery of Red Shale and Ash with ancillary activity.
Carlton Colliery Site, Shaw Lane, Carlton, Barnsley, S71 3HJ

2013/0547 Approval Page 142

Demolition of existing industrial buildings and erection of portal framed industrial unit for use of aluminium scrap metal storage.
Boulder Bridge Lane, off Shaw Lane, Carlton, Barnsley
S71 3HJ

2014/1029 Approval Page 150

Raising height of existing bungalow to create first floor accommodation including first floor balcony. (Resubmission)
Hillcrest, Chapel Lane, Green Moor, Sheffield, S35 7DX

2014/0754

BDW Trading

Residential development of 66no. dwellings and associated infrastructure.

Land at Church Lane, Hoylandswaine, Barnsley

Objections from 30 local residents, the Parochial Church Council of St John the Evangelist, Councillors Barnard and Wilson, Penistone Town Council and Angela Smith MP.

Site Description

The site comprises 3.4ha area of land which is located on the north-western edge of the existing Hoylandswaine village settlement. The site currently comprises fields that were previously used for agricultural purposes.

The central area of the site is located to the west of existing housing on Church Lane/Church Heights and the Parochial Church Council of St John the Evangelist, which is a grade II listed building. Houses also are located adjacent to the site on Haigh Lane to the north and Haigh Head Lane to the south. In addition the site is located next to Hoylandswaine Primary School.

The surrounding land use on the remaining three sides is predominantly open fields and agricultural use. The western boundary abuts Green Belt land. The site is bounded by existing hedgerows and trees, particularly on the eastern boundary which abuts the residential properties. Furthermore the two fields which make up the site are divided by a line of existing hedgerows and trees. There is a small collection of stables currently situated within the south east of the site.

Proposed Development

The application is for full planning permission to construct a development of 66 houses along with provision of associated infrastructure including roads, drainage, public open space and landscaping. The proposed housing development would consist of 2 x two bed, 4 x three bed, 29 x four bed and 31x five bed houses that would be either two storey or two and a half storeys in height. The overwhelming majority would be detached.

Direct access to the development would be via Church Lane which was built to serve the modern housing estate approved under application B/96/0004/PU. This would connect with Haigh Lane as the main highway passing through the village.

The development would also include a central area of public open space and a landscape buffer. In addition the application would make provision of a commuted sum for the enhancement of public open space off the site.

The plans also include the provision of 6 car parking spaces within the site for use by the Church. In addition the plans include the route of the proposed surface water outfall. This would involve the construction of a new sewer through two fields to the west of the site to a location through to Cross Lane where it is proposed to connect with Tanyard Beck. This would also involve the construction of a SUDS basin in the field.

History

No previous planning applications have been submitted in respect of the majority of land included within the application. However the following applications have been made on a small section of land in the south east corner of the site:-

B/74/0359/PR – Proposed erection of dwellinghouse and double garage. Decision: Refused permission 02/09/1974.

B/75/1111/PU – Proposed erection of 1 dwellinghouse. Decision: Refused permission 27/06/1975.

Policy Context

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

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

Local Development Framework Core Strategy

CSP2 'Sustainable Construction'
CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP5 'Including Renewable Energy in Developments'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP34 'Protection of the Green Belt'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP37 'Landscape Character Assessment'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Safeguarded Land (the proposed housing site) and Green Belt in the case of the proposed drainage outfall.

Policies WR11/GS10 state that 'In areas shown as Safeguarded Land on the proposals maps existing uses will normally remain during the plan period and development will be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development will only be granted following a review of the UDP which proposes that development on the land in question'.

GS6 'Extent of the Green Belt'

SPD's

- Designing New Residential Development

- Parking
- Open Space Provision on New Housing Developments

Planning Advice Note's

33 -Financial Contributions to School Places

Other

South Yorkshire Residential Design Guide

Emerging Development Sites and Places DPD

Proposed allocation: Proposed low density housing site. The area of land where it is proposed to construct the drainage outfall would remain in the Green Belt.

- Policy H1 'Uses on Allocated Housing Sites'
- Policy H4 'Phased Release of Allocated Housing Land'
- SD1 Presumption in favour of Sustainable Development
- GD1 General Development Policy

Draft Local Plan

Proposed allocation: Safeguarded Land. The area of land where it is proposed to construct the drainage outfall would remain in the Green Belt.

NPPE

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

Paragraphs of particular relevance to this application include:

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

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

58 & 60 – Design considerations.

100-104 – Flood risk.

Consultations

Affordable Housing Officer – No objections subject to the terms of the proposed S106 Agreement.

Biodiversity Officer – An updated ecology report has been submitted and assessed

Contaminated Land – No objections.

Conservation Design- Does not object subject to the imposition of conditions.

Drainage – Do not object subject to the imposition of conditions.

Education – No objections subject to the provision of a commuted sum of £91,312 towards funding additional primary school capacity.

Environment Agency – Do not object subject to the imposition of conditions.

Highways – No objections subject to conditions.

Regulatory Services – No objections subject to conditions.

Penistone Town Council – Object on the grounds of overdevelopment in a small village with inadequate and insufficient road access.

Tree Officer – No objections subject to conditions.

SYAS – Do not object subject to the imposition of conditions.

SYPTTE – Recommend that travel master passes are provided to each dwelling to incentivise public transport use.

Yorkshire Water – No objections subject to conditions.

Representations

The application was advertised by neighbour notification, site and press notice. 30 objections have been received from local residents. In addition objections have been received from Councillors Barnard and Wilson, Penistone Town Council and Angela Smith MP. In summary the main concerns expressed are as follows:-

Infrastructure – concerns that the infrastructure of the village would not be able to cope with the additional demands placed by a development of this size in terms of school places, access roads, absence of shops/ a post office and limited public transport. Also concerns regarding the cumulative impact of other developments in the Penistone area on the local infrastructure in terms of local schools and health care capacity.

Harm to the village character/identity – Loss of a greenfield site, loss of agricultural land, harm to the environment, an influx of a disproportionate amount of new residents.

Conflict with the planning policies - Concerns that the site is designated Safeguarded Land in the UDP and that the proposed development would be contrary to CSP8 'The Location of Growth', CSP10 'The Distribution of New Homes', CSP21 'Rural Economy', CSP25 'New Development and Sustainable Travel' and Planning Advice Notice 30 (PAN 30).

Concerns that the development is contrary to the National Planning Policies requiring sustainable forms of development. Concerns that this is a peripheral greenfield site that should not even come into consideration to be developed for housing until the latter part of the LDF plan period, in preference to other more sustainable urban brownfield sites.

Sustainability –It is stated that the proposed development would be contrary to national and local planning policies for the reason that Hoylandswaine is a small village which does not have any shops, healthcare facilities and has poor access to public transport. Associated concerns are therefore raised that the development would be car dependant with few employment opportunities available locally.

Harm to the living conditions for existing residents – Harm to quality of life. Overlooking/loss of privacy. Noise and dust during the construction phase.

Highway safety –

- Concerns that Church lane and Haigh Lane are not wide enough to accommodate the proposed traffic flows due to levels of on street parking by visitors to existing dwellings, the school and the Church.
- Safe access for emergency and service vehicles.
- Poor visibility at the junction between Church Lane and Haigh Lane.
- Concerns that that Haigh Lane is already overused as a popular route to M1.
- Concerns that Cross Lane, Renald Lane and other roads in the area are country lanes that would not remain safe as result of the additional traffic.
- Concerns that pedestrian safety would be comprised by the amount of additional traffic that would be generated by the development and a lack of pavement width, in particular concerns for parents and children accessing the primary school on Haigh Lane. Concerns about the impact on the surface of local roads. Lack of parking in the village/problems of on street parking.
- Existing problems of on street parking at the school and at the corner of Cross Lane leading to conflicts/risk of accidents.
- Concerns that the application proposed inadequate parking for the Church (6 spaces)
- Problems during winter weather.
- Concerns regarding inaccuracies within the Transport Assessment.

Flooding – Concerns that the development would increase incidences of flooding off the site at Haigh Lane, Cross Lane, Mount Pleasant Farm, Cooper Lane and Elmhirst Beck.

Impact on Hoylandswaine Primary School – Concerns that it is full and would not have capacity to accommodate children from the new development. In addition the Governors of the School have written in to request that a car park is provided for the school as part of the application which is currently without any on site provision.

Concerns about the type of housing proposed – Concerns that it would be expensive to buy and that the application does not include sufficient affordable housing.

- Property devaluation.
- Lack of public consultation by the applicant.

Mitigation – It is stated that mitigation for if the development should include the following if allowed:-

- Double yellow lines outside the school.
- Parking restrictions on Church Lane.
- Speed restrictions on both Cross Lane and Renald Lane/Gadding Moor Lane and North Lane.
- Provision of a separate means of access during the construction phase.
- Conditions restricting hours of working and unloading and parking without causing a highway hazard.
- Avoiding the drainage outfall being via a route passing through Cross Lane.
- Prescribing that the development consists of fewer houses which are a maximum two storeys and constructed out of natural stone.
- Designating additional Green Belt land.
- Support is expressed for the proposed buffer planting.
- The proposed central area of public open space should be accessible to existing as well as new residents.

- Concerns are expressed that the existing play area located beside the village hall is located too far away from the proposed development. Therefore a new area should be provided on site within the central area of public open space.

The Parochial Church Council of St John the Evangelist have objected for the following reasons:-

- Church Lane is considered to be an inadequate means of access to the development by virtue of its narrow width and the conflict with vehicles parking to use the church in connection with functions including church activities creating a risk to both vehicular and pedestrian safety.
- Lack of parking in the area when Church Services take place and also on every School day.

Harm to village character – Scale of the development. Disproportionate increase in the size of the village – 6.5% of the CSP10 allocation for new houses outside of Urban Barnsley and the Principal Towns. 17% increase in the amount of housing stock in the village and potentially 25% increase in population.

- Harm to the visual amenity of the adjacent Green Belt land and hedgerows

Drainage – Concerns about existing problems caused by surface water run off from the site at Cooper Lane and sewage capacity in the area.

Affordable housing – Lack of on-site affordable housing, i.e. 6 out of 66 dwellings. A lack of affordable housing has been identified locally out by Penistone Town Council during its Community-Led Plan process. Associated concerns are therefore raised that the development would not cater for the existing population and therefore that the development would not represent a sustainable form of development.

- Gas supply issues.

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, Joint Waste Plan and the saved Policies of the Unitary Development Plan.

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

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

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

Current strategic planning in the Borough is set out in the 2011 adopted Core Strategy. The site is located outside the boundary of a Principal Town and is therefore not in a priority location for growth. Other settlements are expected to yield 1,000 dwellings over the plan period to contribute towards the overall aim of delivering 21500 new dwellings. Of these 1,000 over half were committed by 2011 with other permission being granted since (e.g. the two sites in Pilley). Strictly speaking, this means the development plan is not absent or silent.

In respect of whether or not the plan is up-to-date, it is important to note that the Council cannot currently demonstrate a deliverable 5 year supply of housing. Where this is the case, relevant policies for the supply of housing should not be considered up to date.

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 not therefore 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 Consultation Draft Local Plan now shows potential housing allocations and further safeguarded allocations. On the basis that the site is not located in Urban Barnsley or a Principal Town, it is again shown to be safeguarded. However, given that the emerging plan is at an early stage in its preparation, it can be attributed limited weight.

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. Whilst not strictly a policy relating to housing supply, the site designation is therefore considered out of date.

Given that the site designation and housing supply policies are considered out of date, the overriding consideration is the NPPF. In order to establish whether paragraph 14 applies it is necessary to establish if the proposal is sustainable and if there are any other material considerations that indicate otherwise.

Sustainability

In terms of assessing sustainability, the Council had previously published Planning Advice Note 30, which applies to proposed housing sites. However this references the now superseded Planning Policy Statements 1 and 3 and the Regional Spatial Strategy. In addition SYPTTE now use a Land Use and Transport Integration (LUTI) methodology when providing comments on planning applications, which is not referred to in PAN30. Accordingly, the overriding consideration is the NPPF, which states that there are three dimensions of sustainable development: economic, social and environmental.

In terms of the contribution the proposal makes to the economic role, it would deliver economic benefits in respect of job creation associated with the construction phase and would increase spending power locally. Admittedly these benefits would apply to any residential development but they attract more weight the larger the development proposed and at 66 units, the development is of medium scale.

Given that the Council cannot demonstrate a 5 year supply of housing, the development would therefore make a positive contribution towards social role. Significantly, the scheme proposes 6 affordable homes on site and a contribution equivalent to provision of a further 10 affordable dwellings off site. The recently published Strategic Housing Market Availability Assessment demonstrates a clear need for affordable homes in the west of the Borough and the proposed affordable housing provision, which would meet local needs, attracts significant weight in favour of the proposal. In addition, infrastructure would be provided including public open space. The weight

attributed to the contribution the site makes to meeting general open market housing need is somewhat diluted by virtue of the fact that Hoylandswaine is outside the settlement hierarchy. However, given the lack of brownfield sites and that the Green Belt boundary is tightly drawn around the village, there are no obvious alternative sites available within the village that lend themselves to residential development. More significantly, private housing is required in order to viably deliver the affordable homes. Accordingly, it is considered that the proposal reflects the social role of sustainable development.

In terms of environmental credentials, the development would not give rise to any harm affecting biodiversity interests, subject to the enhancements proposed. However, the site is greenfield and Hoylandswaine is a village settlement that is not a priority for growth in the Core Strategy. In addition, it is located further away from the nearest bus stops than the recommended distance of 400m (750m from the site entrance with further stops being located within 1,200m). Whilst a travel plan is proposed and residents would be provided with travel master passes as an incentive to use the bus and train services at Penistone Train Station and modal shift away from car usage, the location of the site means that a successful modal shift is unlikely and that reliance on private modes of transport would increase CO₂ emission over and above those from a more sustainably located site. This is considered to offset any benefits associated with the proposal complying with sustainable construction and energy efficiency policies. In light of these considerations, on balance, I do not consider that the development reflects the environmental role of sustainable development.

Whilst the location of the site means there is some conflict with the environmental role of sustainable development, it is not considered that this renders the development unsustainable per se. It is clear that the development reflects the economic role of sustainable development and the lack of a deliverable 5 year housing supply is a key consideration, which attracts significant weight.

Although the lack of 5 year supply renders housing supply policies out-of-date, it is notable that the Core Strategy seeks to distribute 1100 homes in Penistone (the nearest Principal Town) during the period 2008-2026. Whilst at an early stage in its preparation, the current Consultation Draft Local Plan, shows an indicative housing growth figure of 1471 homes within Penistone between 2014-2033. To meet this figure, three current Green Belt sites (H80, H81 and H82) are proposed, which have a total indicative figure of 975 dwellings. As such, it is clear that significant land will need to be taken out of Green Belt in order to get close to the identified housing growth figure. Until the plan has been through an Examination in Public it is difficult to say with any certainty whether or not the sites will be allocated.

Whilst provision of housing within Hoylandswaine would not count towards meeting needs within Penistone, it is one of the closest of the villages within the Rural West to the Principal Shopping Area of Penistone, where the majority of local services are situated.

Given the absence of a deliverable 5 year supply, the proposed affordable housing provision and that the proposed site is not within the Green Belt, it is considered that greater weight should be attributed to the fact the proposal complies with the social dimension of sustainable development, particularly as the conclusion reached in respect of environmental credentials was finely balanced. Although the site is not shown as an allocation in the Consultation Draft Local Plan and the settlement hierarchy, it is considered that a different test applies in respect of determination of a planning application. Whereas the Consultation Draft Local Plan is seeking to produce a sound spatial strategy based on focusing development in Urban Barnsley and the Principal Towns, it is likely that at particular times during the plan period and on certain sites, departures from the proposed spatial strategy will occur. In addition, the Core Strategy envisages that a further 500 dwellings will be delivered on sites outside of Urban Barnsley and the defined Principal Towns. Taken as a whole, on balance, the development is considered sustainable and as long as the adverse impact do not significantly and demonstrably outweigh the benefits or material considerations indicate otherwise, the presumption in paragraph 14 of the NPPF applies.

Green Belt

The plans include the preferred route of the proposed surface water outfall, which would pass through the fields to the north west of the site to provide attenuation to enable surface water through Green Belt land off the main site. This would involve the construction of a new sewer through two fields to the west of the site to a location through to Cross Lane where it is proposed to connect with Tanyard Beck. This would also involve the construction of a SUDS basin in the field that would provide attenuation to enable the surface water to be discharged at a restricted greenfield run off rate.

Forms of inappropriate development are defined in the NPPF. Exceptions include engineering operations provided that works preserve the openness of the Green Belt and do not conflict with the purposes including land within it. The works would be undertaken at below ground level in the case of the pipe and ground level in the case of the SUDS basin and so openness would not be affected, nor would the purposes of including land in the Green Belt. Therefore it is determined that the proposal would not result in a form of inappropriate development in the Green Belt.

Visual Amenity

The site is sensitive in that the development would represent an extension of the village settlement. The proposed housing development would also be adjacent to areas of the Green Belt comprising open countryside. Furthermore the Parochial Church Council of St John the Evangelist is a grade II listed building and there are a number of mature trees within the grounds of the Church adjacent to the site boundary, which are protected by a Tree Preservation Order. Additionally there are hedgerows containing some additional trees located around the boundaries of the site and there are a number of mature trees in the centre of the site.

The layout has been designed to retain the existing hedgerows and all of the trees of value on the site, including the central group, which would be incorporated within an area of public open space.

The Design and Access statement explains that the application has sought to achieve an exemplar standard of design under the criteria of the Building for Life scheme. I am in agreement that this would be a development of high quality taking on board the standard of design relating to the individual house types and the amount of existing and proposed landscaping that would form part of the development, including private gardens.

I also consider large detached houses to be appropriate in context taking into account the existing development throughout the village, including the estate located immediately adjacent to the site.

A criticism of the application is that it does not include many smaller two or three bedroom houses. However increasing the number of houses as part of the proposed application would have a number of negative consequences, including the fact that groups of semi-detached or townhouses that would be introduced to accommodate smaller dwellings would appear out of character in the context of the surrounding area in design terms. In addition there would be other issues to take into account such as the potential for increased car journeys to and from the site. In my view therefore I would afford more weight to the need to satisfy CSP29 'Design' in this case rather than CSP14 given the sensitivities around this site.

In addition consideration has been afforded to the impact on the setting of the Church of St John as a grade II listed building. The Heritage Statement accompanying the application concludes that 'the development will remove an element of openness to the setting of the building and urbanise the context to the west although through scheme layout, landscape planting and design, potential impact can be reduced. Important aspects of significance within the setting of the Church will be retained including the curtilage setting, landscape enclosure and inter-relationship with the Vicarage to the north. It is concluded that the proposed development will give rise to harm, which is less than

substantial, to the heritage significance of the Church. The harm will be indirect and upon the setting of the listed building with no direct impacts upon the physical fabric’.

The Conservation Officer is in agreement with this conclusion resolving not to object having regard to CSP30 ‘The Historic Environment’ and the NPPF. In particular this is for the reason that the proposed layout of the design and landscaping still allows for a strip of open space (buffer) to the west, but retains the avenue of mature trees and open space running westwards retaining that connection with the landscape beyond. The church is also accompanied by trees which will provide a degree of screening.

Residential Amenity

The main criteria for assessing this issue are the Designing New Residential Development SPD and Core Strategy policy CSP40 Pollution Control and Prevention’. Again the application is sensitive in relation to this point in that a number of existing dwellings located on Haigh Lane, Church Heights and Haigh Head Road overlook the site. However, loss of view is not a material planning consideration and the proposals have been designed to ensure that the separation standards to set out in the Designing New Residential Development SPD are achieved to existing properties, which is the requirement in planning terms. Safeguarding existing amenity is also assisted by the land levels with the proposed properties being located below the existing where the relationships nearer to the minimum standards occur. The proposals would therefore safeguard existing amenity levels to the standards required by the SPD.

Within the proposed development, the layout has been designed to ensure that the standards for the spaces between dwellings and for garden sizes are met. The usual conditions would be required to minimise the effects of nuisance that would be caused during the construction phase in line with CSP40.

Highway Safety

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

The effects of the development on the local highway network has been analysed within a Transport Assessment (TA). The TA concludes that the Church Lane/Haigh Lane junction can comfortably and safely accommodate the traffic generated by the proposed development. However the information contained within the representations has identified problems with the level of on street parking on Church Lane and the junction between Haigh Lane. Therefore highways consider that it would be necessary for the development to include measures to prevent parking at the junction of Church Lane/Haigh Lane, and the northern side of Church Lane. In addition 6 parking spaces are proposed within the development for use by the Church, which would compensate for some of the loss of opportunities for on street parking on Church Lane.

The internal site layout has been designed to embrace the principles of guidance contained within Manual for Streets and the South Yorkshire Residential Design Guide in that where possible the movement of pedestrians would be afforded priority over vehicle movements. In addition the plans include a minimum 2 parking spaces per dwelling as per the requirements of the SPD.

Highways have afforded consideration to all the matters within the application and have resolved not to object subject to conditions.

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

Open space provision – New green space provision is required to be provided as part of the development in accordance with SPD: Open Space Provision on New Housing Developments. The

plans have been designed to include a central area of greenspace located. This would satisfy the policy requirements in terms of informal play. However in this case the needs would also indicate the need for the development to contribute towards the enhancement of existing play facilities off the site at a cost to the applicant of £70,294.84 which would form part of a S106 Agreement. Furthermore maintenance arrangements for the on-site POS can be secured by condition, or as part of a S106 Agreement.

Affordable housing – 6 of the dwellings are proposed on site as part of the development, which is equivalent to 9% of the overall number of dwellings. Policy CSP15 states that 25% of the dwellings should be affordable in the Penistone area and remaining amount is proposed to be made up via the payment of a commuted sum of £978,632.25 for the provision of, or improvements to existing affordable housing located off the site. These provisions have been agreed in principle between the applicant and the Affordable Housing Officer as a suitable mix as a means of complying with Core Strategy policy CSP15 and would form part of a S106 Agreement.

Education – The application raises issues for primary school places in the area. Consequently it has been assessed that there is a need for the applicant to pay a commuted sum to contribute towards the provision of facilities for additional school primary school places under Planning Advice Note 33 'Financial Contributions to School Places'. This figure has been calculated at £91,312 and would be covered by the S106 Agreement.

Other considerations

Trees

The Tree Officer is content with the details of the application, subject to the retention of the existing hedgerows and trees of value would be retained as is indicated. He is also content that the development would not impact upon the existing TPO trees located off the site within the grounds of the Church. However this would need to be ensured by conditions.

Biodiversity

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is accompanied by an ecological assessment. This has concluded that the site contains habitats of mostly low ecological value.

The hedgerows and trees have a moderate ecological value. This raises no significant issues given that all the hedgerows and trees of value would be retained, which would require suitable conditions to be imposed.

In addition it is predicted that the proposed balancing pond would create an aquatic habitat that would be suitable for numerous species of plant life which would then support invertebrate and amphibian species.

The Biodiversity Officer is content with the recommendations subject to a condition requiring the recommendations to be followed through.

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is not at risk of flooding. In addition the site would not increase the risk of flooding off site as it would include sufficient storage within the site so as to ensure that surface water run off rates do not exceed the existing as per the requirements of CSP4 'Flood Risk'. The Drainage section, Environment Agency and Yorkshire Water are content that the risks to the development are being adequately assessed. As such they are content for the application to proceed, subject to conditions requiring the technical details to be approved prior to the commencement of development as is proposed.

Ground Conditions

The desk top investigation has assessed that the site is suitable for its proposed use having regards to policies CSP39 'Contaminated and Unstable Land'. Pollution Control are content that the risks to the development are being adequately assessed and are sufficiently comfortable for application to proceed subject to conditions requiring the results and any mitigation measures to be submitted prior to the commencement of development.

Archaeology

An archaeological desk based assessment (DBA) was submitted as supporting information with this application. The DBA found that potential for medieval remains was low but potential for prehistoric and/ or Roman remains was less certain. This was due to the presence of probable Iron Age enclosures just to the north west of the site.

Subsequently, a geophysical survey, by Archaeological Services was undertaken. No anomalies of significant archaeological potential were identified. These results, combined with the information from the DBA, are sufficient to characterise the archaeological potential as not of the highest order but are not sufficient to rule out any potential for archaeological remains altogether.

Standard archaeological practice requires that geophysical survey results are 'ground-truthed' by a programme of trial trenching. The geophysical survey notes linear trends, resulting from recent agricultural practices, and these may mask earlier archaeological features. Many discrete anomalies were identified and it was noted that any of these "could, in theory, be archaeological in origin" although the sheer number was thought to indicate a more probable geological origin. Given that there is still some potential for buried archaeological remains to exist on this site, any ground disturbance associated with the development could, therefore, destroy finds and features of archaeological importance. As such, further archaeological investigation would be required to quantify that potential and to ensure that any remains present are recorded as mitigation. SYAS have therefore recommended that the necessary archaeological investigation is secured by imposing a condition requiring that trial trench site investigation work is undertaken prior to the commencement of development.

The Balancing Exercise

In summary, the proposed housing development would be built upon land which designated as Safeguarded in the UDP and is also shown as safeguarded in Consultation Draft Local Plan (having previously been a low density housing allocation in the Development Sites & Places DPD). However, the emerging local plan is at an early stage in its preparation and therefore attracts limited weight and the UDP designation is classed to be out of date by the National Planning Policy Framework.

The site is located outside the boundary of a Principal Town, as defined in the Core Strategy, and is therefore not in a priority location for growth. This weighs against the proposal and has a detrimental impact on the schemes contribution to the environmental aspect of sustainable development. Nevertheless, the scheme contributes towards the economic aspect of sustainable development and has significant social benefits in terms of meeting identified housing need, particularly given the proposed affordable housing provision and the fact the Council cannot demonstrate a 5 year supply of housing land. On balance, it is therefore considered that the proposal is considered sustainable.

The presumption in favour of sustainable development in paragraph 14 of the NPPF therefore applies meaning planning permission should be granted for sustainable development unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the

Framework indicate development should be restricted.

My assessment concludes that the impacts of the proposed development would not significantly and demonstrably outweigh the benefits taking into account the planning policy and other material considerations set out in the above report. This is summarised as follows:-

- Settlements outside Urban Barnsley and the Principal Towns are still expected to deliver up to 500 dwellings over the plan period to contribute towards the overall aim of delivering 21500 new dwellings before 2026 in accordance with the adopted Core Strategy.
- The development has been judged acceptable with regards to other environmental considerations such as the visual amenity of the adjacent Green Belt, effects on biodiversity and trees, sustainable construction methods having regard to the mitigation proposed which would include the proposed landscaping buffer, retention of trees and hedgerows.
- The proposal would deliver a high quality form of housing development that is considered satisfactory in relation to design and providing adequate amenity standards for the residents of new and existing dwellings taking into account CSP14, CSP29 and the Designing New Residential Development SPD.
- The proposal is judged acceptable on highway safety grounds subject to the mitigation proposed taking into account policies CSP25, CSP26 and CSP40.
- The proposals are considered to satisfy the relevant Core Strategy policies covering other material considerations including flood risk, biodiversity, land stability, trees, pollution control issues and sustainable construction.

Therefore it is recommended to the Board that the application is granted planning permission, subject to the conditions listed below. In addition a S106 Agreement would be required in relation to the provision of on-site and off-site affordable housing, on site and off site public open space, a contribution towards primary school places and travel master passes.

Recommendation

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

Grant subject to:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved unless required by any other conditions in this permission:-

Location Plan - KSL Designs (HS-LP/01 rev 0)
Planning Layout - HS-PL / 01 Rev D
Housetype 469 Elevations (AD-469/01)
Housetype 469 Floor Plans (AD-469/02)
Housetype 454 Elevations (AD-454/01)
Housetype 454 Floor Plans (AD-454/02)
Housetype 497 Elevations (AD-497/01)
Housetype 497 Floor Plans (AD-497/02)
Housetype 534 Elevations (AD-534/01)
Housetype 534 Floor Plans (AD-534/02)
Housetype 536 Elevations (AD-536/01)

Housetype 536 Floor Plans (AD-536/02)
Housetype 526 Elevations (AD-526/01)
Housetype 526 Floor Plans (AD-526/02)
Housetype 575 Elevations (AD-575/01)
Housetype 575 Floor Plans (AD-575/02)
Housetype 533 Elevations (AD-533/01)
Housetype 533 Floor Plans (AD-533/02)
Housetype 206 Elevations (AD-206/01)
Housetype 206 Floor Plans (AD-206/02)
Housetype 383 Elevations (AD-383/01)
Housetype 383 Floor Plans (AD-383/02)
Garage Single (GS/01)
Garage Double (GD/01)
Garage Twin (GT/01)
Garage Triple (GT/01)

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 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m.

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

- 6 Sightlines, having the dimensions 2.4m x 43m, shall be safeguarded at all the internal road junctions such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.

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

- 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:

Measures to prevent parking at the junction of Church Lane/Haigh Lane, and the northern side of Church Lane

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 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 10 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 11 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.
- 12 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

- 13 No development 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 buildings.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 14 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.
- 15 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.
- 16 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:
- Tree constraints plan (TCP)
 - Tree protection plan (TPP)
 - Arboricultural method statement (AMS)
- No development or other operations shall take place except in complete accordance with the approved methodologies. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.
- 17 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.

- 18 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.
- 19 The dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.
- 20 Prior to commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.
- 21 Prior to commencement of development full details of the mitigation measures identified in the JCA Limited Ecological Survey report ref 11385/DR rev 1, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 22 No development, 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:
- The programme and method of site investigation and recording.
 - The requirement to seek preservation in situ of identified features of importance.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - 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.

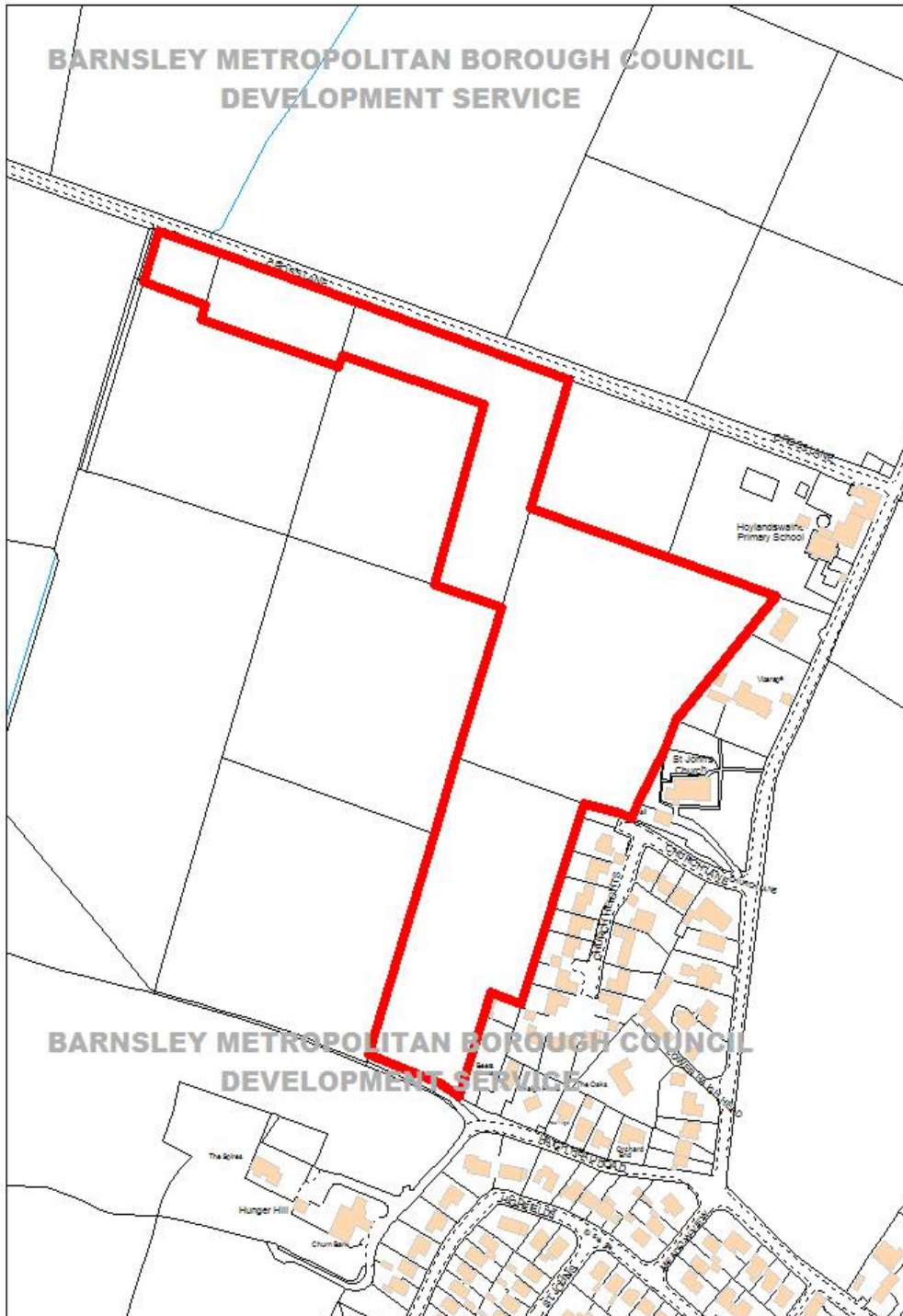
Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated in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

PA reference :-

2014/0754

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Scale 1:2500

2014/1191

Saul Homes

Material amendment to approved planning application B/04/2377/BA - Substitution of house types and amendment of layout to plots 44-91 in replacement of 28 dwellings.

