

Report Precis

Report of the Interim Head of Planning to the Planning Regulatory Board

Date: 17/02/2015

Subject

Applications under Town and Country Planning Legislation.

Purpose of Report

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

Access for the Disabled Implications

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

Financial Implications

None

Crime and Disorder Implications

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

Human Rights Act

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

Representations

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

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

Recommendation(s)

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

Background Papers

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

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2014/1442 Approval

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Erection of 3 no. wind turbines with associated infrastructure including access tracks, control building, underground cabling and temporary construction compound.

Land at Spicer Hill, Whitley Road, Whitley Common, Ingbirchworth, Sheffield, S36 9PA

2014/0754 Approval

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Residential development of 67no. dwellings and associated infrastructure.

Land at Church Lane, Hoylandswaine, Barnsley

2013/0960 Approval

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Residential development of 58 dwellings with associated garages/parking spaces, roads and sewers.

Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 2TF

2014/1232 Approval

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Demolition of existing built development and construction of retail units and erection of residential development of up to 35 no. dwellings (Outline - All Matters Reserved)

Former Foulstone School, Nanny Marr Road, Darfield, Barnsley, S73 9AB

2014/1285 Approval

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Change of use from retail (A1) to dog grooming parlour.

10 Market Street, Penistone, Barnsley, S36 6BZ

2014/1219 Approval

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Erection of 97 no. dwellings with garages including parking spaces together with the provision of associated roads, sewers and infrastructure.

Land at Ellwood, Off Wilson Grove, Lundwood, Barnsley, S71 5JF

2014/1516 Approval**Page 112**

Replacement and upgrade of A61 Birdwell Roundabout, realignment and upgrade of links to the A61 Sheffield Road and to Junction 36 of the M1, construction of