Land at Cypress Heights, Carlton Road, Smithies, Barnsley, S71 3LT

Four letters of representation have been received from local residents Councillors Platts and Tatterstall have written in support of the principle of the scheme subject to appropriate road surfacing and adoption

Background

Cypress Heights is a residential development which was originally granted full planning permission in 2004 under application ref B/04/2377/BA for 90 residential properties (66 Dwelling 24 apartments). There have been 43 properties constructed in accordance with the original approved scheme. The estate road serving these is currently unadopted as the original developer (Portford Homes) never entered into a section 38 agreement with the Highways Authority.

Since the original permission there have been two 're-plans' (ref 2007/0211 & 2011/0282), both these applications concerned a substitution of house types but neither schemes materialised into completed developments. Portford Homes are no longer trading and the site has since been purchased by Saul Homes.

Site Description

The site is located at the northern end of the Portford Homes site, it is elongated in shape along a north south axis, it occupies an elevated position within extensive views to the west.

Access is taken from the estate Road 'Cypress Heights' which links to Carlton Road to the south. The access road 'Cypress Heights' was formed during the initial development works to the site following the grant of full planning permission in 2004. The site is bound by residential properties, this includes properties which front Carlton Road, Cypress Heights, High Greave, Richard Road and Edgecliffe Place.

Areas of the site have been previously levelled in part during the initial works to the site, there does however, remain several large mounds of earth which has subsequently become overgrown with self-set vegetation. The site area has also attracted sporadic fly tipping which creates an overall poor environment.

The access road would extend from a spur taken directly from Cypress Heights. The areas of the site which have been levelled have relevant retaining structures in place. These works have been completed some time ago and the site now remains in an overgrown and unkempt state since the previous developers abandoned the site. The former site compound/sales office is located opposite to properties on Cypress Heights, it remains in a derelict state.

Proposed Development

The proposal is to re-plan a significant part of the development where construction work on dwellings approved on the original development has yet to be started. This involves the redevelopment of the northern part of the site previously earmarked for the development of 30 apartments on planning approval B/04/2377/BA.

The application seeks planning permission for the erection of 28 dwellings traditional two storey properties, the accommodation would be split as;

6 x 2 bed units (Two house types)
22 x 3 bed units (Seven house types)

Car parking will be provided at the ratio of two parking spaces per 3 bedroom dwelling and one parking space per 2 bedroom dwelling.

Both existing access roads within the estate (Cypress Heights and High Greave) along with the proposed new access would be made up to adoptable standards.

All dwellings have been provided with a minimum of 60m² private rear gardens with sufficient drying areas an appropriate provision made for secure refuse storage.

Materials would comprise of a is a mixture of two red brick tones, stone cills, dark grey concrete roof tiles, white UPVC windows and white garage doors when applicable.

Planning History

Relevant planning applications to the site include:

B/00/1408/BA – Outline for residential development – Approved
B/04/0931/BA – Renewal of outline planning permission B/00/1408/BA – Approved subject to a sec 106 requiring securing POS monies.
B/04/2377/BA – Residential development of 66 dwellings and 24 apartments with associated access, garages and parking (reserved Matters) – Approved
2007/0211 – Erection of 30 apartments in 3no. 3 storey blocks – Approved
2011/0282 - Residential development of 17 no. dwellings (re-plan of B/04/2377/BA) – Approved

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

Local Plan Consultation draft

Allocation: Urban Fabric

Unitary Development Plan

The UDP designation is as Urban Land to Remain Undeveloped (partial) with the larger allocation being as Urban Green Space.

Saved UDP policies

The site allocated within a Housing Policy area.

H8A 'Existing Residential Areas' promotes residential development within residential areas'

Relevant Supplementary Planning Documents and Advice Notes

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

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

Para's 58 & 60 – Design considerations

General principles para's 17

Building a strong economy para's 18-22

Design para's 58 – 65

Consultations

BMBC Drainage: No objections

Contaminated Land Officer: No objections the site was suitably remediated under the previous approval.

Design: No objections.

Highways: No objections subject to conditions.

Public Rights of Way: Advised that an application is required for the diversion of footpaths shown on the definitive map. These application have been submitted and will be dealt with under a separate process.

SYPALO: Advised on secure by design requirements.

Yorkshire Water: No objections subject to the recommended conditions.

Councillor Platts & Councillor Tattersall – Acknowledge their support for the application on the assurance that the resurfacing of the estate roads is undertaken and adopted by the Highways Authority.

Representations

The application has been advertised by way of a site and press notice and properties which share a boundary and are located within the Portford Estate have been consulted in writing.

Four letters of representation have been received from neighbouring residents. Whilst generally supportive of the scheme they have raised the following comments:

- The existing perimeter fence is not secure and is dangerous. A permanent fencing structure lining the perimeter of the existing land needs to be erected due to the gradient of the land that joins these two phases of the overall development.
- The section of the road leading in from Carlton Road and around to High Greave from Cypress Heights is incomplete and unadopted. This needs to be completed, made safe and usable.
- I am in full support of the planning application providing a section 38 agreement is in place with a sufficient bond paid by Saul Builders prior to any building work commencing and that High Greave and Cypress Heights are brought up to adoptable standards by the builder and adopted by BMBC in due course as should of happened with Portford Homes.
- The house styles proposed are complimentary to the existing development in that they offer smaller dwellings which should provide a good mix of new housing for the area.
- Need to ensure that access to existing residents is not obstructed during construction.

Assessment

Principle of Development

The principle of the site's development for residential purposes was established as far back as 14 years ago when outline planning consents were approved. This was followed up with an extension of time limit (2004), Reserved Matters (2004) as well as two re-plans to the overall design, 2007 and 2011.

The original developer (Portford Homes) ceased trading shortly after the last of the approved re-plans for the site. The site has remained mothballed ever since, which has led to visual and environmental problems which directly affects residents within and adjoining the site. One of the principle issues, as raised within representations, is that the highway serving Cypress Heights and High Greave in its present state is unadopted. The applicant of this scheme is committed to addressing this as part of a comprehensive package of Highway Works. This will be explained in more detail within the Highway section of the report.

The principle of residential has clearly been previously established, remains valid (in recognition of evident compatibility with adjoining land uses) and therefore does not need to be revisited. The

proposals represent an opportunity to bring into use a longstanding vacant site which has associated environmental and economic benefits.

Design & Layout

Two storey properties are the prevalent house type within the developed phases of the estate. Being of a traditional two storey construction that utilises similar materials the proposals would have a clear visual cohesion with the existing development.

There are two aspects to the development, this includes the development of 5 units on the site of the Portford Homes site compound (opposite no. 15 Cypress Heights), and the formation of a new cul-de-sac which leads off Cypress heights and supports a further 23 properties.

The layout and arrangement of properties is near identical to those already within the estate. This represents an efficient use of the land but also works from a practical aspect, given that it addresses site levels and also utilises existing ground works undertaken as part of the previous permission.

The arrangement of the properties observes relevant inter-housing spacing standards and it also provides good surveillance across the public highway. Minimum garden sizes are achieved and exceeded in the main and the majority of car parking would be accommodated to the side of dwelling, reducing their dominance within the street scene. Further to this, a good provision of soft landscaping is proposed to the front and side of dwellings enhancing the setting of dwelling and reducing the overall level of hardsurfacing within the development.

The amended proposal picks up on the previously used red brick to the remainder of the development and the local vernacular and blends this with some more modern elements to create an architectural language that will enhance the local environment. This would also be reflected by the boundary treatments, which would continue the theme established within the initial phases of the development.

Overall it is considered that the amendments would not disrupt the character or appearance of the estate and the proposal is considered acceptable against the provisions of policy CSP29 and adopted SPD.

Highway safety

Portford Homes (Original developer) undertook the construction of Cypress Heights and High Greave without ever entering into a Section 38 (Highways Act) agreement. As such, the roads which are in situ remain unadopted and fall outside of the maintenance responsibility of the Highway Authority. This presents a significant liability for existing residents, concerns of which have been expressed within the submitted representations.

The legal status of the current estate road is without doubt unfortunate, in the interests of existing residents as well as the developer it is a priority that the issue gets resolved. The applications redline boundary has been amended to include all aspects of the highway, the intention of the developer is to enter into a section 38 agreement upon the commencement of the development. This would address the existing estate roads, as well as those intended to serve the development itself. The process will not be limited to completing the legal agreement itself, but also include relevant remedial /repair works to the existing carriageway. The approach is considered to be a welcomed solution to resolve, what has become an ongoing problem.

The access to the proposed houses would follow the alignment indicated on the original application. It would extend from Cypress Heights at its junction to High Greave. It would comprise of a traditional estate road 5.5m wide with 2m wide footways either side. The road would

culminate in two cul-de-sac's which would be block paved to home zone standards. All access and manoeuvring arrangements accord with MfS (Manual for Streets) and individual parking to the dwellings would be provided in accordance with adopted guidelines.

It is recognised that the levels will slope within the site from the entrance to Carlton Road. As a practical measure, to address potential access issues during winter months, a condition would be applied requiring the developer to fund the provisions of a series of grit bins throughout the development.

Highways have confirmed that they are satisfied with the proposed access arrangements. The quantum of development drops from the original approval meaning that the overall traffic generation would be materially less. Subject to the recommended conditions no objections are raised on highway safety or capacity grounds.

Residential Amenity

The final completion of the site has been an aspiration of local residents and Members alike. The introduction of a new developer (applicant) represents an opportunity to address longstanding problems associated with a mothballed site. The completion of the site would enhance the local environment and give improved security to existing residents, particularly with regard to the adoption of the sites estates roads.

The proposals have been designed to address the amenity normal standards set out within the SPD. As such dwellings have been positioned at appropriate distances from one another to ensure that appropriate levels of privacy can be achieved and residents should not feel adversely overlooked. Cross sections have been provided to demonstrate levels between plots on the western boundary and that of properties outside of the site on Ravenfield Drive, the change in levels and intervening distances dictate that the properties would be neither intrusive, nor overbearing to existing residents.

With regard to occupants of the dwellings it is considered that they are served with a good level of amenity. The design of the properties is such that they have well-proportioned living accommodation. In addition the properties are served with good sized gardens to their front and rear. Rear gardens would clearly exceed 60m² in area. The provision of these gardens not only has the benefit of serving residents of the development but would also help to add value to the character and appearance of the development as a whole.

The scale and orientation of the dwellings are considered to be appropriate to the context of the site and achieves a desirable residential environment. No objections are therefore raised with regard to relevant policies.

Section 106 Contributions

The extant approval did not require any contribution towards affordable housing or education, a payment was however sought for offsite public open space contributions. A section 106 agreement was signed, this secured the payment of £116k towards open space improvements, the trigger point for the payment of monies was upon occupation of 50% of the development (46th Dwelling). Council records indicate that only 43 units have been completed so no payments have been received.

In accordance with Government Guidance 'Flexible Options for Planning Permissions', it has been agreed to revisit the section 106 agreement with regards to POS payments, it would not be reasonable to apply affordable housing policy or education contribution given this is an amendment to extant planning permission. This has, in the main been driven by the additional costs placed upon the developer to address the outstanding highway works to Cypress Height and

High Greave, which will not be insignificant. In recognition of this, and in the interests of bringing forward a stalled site, it is suggested that the POS contribution is charged on a pro-rata basis to be applied to the current scale of development (28 dwellings). Based on the proposed house types this would equate to a commuted sum of £46,541.44. This has been secured within a deed of variation to the section 106 agreement of the original consent.

Ground Stability / Contamination

Records indicate that within the application site and surrounding area there are coal mining features and hazards. A full intrusive site investigation was undertaken on the previous planning application which also included relevant mitigation measures. Initial preparatory works have been undertaken including ground grouting works, this work will be picked up as part of the ongoing development which will be required by condition. There are no known ground issues which would prevent the development coming forward, as such it is considered that the applicant has successfully addressed the coal mining legacy issues present on the application site.

Public Rights of Way

There are two footpaths (no.60 & 61) that cross the site, footpath 60 follows a route from Edgecliff Place to Wakefield Road, and footpath 61 links to footpath 61 from Richard Road. The layout shows that the definitive route of footpath 60 would be obstructed by 4 properties and 5 gardens. Footpath 61 would be obstructed by four gardens, although it is noted that the legal alignment differs from that of the worn route on the ground.

The footpaths can be accommodated within the development but would require a diversion. A separate application has been submitted to secure this, which has the support of the Rights Of Way Officer.

Conclusion

The application presents an opportunity to address a longstanding mothballed housing estate. This would make a positive contribution towards the provision of good quality family housing stock, which would enhance the environmental quality of the locality. In addition the undertaking of the relevant highways works would also be of a significant benefit for the existing residents of the estate.

In recognition of these benefits it is considered that the proposals meet the NPPF's definition of sustainable development by securing favourable economic, social and environmental outcomes.

In the absence of any policy objections it is therefore recommended that Members Resolve to grant planning permission subject to a deed of variation being completed on the section 106 agreement to reflect a revised POS contribution and completion of section 38 works.

Recommendation

Grant subject to conditions and signing of S106 Agreement

- 1 The development hereby approved shall be carried out strictly in accordance with the plans (1-001 Location Plan, Rev D, 1-003 Proposed Site Plan Rev G, 1-004 Plot Type identification Rev M, House Types A-J shown on dwg no.s - 2-001, 2-002 Rev C, 2-003 Rev C, 2-004 Rev D, 2-005 Rev A, 2-006 Rev A, 2-007 Rev A, 2-008 Rev A, Proposed Elevations 3-001, 3-002, 3-003, 3-004 Rev B, 3-005, 3-006, 3-007, 3-008 Rev A, 8-001 Proposed Landscape Plan, 8-002 Cross Section, 8-003 Boundary Details, 8-004 Boundary Plan, Design & Access Rev D) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 2 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.
- 3 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 4 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.
- 5 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.
- 6 Prior to commencement of development full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

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

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

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

8 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.

9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

12 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.

13 Prior to commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

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 the interests of policy CSP40.

Layout width 175mm



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BARNSELY MBC - Development Service



Scale 1: -----

2013/1329

Mr Harry Taylor

Demolition of existing shed and erection of dwelling, detached garages and associated landscaping.

Cat Hill Hall Mews, Cat Hill Lane, Hoylandswaine, Sheffield, S36 7JB

2007/0713. This building is built on a natural stone plinth walls with a timber structure and clad in traditional Yorkshire boarding. The roof is pre formed metal decking and is screened from the surrounding areas by a large Laurel Hedge along the north eastern boundary.

Access to the site is via a long field access which joins Firs Lane, leading to Renald Lane and thereafter to the main Halifax Road. A public footpath runs directly to the east of the site across fields to Acre Lane.

The dwellings form part of a cluster of buildings set within the Hamlet of Cat Hill, within a countryside location approximately 1km to the west of the village of Hoylandswaine. The impressive and historic Cat Hill Hall, a Grade II* dwelling, is set immediately to the south of Cat Hill Hall Mews. The historic buildings of the Cat Hill Hamlet (both listed and unlisted) are functionally and historically related and can be interpreted as a historic group. As a consequence all of Cat Hill Hamlet falls into the curtilage and setting of the grade II* Listed Cat Hill Hall.

The barn conversions at Cat Hill Mews are set in an L Shape and face onto the application site. One of the barns is Grade II listed and runs at a 90 degree angle to the attached barn, with this barn being a curtilage building. One of the barns is occupied by the applicant and a second by family members.

Proposed Development

The proposal involves the demolition of the existing storage building and the erection of a new dwelling, two double detached garages and associated landscaping.

The dwelling has been design to meet 'Passivhaus' standards and is a two storey dwelling, with an eco-mixed grass roof, coursed stone walls, and engineered timber windows. The main floor to ceiling glazed elements have been designed to be set to the south in order to provide maximum sunlight. A curved single storey projecting element is shown to the north western corner of the dwelling with a terrace, with glazed balustrade. A triangular projecting viewing platform is also seen at first floor level at the north eastern corner of the building.

The overall height of the building is approximately 7m and the built area of the dwelling and the garage occupies over 200sqm. Garden areas are set around the building and two double garages are proposed to the south east and western corners of the site. Access is to be taken from the existing driveway to Cat Hill Hall Mews.

A Design and Access Statement and a Planning and Heritage Statement have been submitted in support of the proposal.

As the justification relies heavily on the Passivhaus standards, the agent has explained this concept further in the D&A statement:- 'Passive houses provide a comfortable indoor climate at any time of year without using conventional heating. They need only 10% of energy that a standard new building uses - good for the environment and the home-owner. Instead of traditional mechanical heating and cooling, passive houses use smart, time-tested heating and cooling methods like natural ventilation, solar heat gain and efficient insulation.

In order to achieve this standard, the new passive house is intended to be built with high levels of insulation, exceptional air tightness standards, energy-efficient glazing and frames, use passive solar gains through south facing windows and using heavyweight walls and floors to collect, store and distribute solar energy in winter and reject it in summer and internal heat gain sources.; and has whole house mechanical ventilation with heat recovery for good indoor air quality. It will also have low energy appliances and lights. The reduced energy demand of the passive house will be provided by on-site renewable sources including solar panels and heat pumps.'

The agent states that the Concept Design elements and Sustainable key factors include:-

- Construction of a unique new detached two storey Passive House standard dwelling set against the existing retaining wall on the second terrace at the lowest point of the site on an East-West axis.
- The proposed dwelling to be constructed using matching traditional walling materials with coursed stone and matching architectural details.
- Construction of a green roof to minimise the visual appearance of the proposed building and enhance one of the key sustainable credential factors.
- South axis glazing allowing solar passive gain design.
- Improvements to the existing retaining wall and construction of a new retaining wall built using gabion sandstone filled baskets.
- Enhancing and improving the existing site by landscaping the area with soft planting.
- External green walls on the south-east axis obscuring the ground floor level of the proposed dwelling offering privacy and minimise the overall visual impact.
- Demolition of existing stand-alone timber shed.
- Low profile building massing.

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.

Local Development Framework Core Strategy

CSP2 'Sustainable Construction
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP34 'Protection of Green Belt'
CSP30 'Historic Environment'
CSP36 'Biodiversity and Geodiversity'

Saved UDP Policies

The site is allocated as Green Belt in the Barnsley UDP, therefore the following saved policies are of relevance.:-

GS6 'Extent of the Green Belt'

GS7 and GS8 'Development within the Green Belt'

SPD's

- Designing New Residential Development
- Parking

Other

South Yorkshire Residential Design Guide

Barnsley Local Plan Consultation Draft 2014

This document has only recently gone out to public consultation and therefore has limited weight, However, it shows the land designated as Green Belt.

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. The paragraphs within the NPPF of relevance to this application are as follows:

55. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as...*the exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

80. Green Belt serves five purposes:

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

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

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

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

126. Local planning authorities should set out in their Local Plan a positive strategy for the conservation and enjoyment of the historic environment including heritage assets most at risk through neglect, decay or other threats. In doing so, they should recognise that heritage assets are an irreplaceable resource and conserve them in a manner appropriate to their significance

128. In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

129. Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

131. In determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

132. When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

133. Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.

Consultations

Penistone Town Council – Objects as it is inappropriate development in the Green Belt, and in close proximity to listed buildings

Highways DC – No objection subject to conditions

Conservation Officer – objects due to impact on Listed Buildings and the visual amenity/openness of Green Belt

Drainage – No objections raised

Regulatory Services – Details of flues for the biomass boiler should be submitted prior to commencement

Representations

Two representations have been received which raise the following concerns with regard to Cat Hill Lane:-

- Cat Hill Lane is poorly maintained, narrow steep lane, and is frequently flooded.
- Conflict between traffic and horseriders is already a problem
- The lane is dangerous in icy weather

Assessment

Principle of Development

The site is located in the Green Belt whereby the construction of new buildings is considered inappropriate development unless it is for purposes outlined in paragraph 89 of the NPPF. The purpose of an independent private dwelling does not fall within the criteria outlined under paragraph 89 and as such the development would be classed as inappropriate development in the Green Belt.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Harm to the Green Belt should be given substantial weight. In addition very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm to the Green Belt is clearly outweighed by other considerations.

In this case, the proposed erection of a new dwelling comprises inappropriate development which is, by definition, harmful to the Green Belt and it is for the applicant to justify a departure from this policy through the demonstration of very special circumstances. Unless harm is clearly outweighed by very special circumstances then development should be resisted.

In this case the applicant has stated that the scheme meets the context of paragraph 55 outlined within the NPPF in that the 'exceptional quality or innovative nature of the design of the dwelling' represents the very special circumstances to allow a departure from the local plan. However, paragraph 55 is relates to the requirements to provide 'special circumstances' to justify 'isolated homes in the countryside'. However, not all areas of countryside are subject to Green Belt designation. Furthermore, to justify inappropriate development in the Green Belt the NPPF states that applicants need to demonstrate '**very** special circumstances'. As such, compliance with paragraph 55 of the NPPF does not mean that the stricter tests contained within Green Belt policy are also satisfied

Notwithstanding the above, in terms of paragraph 55, the NPPF sets out that there are four criteria for assessing whether an isolated new dwelling in the countryside is of exceptional quality or innovative design:-

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

The applicant considers that:- 'The design and construction of the building, given its Passivhaus-type approach, high quality design and materials, and contemporary architecture, leads to a development that it is truly outstanding in terms of its visual appearance and sustainability of design and construction, which should help to raise standards of design more generally. It is believed that there is only one such development within the wider area (at Denby Dale) and that there are no such developments that have been built to date within the Barnsley district. As such, the proposed development represents an excellent opportunity to introduce an innovative and outstanding design to the district in general as an exemplar scheme for others to follow in such rural locations.'

In this case, the applicant argues that the application of Passivhaus standards have not been used anywhere else in the Barnsley Borough. The supporting justification relies heavily on this standard. Whilst the Passivhaus standard is impressive, there has been a previous Passivhaus approval in 2012 under application number 2012/0697 for an earth sheltered dwelling at land to rear of The Old Farmhouse, off Hunshelf Hall Lane, Hunshelf Bank. This applicant has until September 2015 to commence this development. In addition, whilst it is acknowledged that the development shows a high standard of design generally, given it is in a rural location and within a cluster of historic stone buildings, its scale, massing and modern design attributes, would contrast with that of the surrounding buildings, As such it is not considered that the proposal would 'significantly enhance its setting' nor would it 'be sensitive to the defining characteristics of the local area'.

The main consideration is the impact of the proposal upon the openness and visual amenities of the Green Belt and the proposed design qualities of the scheme. This proposal does have design merits including inclusion of the Passivhaus thermal model and largely sympathetic materials that reflect the local vernacular. The removal of the existing shed is something may enhance the site generally. However, the main area of concern relates to the balance that needs to be struck between the benefits of the proposal and the dis-benefit in terms of the impact on the setting of the listed buildings and Green Belt openness. With the eco credentials aside, it is therefore necessary to assess whether the visual impact of the proposal on the Green Belt and the adjacent Listed Buildings is acceptable, which is explored further in the Visual Amenity and Heritage Section below.

Visual Amenity and Heritage

The Conservation Officer has been consulted and considers that the proposal is unacceptable in terms of impact upon Green Belt and Heritage and would fail tests three and four of the criteria of paragraph 55 and would be harmful to the heritage assets contrary to paragraph 133.

Heritage

The dwellings form part of a cluster of buildings set within the Hamlet of Cat Hill within a countryside location approximately 1km to the west of the village of Hoylandswaine. The impressive and historic Cat Hill Hall, a Grade II* dwelling, is set immediately to the south of Cat Hill Hall Mews. The historic buildings of the Cat Hill Hamlet (both listed and unlisted) are functionally

and historically related and can be interpreted as a historic group. As a consequence all of Cat Hill Hamlet falls into the curtilage and setting of the grade II* Listed Cat Hill Hall.

NPPF states that heritage assets are irreplaceable and any harm or loss should require clear and convincing justification. The application fails to justify the harm caused by the introduction of the large contemporary dwelling set in close proximity to a Grade II Listed Building and within the setting of a Grade II* Listed Building. The setting or the contribution made by the setting has not been explored in detail in the Design and Access and heritage statement. As such any discussion over the true extent of the setting of the Grade II* and the Grade II buildings is missing in the supporting evidence. The proposal simply states that the development is not in the setting of the Grade II* or harmful to the Grade II, which is not the case.

Paragraph 133 of the NPPF states: 'Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss.'

The proposal represents harm that on balance is considered substantial. This relates primarily to the effect of the scale and massing of the proposal, as the materials are fairly sympathetic. However this sympathy of materials does not disguise the impact the dwelling will have which is overtly modern but also quite discordant in terms of its form and the context. Traditional forms at Cat Hill Hall and its Mews are rectilinear (and rectangular on plan) and are generally of narrow span. The existing buildings are agricultural in nature with simple but robust vernacular details that have elevations with a relatively high solid to void ratio. The supporting information from the agent suggests this is now not the case following the conversions to dwellings with the addition of glazing for the cart openings etc. However it is important to note the buildings at Cat Hill are not listed because they are converted barns, but because they are rare and significant historic buildings with surviving elements of their original vernacular architecture). Unfortunately the proposal is somewhat at odds with this agricultural aesthetic employing curved roofs and extensive glazing reminiscent of curtain walling to the south. It is likely some of this is down to the requirement for solar gain, but gives the impression of a heavily glazed building.

Setting is a material component of the special interest of a heritage asset and the NPPF under paragraph 128 clearly requires applicants to describe the significance of an asset and the contribution of the setting. The planning statement recites this as a requirement and suggests that the northern most range of the adjacent listed building is most affected. Unfortunately there is little explanation of the significance of the site, its buildings, the site layout, its evolution, historic context or the archaeological potential. Largely due to the proximity of the proposal, the truncation of views to the north, and the overall presence of a two storey building the potential for most substantial harm is to asset of Cat Hill Hall and Cat Hill Hall Mews. The architect has set the proposed building as low down as possible in order to reduce the impact, however the visual harm is difficult to mitigate.

Contemporary and imaginative design does have a place and can sometimes enhance the setting of heritage assets. However this is a difficult site and it is not considered that the substantial harm to the listed building setting could be overcome. The proposal therefore fails to comply with policy CSP30 – Historic Environment and paragraph 133 of the NPPF.

Visual Amenity

The applicant considers that 'the design and construction of the building, given its Passivhaus-type approach, high quality design and materials, and contemporary architecture, leads to a development that it is truly outstanding in terms of its visual appearance and sustainability of design and construction, which should help to raise standards of design more generally.'

Whilst the proposal has design merits, it is considered that it would look out of place in this historic and rural location. From the road, the existing single storey workshop/shed is well screened by the Laurel Hedge and has a low visual impact upon the Green Belt. Whilst the building has been designed with a curved, grassed roof and attempts have been made to set the property as low within the site as possible, it would be set on a prominent position on the bend of Cat Hill Lane and even if the Laurel Hedge was retained, the first floor and expanse of glazing and new stone would be highly prominent and visible from the road and surrounding areas, and would appear at odds with the aged stone and historic character of the adjacent listed buildings. Whilst the building would be set within a cluster of buildings, introducing a large two storey dwelling and additional garages in an area which is currently open would harm the openness and visual amenity of the Green Belt contrary to CSP34 of the Core Strategy and guidance contained within the NPPF.

Residential Amenity

The nearest residential dwellings are located adjacent to the site at Cat Hill Mews. However it is not considered the proposed dwelling would have a significant impact on residential amenity. The proposal complies with the guidance set out in SPD Designing New Residential Development.

Highway Safety

Highways have no objection to the proposal. The site located to the West of Hoylandswaine can be approached via either Cat Hill Lane or Firs Lane both. Both routes are narrow country lanes and both adopted highways. Cat Hill Lane is the straighter route of the two but due to the acute angle of the access road with the highway, Firs Lane is the only practical approach to the proposed site via the private access. Whilst Cat Hill Lane is narrow and steep, it is not felt that the addition of one further property would have a significant impact upon the highway safety to substantiate refusal of the application on highway safety grounds.

Conclusion

In conclusion, whilst the proposal may be technically innovative incorporating the Passivhaus standards, it is not considered that it would enhance its setting nor be sensitive to the defining characteristics of the local area. Therefore it is not accepted that the proposal would represent exceptional quality and innovative design as per the tests laid out in paragraph 55 of the NPPF. The merits of the design and the eco credentials of the proposal would not be sufficient to outweigh the harm caused by 'inappropriate development' nor the identified harm to the openness and visual amenity of the Green Belt contrary to policy CSP34 of the Core Strategy and paragraph 88 of the NPPF.

In addition, the NPPF states that heritage assets are irreplaceable and any harm or loss should require clear and convincing justification. The application fails to justify the harm caused by the introduction of the large contemporary dwelling set in close proximity to a Grade II Listed Building and within the setting of a Grade II* Listed Building. The proposal would result in substantial harm to these building and would be prejudicial to their character. The proposal therefore fails to comply with policy CSP30 of the Core Strategy and paragraph 133 of the NPPF.

Recommendation

Refuse subject to:-

- 1 The site lies within the Green Belt on the approved Barnsley Unitary Development Plan, wherein it is the Policy of the Local Planning Authority not to permit new development except in very special circumstances, for purposes other than those set out in the NPPF. Core Strategy Policy CSP 34 reflects national policy guidance and precludes development for purposes other than agriculture, forestry and essential facilities for sport and recreation,

which preserve the openness of the Green Belt. In the opinion of the LPA the proposed dwelling constitutes inappropriate development contrary to policy and prejudicial to the character and openness of the Green Belt. Furthermore, there are considered to be no very special circumstances to justify the granting of planning permission in this instance.

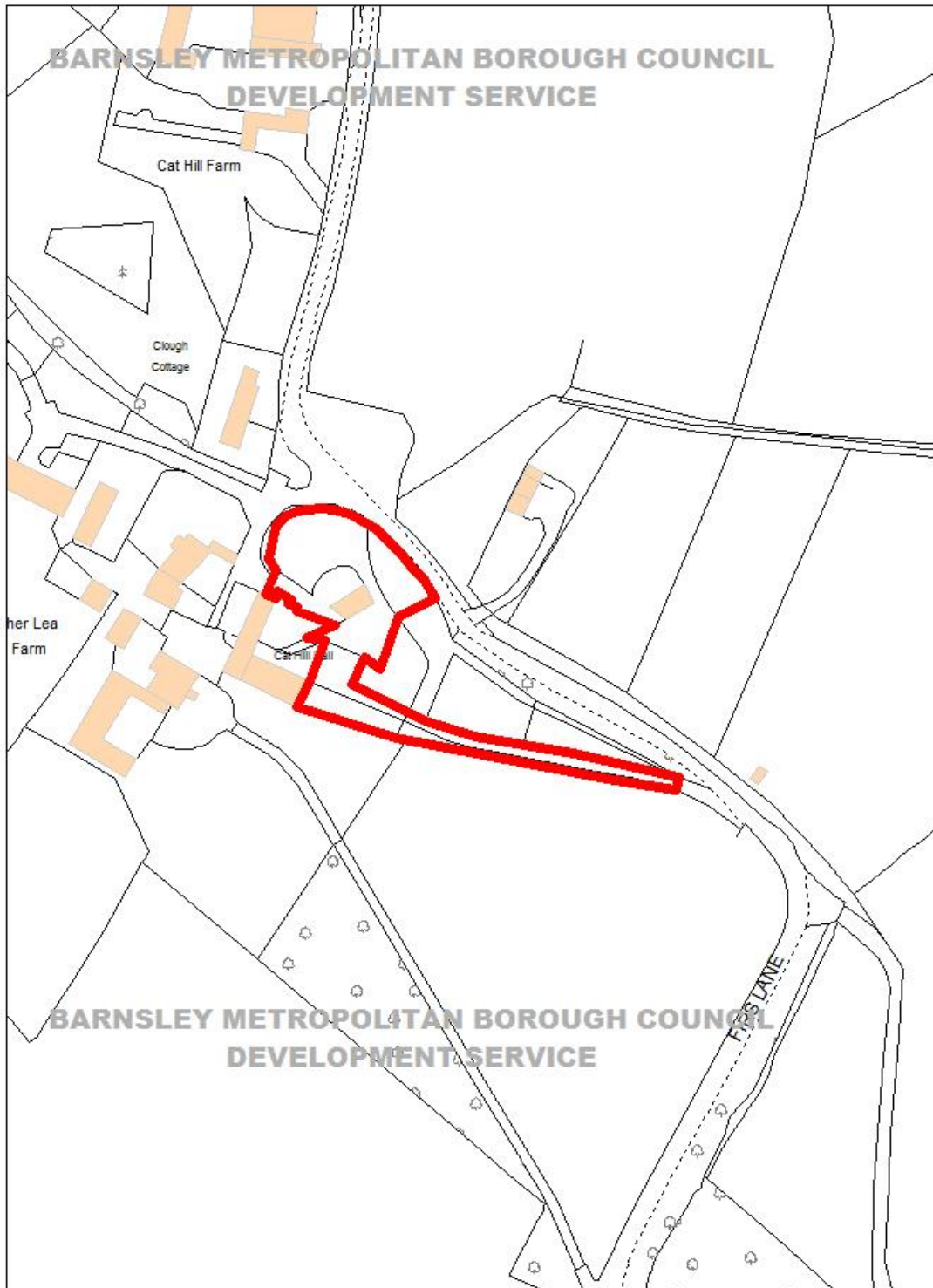
- 2 The dwelling is proposed to be sited on an area of open land adjacent to Grade II and Grade II* Listed Buildings. It is considered that the modern design and siting of a dwelling in this location, would materially detract from the character and appearance of these heritage assets contrary to guidance contained within the NPPF (paragraph 133) and Core Strategy Policy CSP 30.

PA reference :-

2013/1329

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BARNESLEY MBC - Development Service

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Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621



Scale 1:1250

2014/1092

Mr Stephen Whitaker

Erection of agricultural building.

Land at Ladyroyd, Silkstone Common, Barnsley, S75 4SF

34 letters of objection have been received from local residents
Silkstone Parish Council have objected to the scheme
Councillor Barnard has requested the application be taken before Planning Board and has requested a site visit

Site Location and Description

The site is located in open land on the outskirts of Silkstone Common off Ladyroyd. To the south and east is the railway line with a substantial tree screen on the boundary. To the north and west are open fields. To the north-east are the nearest residential properties. The site is accessed through an existing farm gate at the end of Ladyroyd Cul de sac, and the long gravelled track peters out to a grassy track and passes existing stables. The site is irregular in shape and is well screened from Ladyroyd by intervening hedgerows and vegetation and by the lie of the land.

Past History

2008/0805 Planning permission was granted for the erection of five stables a tack room and storage rooms.

2011/0109 Planning permission was granted for a horse riding arena for private domestic use.

2014/0379 – Planning permission was refused for the erection of an agricultural building on grounds of siting and lack of justification.

Proposed Development

Permission is sought to erect an agricultural building used for cattle, sheep and breeding mares.

The building would be 30m long and 15.2m wide, oriented in a northeast south west direction, the same as the ménage and to minimise any visual effect from the access track. It would be 3.5m to eaves and 5.7m to apex. Of 5 bays, it would have large double doors and a single access door to the north east elevation. Materials are proposed to be of concrete panels with profile cladding with profile metal cladding to roof.

It is envisaged that deliveries for construction would comprise 7 or 8 vehicles per day and post construction vehicular access to be 1 to 1 and a half times a month.

Policy Context

The land lies in Green Belt.

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 adopted Core Strategy, and UDP saved policies. Whilst the Council now has an adopted Core Strategy, some parts of the Unitary Development Plan are saved to ensure comprehensive policy coverage remains in place.

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

Unitary Development Plan

The land is allocated as Green Belt within the proposals map for the Barnsley UDP and therefore the following saved policies are of relevance:-

GS7 development within the Green Belt

Development within the Green Belt will not be permitted unless it maintains the openness of, and does not conflict with the purposes of including land in the Green Belt

GS8Da Agricultural Buildings – within the Green Belt, the construction of new buildings will not be permitted, except in very special circumstances, unless it is for certain following purposes.

Agriculture is an acceptable purpose.

Core Strategy

The site lies within the Green Belt in the adopted Core Strategy. Relevant policies are:

CSP 34 – Green Belts

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

The following policies are also relevant to this application:

CSP29 – Design

A high standard of design will be expected for all developments.

CSP 21 Rural Economy

Development is supported if it supports the sustainable diversification and development of the rural economy, or results in the growth of existing rural businesses

Local Plan

The Local Plan has just gone out to public consultation and as such holds limited weight. However, the site remains as Green Belt.

National Planning Policy Framework

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

In respect of this application, relevant core policies include:

3. Supporting a prosperous rural economy

9. Protecting Green Belt land

The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

In particular paragraph 89 states:

A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are including the provision of appropriate facilities for agriculture, outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it. The Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Consultations

Silkstone Parish Council – object to the erection of an agricultural building so close to a family residential area. The proposed access to the site from Cone Lane/Ladyroyd would mean that agricultural vehicles transporting animals and feed would be driving through a family housing estate

Highways DC – No objections subject to conditions.

Pollution Control – No objections

Yorkshire Water – YW state that no comments are required

Tree Officer – No objections subject to conditions

Councillor Barnard has echoed the concerns of the Parish Council and requested this application goes to Board for determination.

Representations

Neighbour notification letters were sent to surrounding properties. 34 letters of objection have been received raising the following concerns

- Access is inadequate due to heavy machinery to construct the building, provide feedstuffs and transport stock
- Residents will be affected by the extra traffic if permission is granted. This will be a danger to local residents.
- Noise, smells and vermin from animals on the site
- Inappropriate only 200m from a residential area with no similar cattle buildings close by
- Layout and siting of development is out of keeping with the rural location
- Mud and dirt on roads
- Construction traffic will generate noise distance, smells and pollution, with the generation of slurry
- Visually damaging to the character of the neighbourhood, no similar buildings close by, it will be visible for miles
- No design and access statement submitted
- Road system wholly inadequate
- Lack of clarity and No reference to Silkstone village design statement
- The land is equestrian not agricultural and would be visually damaging for miles.
- Detrimental to environment

Assessment

Material Consideration

Principle of development
Design and layout
Residential Amenity
Highways
Trees

Principle of Development

The site is located within an area of Green Belt where the erection of new buildings for the purposes of agriculture is considered acceptable in principle - providing there is no adverse detriment to residential or visual amenity or highway safety from the proposals.

Part of the reason for a previous application being refused (at this site was due to the lack of justification for an agricultural building. In response to this, the applicant has provided a statement of justification which provides the following information:

- The site has an agricultural holding registered with DEFRA
- The applicant has a cattle herd licence number and sheep flock licence number that are both registered with DEFRA
- The applicant currently farms from Pye Greave Farm in Silkstone and purchased this land as grazing land in order to provide additional area for his livestock and horses.
- The applicant will initially have 100 sheep, 10 cows, 1 bull, and 10 breeding mares on the land.
- The building is required for shelter, storage of feedstuffs, and storage of machinery

The applicant has provided sufficient justification to show that the building would be needed for agricultural purposes. The applicant is also intending to use the building to hold a small number of mares which would be for equestrian purposes rather than agricultural. However, previous permission for stables at the site indicates that the land has already had an established use for equestrian purposes so that use has been established at the site already.

Given the above, the propose development of an agricultural building at this site would be acceptable in principle but its impact on the local environment would need to be carefully assessed.

Design and Layout

The proposed building is of simple modern construction akin to the other modern agricultural buildings around the borough. Design and materials are considered to fit in well with the rural landscape in particular the vertical timber cladding weathers.

Part of the reason for the previous application, 2014/0379, being refused was the siting and visual prominence of the building, In that application the applicant had sited the building on a prominent ridge approximately 100m to the south-west of the existing stables. With this current application, the applicant has re-sited the building close to the banking with the railway line and closer to the existing stables (approximately 20m away). From views to the north and west the building would therefore be seen against the backdrop of the tree lined banking and would also have a better association with the existing stables. Whilst it is a long building its height to the ridge line is only 5.6m which is smaller than a standard 2 storey house. The nearest residential property is approximately 120 metres away from the building and has only its side elevation facing the site. Given these factors it is now considered that the building has been sited in a more appropriate location and would therefore not appear as an overly-prominent feature on the local landscape.

Given the backdrop, siting and design of the building, it is therefore considered that it would not have a detrimental impact on the character or openness of the Green Belt and as its use is an acceptable development in rural areas, it is considered to be in compliance with Policies CSP29, CSP34 and the NPPF.

Residential Amenity

The proposal is approximately 120m distant from the nearest non-involved neighbouring dwellings at Ladyroyd separated by pasture, hedgerows and trees. The dwellings on Ladyroyd look out onto open countryside towards the west or toward the railway line to east, No dwellings look directly out onto the site which would in any event be screened. I do not consider there will be any loss of amenity as a result of this element of the proposal.

There have been a large number of objections raised on the impact of an increase in vehicles to the site from the development. Issues surrounding the highways impact are dealt with further on in the report but an assessment has been done on the impact on the amenity of residents from these vehicles. On considering the impact it has to be noted that the site already has an existing access and has had planning permissions for equestrian activity in the past which would generate some traffic. No planning permission would be required if the applicant wished to place animals on the land without putting up a building and there would therefore be a certain number and type of vehicular activity that would be required to provide care for the animals if the applicant wished to do that.

It is acknowledged that there will be some vehicular activity and disturbance associated with any construction of the building. However, this would be the case with any development and is not a planning reason to refuse the scheme. If the development was to be approved then hours of construction could be conditioned to ensure works do not go on at unsociable times. The Council's Pollution Control Section have inspected the scheme and raised no objections. It is therefore considered that the proposal would not result in any significant detriment to neighbouring amenities.

Highway Safety

The majority of concerns that have been raised relate to the impact on highway safety from allowing the scheme. The Council's Highways Section have been made aware of these concerns and have therefore fully assessed the impact of the proposal on the highway network. In terms of this assessment they have concluded as follows:

"Ladyroyd is a no through route road serving a small residential estate and is also the access road to agricultural land beyond which includes the development site. The existing site has an equestrian element in the form of a stables and associated grazing. Whilst the proposal will see an increase in traffic generated by the larger site, the detriment to the free and safe flow of traffic over that which could potentially arise from traffic generated by the sites existing agricultural/equestrian use is not considered significant enough to allow a substantive objection to the proposal in a highways context"

In terms of the concerns raised by residents on mud on the road, the Highways Section have recommended a condition relating to the provision of a Construction Method Statement. This will require the applicant to detail how they propose to deliver, load, and store plant and materials for the site and how they propose to avoid bringing mud onto the local highway during construction. The plans already allow for a surfaced area around the building which will help to mitigate mud on the vehicles and will allow vehicles on to turn around so they can enter and exit the site in forward gear.

Based on the above the proposal would not lead to any significant detriments to highway safety to warrant refusal of the proposal.

Trees

The building is sited close to the banking which has a number of trees on it. However, the Council's Tree Officer is satisfied that there should be no detriment to the trees from the building of the proposal subject to the imposition of suitable conditions.

Conclusion

The proposal is for an agricultural building in the Green belt which is acceptable in principle as outlined in local and national planning policies, Given its siting and design, and subject to the imposition of suitable condition, it is not considered that the proposal would have a detrimental impact on neighbouring amenities, visual amenities, highway safety, or trees to warrant refusal of the application.

Recommendation

Grant subject to:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans as originally submitted and including additional parking/manoeuvring plan, and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 4 Prior to commencement of the use hereby permitted arrangements for the access road to the proposed development shall be such that it provides for and retains thereafter a minimum clear width of 4.0m over its full length.
Reason: In the interests of highway safety in accordance with CSP26.
- 5 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 in accordance with CSP26.
- 6 The parking/manoeuvring facilities indicated on the approved plan shall be provided prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interests of highway safety in accordance with CSP26.

- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-
- The parking of vehicles of site operatives and visitors;
 - Means of access for construction traffic;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Measures to prevent mud/debris being deposited on the public highway.
- Reason: In the interests of highway safety in accordance with CSP26.**

- 8 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
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**

PA reference :-

2014/1092



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BARNLSLEY MBC - Development Service

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Scale 1:2500

2014/0807

Mr Andrew Fairest
Residential Development - 85 no. dwellings (Outline)
Land at Carrington Avenue, Barnsley, S75 1BW

16 letters of objection from local residents**Site Location and Description**

Carrington Avenue site is located within the suburb of Honeywell, an established residential area located approximately, 1 km north of Barnsley Town Centre. The site is rectangular in shape and covers an area of approximately 2.6ha, it supports two football pitches which are used in connection with Barnsley College's Honeywell Campus.

The site is bounded by Carrington Avenue to the West, properties on Honeywell Lane to the South, a railway line to east and the back of properties on Smithies Lane to the north. It is located approximately 2.5m below the street level of Carrington Avenue. In recognition of the recreation use of the site vegetation is limited to the sites boundaries, this comprises of 19 individual trees and 2 hedgerows.

The site is not publically accessible, a palisade fence defines the boundary and access is taken via secure gate onto Carrington Avenue. Carrington Avenue does not at present support a footway along the sites boundary.

Proposed Development

The application has been submitted in outline form for residential development including details of access.

An indicative plan has however, been submitted suggesting a total of 85units which would comprises of 6 house types ranging from 2 bedroom to 4 bedroom accommodation. A single point of vehicle access would be provided from Honeywell Lane and a pedestrian access onto Carrington Avenue. The layout also indicates a central area of Public Open Space. To address open space requirements on equipped children's play, a play area would be provided on Honeywell within the college's grounds. This has been approved on a previous planning application ref 2009/0609.

To meet with the local and national validation requirement the application has been accompanied with the following reports:

- Planning, Design and Access Statement
- Heritage Statement
- Flood Risk Assessment
- Noise Impact Assessment
- Travel Plan
- Statement of Community Involvement
- Housing Statement
- Transport Assessment
- Phase 1 Desk Study Report
- Arboricultural Report

The planning statement confirms that the College is rationalising its estate, this it is stated would service borrowing undertaken for the development of the New Sixth Form and Construction centres. The College now use playing pitches at the fleets to address their recreation needs, as such the Carrington Pitches are considered to be surplus to their requirements .

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 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.

Core Strategy

CSP1 Climate Change
CSP2 Sustainable Construction
CSP3 Sustainable Drainage Systems
CSP4 Flood Risk
CSP5 Including Renewable Energy in Developments
CSP8 Location of Growth
CSP10 The Distribution of New Homes
CSP14 Housing Mix and Efficient Use of Land
CSP25 New Development & Sustainable Travel
CSP26 Development & the Highway Network
CSP29 Design
CSP35 Green Space
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations

NPPF

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

In respect of this application, relevant policies include:

Para 9 Sustainable Development – positive improvements
Para 17 Core Planning Principles
Para 32 Transport Assessment
Para 35 Transport & Location of Development
Para 58 Good design – considerations
Para 123 Noise
Para 124 Air Quality

Saved UDP Policies

The site is allocated as an existing community facility of the saved UDP map.

H8a Existing residential areas

SPDs/SPGs

Parking

Open Space Provision on New Residential Development
South Yorkshire Residential Design Guide

Emerging Local Plan (Consultation Draft)

Identifies the site as School Grounds.

Consultations

Affordable Housing: Expect affordable housing to be secured which equates to 25% of the total housing provision.

Biodiversity Officer: No objections subject to a conditional approval which addresses the mitigation of the ecology report.

Civic Trust: No objections.

Contaminated Land: No objections

Design: No objections.

Environment Agency: No objections

Drainage: No objections subject to conditions

Forestry: Trees of highest amenity value can be retained on site, no objections subject to recommended conditions

Highways: No objections subject to the recommended conditions.

PROW: No objections

Sport England: No objections subject to the agreed compensation package being secured within a Section 106 Agreement.

SYPALO: No objections provide general advice on SBD

SYPTTE: No objections

Waste Management: No objections

Yorkshire Water: No objections.

Representations

The application has been advertised by way of a site and press notice and properties which share a boundary to the site have been consulted in writing on two occasions following an amendment to the proposed layout. 16 letters of representation have been received the reasons for which can be summarised as follows:

- The sports field should be retained as an essential recreation facility they should not be considered surplus to requirements, their loss would be harmful to the reputation of the locality.
- The fleets site does not represent adequate compensation, the areas is too isolated.
- The playing fields are well used and should retain as a community asset.
- Personal space and privacy would be lost for existing residents of Carrington Avenue as a result of direct overlooking from the new properties.
- The development will increase in additional congestion on local roads.
- The playing field is an excellent local amenity and should be retained.

- Local services would struggle to accommodate the additional burden placed by a development of this size, local schools are at capacity.
- Residents would be exposed to excessive levels of noise during the construction of the site.
- The number of units being proposed is too high.
- It is not acceptable to expect children living within the site to have to cross Honeywell Lane to access the proposed children's play area.
- There is insufficient provision for visitor parking on Carrington Avenue.
- Views across the valley would be spoiled.
- There is no demand for additional properties.
- The proposals will fuel the obesity epidemic.
- The properties would appear out of balance with existing (older) housing stock.
- Would be an overdevelopment of the site, Carrington Avenue is too narrow to support the scale of development.

Assessment

Principle of Development

The adopted Core Strategy recognises Barnsley as a key focus for growth. The site lies in close proximity to the town centre giving easy access to the facilities and services available and sustainable transport links. The site is in a predominantly residential area bounded by the railway line to the east and Carrington Avenue to the West therefore is well contained within the urban envelope. As a result it can be concluded that the proposal is sustainable in principle.

The site is designated as a community space and in recognition of its recreation function is also identified on the Green Space register. Core Strategy policy CSP35 'Green Space' states that development proposals that result in the loss of Green Space will only be tolerated where; 'an assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough'.

In recognition that the development would affect playing field land there is a statutory requirement to consult with Sport England. Sport England's policy is to oppose any planning application which will result in the loss of playing field land unless it is satisfied that the application meets with one or more of five specific exceptions. These exceptions are covered within paragraph 74 of the National Planning Policy Framework (NPPF). Amongst other things this identifies that playing fields can only be built upon where; 'the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location'.

If the Council is minded to grant planning permission for an application in the face of an objection from Sport England, then the requirements of The Town and Country Planning (Consultation) (England) Direction 2009 apply. This instructs LPA's to refer the application for consideration by the Secretary of State.

As well as the recreation function that the playing fields serve, they also contribute positively to the areas character, a point which was raised frequently within the representations. They do form a valued amenity asset and this should be given due weight in the consideration of the proposals, when development would clearly represent a significant departure from their current status.

Notwithstanding consideration to the above Green Space matters, should it be demonstrated that adequate compensation can be achieved for the playing field loss, in the absence of an up-to-date 5 year housing supply the Presumption in Favour of Sustainable Development would apply. This only applies to relevant policies that concern the supply of housing, other relevant development plan policies and material considerations should, however, still be considered.

Green Space Compensation

The applicant has submitted a playing pitch assessment in order to demonstrate that the site is surplus to requirements. The site currently provides 2 adult football pitches. The Playing Pitch Strategy (2011) identifies a surplus of adult pitches in the Northern area but a deficiency in mini and junior pitches. To compensate for the loss of the existing Green Space the applicant has therefore put forward a compensatory package that includes:

- Two under 7/under 8 mini pitches to be created on informal open space to the south of the changing rooms at the Fleets to be made available for community use as secured by formal agreement (a planning application for the creation of the two mini football pitches is on this agenda as application 2014/0823);
- Modification and improvements to the existing playing fields at the Fleets to improve the capacity and overall function of the facility as a multi pitch site for both College and community use, including the installation of fencing around the current playing fields, and creation of a new playing pitch layout (facilitated by qualitative improvements to drainage) to incorporate the senior football pitches currently used by College and utilisation of the remaining area to provide two further mini pitches. (Combined with the two pitches outlined above, this would result in a total of four mini football pitches and two senior football pitches at the Fleets site all subject to an updated formal community use agreement).
- A commuted sum of £250,000 for the reinstatement of a full sized fit for purpose artificial turf pitch (AGP) at Dorothy Hyman Leisure Centre to include a new '3 G carpet' suitable primarily for football use and new fencing and lighting with other associated upgrading works to meet current design and technical standards.

The above package of works has followed extensive discussions with the applicant and Sport England, it has ultimately been met with approval and is therefore considered sufficient to address the loss of the 2.6ha playing area. Sport England have therefore raised no objections to the scheme subject to the securing of the compensatory package via a legal agreement (S106), and as such it is considered that the requirements of policy CSP35 have been addressed.

Notwithstanding consideration to compensation requirements, policies CSP34, CSP42 and SPD Open Space Provision on New Housing Developments require housing developments that exceed 20 residential units to provide green space, either on site or through an off-site contribution to upgrade existing green space. This is determined in the individual context of green space needs within the locality.

A green space assessment has been undertaken in order to determine what green space needs are in the locality. In terms of District Level parks, the site is served by Wilthorpe Park however the wider Honeywell area is severely deficient in access to parks and open spaces and many of the spaces that are available are small and are lacking in quality.

A central area of open space has been indicated on the submitted plan, this could potentially be upgraded to support a LEAP standard children's play area when Reserved Matters are subsequently submitted. The planning statement commits to the provision of a play area linked to an historical permission (ref 2009/0609), this is adjacent to the Honeywell campus entrance and fronts onto Honeywell Lane. The proposed location of the play area is considered to be appropriate and will serve the residents of both the development site and wider community. This would be secured within a new section 106 agreement.

In addition, there will be a requirement for an off-site contribution for formal recreation. Based on the submitted unit split this is calculated at £77,230, however, as the plan is only for indicative purposes the amount may vary come the submission of Reserved Matters.

Sustainability

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

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

Within Barnsley PAN30 provides a sustainability checklist for the assessment of new residential developments. However, it is not part of the statutory development plan and is out-of-date following the publication of the NPPF. Nevertheless PAN30 does not preclude development on Green Field sites, when applying the application against the provisions of the sustainable checklist the site does demonstrate the necessary sustainable credentials which would otherwise permit development. This is achieved in the main due to the location within the established suburb of Honeywell, on the periphery of the town centre with its associated links means that it is ideally located in terms of access to services etc.,

The NPPF not only commits to the presumption of sustainable development but stresses that it is essential 'to significantly boost the supply of housing'.

With regard to meeting the NPPF's definition the development would contribute positively to fulfilling an economic, social and environmental role. The addition of the units would contribute directly to the choice of housing which would also contribute meeting employment and servicing needs. There would also be direct economic gains associated with the construction phase of the development. The social role would be fulfilled by commitments to affordable housing, education, highway improvement and public open space. On the environmental role appropriate ecological mitigation can be secured and the houses would be designed to achieve significant carbon savings, however, any contribution at best can only be considered as neutral.

On the matter of the environmental impact and the sustainable credentials of the development, this would have to be looked at in detail as part of the Reserved Matters. The applicants have however, made a commitment to ensuring that all dwellings achieve a Code Level 3 rating in relation to the Code for Sustainable Homes. This would deliver properties with improved levels of thermal insulation, efficient glazing and lighting. In accordance with CSP5 the potential to further reduce energy/CO2 emissions by 15% through the use of decentralised energy solutions, this would also be looked at in detail through a Reserved Matters application, and conditioned as deemed appropriate.

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

Highways

The submission is outline in nature with the details of access to be determined at this stage. As detailed earlier the site is bounded to the west by Carrington Avenue, to the north by residential properties adjacent to Smithies Lane and to the south by Honeywell Lane. It is bound to the east by the Hallam Rail Line.

The development would be built to maximum number of 85 dwellings. The indicative plan states that a total of 69 of the proposed properties would take access from a new priority junction onto Honeywell Lane, this would be located between no. 26 and no.50 Honeywell Lane. A further 16 of the properties will take direct access from driveways onto Carrington Avenue.

At the point of the proposed junction the carriageway is approximately 7.3m in width, it does however, narrow to a single lane where it passes through a tunnel under the Railway Line to the south which is controlled by signals. There have been concerns raised over the safety of additional vehicles passing through the tunnel, a review of the accident record indicates that there have been no accidents along Honeywell Lane, or Carrington Avenue within the last 5 years.

Highway safety issues have been a concern expressed within the representations received. In accordance with policy CSP26 new development must be designed to ensure that safe, secure and convenient access for all road users can be achieved. Mitigation must be secured where there is either a known or potential safety issue on hand.

A Transport Assessment has been submitted in support of the application, this demonstrates that there is sufficient capacity on the local highway network to accommodate the demands associated with the development of the scale proposed.

Highways have raised no objection subject to the recommended conditions, which in brief would secure 6m radius kerbs at the junction with Honeywell Lane and a 2m wide footway to adoptable standards along the entire western frontage with Carrington Avenue. The highways to be provided within the site would consist of a 5.5m carriageway with 2no 2m footways, junction radii would be 6m and visibility splays having the dimensions 2.4m x 43m can be achieved at relevant junctions, all turning heads would accommodate the manoeuvring requirements of refuse and emergency vehicles.

The location of the site is highly sustainable given the links which it forges with the town centre and the relevant services it supports. Pedestrian, transport and cycling links are all on hand which would promote sustainable modes of travel, thus reducing impact upon the highway network.

Design / Visual Amenity

The current application seeks only to establish the principle of a residential development, the site would be defined by a maximum threshold, 85 units. Details of design, scale, layout and landscaping would need to be submitted under a subsequent Reserved Matters application, should planning permission be approved. The design would therefore be assessed with consideration to the SYRDG and the SPD 'Designing New Residential Development'.

Residential development would represent a significant departure from its current Greenfield Status within a relatively dense housing environment. Many of the objections have raised this as a concern, with the consensus being that this would be harmful to the character of the locality. This value cannot be dismissed, and policy CSP35 offers a protection for such sites. It needs to be stressed that the site is not subject to any special designations, including Green Belt, SSSI's, Landscape Value or Conservation Area, its loss has been adequately compensated for and it is

located within a highly sustainable location, its visual amenity attributes alone would therefore not be sufficient to outweigh the NPPF's presumption in favour of sustainable housing development.

The site is defined by strong boundaries provided by the highway and railway line, it also occupies a lower level which is below that of the existing residential properties. These features contribute as mitigating factors which would help to reduce the visual impact of the development, with the site being effectively 'boxed in' by the highway which borders principle frontages. In this regard the site would present itself as an acceptable form of infill development which is clearly compatible with adjoining uses.

Concerns have been raised from residents over the scale of the development proposals. The density of the development would equate to 32uph, this is below the density advocated by CSP14 'Housing Mix and Efficient Use of Land'. This is considered appropriate given the design aspirations for the site, and to also to ensure that subsequent development would be in-keeping with the character of the surrounding environment. In recognition of the objections already being raised, there is no desire to insist that the development threshold should be increased.

Locally architectural styles vary significantly, the design suggests a mixture of semi and detached 2 – 4 bedroom properties including a single bungalow. The proposals would therefore provide an element of cohesion with the existing housing stock. The individual design of the properties would be considered in detail as part of the Reserved Matters submission, it is however, considered relevant to condition that no property along Carrington Avenue be more than 2 storeys in height on its principal elevation.

In terms of existing features, there are few constraints which significantly influence the design or layout. The site is flat and its recreation nature means that tree cover and hedgerows are generally located along its boundaries. The indicative layout shows that existing trees and hedgerows can in the main be lost although approximately 2 trees would have to be lost to accommodate the access road. A landscape strategy can be accessed and considered as part of the Reserved Matters.

In summary of the considerations on design/visual amenity grounds, the application is not considered to raise any significant issues at the outline stage. It is considered that a high-quality development can be achieved at the site which incorporates sustainable techniques and complies with CSP29 'Design' and relevant criteria of SPD.

Affordable Housing

The site falls within the Barugh, Darton, Gawber and Wilthorpe sub market. In the absence of any known viability issues Policy CSP15 requires a contribution of 25% towards affordable housing on new housing development within these areas. The indicative development of 85 units at 25% would generate an affordable housing requirement of 21 units on-site, the policy could however, also be met through the payment of a commuted sum or a mixture of both.

The definitive affordable housing contribution would have to be assessed with the Reserved Matters, whereby details of the quantum, property type, tenure, location and phasing of the development would be agreed.

Education

Concerns have been raised about the capacity at of local schools, it is understood that at present local primary schools are operating at capacity. This may be addressed in part by the recent announcement of the proposed Elements Free School on the adjacent Honeywell Campus. This however, does not have the benefit of planning consent, but, in any case a contribution would still be required in lieu of the scale of the development.

Discussions with Education identify a year on year growth on the demand for primary places over the next 4 years. The figures are taken from the number of children registered on the school roll and projections taken from the 2013 census. Fortunately the situation with secondary places is more favourable with current growth expectations having been accounted for within the building schools for the future programme.

In view of this, to mitigate against the pressure of the additional classroom places brought by the development a condition would be applied to ensure that a suitable contribution is secured when Reserved Matters are considered. The contribution would have to be paid in full when work first commences on site. This would ensure that the developments are policy compliant, and objections on these grounds therefore cannot be sustained.

Trees

The trees on the site have mainly established by self-seeding themselves around the playing field edge. A formal hedge and a small group of mature trees are located on the boundary to Honeywell from which the access would be taken. All the trees within the site are within a good condition and appear to have been subject to regular maintenance/pruning.

The proposed layout would require the loss of two trees to create a new vehicle entrance at the southern end of the site. These trees have both been categorised as 'C' and comprise of a Lime and Alder. There are no reasons why the remaining trees cannot be retained.

The loss of the two trees which are of a low amenity value would be compensated for with the sites subsequent landscaping strategy. The full arboricultural implications of the access on the remaining trees within the group can be addressed through the submission of further details as part of a condition.

Residential Amenity

Amenity issues have been raised within the representations, concerns include a loss of privacy to existing properties which front Carrington Avenue. Whilst the submitted layout is for indicative purposes only, it clearly demonstrates that relevant spacing and amenity standards can be achieved/secured as part of the subsequent Reserved Matters process.

However, in recognition that the access and maximum numbers are fixed, it is reasonable to assume that the Reserved Matters is unlikely to deviate significantly from the layouts being suggested, this suggests that the arrangements between existing and proposed properties on Carrington Avenue would observe the spacing standards of the SPD.

Drainage

The site is located within a low risk (Flood Zone 1) area. Development located within Flood Zone 1 is identified as being suitable for all types of development and the risk of flooding is low. The Environment Agency has been consulted and raised no objections to the FRA subject to details of surface water disposal being conditioned.

The site would be developed with separate foul and surface water drainage systems. The proposed surface water drainage systems would have to be designed with an allowance for climate change and restricted to the greenfield discharge rates with appropriate attenuation proposals incorporated.

Ecology and Biodiversity

The application is supported by a detailed ecological assessment which has included subsequent amendments to address the requirements of the biodiversity officer. The ecological value of the sports field is limited, comprising in the main of improved grassland. As detailed above, with the exception of the 2 trees all other trees and hedgerows can be retained.

The recommendations in the Extended Phase 1 report have been met with the support of the Biodiversity officer. The provision of onsite open space as well as overall landscaping would all provide potential areas of habitat providing a degree of biodiversity enhancement. A range of further mitigation measures can be considered with detailed matters in accordance with policy CSP36.

Land Contamination and stability

The preliminary site investigation report identifies that there is potential for some onsite contamination risks. This should not be to an extent that should comprise residential development. As is common with most developments it is recommended that a condition is applied requiring an intrusive site investigation to be undertaken. Accordingly, the contaminated land officer has raised no objections.

In terms of coal mining legacy the site is located within a low risk area so there is no requirement for further analysis to be undertaken.

Conclusion

The loss of the playfields is regrettable. The application has however, successfully demonstrated adequate compensation for their loss. The proposals would result in qualitative and quantitative improvements to football provision at the Fleets and Dorothy Hyman sites, which would be of a wider community benefit.

At present the Authority is unable to demonstrate a five year supply of specific, deliverable sites for residential development. In addition, the proposals are considered to be sustainable taking into account the three dimensions of sustainable development (economic, social and environmental) referred to in the NPPF. Accordingly, the NPPF Presumption in Favour of Sustainable Development applies. Having thoroughly assessed the proposals against other relevant development plan policies and taking into account other material considerations, including those raised in representations, it is not considered that there are adverse impacts which significantly and demonstrably outweigh the significant benefits (subject to securing the necessary mitigation sought within the S106 agreement and recommended planning conditions). On this basis, the proposals are considered acceptable.

Recommendation

Members resolve to grant planning permission subject to the completion of a Section 106 Agreement securing off site recreation improvements at the Fleets and Dorothy Hyman stadium.

Grant subject to:-

- 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 layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) 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 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.**
- 4 The reserved matters shall be designed in substantial accordance with details contained with the details shown on the plan 'Proposed Layout CS071060/A/003 Rev A'.
- Reason: To ensure that design aspirations of the sites development are achieved in accordance and that the privacy and amenities of the occupiers of adjoining residential properties are safeguarded in accordance with Core Strategy Policy CSP 29.**
- 5 The development hereby approved shall not exceed a maximum of 85 residential units, the details of which shall be submitted as part of the application for approval of reserved matters.
- Reason: To ensure the development conforms with the approved outline planning permission and stays with the maximum assessed level of development.**
- 6 No residential property along the sites western boundary fronting Carrington Avenue shall have a frontage to the highway that is greater than two storeys in height.
- Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.**
- 7 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 CSP35 and the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the off-site open space shall be provided prior to completion of the development in accordance with the approved scheme.
- Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 29.**
- 8 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 9 All on-site vehicular areas within any phase shall be surfaced and drained in an approved manner prior to that phase of the development being brought into use.
Reason: To prevent mud/debris from being deposited on the public highway to the detriment of road safety in accordance with Core Strategy Policy CSP 26.
- 10 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 11 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.
- 12 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access road with Honeywell 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.
- 13 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Provision of a 2m wide footway on the Carrington Avenue frontage;
 - Measures to prevent parking at the junction of the access road with Honeywell Lane;
 - Measures to prevent parking on the southern side of Honeywell Lane;
 - Provision of a pedestrian facility at Honeywell Tunnel;
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 14 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.

- 15 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

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

- 16 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.

- 17 Prior to the occupation of any dwelling within the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved it shall be fully implemented and retained as such thereafter.

Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.

- 18 No phase of development or other operations being undertaken on site shall take place until the following documents have been submitted to and approved in writing by the Local Planning Authority in respect of that phase:

- Arboricultural impact assessment
- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.

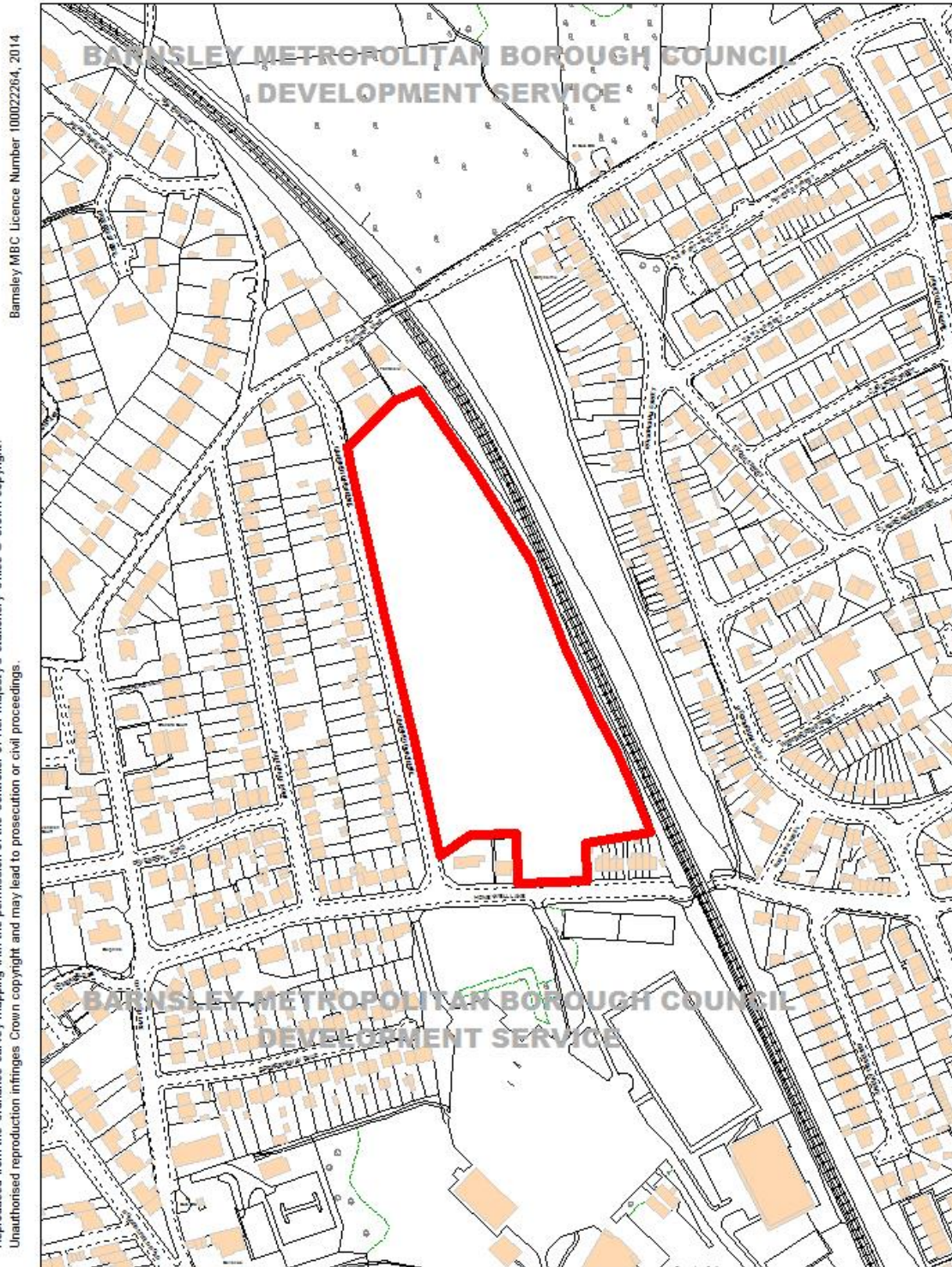
- 19 The dwelling(s) shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.
- 20 Prior to commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.
- 21 Notwithstanding the details submitted within the ecological assessment detailed plans shall be submitted with the Reserved Matters application indicating biodiversity mitigation and enhancement measures. Thereafter the development shall proceed in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 22 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 23 Full details of proposed affordable housing provision shall accompany the reserved matters submission. Details shall include:
- i. The percentage proposed,
 - ii. A full viability appraisal using the HCA's Development Appraisal tool
 - iii. The type, tenure and location of the affordable housing provision
 - iv. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - v. 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) ;
 - vi. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - vii. 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.

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 National Planning Policy Framework or any future guidance that replaces it.

Reason: To ensure appropriate levels of affordable housing in accordance with CSP15.

PA reference :-


2014/0807



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BARNLSLEY MBC - Development Service

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Scale 1:2500

2014/0823

Mr Andrew Fairest

Creation of two mini Football Pitches. (Outline)

The Fleets Smithies Lane Barnsley South Yorkshire S71 1NL

1 letter of objection has been received from a local resident

Site Location & Description

The application site comprises Barnsley College's Fleets teaching facility along with the changing rooms, classrooms and ancillary parking area, as well as the open space amenity area immediately to south of this building. The site is approximately 0.62 hectares in area and is accessed from Smithies Lane by an existing vehicle and pedestrian access. To the west of the site on slightly higher ground are the semi-detached properties on Hartington Drive. On lower ground and to the east of the site are the Barnsley College playing pitches and other open fields bounded by scrubland and hedging. To the east of the pitches is the Fleets fishing lake, and to the north are further areas of open space and a designated Nature Conservation Site.

Proposed Development

The proposal, which is in outline with all matters other than access reserved, involves the creation of two football mini pitches for the use of players under the age of 8 years old. The pitches would be laid out in accordance with the requirements of Sport England and to meet the Football Association's standards. The pitches would be open for community use and would be served by the existing car park and changing facilities in the Fleets Building.

The pitches would have a north/south orientation with the first pitch being immediately south of the Fleets Building within 5m of the rear gardens of the dwellings to the west. The second pitch would sit immediately to the south of the first and at the point the one space widens so that the pitch would be over 7m from the boundary. Both pitches would be enclosed by ball stop fencing.

Policy Context

Unitary Development Plan

Whilst the building is located within a Housing Policy Area, the pitches are proposed on an area of greenspace which is designated as Green Belt. A Multi-user Recreational Route passes along the western boundary of the site in recognition of the fact it was formerly the route of a canal.

Core Strategy

CSP 26 states that new developments will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP 34 states that in order to protect the countryside and open land around built up areas, the extent of the Green Belt will be safeguarded and remain unchanged.

CSP 35 relates to development proposals that result in loss of green space.

CSP 40 covers pollution control issues, including noise.

Unitary Development Plan Saved Policies

BA15/7 relates the protection of the existing footpath and indicates that there will be an investigation into the feasibility of enhancement to route to multi-user status.

Local Plan Consultation Draft

This has only recently gone out to public consultation so has limited weight, However, this shows the designation of the site as Green Belt and Green Space.

BMBC Playing Pitch Strategy

There is recognised deficiency of 3 mini pitches across the Borough and taking into increase demand of these type of facilities this deficiency is due to rise to 12 mini pitches by 2021.

NPPF

Relevant paragraphs include:

17: Relates to the 12 Core Planning Principles, one of which (no 4.) seeks high quality design and good standard of amenity for all existing and future occupants of land and buildings

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

73: Sets out a requirement to provide robust and up to date assessments of sports and recreational facilities in local areas, which should be used to determine open space requirements.

80: Details the five purposes of including land within the Green Belt

89: Identifies exceptions to inappropriate development in the Green Belt, one of which is provision of appropriate facilities for outdoor sport

123: Relates to consideration of noise impacts.

Consultations

Barnsley Canals Consortium – Objects on the basis that:

- To establish football pitches on the site of the Canal will have a detrimental effect on any possibility of restoration.
- There is sufficient space to establish mini pitches next to the site on the Star Paper Mill Playing Fields.
- Any development on this site will restrict access by local residents and to the footpath along this section of the Canal route.

Highways DC - No objections subject to conditions.

Regulatory Services – Concerns raised regarding noise nuisance.

Sport England – Supports the principle of the proposal and is satisfied that there are no ground condition constraints that would prevent the creation of mini pitches to a suitable standard, and that suitable measures could be imposed by planning condition

Representations

1 letter of objection received from a resident on Hartington Drive. The concerns raised can be summarised as follows:

- Loss of privacy and amenity due to noise and disturbance from the use of the pitches and players retrieving balls.
- Increase in litter and anti-social behaviour.
- The existing pitches should be used.
- Increase in on street parking in an area that already suffers from parking problems.

Assessment

Principle of Development

Paragraph 89 of the NPPF states that provision of appropriate facilities for outdoor sport are not classed as inappropriate development as long as they preserve the openness of the Green Belt and do not conflict with the purposes of including land within it.

The proposed use of the site for mini pitches introduces formal landscaping but the land would remain a green open space. The boundary treatments would inevitably have some impact on openness although their design ensures views across the site would not be significantly impaired. As such, it is considered that openness would be preserved and there would not be any conflict with the purposes of including land within the Green Belt.

The pitches would also meet a recognised need identified within the Barnsley Playing Pitch Strategy and a legal agreement is proposed that this site would be retained for the purposes of pitches and will be made available for community use. As such the proposal is also considered to comply with policy CSP 35. It is also notable that the existing footpath alignment is retained, in accordance with saved policy BA15/7 and that the proposal does not include buildings. Accordingly, it would not adversely affect any attempt to restore the canal, which are already more significantly impeded by the presence of the Fleets building and, in any case, are unlikely to be deliverable in the short to medium term.

Whilst the pitches are considered acceptable in their own right, it is also important to note that they would form part of a compensation package for loss of greenspace should permission be granted for residential development on the College's Carrington Avenue site (planning application 2014/0807 which is also on this agenda). This is supported by Sport England and attracts further weight in favour of the proposal.

In light of the above, the mini pitches are considered acceptable in principle but it is necessary to consider other matters such as impact on neighbours. These issues are explored below.

Residential Amenity

The pitches are located close to residential properties on Hartington Drive and when in use, there would inevitably be an increase in noise and disturbance for residents given that the site currently acts as a buffer between the gardens and the existing pitches. Although the pitches would not be floodlit, Regulatory Services express concerns, particularly given the hours proposed (8am – 9pm Monday to Saturday and 9am – 5pm on Sundays). In order to further protect amenity a condition is recommended to restrict hours to 9am to 8pm Monday to Friday and 10am to 5pm on Saturdays, Sundays and Bank Holidays. In addition, evidence has been provided which indicates that during weekdays, the College would only use the pitches intermittently and given that there

are other College facilities available for public use, it is also unlikely that the pitches would constantly be in use outside College hours.

The fencing will be visible from the dwellings but as views through would be retained, it is not considered that it would appear overbearing. In terms of privacy, whilst the proposal is to introduce a formal recreation use, the land is currently publicly accessible. As such, where screening is not present, rear gardens already lack privacy. Nevertheless, it is considered necessary to impose a condition requiring submission of a soft landscaping scheme to provide screening and mitigate the visual impact of the fencing.

Overall, it is acknowledged that the proposal would have an adverse impact on the amenity of neighbouring residents but subject to imposition of the suggested condition, this would not be sufficiently harmful to warrant refusal of planning permission given the weight attributed to the benefits of the scheme.

Visual Amenity

The application is in outline with all matters, other than access, reserved. Nevertheless, for the reasons explained in relation to impact on openness of the Green Belt, the proposed development is unlikely to have a significantly adverse visual impact.

Highway Safety

A Transport Assessment has been carried out which demonstrate that development trips do not create any operational issues and all junctions operate within capacity. In addition, the mini pitches are likely to be used by local youth teams and clubs outside normal school hours. As such, the use of the car park will not conflict with its use in connection with the operation of classrooms on site. Accordingly, parking provision is considered sufficient to accommodate traffic associated with the existing and proposed uses.

Conclusion

The proposal does not conflict with Green Belt policy and would help to meet an identified need for mini pitches within the Borough. Whilst there would be some impact on the amenity of neighbouring residents, this can be mitigated by restricting hours of use. In addition, by limiting the use to players up to 8 years old, the pitches are not likely to be in use for continual, prolonged periods. The proposal does not give rise to any adverse highways impacts and is considered acceptable in respect of other material considerations. The proposal therefore complies with relevant local and national planning policies, as set out in the report.

Recommendation

Grant subject to:-

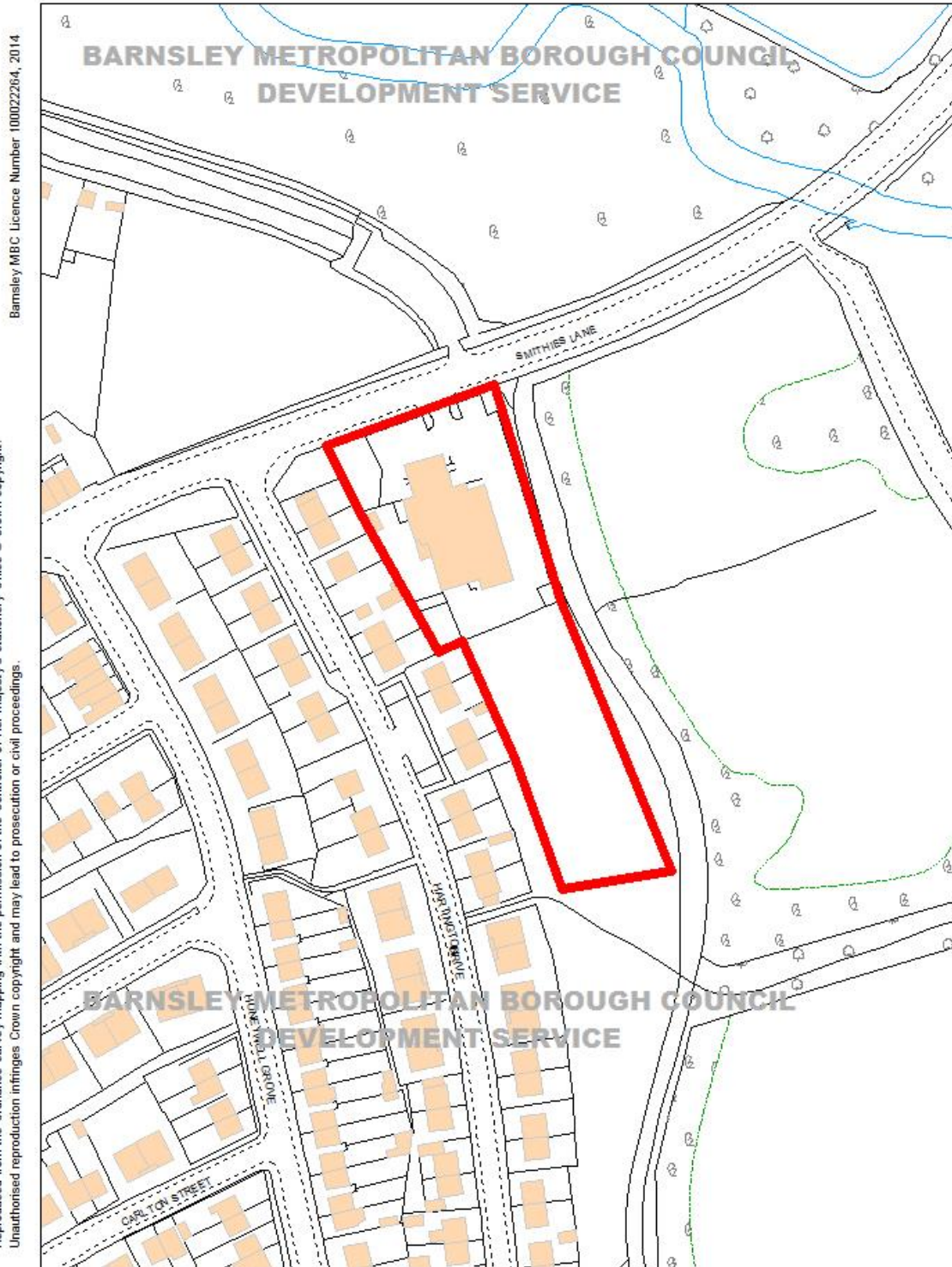
- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval 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 layout of the proposed development.
 (b) scale of building(s)
 (c) the design and external appearance of the proposed development.
 (d) 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 means of access hereby approved shall be carried out in accordance with the revised plan (CS071073/A/003, Rev D).
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 4 A detailed specification for the provision of the mini pitches (including appropriate drainage), based on the STRI Agronomist's Assessment and Feasibility Report dated August 2014, shall accompany the reserved matters submission. The works shall be carried out in accordance with the approved details within a timescale to be agreed in writing by the Local Planning Authority prior to commencement of development.
Reason: To ensure the pitches are of sufficient quality for proposed users.
- 5 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
 - 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.
- 6 Upon commencement of development full details of soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. Details shall include 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 landscaping details shall be carried out in the first planting and seeding seasons following the completion of the development and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual and residential amenity in accordance with policies CSP 29 & CSP 40.
- 7 The approved revised fencing specification (3m high ZAUN Duo style fencing by Sovereign-Sports) shall be installed prior to commencement of the use and retained as such thereafter.
Reason: In the interests of ensuring the pitches are protected and to minimise disruption to neighbours in accordance with policy CSP 40.

- 8 Prior to the bringing into use of the new mini pitches a Management and Maintenance Scheme for the facility including management responsibilities, a maintenance schedule and a mechanism for review shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the pitches shall be managed and maintained in accordance with the approved details.
Reason: To ensure that the new facility is capable of being managed and maintained to deliver a facility which is fit for purpose, sustainable and to ensure sufficient benefit to the development of sport (National Planning Policy Framework (NPPF) para 74).
- 9 Within 6 months of the commencement of development, a community use scheme shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall apply to the new mini pitches and ancillary facilities and shall include details of pricing policy, hours of use, access by non-educational establishment users/non-members, management responsibilities, a mechanism for review and a programme for implementation. The approved scheme shall be implemented within 1 week of the receipt of written approval from the Local Planning Authority and shall thereafter be complied with for the duration of the use of the development.
Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport.
- 10 The mini pitches shall be used for no other purposes than as football pitches for players up to 8 years old and hours of operation shall be limited to 9am to 8pm Monday to Friday and 10am to 5pm on Saturdays, Sundays and Bank Holidays.
Reason: In the interest of ensuring provision for these age groups is safeguarded and to protect the amenity of neighbouring residents, in accordance with the Barnsley Playing Pitch Strategy and policy CSP 40.
- 11 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.


PA reference :-

2014/0823



BARNESLEY MBC - Development Service

Service Director: David Shepherd
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Scale 1:1250

2014/0808

Mr Andrew Fairest

Conversion of Belle Vue House to 5 no. apartments (Full), and residential developments of 17 no. dwelling houses, 1no. sports pitch, ancillary works and car parking (Outline).

Belle Vue House, Cockerham Lane, Barnsley, S75 1AT

Five letters of objection have been received from local residents**Site Location and Description**

The Belle Vue site is situated to the north west of the town centre, connected by Cockerham Lane it has a direct link to the A635 (Huddersfield Road). The house and a portion of its grounds fall within the Huddersfield Road Conservation Area. The Conservation Area is an excellent example of a Victorian residential suburb which supports substantial properties within tree lined streets.

Belle Vue house is a substantial property within the Conservation Area, it currently forms part of the Colleges Estate providing office and parking accommodation. It occupies an elevated position towards the site's western boundary with Cockerham Lane. It is constructed from dressed stone with a Welsh Slate roof, extensions have been added on the northern elevation, which serve as the property's principle entrance. The original entrance is located on the eastern elevation.

Levels drop from west to east, the properties elevated position overlooks the staff car park. There are many mature trees throughout the site, although in the main these are more prevalent along the boundaries.

The site also extends outside of the Belle Vue curtilage onto the Honeywell Campus. This comprises of an area of sloping grassland to the rear of Cockerham Avenue and the colleges Refectory Building. There are several mature trees including a group of London Planes and a large willow, a footpath connecting the campus with Huddersfield Road runs along the southern boundary beyond which there is a railway cutting.

Proposed Development

The application has been submitted in hybrid form which includes full planning permission for the conversion of Belle Vue house into 5 apartments, and outline planning consent for residential development for 17 detached dwellings, and provision of a junior (under 8's) football pitch including associated access.

Belle Vue house would be subdivided to create 5no. 2 bedroom apartments. Four of the apartments would be accommodated within the original house (two at ground floor and 1 at first) with the fifth located within the extension. No external alterations would be required to the building to accommodate the proposals. A communal garden would be provided to the south of the building and 6 parking spaces would be retained adjacent to the Cockerham Lane entrance.

The outline residential proposals include details of access only. An indicative plan has however, been submitted suggesting a total of 17 units set around a central access that forms a cul-de-sac. Outside of the southern boundary of this residential area provision would be made for a junior mini pitch. Access to this would be taken separately from the main Honeywell Campus. To meet with the local and national validation requirement the application has been accompanied with the following reports:

- Planning, Design and Access Statement
- Heritage Statement
- Flood Risk Assessment

- Noise Impact Assessment
- Travel Plan
- Statement of Community Involvement
- Housing Statement
- Retail and Economic Statement
- Transport Assessment
- Phase 1 Desk Study Report
- Arboricultural Report

Planning History

2005/1508 - (Outline) application for residential development and conversion of existing building to residential use – Approved but application since expired.

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 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.

Core Strategy

CSP1 Climate Change
 CSP2 Sustainable Construction
 CSP3 Sustainable Drainage Systems
 CSP4 Flood Risk
 CSP5 Including Renewable Energy in Developments
 CSP8 Location of Growth
 CSP10 'The Distribution of New Homes'
 CSP14 'Housing Mix and Efficient Use of Land'
 CSP25 New Development & Sustainable Travel
 CSP26 Development & the Highway Network
 CSP29 Design
 CSP31 Town Centres
 CSP36 'Biodiversity and Geodiversity'
 CSP37 'Landscape Character'
 CSP39 'Contaminated and Unstable Land'
 CSP40 'Pollution Control and Protection'
 CSP42 'Infrastructure and Planning Obligations'

NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or

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

In respect of this application, relevant policies include:

Para 9 Sustainable Development – positive improvements
Para 17 Core Planning Principles
Para 32 Transport Assessment
Para 35 Transport & Location of Development
Para 58 Good design – considerations
Para 123 Noise
Para 124 Air Quality

Saved UDP Policies

The site is allocated as an existing community facility of the saved UDP map, a portion of the site is also within the Huddersfield Road Conservation Area.

H8a Existing residential areas

SPDs/SPGs

Parking
South Yorkshire Residential Design Guide

Emerging Local Plan (Consultation Draft)

Identifies the site as School Grounds within a Conservation Area.

Consultations

Affordable Housing: Expect affordable housing to be secured which equates to 25% of the total housing provision.

Biodiversity Officer: No objections subject to a conditional approval which addresses the mitigation of the ecology report.

Civic Trust: No objections.

Conservation Officer: No objections to the conversion of Belle Vue House, no objections to the impact upon the Conservation Area.

Contaminated Land: No objections

Drainage: No objections subject to conditions.

Forestry: Trees of highest amenity value can be retained on site, no objections subject to recommended conditions.

Highways: No objections subject to the recommended conditions.

SYAS: The archaeological potential is likely to be negligible and SYAS, therefore, recommend that no below ground archaeological mitigation is required.

SYPALO: No objections provide general advise on SBD

Waste Management: No objections, condition details for the communal bin store for the apartments.

Yorkshire Water:

Representations

The application has been advertised by way of a site and press notice and properties which share a boundary to the site have been consulted in writing. Five letters of representation have been received the reasons for which can be summarised as follows:

- The college have been advertising the site for sale with residential planning permission when it does not have the benefit of such a consent.
- There is potential for disturbance to arise to the residential properties from users of the Masonic Hall.
- The existing car park at Belle Vue is considerably well used and often operates at capacity, the proposals would result in a significant displacement of parking for these vehicles, surrounding streets could become all day car parks, what provision have the College made for the parking of their employees / students cars if this development goes ahead and their car park is lost to them?
- Four bedroom houses do not help the current housing situation where 'affordable housing' is required.
- The current entrance to the site is badly situated anyway - more traffic will not help.
- There should be an area of open space to benefit new and existing residents.

Assessment

Principle of Development

This is a hybrid application comprising a full application for the residential conversion of Belle Vue House, and an outline application for residential development and a sports pitch including details of access. Planning permission has been previously granted at the site for residential development which included the conversion of Belle Vue house (2005/1508). Whilst the previous consent has since expired, it established the principle of residential development, and as such this is a material consideration to the current proposals.

The site is allocated as Community Facility on the Saved UDP map, this reflects the current education use of the site. 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. The College are currently undertaking a programme of further investment into their estate with a new Sixth Form centre and Specialist Construction centre currently under construction. These developments would effectively compensate for the loss of the facilities at Belle Vue house, when they are transferred over to the new campus, and as such the requirement of policy CSP43 is met.

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

Little weight can currently be attached to the emerging local plan for the purposes of the decision making process. It is however, relevant to consider that the site allocation which has been indicated within the Consultation Draft is as Urban Fabric. The emphasis upon this allocation would be one of compatibility with adjoining uses. In recognition that the site clearly borders an

established residential area, the sites previous planning history, it is apparent that residential use would be viable subject to the design, scale and access arrangements being acceptable.

Highways

The site fronts onto the Cockerham Lane and is located on the eastern boundary of the town centre. With the exception of Belle Vue House and the adjacent Masonic Hall, Cockerham Lane is a residential road, which connects A635 Huddersfield Road (south) with Smithies Lane (north). There is only one footway along the section of highway and this is located across the sites frontage.

Highway safety issues have been a concern expressed within the representations received. In accordance with policy CSP26 new development must be designed to ensure that safe, secure and convenient access for all road users can be achieved. Mitigation must be secured where there is either a known or potential safety issue on hand.

The proposal would see the existing access onto Cockerham Lane retained, although improvements would be made to the visibility splay and geometry so that it would be designed to prescribed standards. The access road would take a central alignment through the site to allow houses to be constructed either side.

It should be noted that in its present capacity, the car park of Belle Vue house is well used by staff and visitors to the house as well as people using other parts of the College at Honeywell and Old Mill Lane. There are approximately 69 spaces available on site, this capacity is often met and sometimes exceeded when vehicles are double parked. Comparatively the proposals would result in a reduction in vehicle movements to and from the site which would be of benefit to road safety and residential amenity alike. The local highway network has sufficient capacity to accommodate this as demonstrated within the Traffic Assessment which accompanied the application.

The location of the site is highly sustainable given the links which it forges with the town centre and the relevant services it supports. Pedestrian, transport and cycling links are all on hand which would promote sustainable modes of travel, thus reducing impact upon the highway network.

The highways department have been consulted and are supportive of the proposals subject to the implementation of the recommended conditions. No objections are therefore raised against the provisions of Policy CSP26.

Design / Visual Amenity

The application seeks full approval for the conversion of Belle Vue House to 5 apartment but only seeks to establish the principle for the provision of up to 17 dwellings within its grounds. Full details of design, scale, layout and landscaping would need to be submitted under a subsequent Reserved Matters application, should planning permission be approved. The design would therefore be assessed with consideration to the SYRDG and the SPD 'Designing New Residential Development', whilst having sufficient regard to the relationship with the Huddersfield Road Conservation Area.

The present proposals have been amended from the original format, this was influenced by the need for the layout to address the Conservation Area and the retention of trees. Whilst the application has been submitted in outline form, it was considered necessary that an indicative plan be submitted that demonstrates that development can be achieved that does not compromise the setting of the Conservation Area, and does not prejudice the long term retention of the substantial trees found throughout the site.

Belle Vue house is not listed but it is nonetheless a substantial building within the Conservation Area. As such it is considered that a degree of protection is offered to its setting. The amended layout affords some protection to this as the highway arrangement dictates that properties would be shared along the northern and southern boundaries. This creates an open aspect whereby Belle Vue remains the dominant visual building. Levels are also favourable as they fall away from the building, this would dictate that the properties would not compete in terms of their scale.

In terms of alterations to Belle Vue house, the plans indicate that these would be minimal and the apartments would be configured to the buildings constraints. In the interest of good Conservation Practice, it is considered reasonable to condition any external new replacement materials (doors, windows, stone, roof materials, and rainwater goods / downpipes).

The site benefits from strong defined boundaries as a result of the change in levels, presence of Belle Vue House, mature trees and the adjacent footpath and railway cutting. Collectively these features contribute as mitigating factors which would help to reduce the visual impact of the development. It must also be acknowledged that residential use would be compatible with the adjoining uses.

There are a substantial amount of trees within the site, in the main these are located on the site's boundary. The indicative plan demonstrates that a layout could be achieved which would be respectful to their long-term retention, although further assessment would be required of the finer details of the siting and orientation of units as part of the Reserved Matters. More substantial areas of tree planting would be enhanced by Open Space, maintenance of which would be through a private management company. The retention of the mature landscaping would provide an attractive environment, this would significantly enhance the setting of the properties and create an environment akin to that of the Huddersfield Road Conservation Area, of which trees are an intrinsic part of the character.

The Design and Access Statement references the properties on Cockerham Avenue, which are red Brick. The suggestion would be to utilise similar materials which would be enhanced by stone quoining and a Welsh Slate roof. No commitment is being made to the acceptability of these proposals, these matters along with the full design of the properties would be addressed through the approval of the Reserved Matters, although conditions would be applied as such to address this.

The inclusion of an Under 8's mini-pitches on the lower Belle Vue site has evolved to address compensation requirements for the loss of Green Space. Appropriate landscaping and boundary treatments can be secured to provide an appropriate buffer to what would become the residential environment at Belle Vue.

In summary of the considerations on design/visual amenity grounds, the application is not considered to raise any significant issues at this stage. It is considered that a high-quality development can be achieved at the site which incorporates sustainable techniques and complies with CSP29 'Design' and relevant criteria of SPD.

Open Space

In accordance with policy CSP35 an open space assessment was undertaken to consider the implications of the development upon existing green space, as well as the needs that arise from the development.

Policy CSP35 states that development proposals that result in the loss of green space will only be allowed where an assessment shows there to be an excessive provision of that particular type. The proposals would involve the loss of approximately 0.3ha of allocated Open Space (land within

the Honeywell Curtilage), this would not be replaced on a like for like basis, although an area would be designated as formal junior football pitch.

The Barnsley Council Playing Pitch Strategy (2011) undertook an assessment of existing and future supply of, and demand for pitches in relation to different sports. In relation to football pitches the Strategy identified over the subsequent ten year period a deficiency in the number of junior and mini pitches both across the Borough but also in relation the North Neighbourhood Area, where Belle Vue is located. It also noted significant deficiencies in the quality of pitches across the Borough with 4 out of 5 pitches are rated as 'average', 'below average' or 'poor'. The proposal would therefore help to address this deficiency.

The land in question is not publically accessible, nor does it serve any recreation purpose for the college's curriculum, the use is open grassland which has an amenity value. The wider college site provides informal open space, semi natural areas and formal recreation. As such the loss of informal open space is considered acceptable, in the context of the locality which is well served. The loss is tolerated on the provision of the junior pitch representing an appropriate level of compensation.

Trees

There are a substantial amount of the trees within the site, many of which are protected by virtue of the Conservation Area's boundary. Collectively the trees (both within and outside of the boundary) have a significant amenity value as a group, their retention is therefore highly desirable as they are a key characteristic of the locality.

The subsequent amendments to the indicative layout have, in part, been pressed by the need to demonstrate that the trees retention would not be compromised. The indicative plan gives sufficient regard to this, it can be assumed that all of the trees of highest amenity value can be retained. The influence of trees upon individual plots would have to be assessed as part of the Reserved Matters but there is a recommended condition that the site be developed for no more than 17 units.

Residential Amenity

The site is located within an established residential area, but is relatively isolated from existing properties due to generous spacing distances and mature tree screening. Amenity issues have been raised within the representations, those which were related to more to parking and access requirements as opposed to privacy matters. It is only the northern boundary to Cockerham Avenue which is shared with existing residential properties.

Whilst the submitted layout is for indicative purposes only, it clearly demonstrates that relevant spacing and amenity standards can be achieved/secured as part of the subsequent Reserved Matters process.

However, in recognition that the access and maximum numbers are fixed, it is reasonable to assume that the Reserved Matters is unlikely to deviate significantly from the layouts being suggested, this suggests a back-to-back arrangements with properties on Cockerham Avenue whereby the spacing standards would exceed the SPD.

Affordable Housing

The site falls within the Barugh, Darton, Gawber and Wilthorpe sub market. In the absence of any known viability issues Policy CSP15 requires a contribution of 25% towards affordable housing on new housing development within these areas. The indicative development of 85 units at 25% would generate an affordable housing requirement of 21 units on-site, the policy could however, also be met through the payment of a commuted sum or a mixture of both.

The definitive affordable housing contribution would have to be assessed with the Reserved Matters, whereby details of the quantum, property type, tenure, location and phasing of the development would be agreed.

Ecology and Biodiversity

The application is supported by a detailed ecological assessment which has included subsequent amendments. There are bat boxes attached to trees within the site which bats are roosting within. These trees would be retained, tree removal that is required would be minimal and limited to those of a young maturity or within a poor structural condition.

The fields to the east of the site comprise in the main of improved grassland, and field boundaries are composed of some tree line/hedgerows. In the main there are no reasons why field boundary hedgerows cannot be retained, and where appropriate bolstered as part of details submitted at Reserved Matters.

The recommendations in the Extended Phase 1 report have been met with the support of the Biodiversity officer. The provision of onsite open space, green buffer zones would all provide potential areas of habitat providing a degree of biodiversity enhancement. A range of further mitigation measures can be considered with detailed matters in accordance with policy CSP36.

Land Contamination and Stability

The preliminary site investigation report identifies that there is potential for some onsite contamination risks. This should not be to an extent that should comprise residential development. As is common with most developments it is recommended that a condition is applied requiring an intrusive site investigation to be undertaken. Accordingly, the contaminated land officer has raised no objections.

In terms of coal mining legacy the site is located within a low risk area so there is no requirement for further analysis to be undertaken.

Archaeology

An archaeological desk based assessment was undertaken. This recorded that the area had remained in agricultural use until the early 19th century. Development and landscaping associated with Belle Vue House and Barnsley College is likely to have impacted on any earlier remains. Given this, the archaeological potential is likely to be negligible and SYAS, therefore, recommend that no further surveys or investigations are required.

Conclusion

Residential development has previously been permitted at the site. Whilst previous planning permission has elapsed, there has been no significant change in circumstances at the site to suggest that the principle should still not be acceptable. This includes recognition to the requirements of policy CSP 43, where it is not considered necessary to safeguard the site as a community use.

The Council cannot currently demonstrate a five year supply of specific, deliverable sites for residential development and the proposed site is located in Urban Barnsley which is identified in the Core Strategy as the priority settlement for growth. As explained above, this necessitates the application of the NPPF presumption in favour of sustainable development. Taking into account the relevant development plan policies and other material considerations, subject to mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts

that would outweigh the benefits associated with the granting of planning permission. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

Recommendation

Grant subject to:-

- 1 Excluding the area subject to the outline application, as shown on Dwg No. CSO71069/A/002b (referred to elsewhere as 'the outline area'), 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 Application for approval of the matters reserved in Condition No. 3 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 3 The development hereby 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 layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) 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.**
- 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 Excluding the 'outline area', the development hereby approved shall be carried out strictly in accordance with the plans CS071069/A/005, 006, 007, 008 and specifications contained within the Belle Vue Extended Phase 1 Habitat Report Ref CS/071073-12.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 6 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.

- 7 The development hereby approved within the 'outline area' shall not exceed a maximum of 17 residential units, the details of which shall be submitted as part of the application for approval of reserved matters.
Reason: To ensure the development conforms with the approved outline planning permission and stays with the maximum assessed level of development.
- 8 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 11 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.
- 12 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 protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**

- 13 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.
- 14 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.
- 15 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.**
- 16 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.
- 17 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.
- 18 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access road with Cockerham 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.

- 19 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.
- 20 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.
- 21 Development shall not commence until a plan indicating a 5.5m carriageway, 2 no. 2m footways, and 6m radius kerbs at the junction with Cockerham Lane, has been submitted and approved in writing by the Local Planning Authority, such details shall include vehicle tracking of a refuse sized vehicle, and shall make provision for localised widening of Cockerham lane to ensure a refuse sized vehicle does not encroach onto the opposing carriageway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 22 Prior to the residential occupation of Belle Vue House, full details of the proposed refuse and recycling storage facilities shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the design and location of the bin store. Prior to the occupation of the building/commencement of the use, the approved facilities shall have been implemented in conjunction with the approved method statement and shall thereafter be retained.
Reason: In the interests of encouraging recycling and visual amenity in accordance with Core Strategy Policy CSP 40.
- 23 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:
- Measures to prevent parking at the junction with Cockerham Lane
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.
- 24 Prior to commencement of development within the 'outline area' 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:
 - Human health,
 - Property (existing or proposed) including buildings, crops, livestock, pets, woodland

- service lines and pipes,
- Adjoining land,
- Groundwaters and surface waters,
- Ecological systems,
- 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.

- 25 The dwelling(s) shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.

- 26 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 CSP35 and the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the off-site open space shall be provided prior to completion of the development in accordance with the approved scheme.

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.

- 27 Prior to commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.

- 28 Notwithstanding the details submitted within the ecological assessment detailed plans shall be submitted with the Reserved Matters application indicating biodiversity mitigation and enhancement measures. Thereafter the development shall proceed in accordance with the approved details.

Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

- 29 Full details of proposed affordable housing provision shall accompany the reserved matters submission. Details shall include:
- i. The percentage proposed,
 - ii. A full viability appraisal using the HCA's Development Appraisal tool
 - iii. The type, tenure and location of the affordable housing provision
 - iv. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - v. 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);
 - vi. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - vii. 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.

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 National Planning Policy Framework or any future guidance that replaces it.

Reason: In order to gain an appropriate level of affordable housing in accordance with CSP15.

- 30 Full details shall accompany the Reserved Matters submission indicating the position of boundary treatment to be erected around the proposed mini football pitch as indicated on the site plan. The boundary treatment shall be completed before the pitch is brought into use. 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.

- 31 A detailed specification shall accompany the Reserved Matters for the provision of the playing field (including appropriate drainage), based on the STRI Agronomist's Assessment and Feasibility Report dated August 2014, has been submitted to and approved in writing by the Local Planning Authority after consultation with Sport England. The works shall be carried out in accordance with the approved scheme within a timescale to be first approved in writing by the Local Planning Authority after consultation with Sport England.

Reason: To ensure that any ground condition constraints are mitigated and an adequate quality playing field is provided and to accord with Core Strategy policy CSP35.

- 32 The playing field shall be used for Outdoor Sport and for no other purpose (including without limitation any other purpose in Class D2 Use Classes Order 2005, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To protect the [playing field from loss and/or damage, to maintain the quality of and secure the safe use of sports pitches and to accord with Core Strategy policy CSP35

- 33 The playing field and pitches shall be constructed and laid out in accordance with design and layout details that shall be submitted to and approved in writing by the Local Planning Authority with the submission of Reserved Matters.

Reason: To ensure the quality of pitches is satisfactory and to accord with Core Strategy policy CSP35.

Layout width 175mm

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BARNSELEY MBC - Development Service



Scale 1: _____

2014/0853

Harron Homes

Erection of 192 dwellings with new access road from Littleworth Lane together with open space and balancing pond.

Former Priory School Site, Littleworth Lane, Barnsley, S71 5RG

One letter of objection received.

Site Location & Description

The site is off Littleworth Lane, Lundwood, with Pontefract Road close by to the east and Rotherham Road to the south. The site, excluding the additional land for the new link road, has a gross area of 7.89hectares (19.49acres), is an irregular shape and has a 210m existing road frontage. The ground slopes from the far western end, down approximately 7m to the eastern boundary with gradients between 1 in 25 in the southern half and 1 in 45 further north. There is a small area of steeply sloping ground at a gradient of 1 in 3 in the south eastern corner.

The site is currently accessed from Littleworth Lane; one gated access directly from the road at the eastern end of the site and two others served from a secondary lay-by / service road running parallel to the main road

The site directly abuts the Littleworth Grange Primary School at the north western corner. Opposite Littleworth Road to the north of the site are open fields and play facilities including pitches and an equipped play-park area. Adjoining the southern and western boundaries are areas of green space with access along an existing public footpath linking Pontefract Road to Littleworth Lane. To the east are commercial and industrial type buildings and services including a vehicle repair garage, medical centre, nursery and Priory Campus.

Proposed Development

A new link road is proposed and splits the site, with green space to the east and the main development area to the west. This occupies 0.34 hectares (0.84 acres) of land and is coloured purple on the plan opposite. The remaining land, the developable area, extends to approximately 6 hectares (14.97 acres) in area.

The proposed development is wholly residential and will provide 178no 2, 3 and 4 bedroom houses as well as 14 No. bungalows, resulting in 192 properties in total. There are 12 different house types proposed and these range in size from a 72m² (772ft²) 2 bed terraced house with allocated parking spaces, up to a 128m² (1389ft²) detached property with integral garage.

The predominant height within the development is two storey, although there are also some single storey, two and a half storey and three storey dwellings proposed. Each dwelling is provided with dedicated parking provision, usually comprising of 1 space per 2 bed property and 2 spaces, or 1 space and a garage, for three beds plus.

All dwellings have outdoor amenity space in the form of an enclosed and private rear garden. Some dwellings also have the benefit of front gardens. Bins are accommodated within the rear garden area for storage purposes with all dwellings having access to the rear of their property.

Three vehicular access points are proposed off the new link road into the development. One of which would serve a central cul de sac and the other 2, either side of the cul de sac, link to create a 'U' shaped road where all other cul de sacs and off shoots branch from.

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.

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

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

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

Para's 58 & 60: Design considerations

Consultations

Environment Agency – No Objections

SYPTTE – No objections – recommend travel master ticket for each dwelling and clear pedestrian links onto Pontefract Road

SYAS – No comments

SYMAS – No objections

South Yorkshire Police – No objections – advice given on crime reduction

Sport England – No objections

The Civic Trust – No objections subject to management of green space

Drainage – No objections subject to a condition requesting further information prior to commencement of the development.

Coal Authority – No objections – use standing advice informative.

Yorkshire Water – No Objections subject to conditions

Regulatory Services – No objections

Highways DC – No objections subject to conditions

Design – No objections

Barnsley Civic Trust – Support brownfield development only concern is the management of the adjoining Greenspace.

Environment Agency – No objections subject to adequate drainage design

Representations

One letter of objection received. The main points of concern are:

- Overload existing sewers
- Increase flooding potential

Assessment

Principle of Development

The site was formerly Priory School and as such 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 when the site was marketed by the Council. The educational need ceased with the opening of the Shafton ALC and no other community use was forthcoming during the marketing stage and, as such, policy CSP43 is met.

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

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

Sustainability

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

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

The site is located in Urban Barnsley and Core Strategy policy CSP8 identifies this settlement as a priority for growth. This site was included as an allocation in the draft Development Sites & Places DPD which was consulted upon in 2012 (Ref: BAR 43) and is shown as part of a housing proposal in the current Consultation Draft Local Plan. Although this draft allocation currently carries very little weight, as part of the site assessment process, a sustainability assessment was carried out that indicates the site is relatively sustainable with good public transport access, acceptable access to services and is largely bounded by development. As a result, the site is considered to be in a sustainable location.

The proposal will bring about economic benefits associated with job creation during the construction phase and an increase in local spending power. It also provides additional housing within the borough to meet the needs of present and future generations and includes a new link road to ease congestion at Cundy Cross roundabout. As such, it contributes significantly towards the socio-economic dimensions of sustainable development. The contribution to the environmental role is less clear but the applicants have made a commitment to achieving a Code Level 3 rating in relation to the Code for Sustainable Homes. It is also proposed to deliver a 15% reduction in CO2 emissions by use of renewable, low carbon or decentralised energy sources, as required by Core Strategy policy CSP5. This can therefore be secured by way of a planning condition and would contribute in respect of moving towards a low carbon economy.

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

Loss of playing field

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

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

Sport England opposes the granting of planning permission for any development which would lead to the loss of a playing field unless one of the five exceptions applies. The most relevant in this case is E4 which states ‘playing field lost would be replaced, equivalent or better in terms of quantity, quality and accessibility.

The Councils Playing Pitch Strategy highlights that the site falls within the North East Area and confirms the loss of the Priory School, together with Willowgarth High School, to be replaced by Shafton ALC (as part of the Building Schools for the Future (BSF) programme). It is considered that the facilities provided at Shafton ALC meet the E4 exception outlined above and, as such, Sport England have no objections to the scheme.

In terms of quantity, the total loss of playing fields (priory and Willogarth combined) is 93,189m². However, Shafton ALC provides over 106,000m² of playing fields which are considered to be an improvement in quality given the AGP is 3G and floodlit whilst the new tennis courts on the MUGAs are of a higher quality. In terms of accessibility, all facilities at Shafton ALC benefit from community use agreements. As a result of the above comments, the proposal complies with paragraph 74 of the NPPF.

Green Space

In terms of the requirement for new green space, the submitted plan shows on site informal open space, which would be a natural area of biodiversity value that also has a sustainable drainage function. The open space area meets the 15% policy requirement and this, combined with the fact play equipment exists on Littleworth Park, means that a contribution of £100k for off-site provision is deemed acceptable. It is also of note that a higher figure would detrimentally impact on the overall viability of the scheme, which is explained in more detail under the heading ‘Affordable Housing’.

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 applicant has carried out a viability assessment which demonstrates that viability is marginal due to the cost of providing the link road and abnormal costs associated with ground stability issues. These costs have been verified and it is accepted that removal of the affordable housing is necessary. However, in accordance with previous requests by Members the applicant has agreed to include 14 no. bungalows within the scheme. Whilst these would not be classed as affordable, they do contribute towards provision of an appropriate housing mix in accordance with policy CSP14.

Education

PAN 33 'Financial Contributions to School Places' states that 20 primary school places are required per 100 homes, therefore, in this case 40 primary school places would be required. The calculation also requires 17 school places per 100 dwellings at secondary schools; however, there are sufficient spaces available within this area within the secondary sector so no contribution for those pupils would be required under this application.

In terms of the primary school places the cost of providing a school place, both in primary and secondary schools, has been assessed by central Government. This is set out in the Department for Education and Skills (DfES) 'cost multiplier'. Because these costs can vary from one region to another, the DfES also sets local adjustments.

Taking the two factors into account, the cost calculation for primary school places within Barnsley is £7,024. As such, the contribution required for this application is £280,960 (£7,024 x 40).

The contribution would have to be paid upon commencement of development and would be secured within a section 106 agreement.

Highway Safety

The site is situated in a sustainable location with a variety of local amenities and services within walking and cycling distance and access to good public transport services linking to Barnsley town centre, neighbouring settlements and a wider transport network. Three bus stops are close to the site; with local shops, playing fields, equipped play area and school all close at hand.

The application was supported by a Transport Assessment to demonstrate the impact on the existing highway network, as the Cundy Cross roundabout is known to suffer from congestion and could potentially constrain development in the area. Due to this potential restriction, it was considered necessary for the junctions around the site to be modelled to assess the impact and any necessary mitigation measures. The model was created using LinSig which is the UK industry standard software for the assessment and design of traffic signal junctions. Its attribute is the combination of traffic and controller modelling for comprehensive traffic signal design.

The proposed development provides for a new link road between Rotherham Road and Littleworth Lane, the removal of the roundabout at Cundy Cross and replacement with traffic signals, the provision of a signal controlled junction on Rotherham Road, and the provision of a parking layby to the front of the residential properties on Rotherham Road. LinSig shows that traffic can be adequately managed on all legs of the junction, traffic can be better distributed due to the link road, and pedestrian crossing movements are assisted by central islands. The left turn manoeuvre from Grange Lane to Pontefract Road is not possible for HGV's, therefore, a reverse "Q" manoeuvre will be signed around the new gyratory to allow the manoeuvre to be carried out safely. In the event that the application is granted, further modelling will be required to establish and optimise the timing of the signals. The proposed works to the roundabout and link road would be

funded by the developer via the capital receipt but carried out by the Council. However the developer would still be responsible for providing the new junction to Littleworth Lane and the internal roads. This arrangement is reflected in the planning conditions and a contribution of £20k is to be secured for Highway Authority design fees within the S106 agreement.

The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe. Clearly, this is not the case in this instance, and there are benefits to the highway network as a result of this development, and a refusal of planning permission on highway grounds cannot be substantiated.

The site currently has three existing vehicular access points onto Littleworth Lane. These are going to be stopped up and new accesses into the site taken from the new link road at the eastern side of the site. Two of these shall be 5.5m wide roads with 2m footpaths forming an internal loop serving the new development, joining the link road in two places. A third adopted highway is to be taken from the new link road, almost central along this site frontage, and sits over an existing drain that crosses the site. Other shared access cul-de-sacs radiate from the main internal spine road, which serve properties in the central part of the site and those along the northern edge, fronting Littleworth Lane.

There is to be no vehicular access from the site onto Littleworth Lane, steering all residential traffic away from the road and lay-by near the school and playing fields. A pedestrian link will be made, however, about mid-way along this site frontage, to provide a more direct connection for pedestrians and cyclists.

Accessible parking is to be provided, either in-curtilage, or to the front immediately adjoining the properties they serve. Sufficient access around and into the properties will be possible whilst a car is parked and the garage sizes will also enable vehicles to utilise them in an effective manner and thus reduce the potential for uncontrolled on-street parking. Dwelling entrances have logical relationships to the accessible routes that serve them and signage, lighting, contrasting surfaces, etc. will be used to make the environment as legible as possible.

All properties have a minimum of two 'in-curtilage' private parking spaces each, in accordance with SPD 'Parking', provided in a variety of ways; parking bays to the front or side; single detached garages; single integral garages. In addition to the private, in-curtilage, parking spaces, casual visitor parking will also be possible along the main highway and within widened areas on shared access carriageways created specifically for this purpose.

In these circumstances, there are no objections to the proposed development in a highway context, subject to conditions.

Residential Amenity

The site does not share a boundary with existing residential properties. The closest dwellings to the site are to the North East located on Kitson Drive but even then the site is on a lower level, the existing tree belt would largely be retained, there is a pedestrian walkway (from Rotherham Road to Littleworth Lane) separating the two sites and there would be a separation distance between the existing and proposed properties of in excess of 45m. As such, the proposed dwellings would not significantly increase overshadowing or result in overbearing features to the detriment of residential amenity.

There are further residential properties within the immediate area, namely Robert Avenue to the West and Jacques Place to the South West. However, the existing properties are separated from the site by areas of green space, public footpaths, existing tree belts and separation distances in excess of 50m.

In terms of other land uses adjoining the site there are commercial, business and community premises to the South which would be separated from the dwellings by the link road and area of green space containing the balancing pond. As such, the development is unlikely to be detrimental to the neighbouring uses and vice versa.

Littleworth Grange Primary School directly abuts the North East corner of the site. Schools are often regarded as a compatible land use adjacent to residential development, especially given the days and hours schools generally operate. Furthermore, the school building is set away from the boundary shared with the proposed dwellings, as such, amenity levels for the school and future residents would be to a reasonable degree.

With regards to the residential amenity of the future occupants of the site, the layout generally achieves the separation distances set out in Supplementary Planning Document 'Designing New Housing Development'. In addition, the properties themselves, in terms of internal spacing standards, comply with the technical requirements of the South Yorkshire Residential Design Guide. Furthermore, the garden areas for the 2 bed properties generally exceed 50m² and the 3 beds plus properties generally achieve at least 60m², in accordance with the SPD.

Design & Visual Amenity

Covering a total area of approximately 7.89 hectares the density equates to approximately 25 dwellings per hectare (dph) gross and 33dph, this is reflective to that of the existing housing within the immediate vicinity. The development would comprise of 12 different house types, which adds to the vibrancy of the estate. All of the properties would be of a standard pitched roof construction and the principle materials would include red and buff brick for the walls with terracotta and dark grey tiles for the roofs. The materials are considered compatible with the local vernacular of the surrounding housing stock.

The dwellings are generally 2 storeys in height with one type 2 storey with a room in the roof and another of the house types being 3 storey, as well as 14No. bungalows, adding variety and interest to the roofscape. The townhouses are located throughout the site to bring some contrast to the street without being over-dominant. The maximum ridge height will be around 11m with the majority around 8m high.

The 'perimeter block' layout form means that all the properties relate well to one another, generally parallel or at 90 degrees to each other, creating a simple, ordered layout that is legible and relates well to the site constraints and its surroundings.

Appropriate separation distances are proposed, generally exceeding the minimum standards quoted in Supplementary Planning Document 'Designing New Residential Development', but it is acknowledged that certain areas within the site have been designed to be deliberately 'tighter' to bring variety to the street but none-the-less, adequate amenity is maintained throughout. 'Gateways' buildings have been positioned adjacent to access points to lead you into spaces and ensure the layout is legible.

The proposed boundaries are to be a mixture of railings, hedging and shrub beds to the plot frontages with some frontages simply turfed and left as open-plan within the site. The boundaries to the rear, private curtilages will be 1800mm high brick walls where they adjoin the highway, and feather edge timber fences in less exposed areas, again 1800mm high. The boundary with Littleworth Lane shall be 1000mm high metal railings and the frontage along the new link road shall be defined by a robust 750mm high wall consistent along its length, supplemented with planting.

The landscape structure will comprise tree planting, groups of native trees, shrubs and hedgerows. Tree planting will to break up the building facades and rooflines whilst the combination of hedge

planting and low shrubs to the garden frontages will provide definition of space and enclosure to the private areas, create focal corners and define character areas across the site without being too dominant in the view. Although the majority of planting across the centre of the site would be removed to make way for the development, the majority of the mature trees and tree belts around the perimeter of the site would be maintained to soften the development from the surrounding areas.

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

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

Trees

The cutting back of the boundary groups will have some negative impact on the visual amenity of the area, although this impact will be minimised provided the overall continuity of tree cover running along the boundary, and the visual screening to and from the adjacent land, is not removed. The dense planting of the groups should allow for the required selective removals and thinning while still maintaining robust tree cover along the boundary areas.

The trees requiring removal within the central and northern section of the site are predominantly lower value retention category C trees and groups, with only occasional moderate value category B trees. The removal of the trees will generally cause only a minor and short term impact, with replacement planting as part of new soft landscaping scheme, largely mitigating their losses.

A proposed new access drive encroaches into the Root Protection Area (RPA) of the group of Sycamores along the northern boundary (T1 to T6 and T8 to T9). From assessing historic aerial imagery, the area where the proposed access drive is located previously had hard-standing and buildings upon it. As such, any additional root disturbance is likely to be minimal and the trees should be able to be successfully retained, provided care is taken during the design and construction stage.

Ecology

The application is supported by a phase 1 habitat survey. The report suggested that the site supports a range of habitat types but has low potential for protected species to be present given its former use as a school and associated playing fields. As such, no further survey works were recommended.

The site is unsuitable for breeding ground nesting birds. Habitat within the redline boundary is not suitable for supporting amphibians and / or reptiles - the nearest pond within the area is approximately 422m from the site boundary to the south west but has significant barriers to dispersal between the pond and the site. Although there are good potential for bat foraging areas around the periphery of the site (vegetation to be retained), however, the site itself lacked any features across the site for bats to follow.

In terms of the retention or provision of habitat, the existing mature trees and tree belts around the perimeter of the site would largely be maintained and an area of land opposite the new link road to the East of the site would be left undeveloped, landscaped and accommodate a balancing pond, as such, this would provide foraging/habitat areas.

Coal Mining and Contaminated Land

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

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

Drainage

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

Energy Conservation & Sustainability

The dwellings would meet a minimum Code Level 3 and a 15% reduction in CO2 emissions by use of renewable, low carbon or decentralised energy sources, in accordance with policy CSP5, can be secured by way of a planning condition.

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 Council cannot currently demonstrate a five year supply of specific, deliverable sites for residential development and the proposed site is located in Urban Barnsley which is identified in the Core Strategy as the priority settlement for growth. As explained above, this necessitates the application of the NPPF presumption in favour of sustainable development. Taking into account the relevant development plan policies and other material considerations, subject to mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposal therefore complies with the development plan as a whole and the advice in the NPPF.

Recommendation

Members resolve to grant subject to the completion of Section 106 Agreement securing financial contribution towards education, off-site public open space and highway design fees.

Grant subject to:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

2 The development hereby approved shall be carried out strictly in accordance with the plans (Proposed Site Layout: 3623/10 Rev J, House Types: 3623/PD01 (bungalow), P.01.00 (Hadleigh), P.14.00 (Bamburgh), P.28.00 (Windsor), P.37.00 (Arundel), P.50.00 (Embsay), P.51.00-A (Birkwith), P.54.00 (Nidderdale), P.56.00 (Settle), P.57.00 (Tonbridge), P.64.00 (Hebden), P.65.00 (Hanley), P.66.00 (Coverham), P.80.00 (Single Garage), Landscape Masterplan: R1612/1B) and specifications/recommendations (Flood Risk Assessment:10957-5001, Phase 1 Habitat Survey, Arboricultural Report: AWA1210, Noise Assessment: A088513) as approved unless required by any other conditions in this permission.

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

3 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (report undertaken by AES-LTD, dated July 2014) 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.

4 No development shall take place until full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. 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.

5 No development shall take place until a scheme for disposing of surface water by means of a sustainable drainage system is approved by the Local Planning Authority.

The scheme shall include the following details:

Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;

- A timetable for its implementation; and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.

The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.

Reason: To ensure proper drainage of the area in accordance with Core strategy Policy CSP 3.

6 Prior to commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or

other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation.

The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.

Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.

- 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:

- Provision of Littleworth Lane and site access junction;
- Provision of and necessary changes to street lighting;
- Provision of and any necessary changes to highway drainage;
- Resurfacing/reconstruction as necessary.

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

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

- 8 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

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

- 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

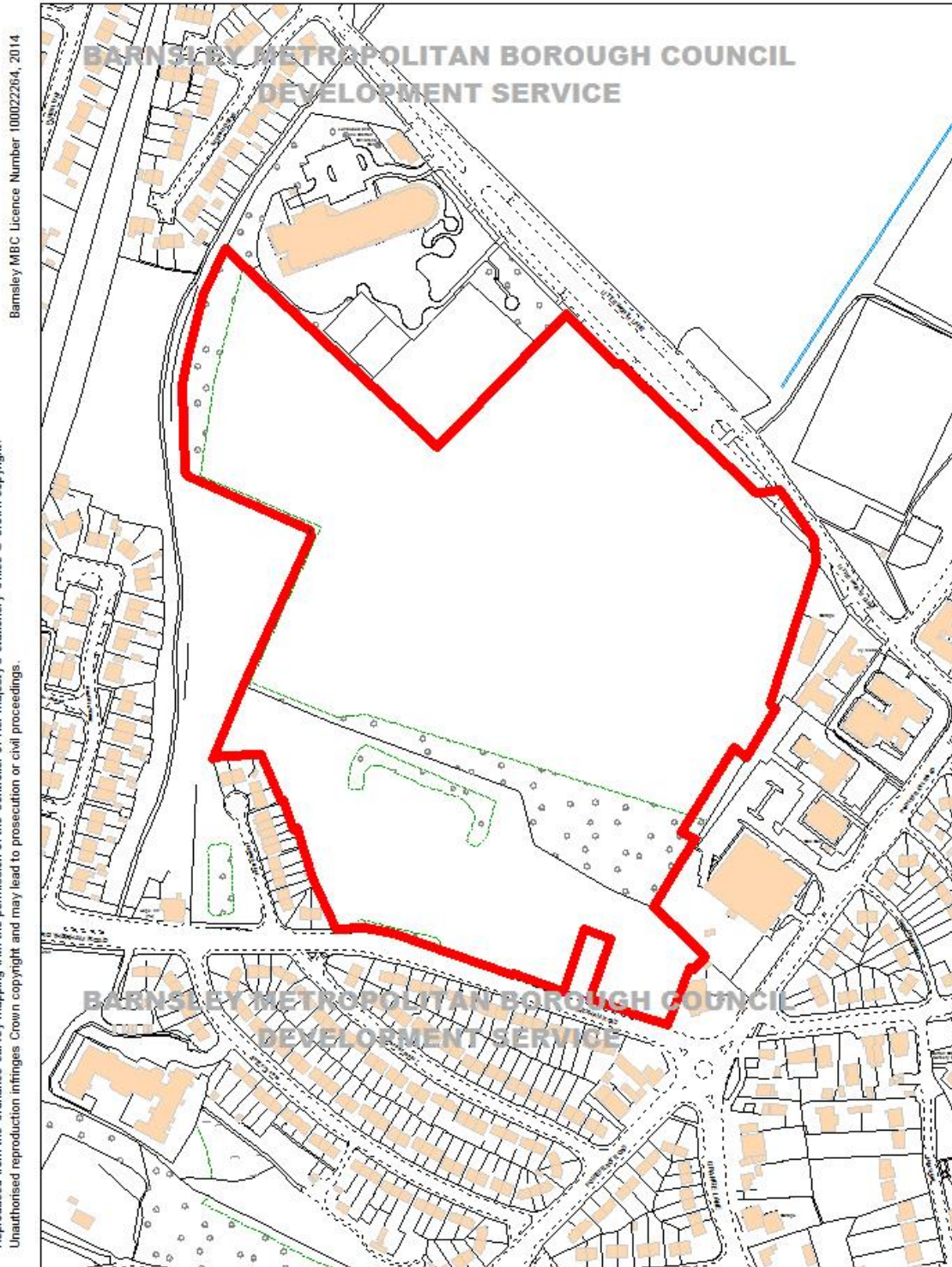
Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

- 10 Prior to commencement of development full highway engineering construction details, (including highway retaining structures, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 11 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.
- 12 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for the area of land to the East of the new link road 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. Landscape management 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.
- 13 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 14 No dwelling shall be occupied until a 1 year Travel Master Pass has been provided to the first occupier of each dwelling in accordance with details to be submitted and agreed in writing with the Local Planning Authority.
Reason: In the interests of reducing the need for car travel to and from the site in accordance with Core Strategy Policy CSP 25.
- 15 No piped discharge of surface water from the application site shall take place prior to the completion of the approved surface water drainage works and no building shall be occupied or brought into use prior to completion of the approved foul drainage works.
Reason: To ensure that the site is properly drained and surface water is not discharged to any off site drainage system, which will prevent overloading, in accordance with Core Strategy policy CSP4.
- 16 No development or other operations being undertaken on site shall take place until the following documents have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- The documents shall be in accordance with British Standard 5837:2012 (Trees in relation to design, demolition and construction - Recommendations)
The development shall be carried out in accordance with the approved details.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

- 17 Prior to the occupation of the first dwelling 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 completion of 50% of the units, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.
Reason: In the interests of sustainable development, in accordance with policy CSP25.
- 18 The dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). Each dwelling shall be issued with a Final Code Certificate prior to completion of development.
Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.
- 19 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.
- 20 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.
- 21 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at all junctions within the development, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of Road Safety.
- 22 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.
- 23 No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers, which cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 24 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.


PA reference :-

2014/0853



BARNSELEY MBC - Development Service

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


Scale 1:2500

2014/0315

Mr Chris Clayton

Formation of car park (Retrospective)

Land at Old Mill Lane, Barnsley, South Yorkshire

Site Location and Description

The site is located between two railway bridges which cross the A635 Old Mill Lane and is to the north of Barnsley Town Centre. The site comprises of a narrow gated access onto Old Mill Lane which sits between two large retaining walls supporting the railway. The existing access leads into a large expanse of land which is being used as a long-stay public car park. The surface has been treated with loose road plainings, which have been spread across the site. Levels rise to the north where the site abuts Barnsley Colleges Honeywell campus. The rise in levels means that there are direct views from the site across the railway line on the eastern boundary to the terrace houses fronting Bridge Street.

The site is managed from a portacabin located adjacent to the Old Mill Lane entrance. There are also several unauthorised signs within the site which advertise the car park.

Proposed Development

The application is for full (retrospective) planning permission for the change of use of the land to a surface car park. The application form states that this would be for up to 48 vehicles, no information or approval has been sort for the location of a site portacabin.

Planning Background

84/863/BA – Tipping of material and re-grading of land – Granted
85/1103/BA – Tipping of material and re-grading of land – Granted
87/0674/BA – Reclamation of land by tipping & regarding – Granted
2008 0315 – Formation of access road – Granted
2012 0952 – Formation of access road – Granted

The site is currently being operated as a car park without the benefit of planning permission. This retrospective application has to be considered in the same way that it would were the application submitted prior to the use commencing.

Policy Context

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

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

Core Strategy

CSP26 'New Development and Highway Improvement'
CSP40 'Pollution Control and Protection'

Saved UDP Policies

TC58/10 – Old Mill Lane – The site is identified as having potential to be used for Education, Car Parking or business uses. The policy notes that this will be dependent on a suitable access being achieved.

TC14 'Interim Uses' – On sites shown for development where existing uses have ceased, temporary uses and landscaping will be encouraged in the context of other policies.

Barnsley Local Plan Consultation Draft 2014

This document has only recently gone out to public consultation and therefore has limited weight, However, it shows the land designated as urban fabric.

NPPF

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

In respect of this application, relevant policies include:

General Principles Para's 7, 9, 12, 14, 17
Highways Para 35

Representations

The application has been advertised by way of a site and press notice, no letters of representation have been received.

Consultations

Contaminated Land Officer: No objections

Drainage: No objections subject to recommended conditions.

Highways: Object on grounds that a suitable access cannot be achieved that meets desired visibility splays

Network Rail: No objections, recommend conditions relevant to working near the railway.

Yorkshire Water: No objections.

Assessment

Principle

The site had been earmarked on the saved UDP map under policy TC58/10 as having potential to serve car parking purposes. However, this is subject to satisfactory access arrangements being achieved. Likewise policy TC14 permits interim uses on vacant open sites, subject to relevant amenity and safety considerations a surface car park could therefore be perceived as fulfilling this role. It is apparent that a demand for the car park exists given observations of continued use by customers.

Whilst the 'principle' of the development may well be acceptable in land uses terms, (be it on a temporary or permanent basis) the crux of the consideration process is whether a suitable, and technically acceptable access can be achieved, that can serve development of the scale proposed.

Highway Safety

Prior to the unauthorised use commencing there was a single track access within the vicinity of the site entrance, this, it appeared was used on an infrequent basis possibly for emergency/maintenance purposes relating to the operations of the railway. During this period the site was closed off by palisade gates. However, in planning terms the site has no lawful use and it is not therefore necessary to deduct traffic associated with an existing use when establishing the net traffic generation. It must be acknowledged that there have been previous approvals at the site which related to the creation of a vehicle entrance. These related to relatively minor works to regularise the entrance that this existed. Perhaps more fundamentally, they were also not tied to a change of use of the land and no consideration had to be given to the likely traffic generation.

The site is located on the heavily trafficked, classified road (A635) which forms part of the strategic highway network connecting Huddersfield Road to Wakefield Road. The site is located between two bridges whereby visibility is restricted by their abutments. The need to achieve a suitable visibility is considered essential given the relative high number of vehicle movements associated with the use and the gradient of Old Mill Lane, which increases the probability that vehicles travelling in an easterly direction will be exceeding the 30mph speed limit. Also of relevance is that vehicular movements are likely to occur during peak time when network is operating at its highest capacity.

The entrance details have been amended from that originally submitted in order to achieve the maximum visibility. The revised details show sight lines having the dimensions of 2.4m x 60m in an easterly direction, and 2.4m x 43m in a westerly direction. The applicant has stated that this complies with Manual for Streets (MfS) requirements but this would be totally dependent upon the existing width Old Mill Lane carriageway being reduced to 7.3m.

The applicant has measured visibility in an easterly direction based on the centre of the carriageway whereas Highways explain that it should be measured to the kerb line. The available visibility when measured to the kerb line is 2.4m x 31m, which does not meet MfS requirements. In any case, given the strategic importance of Old Mill Lane at present and in the future, the appropriate guidance for this category of road is Design Manual for Roads and Bridges (DMRB) and not MfS. Old Mill Lane is the subject of a 30mph speed limit, which is a design speed of 60 kph. The desirable minimum stopping sight distance for such a design speed is 90m, one step below the Desirable Minimum is 70m

In addition to the above, even if appropriate visibility could be achieved, the narrowing of the carriageway would result in the centre line camber being offset. This would require the full width of a significant length of Old Mill Lane to redress this, which could adversely exacerbate highway flows and access to the detriment of overall safety. Furthermore, a car park of the size indicated on the submitted plan would require a right turn facility to ensure the free and safe flow of traffic on the highway and to comply with the duties contained within the Traffic Management Act 2004. It is apparent that this cannot be achieved in a safe and coherent manner due to restrictions to the carriageway width.

It has also been observed that, at present, right turning vehicles to the site can cause considerable queues in peak hour traffic flows when trying to enter the car park. Due to the gradient of highway the stationary traffic, especially HGV's, has to labour to gain momentum when travelling uphill. This causes further delays and is detrimental to the free and safe flow of traffic on the highway and the associated revving of engines has a negative impact on local air quality.

In summary, the available visibility at the access is severely substandard and cannot be redesigned to provide a safe means of access. In addition, it is not possible to mitigate the impact of the development on the flow of traffic, particularly during peak times. Accordingly, the proposal is contrary to Core Strategy Policy CSP26, which requires new development to be designed and built to provide safe, secure and convenient access for all road users.

Residential Amenity

Consideration in this regard would be limited to disturbance arising from vehicle headlights. The sites elevated nature means that properties on bridge Street could be susceptible to this. Whilst this may be a problem, it could be adequately mitigated against by the provision of boundary screening. However, given the unacceptability of the proposal from a highways context this matter should not be pursued.

Conclusion

In view of the above, the development proposal is deemed to be unacceptable against the provisions of policy CSP26.

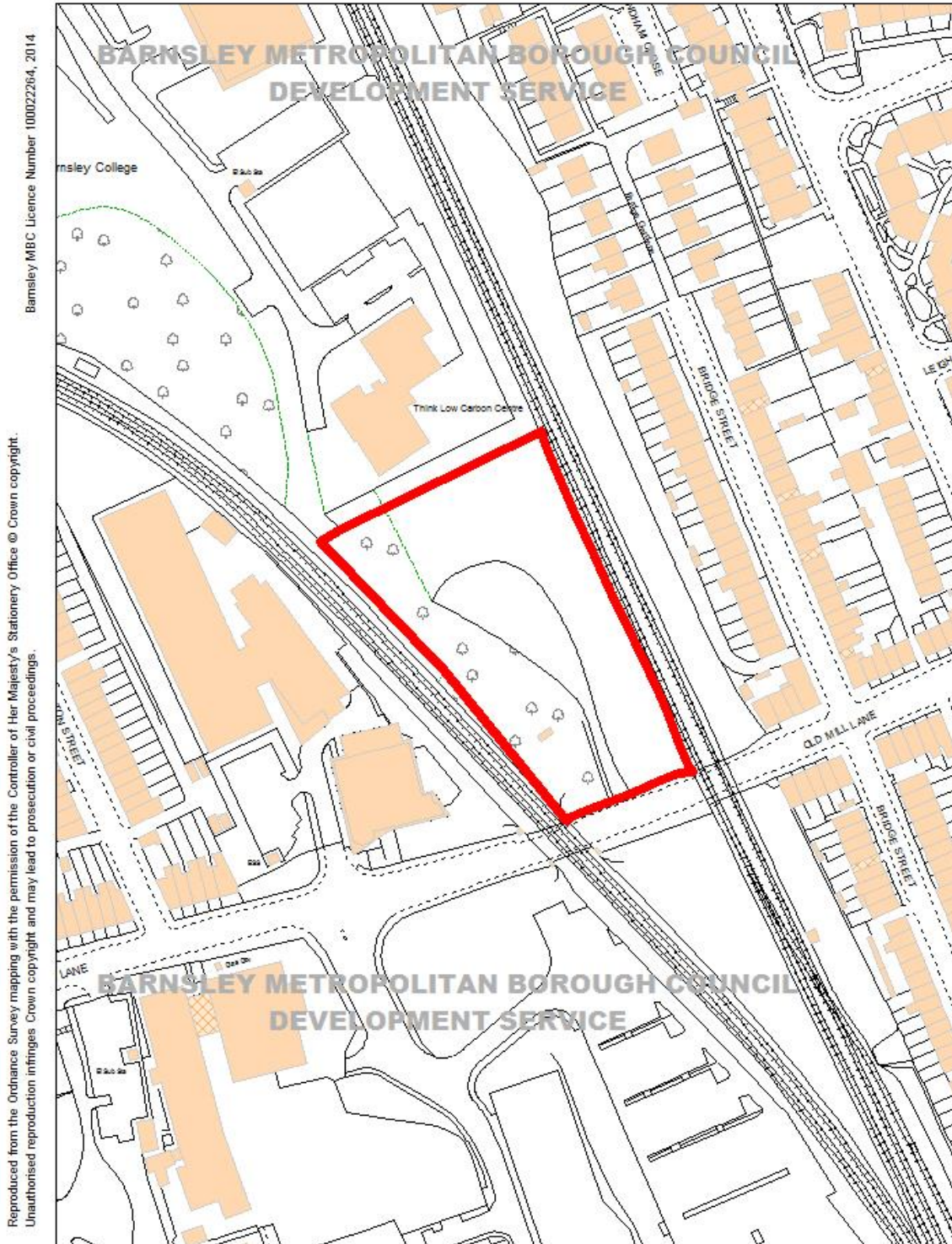
Recommendation

Refuse and take enforcement action against to prohibit the use from continuing.

- 1 In the opinion of the Local Planning Authority, the available visibility at the access to the classified highway is severely substandard due to the presence of nearby bridge abutments on Old Mill Lane. Given the lack of visibility, the constraints that prevent the inclusion of a dedicated lane for drivers turning right into the site and the levels of traffic generation associated with the proposed use, particularly during peak times, the development is considered detrimental to highway safety and the free flow of traffic. The development therefore fails to meet the requirements of policy CSP 26 'New Development and Highway Improvement'.

PA reference :-

2014/0315



BARNESLEY MBC - Development Service

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Scale 1:1250

2014/0684

Mr Steven Green

Residential development of 3 no. detached dwellings and formation of driveways.

Land at Roughbirchworth Lane, Oxspring, Sheffield

Objections from 10 residents, Oxspring Parish Council, Councillor Barnard and Angela Smith MP.

Site Description

The site comprises an area of open land which is located to the north of Roughbirchworth Lane in the village of Oxspring.

The site is 0.81ha in size and comprises a field/paddock which slopes down towards the northern boundary of the site where lies the River Don and a number of trees. On the other side of the River Don to the north is located is a small housing estate containing 16 properties, known as 'Millstones'. This contains a number of properties whose rear elevations face towards the site.

Located to the west is an area of woodland. To the south on the opposite side of Roughbirchworth Lane are a number of older properties, a some of which have indirect views across the site. Another road is located immediately next to the eastern boundary, Bower Hill.

The site is predominately open apart from a number of trees which are located in the areas near to the river bank. The northern boundary on Roughbirchworth Lane also contains a stone wall which has partially collapsed in places. There is also an opening in the wall with pillars which forms an existing access into the site.

Proposed Development

The application seeks full planning permission for a residential development of 3no five bedroom dwellings with double garages.

The houses would be constructed on a platform so as to enable the floor level of the three houses to be level internally and approximately with each other. This would mean that the houses would be constructed on raised levels to the side and rear whereby a 2.4m-2.6m retaining wall and landscape banking would be constructed around the base. Above this and to the rear of the houses would be a raised terrace/amenity area. A landscaping banking would be formed in the area to the south of the wall. Beyond that the remaining areas of the site down to the river would remain open and undisturbed, including the existing trees and vegetation on the site. The development would have the provision of 2 accesses onto Roughbirchworth Lane with plots 1 and 2 having a shared drive and access.

History

B/94/0932/PR – Outline application for residential development. Refused 13/10/1994 for the following reason:-

1. The form of development will result in the unacceptable loss of mature trees on the river bank and site frontage to Bower Hill visually detrimental to the site's character and wider landscape setting.

2007/0859 – Erection of two detached houses with garages. Refused 08/08/2007 for the following reasons:-

1. The site is allocated as Urban Greenspace in the Council's Unitary Development Plan. In the opinion of the Local planning authority the proposed development would lead to the significant loss of a Greenspace area designated due to its pleasant open character and its visual contribution to the wider locality. The compensatory provision offered by the applicants (and landowner) is not considered locationally relevant nor of the same character to compensate for the loss. As such the proposal is contrary to Policy GS34 of the Unitary Development Plan and will adversely affect the open character 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 Draft 2014 which shows possible allocations up to 2033 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Local Development Framework Core Strategy

CSP2 'Sustainable Construction'
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'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP33 'Green Infrastructure'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP37 'Landscape Character Assessment'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Urban Greenspace/Multi-User Recreation Way

Policies WR17 Urban Greenspace - Sheffield Road/Roughbitchworth Lane amenity area'

WR15 'Recreation Routeways'

SPD's

- Designing New Residential Development
- Parking

Planning Advice Note's

30 -Sustainable Location of Housing Sites

Other

South Yorkshire Residential Design Guide

Local Plan Consultation Draft 2014

Proposed allocation: Green Space/Green Way

- SD1 Presumption in favour of Sustainable Development
- GD1 General Development Policy
- GS1 'Green Space'
- GS2 'Green Ways and Public Rights of Way'

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

58 & 60 – Design considerations.

100-104 – Flood risk.

Consultations

Biodiversity Officer – Do not object subject to the imposition of conditions.

Drainage – Do not object subject to the imposition of conditions.

Environment Agency – Does not object subject to the imposition of conditions.

Highways – No objections subject to conditions.

Regulatory Services – No objections subject to conditions.

Oxspring Parish Council – Object based on the following reasons:-

- Consider that the application is contrary to current planning policy as the site is not allocated for housing development in the adopted Barnsley UDP.
- Loss of land designated as green space. The Parish Council consider that any future use of the site should be to encourage recreational activities and the use of the riverside and not housing.
- Flooding.

- Concerns that the application pre-empts the emerging Oxspring Neighbourhood Plan and may harm/prejudice local residents preferences for the future land use of the site and affect the choice of preferred sites for development.

Tree Officer – No objections subject to conditions.

Yorkshire Water – No objections subject to conditions

Representations

The application was advertised by neighbour notification, site and press notice. 10 objections have been received from local residents. In summary the main concerns expressed are as follows:-

Planning history – The application should be refused as per the decision on the previous planning application (ref 2007/0859).

Flood risk – It is asserted that the site has flooded in the past and that development would increase the risk of existing flooding for existing properties. Photographs have been provided showing past incidences of flooding in June 2007 and July 2012.

Harm to the living conditions of existing properties – It is asserted that the tree coverage provided between the site and properties on Millstones is not all year round and that the result would be a harmful level of overlooking by the residents of the new properties.

Loss of greenfield land (*The petition actually states loss of Green Belt land. However this is not the correct designation in the UDP*).

Harm to biodiversity, in particular birds that nest in and use the river corridor as habitat.

Lack of demand for executive housing locally. In addition allowing the development could set a precedent and demand for more of this type of housing in Oxspring.

In addition Angela Smith MP has objected in support of the Oxspring Neighbourhood Plan committee. Angela Smith MP considers that the applications are premature as the Neighbourhood Plan is still being developed and has not yet been adopted. She therefore considers that a decision on the planning application should be deferred until such as time that the Neighbourhood Plan has been adopted on the grounds that the proposal may not be in accordance with the local plan once adopted. Concerns are also raised that the application would constitute a review of the Green Belt boundary outside of the local plan process.

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 proposed Oxspring Neighbourhood Plan is not adopted and consequently it does not have status to be afforded any weight at this time.

The site is designated Urban Green Space (not Green Belt as is stated in a number of representations) in the Unitary Development Plan. This resulted in the previous planning application reference 2007/0859 being refused as it was determined at the time that the site was

afforded sufficient protection from development under UDP policy GS34. This previous refusal is therefore a material consideration in the determination of this application. However UDP policy GS34 is no longer applicable as it has been replaced by Core Strategy policy CSP35 'Green Space'. Furthermore, the NPPF has now been introduced and as such the application warrants a new assessment against the current policies.

Core Strategy Policy CSP35 defines Green space as any land within or close to towns and villages that has or could have demonstrable value for recreation or wildlife. It also states that development proposals that result in the loss of green space will only be permitted where there is a surplus of that particular type of green space in the area and its loss would not affect the existing and potential green space needs of the borough, or, an appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provide in the area which it serves.

In terms of assessing the greenspace function of the site, the site does not have any formal recreation facilities on it and is in private ownership so there is no public access to walk across or on to it. As such the land does not have demonstrable value for recreation. In terms of wildlife value, the development would be set back from the river meaning that it would not affect the banking or the existing trees and vegetation of that area of the site. The remaining areas of the site are of low ecological value and the proposals are to provide additional native tree and shrub planting as part of the landscaping scheme for the development and bird and bat boxes. Taking all of this into account the Biodiversity Officer has not raised an objection to the application. In addition the application proposes compensation for the loss of designated Green Space in the form of a commuted sum of £15,000 to be available to support the improvement or accessible recreational greenspace in Oxspring.

In addition to the above, it has to be considered that the village would still retain a formal play facility at the top of Roughbitchworth Lane as well as a recreation field off Sheffield Road. These would therefore still proved recreation facilities for the village which are accessible by the public.

Whilst it is acknowledged that the site still retains the pleasant open character as it did when the previous application was determined, based on the above assessment, and review of current policies, the balance has tipped in favour of allowing development subject to it being acceptable against other relevant policies.

Sustainability

To accord with the NPPF, emphasis should be placed on the need for development to be sustainable, especially with regard to its location. The Core Strategy objectives and policies indicate that priority for development will be within Urban Barnsley and Principal Towns. However, the proposal site is located in Oxspring, which is classified as a village in the Core Strategy. Core Strategy Policy CSP8 'The Location of Growth' states that development will only be allowed in villages if it is consistent with Green Belt policy or is necessary for the viability of the settlement and to meet local needs.

As the proposal site does not lie within the Green Belt, the Green Belt aspect of the policy is not applicable and as such only the consideration as to whether the development would meet local needs is relevant under this particular policy. The site is for three large properties. Whilst it would be desirable to have the dwellings as affordable houses, the scale of the proposal falls significantly below the requirement to provide any affordable housing under Core Strategy policy CSP15. There are not many properties of the size proposed within Oxspring so there is an argument to say that the dwellings would contribute to the choice and mix of dwellings within the community. Paragraph 50 of the NPPF does state that local authorities should be looking to 'deliver a wide choice of high quality homes' and it is considered that the design of the scheme falls into this category. Furthermore consideration has to be given to the fact the Council is unable to

demonstrate a five year housing land supply, as this is a significant material consideration under paragraph 49 of the NPPF.

A further issue raised by policy is that the site is not located near to the Core Public Transport Network. However, it is within 400m of a bus stop (on Sheffield Road), a primary school (Oxspring Primary School), a post office, public house and recreation ground. It's accessibility on foot to these facilities is therefore very good and provides sustainability credentials in its favour. CSP14 Housing Mix and Efficient Use of Land seeks to deliver a minimum of 40 dwellings per hectare. The proposal has a very low density of 3.75 dwellings per hectare. However to encourage a different proposal which includes more dwellings would not be logical given that the site does not have access to the Core Public Transport Network as this would increase the number of car movements to and from the site. Furthermore a high density of dwellings on this site would be at odds with its village location and could appear cramped and over-developed.

The NPPF states that there are 3 dimensions to sustainable development: economic, social and environmental. Given the proposal is only for three dwelling, the impacts from these dimensions are limited. In terms of economic and social considerations, the development would deliver 3 large family sized houses which would contribute, albeit in a small respect, towards addressing the deficiency in the 5 year housing land supply. The addition of the units would contribute directly to the choice of housing in the area. There would be minor economic gains associated with the construction phase of the development. In addition the proposal would not harm biodiversity interests, increase the risk of flooding, or result in the loss of any designated land. Any approval can also be conditioned to ensure that all dwellings achieve a Code Level 3 rating in relation to the Code for Sustainable Homes.

On balance it is therefore considered that there are sufficient sustainability credentials to the development to accord with the relevant Core Strategy Policies and NPPF.

Green Infrastructure

Policy GSP33 'Green Infrastructure' states that a network of Green Infrastructure will be secured by protecting open space in locations along the River Don Valley corridor. This site is along that corridor. However, there has already been development on the other side of the river, Millstones, development. Furthermore the dwellings have been sited away from the river and a corridor of approximately 20m of land would be left open between the built upon areas of the site and the river. As such it is not considered that the proposal would be detrimental to the corridor.

Visual Amenity

The site is undoubtedly sensitive in that the greenfield nature of the site, openness and riverside setting are all characteristics of the site. However the site is not in the Green Belt, or a Conservation Area. In addition as has been established the proposal is no longer considered to perform a Green Space function under Core Strategy Policy CSP35 'Green Space', which has replaced UDP policy GS34. Therefore it is judged that the planning balance weighs in favour of allowing a form of residential development on the site.

In terms of the proposed form of housing the proposal is to construct three substantial houses that would have large extensions to form double garages with living accommodation above.

The dwellings would all be constructed on a platform to order to deal with the change in levels across the site and enable the properties all to be constructed with similar floor levels. The dwellings would be below Roughbirchworth Lane but be higher than the Millstones development located to the north of the site given that levels fall in that direction and from Bower Hill located to the side.

Scale and massing of the dwellings is therefore potentially an issue. However given that the Millstones development to the rear also comprises of large detached dwellings the proposals are not out of character. In addition some of the mass of the dwellings would be mitigated as a result of the dwellings being set back and set below Roughbitchworth Lane and the screening provided by the area of woodland to the west of the site.

Therefore the main sensitivity in visual amenity terms is the views to the rear and to the side in terms of the raised platform as the wall/banking would be between 2.5m and 4m high across the side and rear of the development between plots 1 and 3 at the highest points (Residential amenity considerations will be addressed in a separate section of the report). However, again a level of screening would be provided between the Millstones development and the proposed dwellings by the existing trees located either side of the river bank. In addition it is proposed to provide planting/landscaping against the stone retaining wall to reduce the amount that would be visible. Whilst the precise details of the proposed landscaping scheme can be secured in the form of a planning condition, it is my view that this would not give rise to visual amenity concerns regarding this issue that would be at a level to warrant refusal of the application.

I have also afforded consideration to the proposed materials and fenestration details. A high quality palette of natural materials is proposed comprising natural stone and slate. Other traditional design features would include sawn stone quoins lintels, heads and weathered cills and moulded stone surrounds with stone tabling and kneelers to gable elevations. This is something that adds further merit to the application under CSP29 Design. Overall it is my opinion that the plans are acceptable in visual amenity terms having regard to the overall planning balance and the relevant planning policies including CSP29, the Designing Residential Development SPD and the South Yorkshire Residential Design Guide.

Residential Amenity

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

The application is predominately sensitive in relation to existing houses located to the north of the site on Millstones as the rear elevation of a number of the properties overlook the site in its existing open and green form. In addition there would be a difference in levels of approximately 4m between these existing dwellings and the new properties. Loss of view is not a material planning consideration.

However it has been necessary to afford consideration to the separation distances between the existing and proposed dwellings with regards to overlooking and overshadowing considerations. In my view the same separation distances would need to be afforded as three storey properties given the difference in levels, which would indicate that a minimum of 25m should be achieved. However the nearest dwelling to dwelling relationship would be over 50m and therefore the standards would be comfortably achieved.

The dwellings would also have terraces to the rear which would also be raised above the houses at Millstones and their gardens. However again given the distances I am of the opinion that overlooking would not be at harmful levels, particularly when taking into account the existing trees on either side of the river bank and the screening they would provide.

Existing dwellings on Roughbitchworth Lane and Bank View also have views across the site from areas to the south. However the relationships are indirect and the distances sufficient to mean that the SPD would be complied with. Having assessed the effects of the development on residential amenity I am of the opinion that the proposals remain acceptable. However, the usual conditions would be required to minimise the effects of nuisance that would be caused during the construction phase in line with CSP40.

Highway Safety

Highways have confirmed that the proposed development would not give rise to any significant highway safety concerns, subject to the proposed 2.4m x 43m being provided at the accesses as is indicated on the plans. However, Highways have requested that a 2m wide footpath is constructed across the frontage of the site in the interests of pedestrian safety and this would require a suitable condition to be imposed. Apart from this there are no issues under CSP26 'New Development and Highway Improvement'.

Other considerations

Drainage/Flood Risk

A report has been submitted which confirms that the development part of the site lies within flood zone 1 with little or no annual probability of flooding from the river.

Outside the development area the field runs down to the adjacent River Don, the lower lying areas of this field adjacent to the bridge are shown to be in flood zones 2 and 3. This part of the site will not be developed and will be left as open field. There will be no adjustment of levels or obstructions below the 176m AOD Contour, and no loss in volume of available washland.

The proposed finished floor levels for all the dwellings will be 181.300 AOD, which is 3.95m above the floor levels of the recently developed Millstone development on the opposite side of the river and 8.2m above the water level of the river (measured at the time of the survey).

The Drainage Officer and Environment Agency have afforded consideration to this information with neither resolving to object to the construction of the proposed dwellings themselves on flood risk grounds. However the Environment Agency have recommended a condition removing permitted development rights in the areas of the curtilage of the dwellings which would fall within flood zones 2 and 3. In addition there would still be a requirement for the development to manage surface water run off from the development so that rates do not exceed the existing rate as a greenfield site and this would require suitable conditions to be imposed.

In terms of foul drainage the application has been amended during the course of being considered so that foul drainage would now be discharged to the public sewer network as opposed to a package treatment plant in order to satisfy the requirements of the Environment Agency.

Trees

The main trees on the site are located along the river bank and are a reasonable distance from the proposed dwellings and as such given suitable protection should remain completely unaffected by the proposal. The only trees which are within influencing distance of the proposed works on the site are situated just outside the boundary and form the edge of a protected woodland. It appears as though at least one tree will have hard surfacing over part of its rooting area and as such a method statement dealing with this as well as the protective fencing would be required under a planning condition. Providing the new surfacing is minimal or of no dig construction then the trees should not be impacted upon by this work.

Providing the necessary tree protection measures and methodologies are specified and utilised then there should be no negative impacts on the existing trees as a result of this development. The plans also show that new tree planting will take place on the site and as such a landscaping scheme would also be required by a planning condition.

Conclusion

In summary, the proposed housing development would be built upon land which designated as Urban Greenspace in the UDP under policies GS34/WR17 and previous planning application 2007/0859 proposing residential development on the site had been refused accordingly as it would have led to the significant loss of a Greenspace area designated due to its pleasant open character and its visual contribution to the wider locality.

However policy GS34 no longer forms part of the development plan having been replaced by Core Strategy CSP35 'Green Space' and therefore a new assessment has been carried out under the terms of this policy. CSP35 defines the purpose of green space sites in different terms, sites within towns or villages that have or could have demonstrable value for recreation or wildlife. From a review of current policies it is therefore considered that site does not perform a greenspace function and therefore that development is acceptable subject to other policy considerations.

In terms of the proposed use, residential development would be compatible with adjacent land uses. In addition the Council is currently unable to demonstrate a 5 year housing land supply, which is a significant consideration under the NPPF and is required to deliver 21500 new homes before 2026 under CSP9. The proposal would deliver 3 large family sized houses which possess merit having regard to economic, social and environmental considerations which define sustainable development in the NPPF.

The proposals are also considered acceptable having regard to visual and residential amenity considerations in accordance with CSP29 and the Designing New Residential Development SPD.

The proposals are considered to satisfy the relevant Core Strategy policies covering other material considerations including highway safety, flood risk, biodiversity, land stability, trees, pollution control issues and sustainable construction.

Therefore, overall and on balance it is recommended to the Board that the application is granted planning permission subject to the conditions listed below and a S106 Agreement relating to the proposed commuted sum of £15,000 for public open space as compensation.

Recommendation

Grant planning permission subject to conditions and a S106 Agreement (Greenspace)

- 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:-

Drawing RBCHLN/PL/PR/01 'Site Layout' Rev A

Drawing OXSPG/U1/P1+3/01 'Unit 1 + 3 Plans and Elevations'

Drawing RBCHLN/U2/P1/01 'Unit 2 Plans and Elevations'

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 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the entrances/exists such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 8 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) Provision of a 2m wide footpath across the frontage of the site.
 - b) Provision of/any necessary alterations to street lighting;
 - c) Provision of/any necessary alterations to highway drainage;
 - d) Resurfacing/reconstruction of footway and carriageway as necessary

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

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

9 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to limit water run-off to current greenfield rates, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

(b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;

(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.

Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

10 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:

- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

No development or other operations shall take place except in complete accordance with the approved methodologies.

Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.

11 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.

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

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

13 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.

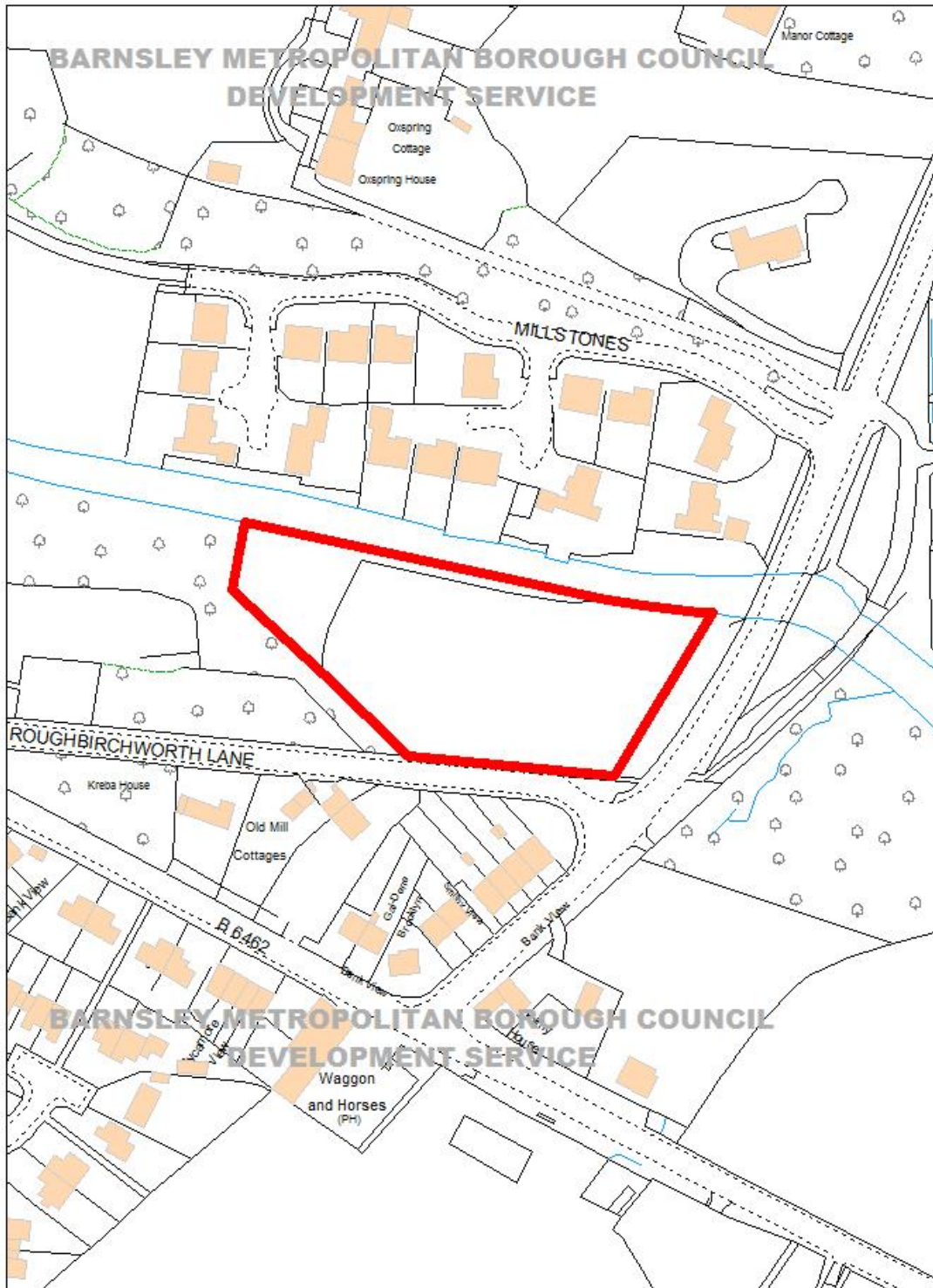
- 14 The dwellings shall achieve a Code Level 3 in accordance with the requirements of the Code for Sustainable Homes: Technical Guide (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.
Reason: In the interest of sustainable development in accordance with Core Strategy Policy CSP2.
- 15 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 16 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 structure shall be erected within any part of the site that falls within as flood zones 2 and 3 as delineated on the Environment Agency's Flood Map for Planning.
Reason: To reduce the risk of flooding, both on and off site.
- 17 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

PA reference :-

2014/0684

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BARNESLEY MBC - Development Service

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NORTH
Scale 1:1250

2014/1167

Colin Hall

Change of use to temporarily store dry, non-ferrous waste metals.

Unit 4, Construction Way, Off Barkston Road, Carlton, Barnsley, S71 3HU

Site Location and Description

The site comprising of a small, steel industrial unit, with yard to the front enclosed by palisade fencing, is one of ten such units on Construction Way to the south west of the Carlton Industrial Estate. Parking for two vehicles is available at the unit. Access to the highway network is via Barkston Road and Shawfield Road.

The nearest residential property to the unit is on Aldbury Close off Carlton Road some 330m to the west of the site.

Proposed Development

The applicant is seeking to change the use of the premises for the storage of dry, non-ferrous metals. The premises are currently vacant and were previously used for wheelie bin washing. No external alterations are proposed to the building.

Other than the loading and unloading of vehicles utilising a fork lift truck, no operations would be undertaken at the site. The non-ferrous metals collected from numerous businesses would be temporarily stored within the industrial unit (bulked up) before being transferred to registered recycling companies for processing.

Operating hours would be 1000 – 1700 Monday to Friday with no working on Saturday, Sunday and Bank/Public Holidays.

A maximum of 120 tonnes of non-ferrous metals would be accepted at the site annually (10 tonnes per month). Small commercial vehicles would be used to deliver and remove the metals from the site.

In addition to planning consent, the site would be controlled through an Environment Agency T9, exemption.

The applicant suggests that 2 full time jobs would be created.

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 the Joint Waste Plan and saved Unitary Development Plan policies.

Barnsley Local Development Framework Adopted Core Strategy (CS)

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

CSP19 – Protecting Existing Employment Land – refers to existing employment land, or land last used for employment purposes will be retained in order to safeguard existing or potential jobs.

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

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

Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP)

Relevant to this application are:

WCS1 – refers to the overall strategy and states that provision will be made to maintain, improve and expand the network of waste management facilities to achieve sustainable waste management across all waste streams. Whilst existing strategic facilities are safeguarded and three sites allocated for new strategic facilities, new or replacement smaller-scale facilities (to deal with municipal, commercial and industrial waste) will be supported where these are required to serve local catchment areas and communities. Waste proposals will be directed towards accessible locations with good transport links, particularly in and around urban areas.

WCS4 – refers to waste management proposals on non-allocated sites and states that they will be permitted provided they demonstrate how they; do not significantly adversely affect the character or amenity of the site or surrounding area; contribute towards the aims of sustainable waste management in line with the waste hierarchy; and do not undermine the provision of waste development on strategic sites. The types of location where waste proposals may be acceptable in principle include existing waste sites and designated employment and industrial areas/sites.

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

Barnsley Unitary Development Plan adopted 2000 (UDP)

The site is located within an Employment Policy Area. Relevant (saved) policies include:

ED7 – states that areas defined as Employment Policy Areas will remain in employment use. Development will normally be permitted for business, industry and storage and distribution. Other employment generating uses may also be permitted if they are compatible with adjoining uses.

Barnsley Local Plan Consultation Draft 2014

This document has only recently gone out to public consultation and therefore has limited weight, However, it shows the land designated as urban fabric.

National Planning Policy Framework (NPPF)

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

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

policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

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

Building a strong, competitive economy.

- The planning system should support sustainable economic growth.

Promoting sustainable transport

- Decisions should ensure that developments that generate significant movement are located where the need to travel will be minimised and the use of sustainable transport modes can be maximised.
- Developments should be located and designed to accommodate the efficient delivery of goods and supplies; give priority to pedestrian and cycle movements, and have access to high quality public transport facilities; create safe and secure layouts etc.

Conserving and enhancing the natural environment.

- The planning system should contribute to and enhance the natural and local environment by (amongst other things), preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.
- Planning decisions should ensure that new development is appropriate for its location. The effects of pollution on general amenity should be taken into account.
- Local planning authorities should assume that the control of processes or emissions where subject to approval under pollution control regimes will operate effectively.
- Planning decisions should aim to avoid noise from giving rise to significant adverse impacts but recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established.

Waste Management Plan for England (WMPE) December 2013

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

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

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

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

Consultations

Environment Agency – No objections subject to various requirements.

Yorkshire Water Services Ltd – No comments.

Barnsley Development Agency – No comments.

BMBC Drainage – No objections.

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

BMBC Regulatory Services – No objections.

BMBC Waste Management – No comments.

Representations

The proposal has been advertised as a major application on site and in the local press and through neighbour notification to adjacent businesses.

No representations have been received.

Assessment

Material Considerations

Principle of development

Environmental and amenity impacts

Highway safety

Principle of Development

The proposed employment generating use is considered to be compatible with the surrounding industrial area and acceptable within an area designated as an Employment Policy Area in compliance with policies CSP19, WCS4 and ED7.

Being a small scale facility which would be in an accessible location, expanding the network of waste management facilities, contributing towards the aim of sustainable waste management in line with the waste hierarchy and in serving a local catchment area and not undermining the provision of waste development on strategic sites, the proposal also complies with policies WCS1 and WCS4, and accords with planning policy statements in the NPPF, WMPE and NPPW.

However, the policy background also makes it clear that in considering planning applications for waste management facilities, waste planning authorities should consider the likely impact on the local environment and on residential amenity, in terms of visual intrusion, traffic and access, drainage and air emissions including dust, odours, noise and vibration.

Environmental and Amenity Impacts

In consideration of the scale and nature of the proposal (storage), the very limited operations (loading/unloading), location (industrial estate) and distance to the nearest residential property, no significant issues are anticipated in respect of visual intrusion, odour, dust, vibration or excessive noise. The Council's Regulatory Services as noted above has no objections.

The Environment Agency has commented that the applicant has registered a T9 exemption (recovery of scrap metal) which permits the operator to store or treat up to 1000 tonnes at any one time but does not permit the storage or treatment of end-of-life vehicles or components or the treatment of hazardous waste or the burning of waste. Although the applicant only expects a maximum of 120 tonnes annually and the quantity stored is determined to some extent by the limited size of the unit, it is considered that a condition should be applied on any grant of planning permission limiting the import of non-ferrous metals to the quantity proposed, for the avoidance of doubt, and to minimise potential impacts.

Yorkshire Water and the Council's Drainage Section have confirmed that the drainage details provided are sufficient.

In view of the above, it is considered that policies CSP40 and WCS6 and the relevant policy planning statements in the NPPF and NPPW, are satisfied in respect of environmental and amenity impacts.

Highway safety

The Council's Highways Section notes that Construction Way is a private road off Barkston Road which is an adopted highway. Barkston Road is heavily parked suggesting that there may be insufficient off-street parking in the area. However, the number of vehicular movements would be very small and despite some concerns, there are no objections subject to the imposition of conditions to mitigate the concerns.

It is considered therefore that as the proposed development would not create or significantly add to highway safety problems or the efficiency of the highway for other road users, policies CSP26 and WCS6, and the relevant planning policy statements in the NPPF and NPPW, are satisfied in respect of highway matters.

Conclusion

The proposed waste management facility complies with national and local policies and guidance and is in principle acceptable. It would subject to the imposition of planning conditions, have very little if any, additional adverse impact on local residents, particularly in respect of noise disturbance, visual intrusion and dust. The facility would be a useful addition to the existing waste management sites serving the local community.

Recommendation

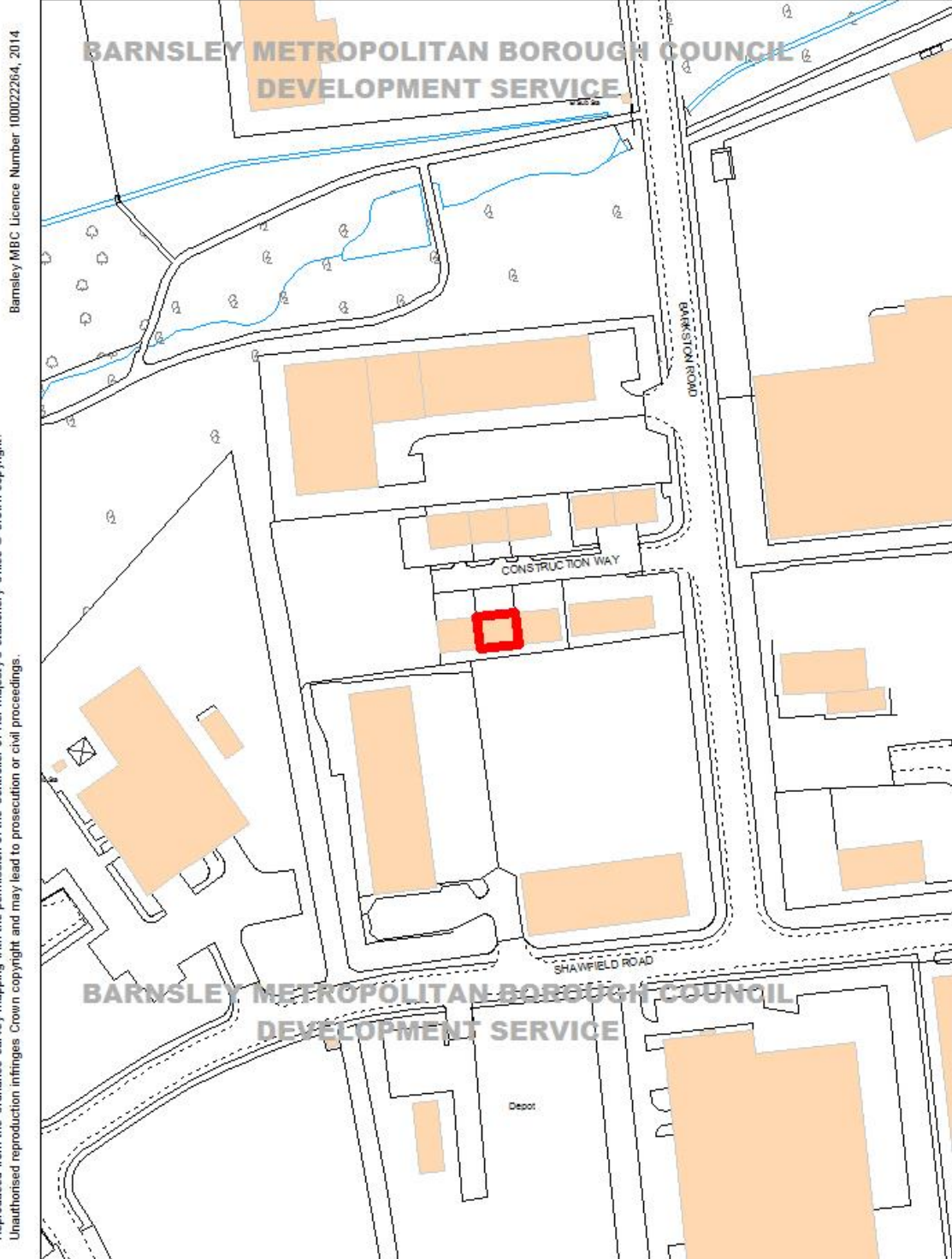
Grant subject to:-

- 1 The development hereby permitted shall be begun within 3 years from the date of this permission.
Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.
- 2 The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.
Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.

- 3 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) Untitled drawing at 1:500 scale showing the unit shaded pink;
 - b) Drawing titled 'Site Plan As Proposed', reference 03-145, numbered O4 and dated March 2004, showing the application site shaded pink; and
 - c) Document titled 'Unit 4 - Site Planning Statement'.
- Reason: For the avoidance of doubt.**
- 4 Working operations within the site including maintenance shall be limited to the hours between 10:00 hours and 17:00 hours on Monday to Friday and not at all on Saturdays, Sundays, Bank and Public Holidays.
- Reason: In the interests of local amenity and to accord with CS policy CSP40, JWP policies WCS4 and WCS6, and the relevant policy planning statements in the NPPF and the NPPW relating to the local environment and amenity.**
- 5 The maximum amount of non-ferrous waste metals accepted at the site for storage shall not exceed 120 tonnes per annum. A written record shall be kept by the operator of the quantity (in tonnes) of waste accepted at the site on a weekly basis. These records shall be made available to the WPA for inspection on request and all such records shall be retained for at least 24 months.
- Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers in accordance with CS policy CSP40, JWP policies WCS4 and WCS6, and the relevant planning policy statements in the NPPF and the NPPW relating to the local environment and amenity.**
- 6 The parking/manoeuvring facilities indicated on the approved plan shall be provided prior to the development being brought into use, and shall be retained for that sole purpose at all times.
- Reason: In the interests of road safety and to accord with CS policy CSP26, JWP policy WCS6 and the relevant planning policy statements in the NPPF and the NPPW relating to traffic and access.**
- 7 No display or storage of non-ferrous waste metals, materials, plant, machinery or equipment shall take place other than within the building on the site.
- Reason: In the interests of road safety and to accord with CS policy CSP26, JWP policy WCS6 and the relevant planning policy statements in the NPPF and the NPPW relating to traffic and access.**

PA reference :-

2014/1167



BARNESLEY MBC - Development Service

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Scale 1:1250

2013/1339

Mr Robert Lunn

Recovery of Red Shale and Ash with ancillary activity.

Carlton Colliery Site, Shaw Lane, Carlton, Barnsley, S71 3HJ

Background

Planning permission (reference 2007/1365) was granted on the 1 October 2008 for the 'Restoration of former colliery site by raising land using imported materials' for the former Carlton Colliery site off Shaw Lane, Carlton. The permission was renewed in July 2013 for a further 2 years (reference 2011/1248).

Two further temporary planning permissions were also granted for the site:

- 2009/0025 - Formation of storage area for up to 36 skips – approved but expired 4 June 2010; and
- 2009/1353 - Removal off site of red shale/ash heap – approved but expired 7 April 2011.

The previous owner of the site implemented the planning permissions and has imported construction and demolition waste, forming stockpiles at the southern end of the site. A bund was also formed along the northern boundary of the site to screen the development from the residential properties on Shaw Lane and to attenuate potential noise.

Operations since then carried out by the new owner have focussed on securing the site, setting up a site compound and processing the material imported to date.

Site Location and Description

The application site is the eastern and south eastern perimeter of the former Carlton Colliery and coking works site. The site which occupies some 1.96 hectares of the 8 hectare main site is located to the south of Shaw Lane adjacent to the Trans Pennine Trail and a railway line which form the eastern boundary and is effectively the phase 1 area of the reclamation scheme. To the west of the reclamation site lies the site of Manor Bakeries, while to the south is woodland and agricultural land. Agricultural land is also present to the north of Shaw Lane.

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

The nearest residential properties lie off Shaw Lane, approximately 80 metres to the east of the site access road, and 133 metres to the north of the main site. A small sewage works lies close to the residential properties.

The application site comprises essentially of a red shale tip in the north-west corner and an extensive area formerly used as railway sidings which has a surface layer of ash and ballast. There is also evidence of the remains of a 'coal carpet' within the sidings area.

A detailed site investigation covering the whole of the reclamation area undertaken in April 2006 revealed generally low level contamination.

Proposed Development

The applicant proposes to recover 16,000 tonnes of red shale which is of value as an aggregate, 32,000 tonnes of ash and ballast which can be used in the manufacture of concrete blocks and as an aggregate respectively, and coal through washing. The recovery of these assets from the application site would assist with the reclamation costs across the whole of the site.

Effectively, the proposal is a renewal/extension of the 2009 planning permission and would take approximately 12 months to complete.

The extraction of the red shale would be an above ground operation but the ash lies below ground to a depth of around 2m. On completion of extraction, it is intended that the sides of the ash extraction area would be graded to a slope of 1:3 and the floor graded out to an even level. However, the site would ultimately be treated in accordance with the reclamation scheme for the whole site.

The ash would be improved in quality and some coal recovered from it by washing. The coal content of the ash is estimated at between 10 – 12%. On the basis of 10% content, 3,200 tonnes of coal could be recovered.

Plant for washing would be installed in the south western corner of the application site and could also be utilised to improve the quality of the processed construction and demolition waste for use as a drainage material in the approved reclamation scheme. The barrel washer/scrubbing unit would incorporate a closed circuit water system and therefore lagoons would not be required. The washer which would be 2.5 x 11 x 5m high would be mounted on a trailer.

All surface vegetation would be cleared from the phase 1 reclamation area and the red shale tip excavated, loading directly onto road-going HGVs. All loaded vehicles leaving the site would travel through the existing wheel wash. The ash and ballast would then be excavated from north to south and transferred to the stockpile and washing area prior to screening and washing. Stockpiled washed ash and coal would then be transferred off site. The site would be progressively graded as the red shale and ash is removed. Should the reclamation scheme not proceed for any reason, it is intended that the graded surface would be seeded with an appropriate mix.

No additional transport impacts are anticipated since no increase is being sought to the limit of 20 HGVs entering the site per day as permitted by planning permission 2011/1248. HGVs bringing in reclamation materials will be used to transport the minerals off site. Due to the limited quantity of mineral material being removed however, on average only 9 loads would need to leave the site each day over the 12 month period.

The proposed hours of operation are 0800 to 1800 hours Monday to Friday, 0800 to 1300 hours Saturday and none on Sundays and Bank/Public Holidays.

The applicant has submitted a revised noise assessment for the reclamation site to cover the introduction of the washing facility. Crushing and screening on site are already permitted under planning permission 2011/1248. An approved dust action plan is also in operation.

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:

CSP3 – Sustainable Drainage Systems – all development will be expected to use sustainable drainage systems (SuDS).

CSP4 – Flood Risk – relates to not permitting new development where there would be an unacceptable risk of flooding.

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

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

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

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

Barnsley Unitary Development Plan adopted 2000 (UDP)

The site is currently allocated as a Site for Expansion of Existing Firm in the UDP. Relevant (saved) policies include:

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.

M9D – Plant and Ancillary Buildings – refers to conditions to be imposed to control the siting and appearance of any plant and buildings and that the life of such should be restricted to the life of the mineral working.

Barnsley Local Plan Consultation Draft 2014

This document has only recently gone out to public consultation and therefore has limited weight, However, it shows the land designated as urban fabric.

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 policies include:

- When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere;
- 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 authorities should address in this case are considered to be:

- noise associated with the operations;
- dust;
- visual impact on the local and wider landscape; and
- risk of contamination to land;

Consultations

Environment Agency - No objection subject to conditions and informatives.

Coal Authority - No objection subject to there being no impact on the mine entries on the site.

Yorkshire Water Services – No comments.

Network Rail – No objections.

BMBC Regulatory Services - No objections subject to conditions.

BMBC Drainage – No objections subject to conditions.

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

South Yorkshire Mining Advisory Service – No objections. Recommend a number of informatives on any grant of planning permission.

Representations

The proposal was advertised by way of a site notice, the local press and neighbour notification letters sent to a number of local residents and businesses. No representations have been received.

Assessment

Material Considerations

Principle of development
Environmental and amenity impacts
Other issues

Principle of Development

The proposal to recover 16,000 tonnes of red shale and 32,000 tonnes of ash and ballast, together with incidental coal from part of the former Carlton Colliery site, as part of a scheme to remediate derelict and contaminated land, is supported by policy CSP38 and planning policy statements in the NPPF.

The use of these mineral assets would:

- Assist in reducing the need for the primary extraction of mineral resources and should enable a marginally higher standard of restoration for the Carlton Colliery 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.

It is likely that the proposal if approved would in due course require amendments to planning permission 2011/1248 in respect of the timescale to carry out the reclamation scheme and in terms of the quantity of material required to be imported to achieve the approved restoration levels. However, it is considered that in view of the above, and particularly as the removal of the minerals would be of benefit to the reclamation scheme as a whole, the proposal is acceptable in principle.

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

Environmental and amenity impacts

Visual amenity

As noted, the nearest residential properties to the proposed operations are some 133m distant which in itself to some extent mitigates against adverse amenity impacts generally. The 'early' removal of the red shale heap would be an improvement in visual terms and the screen bund constructed along the northern boundary of the reclamation site would largely screen the potential adverse visual impact of the operations. Following interim restoration or full completion of the reclamation scheme, visual amenity would be much improved.

Highways

The impact of vehicular movements associated with the proposed development on residential amenity and the highway network is considered to be neutral since as outlined above, vehicles entering the Carlton Colliery site with materials for the reclamation scheme would be used to

transport the minerals off site. A planning condition can be applied to ensure that vehicular movements remain as approved under the reclamation planning permission. Other conditions as requested by the Council's Highways and Engineering Service covering vehicle wheel cleaning for example can be applied in the interests of highway safety.

Noise

The revised submitted noise assessment suggests that noise levels on weekdays would be within requirements. However, even with the northern boundary bund in place, sound levels experienced at the nearest residential properties, 101-110 Shaw Lane, would be subject to noise exceeding 10dB above background (the limit suggested by the NPPF) on a Saturday morning. The applicant proposes that no work should take place within 50m of the northern site boundary on such days. In view of the relatively short duration of operations (12 months), it is considered that this issue could be satisfactorily dealt with through the imposition of a condition on any grant of planning permission.

The Council's Regulatory Services has no objections subject to consideration of Saturday restrictions and the imposition of the noise conditions included in the reclamation planning permission.

Dust

The applicant has submitted the Dust Action Plan previously approved under planning permission 2011/1248. The only additional item of plant to be used on site would be the barrel washer/scrubbing unit which utilises a wet process. As such, it should not add to the dust generation potential of the reclamation site.

Regulatory Services are again satisfied that the potential dust impacts can be adequately controlled for the duration of the development through the adoption of the Dust Action Plan and the imposition of dust conditions included in the reclamation permission.

Drainage/Flood Risk

The Council's Drainage Engineer considers that the information submitted in respect of drainage/flood risk is acceptable subject to the imposition of conditions relating to surface water drainage.

Similarly, the Environment Agency requires a condition to be imposed requiring a scheme to be submitted and approved which improves the existing surface water disposal system.

Yorkshire Water has no comments in respect of site drainage.

Biodiversity

As the proposal site is part of the operational reclamation site, it is considered that there are no impacts in respect of biodiversity which have not been previously considered and addressed.

Contamination

The implementation of the proposal would improve the quality of the reclamation scheme as materials which would otherwise be regraded and encapsulated as part of the reclamation scheme would be removed off site for use and ultimately replaced by clean uncontaminated, materials (mainly clay soils).

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 CSP3, CSP4, CSP26, CSP39 and CSP40, the relevant policy planning statements in the NPPF and the NPPG.

Other issues

Working and Restoration

The applicant has submitted a comprehensive Planning Statement outlining the approved reclamation scheme for the whole site and operations associated with the recovery of the red shale and ash within phase 1. However, as the ultimate aim is to reclaim the site in accordance with the scheme approved under planning permission 2011/1248, a detailed scheme of restoration following the extraction of the minerals has not been submitted. In order to fully comply with policies M9B and M9C therefore and in order to ensure that a restoration scheme is submitted, approved and implemented for the mineral extraction area in the event of any failure to complete the overall reclamation scheme, it is considered that an appropriate condition is attached. Similarly, a condition is required to control the siting of the proposed barrel washer and to secure its removal on the completion of mineral extraction activities in accordance with policy M9D.

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. The site has two mine entries towards the south eastern corner of the site which are recorded as having been filled in 1971 but there is no record of them having been capped. The applicant is aware of the mine entries and intends to maintain a 10m buffer around them. This is acceptable to the Coal Authority subject to the mine entries being fenced off for the lifetime of the recovery operations. This can be conditioned on any grant of planning permission.

SYMAS recommend that the Coal Authority's standing advice be attached as an informative.

Railway

Network Rail is satisfied that the excavation of the ash deposits would not affect the integrity of the railway line to the east of the site and that there are no issues for the drainage of the railway.

Conclusion

The proposal complies with national and local policies and guidance and is in principle acceptable. It would, subject to the imposition of planning conditions, have very little if any additional adverse impact on local residents, particularly in respect of noise disturbance and dust, and vehicles using the site access off Shaw Lane, and would be of some benefit in terms of the overall reclamation scheme.

Recommendation

Grant subject to:-

- 1 The development hereby permitted shall have a maximum duration of 12 months from the date of this decision following which the removal of the permitted minerals shall cease.
Reason: The application is for a temporary period of approximately 12 months 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 Layout', numbered 10103/05E, dated 19 November 2013 submitted with an e-mail of 17 September 2014;
 - b. Drawing titled 'Topographical Survey (Corrected Levels)', numbered 10103/04, dated 30 April 2014;
 - c. Drawing titled 'Red Shale and Ash Extraction', numbered 10103//06, dated 30 April 2014; and
 - d. Document titled 'Planning Application to Recover Red Shale and Ash with Ancillary Activities Including the use of a Barrel Washer to Recover Coal at the Former Carlton Colliery Site, Shaw Lane, Carlton, Barnsley S71 3HJ', dated May 2014 as amended, including the attached Dust Action Plan (Revision A- April 2009) and Revised Noise Impact Assessment (4 March 2014 revision), submitted with an e-mail of 20 May 2014.
- Reason: For the avoidance of doubt and in the interests of local amenity consistent with CS policy CSP40, UDP policies M9C and M9D 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 Working operations within the site including vehicle haulage movements and maintenance shall be limited to the hours between 0800 hours and 1800 hours on Monday to Friday and 0800 hours and 1300 hours on Saturdays, and not at all on Sundays, Bank and Public Holidays.
- Reason: In the interests of local amenity.**
- 5 The quantity of red shale and ash/ballast to be recovered shall not exceed 16,000 tonnes and 32,000 tonnes respectively. No red shale shall be extracted below existing ground levels. Extraction of ash/ballast shall be limited to a maximum of 2.5m below existing ground levels. A written record shall be kept by the operator of the quantity of red shale and ash/ballast extracted in tonnes 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.**
- 6 The number of HGV vehicular movements associated with the development shall not exceed 24 per day (12 in 12 out). These vehicular movements shall be included in the number permitted by condition 7 of planning permission 2011/1248. 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.**

- 7 On-site vehicular areas shall be hard surfaced and drained in accordance with approved plan 2007/1365 - 04 under planning permission 2011/1248 and retained for the duration of the development.
Reason: To prevent mud/debris from being deposited on the public highway in the interests of highway safety and to accord with CS policies CSP26 and CSP40.
- 8 The parking and manoeuvring facilities and passing bay shown on the approved plan 2007/1365/01 RevA - Remediation Strategy - Site Office and Parking Locations and Pass-by Positions under planning permission 2011/1248, shall be retained for that sole purpose at all times.
Reason: In the interests of highway safety and to accord with CS policies CSP26 and CSP40.
- 9 Vehicle wheel cleaning facilities as specified on drawing number 2007/1365/03 approved under planning permission 2007/1365 shall be provided and maintained in the approved position for the duration of the development and shall be used by all vehicles prior to exiting the site. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.
Reason: In the interests of highway safety and to accord with CS policies CSP26 and CSP40.
- 10 All operations on site shall be carried out in complete accordance with the approved Dust Action Plan, November 2008, Revision A - April 2009. When, due to site conditions the prevention of undue dust impact is considered to be impracticable by the MPA, operations shall cease until such time as conditions improve such as to permit a resumption.
Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 11 Any equipment used to monitor dust shall be installed, used and maintained for the duration of the development. Dust monitoring and meteorology records shall be made available to the MPA for inspection on request.
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.
- 12 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 red shale and ash/ballast leaving the site shall be securely sheeted;
 - c) The effective maintenance of the access road;
 - d) The enforcement of a speed restriction of 15 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.**

- 13 Operations associated with the development, excluding any topsoil and subsoil stripping, shall be controlled such that the free field equivalent continuous noise level (L_{Aeq}, 1hr) shall not exceed 55dB(A) or 10dB(A) (L_{Aeq}, 1hr) above the background noise levels whichever is lower, as recorded at the boundary of any inhabited property.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 14 Any topsoil and subsoil stripping shall not exceed 70dB(A) (L_{Aeq} 1hr) as recorded at the boundary of any inhabited property, and be limited to a period not exceeding 8 weeks at any property.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 15 All vehicles used on site shall not exceed a sound pressure level of 80dB(A) as measured at a distance of 10 metres, 1.2 metres above ground level, under free field conditions or comply with the standards in BS 5228 Noise on Construction and Open Sites Part 1 1984, whichever level is lower.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 16 The monitoring of mobile plant shall be undertaken in accordance with the approved scheme, number SCH09.5921/1/TJW prepared by Vibrock Limited for planning permission reference 2011/1248. Any mobile plant that does not meet with the specified noise limit shall be suspended from use on site until the specified noise limit can be shown to be achieved.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 17 All mobile plant shall be fitted with white noise vehicle reversing alarms.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 18 No operations shall be carried out within 50m of the northern site boundary as shown on the approved plan number 10103/05E during the approved Saturday morning operating hours.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and the relevant planning policy statements in the NPPF.
- 19 No development shall commence unless and until surface water drainage details have been submitted to, and approved in writing by, the MPA. Thereafter, the development shall be carried out in accordance with the approved details.
Reason: To ensure the proper drainage of the area and to accord with CS policies CSP3, CSP4 and CSP40 and the relevant planning policy statements in the NPPF.
- 20 No development shall commence until a scheme for the provision and implementation of a surface water run-off limitation has been submitted to, and approved in writing by, the MPA. Thereafter, the scheme shall be implemented and maintained in accordance with the approved programme and details.
To prevent any increased risk of flooding and to accord with CS policies CSP3, CSP4 and CSP40 and the relevant planning policy statements in the NPPF.
- 21 Each of the mine entries shown on the approved plan, drawing number 10103/05E, dated 19 November 2013, shall be provided with a 10m radius buffer zone, demarcated with temporary fencing which shall be maintained for the duration of the mineral recovery operations.
Reason: In the interests of safe working.

22 Plant for ash washing and the recovery of coal shall only be sited in the south west corner of the application site as shown on the approved plan number 10103/05E, and shall be as specified in the approved document listed under condition 2(d) above. All such plant shall be removed from the site within 3 months of the cessation of mineral working or the expiry date of the planning permission whichever is the sooner.

Reason: In the interests of visual amenity and to accord with UDP policy M9D.

23 Following the removal of the red shale/ash heap in accordance with this permission, the restoration of the site shall be carried out in accordance with the approved documents and plans, and timescale under planning permission reference 2011/1248 granted on the 25 July 2013 or as may be subsequently amended.

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.

24 In the event of any failure to achieve the restoration levels approved under planning permission 2011/1248 or as subsequently amended, then within 3 months of the date of expiry of that permission or amended 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:

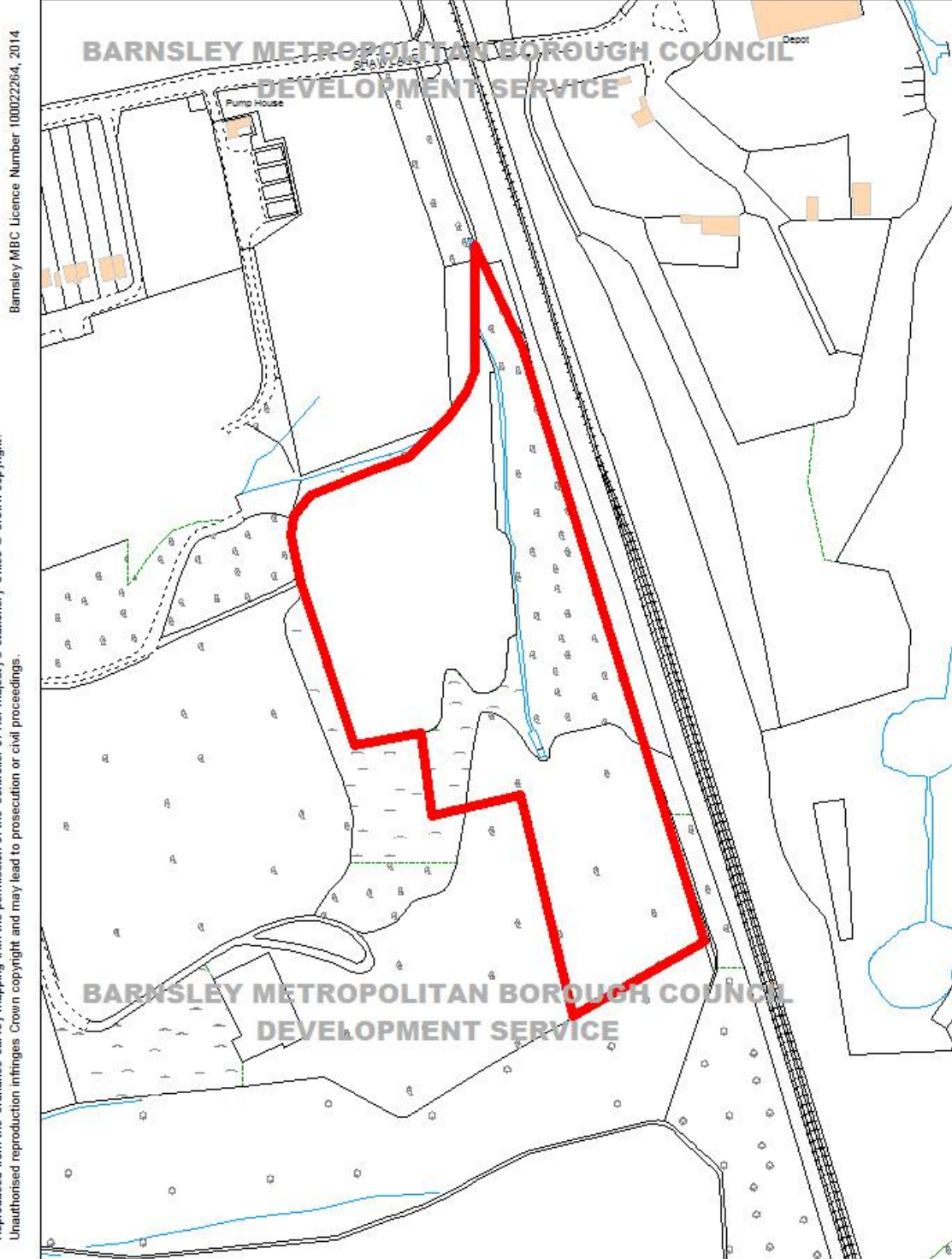
- a) Details of final levels;
- b) Surface treatment;
- c) Drainage;
- d) Landscaping including maintenance;
- e) Aftercare for a period of 5 years; and
- f) The timescale for implementation.

Once approved, 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.

PA reference :-

2013/1339



BARNESLEY MBC - Development Service

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Scale 1:2500

2013/0547

Aluminium Recycling (UK) Ltd

Demolition of existing industrial buildings and erection of portal framed industrial unit for use of aluminium scrap metal storage.

Boulder Bridge Lane, off Shaw Lane, Carlton, Barnsley, S71 3HJ

Site Location and Description

The site lies at the south eastern corner of an aluminium recycling yard (3.24 hectares) operated by Aluminium Recycling (UK) Ltd, off Boulder Bridge Lane, Carlton. The yard lies in a central position within an extensive area (to the north and south) occupied by a range of waste management facilities, to the north of Shaw Lane. In contrast, to the west and east lies agricultural land.

The nearest residential properties are some 200m away to the south east off Shaw Lane.

The yard, which is surfaced with concrete, comprises of mainly open storage and plant/equipment although there are a number of industrial buildings along the eastern boundary adjacent to Boulder Bridge Lane. In particular, and immediately adjacent to the application site, is a portal framed unit granted planning permission in 2010.

Aluminium Recycling (UK) Ltd is one of the largest processors of aluminium scrap in the UK. Works carried out on the site include processing, baling, shearing, shredding and granulating of scrap metal for re-use.

Past History

Previous applications of relevance to this scheme are as follows:

- 2012/0837 - Demolition of existing industrial buildings and erection of portal framed industrial unit for use of aluminium scrap metal storage – Withdrawn
- 2010/0543 - Erection of an aluminium baling workshop (2007/0852 Extension of time limit) – Approved
- 2007/0852 - Erection of an aluminium baling workshop - Approved

Proposed Development

The company is seeking to erect an additional industrial unit at the site to improve efficiency and to allow working in all weathers by taking existing operations and temporary storage under cover. The building would be almost identical to the adjacent unit approved in 2010, but would be 1m higher to the eaves and ridge due to the need to facilitate new machinery. An existing, much smaller, semi-derelict industrial building would be demolished to accommodate the proposed new unit, together with a very small more modern building.

The proposed industrial unit would be 33 x 65 x 13m high to the ridge (10m high to the eaves), and would comprise of red brick and sheet metal cladding with roof lights, and metal security roller shutter door and painted metal pedestrian security doors to match the adjacent building.

It is anticipated that the proposal would result in an additional staff requirement of up to 5 personnel and would generate an increase in traffic of approximately 20% (4 cars/vans and 2 lorries per day).

In addition to planning consent, the site would be controlled through an Environment Agency Environmental Permit.

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 the Joint Waste Plan and saved Unitary Development Plan policies.

Barnsley Local Development Framework Adopted Core Strategy (CS)

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

CSP3 – Sustainable Drainage Systems – all development will be expected to use sustainable drainage systems (SuDS).

CSP19 – Protecting Existing Employment Land – refers to existing employment land, or land last used for employment purposes will be retained in order to safeguard existing or potential jobs.

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

CSP29 – Design - states that high quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley, including:

- Topography, important habitats, woodlands and other natural features;
- Views and vistas to key buildings, landmarks, skylines and gateways; and
- Heritage, townscape and landscape character including the scale, layout, building styles and materials of the built form.

The policy is aimed at ensuring that development is appropriate to its context.

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

Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP)

Relevant policies in respect of this application are:

WCS1 – refers to the overall strategy and states that provision will be made to maintain, improve and expand the network of waste management facilities to achieve sustainable waste management across all waste streams. Whilst existing strategic facilities are safeguarded and three sites allocated for new strategic facilities, new or replacement smaller-scale facilities (to deal with municipal, commercial and industrial waste) will be supported where these are required to serve local catchment areas and communities. Waste proposals will be directed towards accessible locations with good transport links, particularly in and around urban areas.

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

Barnsley Unitary Development Plan adopted 2000 (UDP)

The site is located within a Site for Dismantling Activities. Relevant (saved) policies include:

ED7 – states that areas defined as Employment Policy Areas will remain in employment use. Development will normally be permitted for business, industry and storage and distribution. Other employment generating uses may also be permitted if they are compatible with adjoining uses.

ED10 – refers to the expansion of existing firms will normally be permitted subject to satisfactory standards of design, the amenity of neighbouring uses, and adequate car parking, loading and vehicle manoeuvring facilities.

BA8 – states that land at Boulder Bridge Lane is allocated for dismantling uses and that the Council will continue to pursue environmental controls and improvements where the opportunities arise.

Barnsley Local Plan Consultation Draft 2014

This document has only recently gone out to public consultation and therefore has limited weight, However, it shows the land designated as urban fabric.

National Planning Policy Framework (NPPF)

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

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

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

- Building a strong, competitive economy.
- Requiring good design.
- Promoting sustainable transport
- Conserving and enhancing the natural environment.

Waste Management Plan for England (WMPE) December 2013

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

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

The NPPW sets out the Government's ambition to work towards a more sustainable and efficient approach to resource use and management, and detailed waste planning policies. Positive planning plays a pivotal role by amongst other things, driving waste management up the waste hierarchy, enabling waste to be disposed of or recovered in line with the proximity principle and

helping to secure the re-use, recovery or disposal of waste without endangering human health and the environment.

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

Consultations

Environment Agency – No objections subject to the imposition of a condition.

Yorkshire Water Services Ltd – No objections subject to conditions.

South Yorkshire Mining Advisory Service – No comments.

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

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

BMBC Regulatory Services – No comments.

Representations

The proposal has been advertised as a major application on site and in the local press.

No representations have been received.

Assessment

Material Considerations

Principle of development

Design, environmental and amenity impacts

Highway safety

Principle of Development

The proposed employment generating industrial unit, which would be used for storage and operations currently undertaken outside associated with the aluminium recycling business, is considered to be acceptable within an employment policy area specifically allocated for dismantling uses. The proposal complies with policies CSP19, ED7 and BA8.

Being an improvement to a facility in an accessible location, contributing towards the aim of sustainable waste management in line with the waste hierarchy and in serving a local catchment area and not undermining the provision of waste development on strategic sites, the proposal also complies with policy WCS1 and accords with planning policy statements in the NPPF, WMPE and NPPW.

However, the policy background also makes it clear that in considering planning applications for waste management facilities, waste planning authorities should consider design and the likely impact on the local environment, the amenity of neighbouring uses and residential amenity, in terms of visual intrusion, traffic, parking and access, drainage and air emissions including dust, odours, noise and vibration.

Design, Environmental and Amenity Impacts

As noted above, the proposed industrial unit would be almost identical to the existing adjacent industrial unit in terms of form, dimensions and materials/colour and would be sympathetic in terms of materials/colour to the majority of the other buildings on site. It would be appropriate to its context, and would replace two buildings of a non-compatible design and in so doing would improve the character and appearance of the industrial area. The proposal is considered therefore to comply with policies CSP29 and ED10 (in respect of design) and the planning policy statements in the NPPF relating to requiring good design.

In consideration of the nature of the proposal (largely temporary storage), operations (occasional granulating, loading and unloading), location (employment/dismantling area) and siting within the area (central position), and distance to the nearest residential properties (200 metres), no significant issues are anticipated in respect of visual intrusion, odour, dust, vibration or excessive noise. Whilst a representation on a previous (withdrawn) application raised potential issues in respect of noise and vibration impacting adversely on the occupiers of an office building within the grounds of an adjacent waste management site to the south, no representations have been received in respect of this application. Furthermore, the proposal should only improve matters from a visual and noise perspective, since operations which were previously carried out either in the open or the existing older buildings which are to be demolished would be moved into a modern building. The Council's Regulatory Services as noted above has no adverse comments.

The Environment Agency has commented that the site has an Environmental Permit and that the proposed building would be beneficial to site operations. However, the Environment Agency, Yorkshire Water and the Council's Drainage Section all require details of foul and surface water drainage to be submitted and approved. This can be conditioned on any grant of planning permission.

In view of the above, policies CSP40, WCS6 and ED10 and the relevant policy planning statements in the NPPF and NPPW, are satisfied in respect of the potential environmental and amenity impacts.

Highway Safety

The Council's Highways Section notes that the site has historically operated without any known issues with regard to the free and safe flow of traffic on the highway network. Whilst the level of proposed parking within the site does not provide adequately for the potential level of activity for B2/B8 use (general industry/storage or distribution), the use of the site is regarded as sui generis. As such, there is no substantive objection subject to the imposition of conditions.

It is considered therefore that as the proposed development would not create or significantly add to highway safety problems or the efficiency of the highway for other road users, policies CSP26 and WCS6, and the relevant planning policy statements in the NPPF and NPPW, are satisfied in respect of highway matters.

Conclusion

The proposed waste management facility complies with national and local policies and guidance and is in principle acceptable. Subject to the imposition of planning conditions, it would be unlikely to have any adverse impact on local residents or adjacent businesses, and may well improve the current situation. The facility would be a useful improvement to the existing waste management site serving the local community.

Recommendation

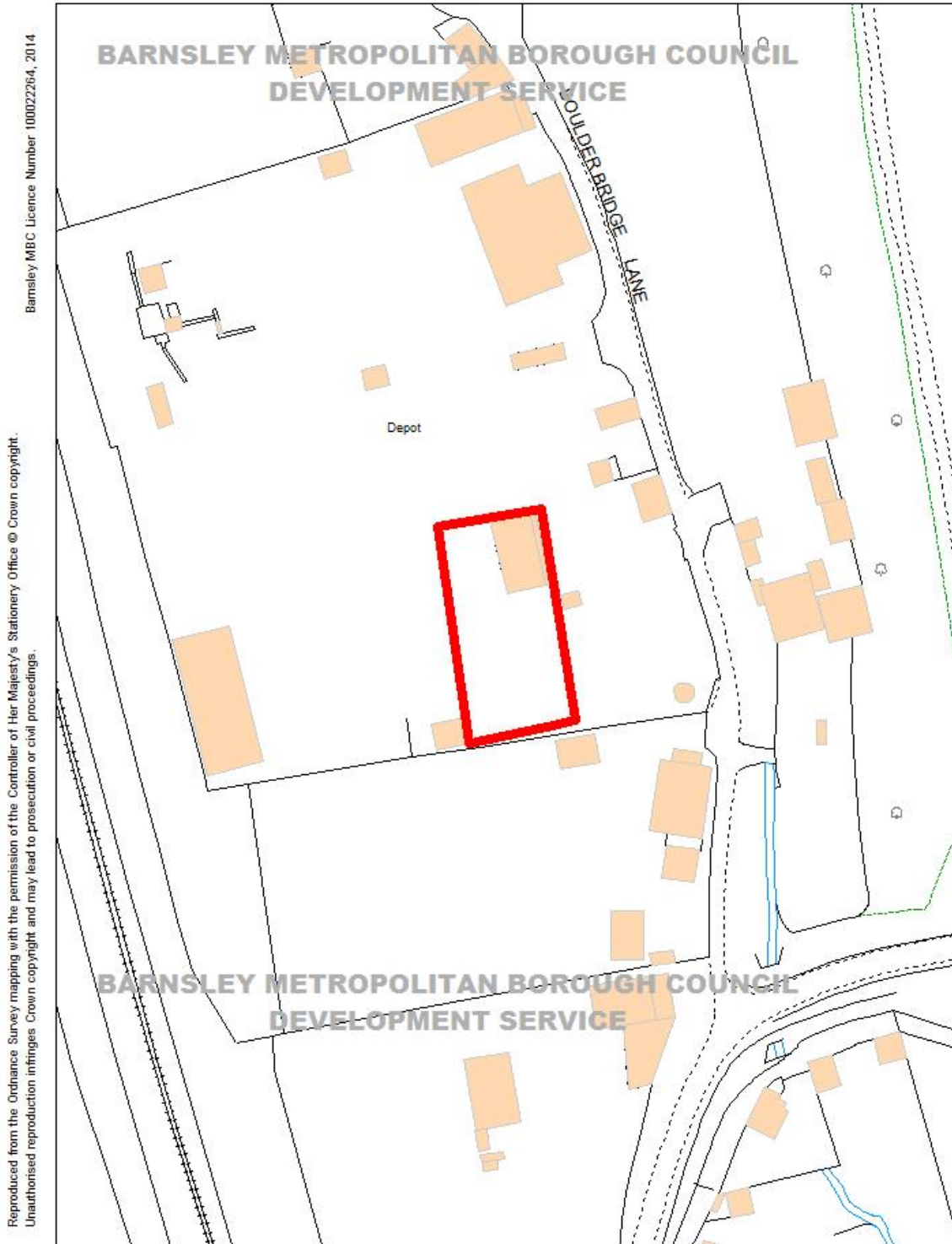
Grant subject to:-

- 1 The development hereby permitted shall be begun within 3 years from the date of this permission.
Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.
- 2 The Waste Planning Authority (WPA) shall be notified in writing of the date of commencement at least 7 days, but not more than 14 days, prior to the commencement of the development.
Reason: To enable the WPA to monitor compliance with the conditions of the planning permission.
- 3 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 'Existing Location and Site Plan', numbered EX-01, project 12/199 and dated May 2012;
 - b) Drawing titled 'Proposed Floor Plan', numbered PR-02, project 12/199 and dated May 2012;
 - c) Drawing titled 'Proposed Elevations', numbered PR-03, project 12/199 and dated May 2012;
 - d) Drawing titled 'Proposed Elevations', numbered PR-04, project 12/199 and dated May 2012;
 - e) Drawing titled 'Proposed Site Plan', numbered PL-10 Rev A, project 14/278 and dated August 2014; and
 - f) Design and Access Statement for Proposed Industrial Unit, Aluminium Recycling (UK) Ltd.**Reason: For the avoidance of doubt and in accordance with CSP 29 Design.**
- 4 The external materials of the proposed industrial unit shall match those used in the existing adjacent building granted under planning permission reference 2010/0543.
Reason: In the interests of the visual amenities of the locality and in accordance with CS policy CSP29 and the relevant planning policy statements in the NPPF relating to requiring good design.
- 5 No development shall commence until details of the proposed means of disposal of foul and surface water drainage, including details of any balancing works and off-site works, have been submitted to, and approved in writing by, the Waste Planning Authority. Thereafter, the drainage of the site shall be implemented in accordance with the approved details. The site shall be developed with separate systems of drainage for foul and surface water on and off site.
Reason: In the interests of the proper drainage of the development and to comply with CS policies CSP3 and CSP40, JWP policy WCS6 and the relevant planning policy statements in the NPPF and NPPW.
- 6 There shall be no piped discharge of surface water from the development prior to the completion of the approved surface water drainage works and the building shall not be occupied or brought into use prior to completion of the approved foul drainage works.
Reason: To ensure that no foul or surface water discharges take place until proper provision has been made for their disposal.

- 7 The parking/manoeuvring facilities indicated on the approved plan shall be surfaced and drained in an approved manner and provided prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interests of road safety and to accord with CS policy CSP26, JWP policy WCS6 and the relevant planning policy statements in the NPPF and the NPPW relating to traffic and access.
- 8 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to be discharged onto the public highway.
Reason: In the interest of road safety and to accord with CS policy CSP26, JWP policy WCS6 and the relevant planning policy statements in the NPPF and the NPPW relating to traffic and access.
- 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 Waste Planning Authority. The approved statement shall be adhered to throughout the construction period and 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;
 - e) Measures to prevent mud/debris being deposited on the public highway.
- Reason: In the interests of highway safety and to accord with CS policy CSP26, JWP policy WCS6 and the relevant planning policy statements in the NPPF and the NPPW relating to traffic and access.**


PA reference :-

2013/0547



BARNESLEY MBC - Development Service

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


Scale 1:1250

2014/1029

Mr Alan Senior

Raising height of existing bungalow to create first floor accommodation including first floor balcony.
(Resubmission)

Hillcrest, Chapel Lane, Green Moor, Sheffield, S35 7DX

Councillor Barnard requested that this application is referred to the Planning Board
Hunshelf Parish Council object
4 objections received

Planning History

2013/1288 – Erection of detached single storey annex building to bungalow – Approved with a condition which states:-

The annex shall be ancillary to Hill Crest and shall not be used as a separate dwelling at any time.

Reason: To protect the residential amenity of adjacent dwellings in accordance with the SPD House Extensions.

2014/0743 - Raising height of existing bungalow to create first floor accommodation including first floor balcony – withdrawn by the applicant

Description

The application relates to a detached bungalow with integral garage, fronting onto Chapel Lane. The property is located within a predominantly residential area which consists of a number of individually designed detached two storey houses and bungalows. Adjacent to Chapel Lane is a small cul-de-sac of bungalows known as Delph Edge.

To the front of the property there is a large area of hardstanding, and to the side is a separate driveway leading to the detached single storey annex approved under application 2013/1288. The garden backs onto an open agricultural fields to the west.

The closest neighbours to the applicant's property is Coldra, a bungalow built on a lower level to the north and Willows a detached bungalow set at a higher level to the south. Coldra has a detached flat roofed garage set along the boundary.

Proposed Development

The proposal is to increase the height of the roof to provide additional living accommodation in the roof space comprising a bedroom, living room, bathroom and a balcony. The existing bungalow measures approximately 4.5m in height (when measured from the front elevation) and the proposal shows a height of approximately 6.2m. The overall height of the roof would increase by 1.7m.

The front is proposed with 5 rooflights, and to the rear 2 rooflights and 2 gable projecting elements, which are glazed with French doors. The French doors are to open onto a balcony which is provided with a glazed balustrade. The external materials to be used are proposed to match the existing dwelling.

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.

Core Strategy

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

Barnsley Local Plan Consultation Draft 2014

This document has only recently gone out to public consultation and therefore has limited weight, However, it shows the land designated as urban fabric.

SPDs/SPGs

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

1. be of a scale and design which harmonises with the existing building
2. not adversely affect the amenity of neighbouring properties
3. maintain the character of the street scene and
4. not interfere with highway safety.

NPPF

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

In respect of this application, the policies outlined above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Consultations

Hunshelf Parish Council –

'The Hunshelf Parish Council wishes to object most strongly to the proposed development on the grounds that:-

- The site would be over developed. Permission has already been granted for an extra dwelling on this site. Regrettably the plans for this application do not show this previous permission
- The proposed development would be out of keeping with the rest of the buildings on this lane. The other properties are all bungalows in keeping with the original application for the development on Chapel Lane
- The proposed outline of the building would impose on the skyline of the village as seen from across the fields.
- Previous enquiries and applications have been informed that raising roof levels on this row of properties would not be permitted. For consistent decision making, this application should also be refused'

Representations

Neighbour notification letters were sent to neighbouring properties.

Four letters of objection were initially received from residents which raised the following:-

- Overdevelopment of plot
- Other residents have been told by the planning department that developing the roofspaces of homes in Green Moor neighbourhood was out of character and was not allowed.
- Applications have been refused for minor extensions to properties which involve changes to the roof lines in Green Moor
- Impact on the visual amenity of the street scene and the road
- The front upstairs would overlook properties on Delph Edge
- The location plan does not show the annex
- Dormer style property would be out of keeping with the single storey bungalows

A second consultation exercise was undertaken following the submission of a further plan showing the levels and a cross section drawing/elevation, in order to show the impact of the proposal on the neighbouring dwellings and the street scene. This resulted in three further letters from three of the previous objectors which are a repeat of the previous concerns. However, one objector raised the additional concern that the extension would allow for overlooking over Coldra's Garden.

Assessment

Principle of Development

Extensions to residential properties are considered acceptable where they do not have a detrimental impact on the amenity of surrounding residents, visual amenity and on highway safety.

Supplementary Planning Document – House Extensions sets out the principles that apply to the consideration of planning applications for house extensions. There is no specific guidance for the raising of the roofs of dwellings to provide additional accommodation. However specific guidance is given for raised platforms such as balconies which will be assessed below.

Visual Amenity

The main issue raised by objectors and the Parish Council are concerns with regard to the visual impact of the raising of the roof, and that the proposal would not be in keeping with the street scene of existing bungalows.

The proposed 1.7m increase in roof height is modest in relation to the size of the bungalow (which measures approx 4.5m in height) and since the bungalow lies on a slope and at a lower level than The Willows, which then steps down to the annex and Coldra, it is not considered that it would lead to a dwelling significantly out of scale with the surrounding dwellings as shown on the submitted cross section drawing.

The velux windows to the front elevation are modest in size and are appropriate. The rear elevation, which is not seen from the street, appears to have a more modern appearance with two gable projecting elements with French doors, leading to a glazed balcony. There are no objections to this design as it adds interest to the rear elevation, whilst keeping the front elevation modest and in keeping with the surrounding dwellings.

It is not considered that the proposal would appear as a two storey dwelling when viewed from the highway due to the modest increase in height, the velux windows in the front elevation and the differences in levels between properties. The dwelling would still have the appearance of a bungalow, but with rooms within the roof space. On balance, the proposal is considered to comply with Core Strategy Policy CSP29 'Design' and the SPD House Extensions.

Residential Amenity

Objections have been received with regard to the overlooking impact from the balcony and new windows to the front.

The SPD House Extensions states that in terms of balconies:- *'Raised decking and platforms can often give rise to increased overlooking of neighbouring dwellings and particularly their gardens. In view of this, decking and raised platforms will only be allowed where the privacy of neighbouring residents is not detrimentally affected by significantly increased overlooking (e.g. where the decking is located away from the boundary and where there is sufficient permanent screening, such as a high boundary wall or an outbuilding in an adjacent garden).*

In some circumstances, to reduce overlooking, it may be possible to include screening such as fencing with an application for decking or a raised platform but any screening should not result in significant overshadowing or loss of outlook from neighbouring dwellings or have a detrimental impact on visual amenity or the character of the dwelling.'

The proposed balcony is set approximately 12m from the side boundary of The Willows and approximately 8m from the boundary with Coldra. The nearest property Coldra, will not be significantly affected by the balcony as the existing annex building would screen any direct views of the garden. The side facing The Willows is provided with a 1.8m high obscurely glazed screen which would prevent any overlooking of the private garden to this dwelling. The rear of the applicant's dwelling faces onto open countryside and there are no properties which could be overlooked by the rear balcony or the new windows.

Objectors were also concerned about loss of privacy to number 2 Delph Edge from the new windows to the front elevation. The South Yorkshire Residential Design Guide states that for the purposes of privacy and avoiding an overbearing relationship between buildings, the minimum dimension between habitable rooms should be 21m. Number 2 Delph Edge, is situated some 35m away from the new front first floor windows. In addition, the windows are set 15m away from the

rear portion of the objector's garden area, which is screened by planting along the boundaries, therefore there would be no direct overlooking of the private amenity areas.

In terms of overshadowing and overbearing impact, the apex of the roof on this bungalow will be increased by 1.7m and lies to the south west of Coldra and to the north east of The Willows, and is set in a line of properties which runs almost parallel to Chapel Lane. Due to the path of the sun, and the distance between this detached bungalow and these properties, the dwelling lies a sufficient distance away from neighbouring properties that they will not be overshadowed by a significant degree.

The proposal is considered to be acceptable in terms of impact upon adjacent residents and is in compliance with the guidance set in the SPD House Extensions.

Other matters

In addition to the points raised by objectors which have been addressed above, objectors raised concerns relating to the following:

- *The plans are misleading as the existing annex is not shown on the plans – the annex was not shown on the original submitted site plan, however this building is now complete and can be seen on the site. An additional cross section plan has been submitted and shows the annex in relation to the existing dwellings.*
- *The annex is being used as a separate dwelling and there are concerns with regard to the possibility that should the application be approved, that the dwelling could be split into two, resulting in three dwellings on site. – The agent for the application has stated that the annex has been let out whilst the main dwelling is not occupied, and due to security reasons. The applicant has been made aware that the annex should not be occupied separately to the main dwelling and has stated that this use will now cease (an informative is recommended to be imposed on any permission to remind the applicant of this requirement). The concerns raised that the existing dwelling could be separated into two units is not a material consideration as this change would require a separate planning permission.*
- *Other residents have been told by the planning department that developing the roofspaces of homes in Green Moor neighbourhood was out of character and was not allowed. Applications have been refused for minor extensions to properties which involve changes to the roof lines in Green Moor. A search of recent planning applications and enquires show no applications or enquiries within the area that have been refused for alterations to roofs within the past 30 years.*

Taking all the above into account it is considered that the proposal accords with the relevant Core Strategy policies and guidance and would not have a significant impact upon visual amenity or the amenity of adjacent residents in accordance with Policy CSP 29 of the Core Strategy and the SPD House Extensions.

Recommendation

Grant subject to:-

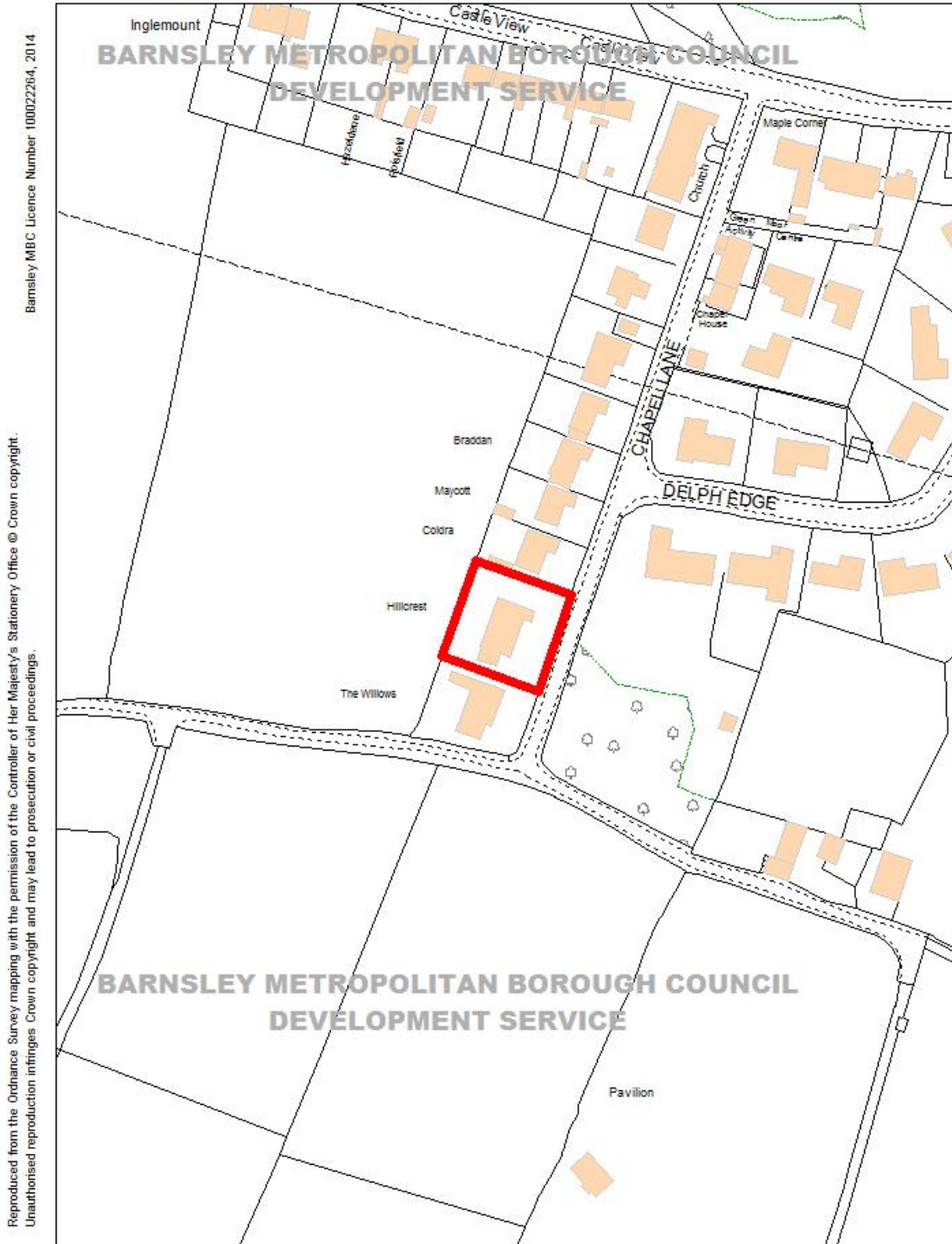
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos A1, A2, A3, A4, S1) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The external materials shall match those used in the existing building.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 The proposed 1.8m high obscurely glazed screen on the southern side of the balcony shall be erected prior to use of the balcony and shall be retained as such thereafter.
Reason: In the interests of neighbouring amenities and design in accordance with CSP29.

PA reference :-

2014/1029



BARNESLEY MBC - Development Service

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


Scale 1:1250

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

1st November 2014 to 30th November 2014

APPEALS RECEIVED

The following appeals have been received during this month

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/Delegated</u>
2014/0335	Erection of first floor and second floor side extensions to dwelling 18 Hall Close, Worsbrough Village, Barnsley	Written Representations	Delegated

APPEALS WITHDRAWN

1 appeal was withdrawn in the month of November 2014.

APPEALS DECIDED

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/Delegated</u>
None				

14 Appeals decided since April 2014

2 Appeals allowed since April 2014

86% of all appeals dismissed since April 2014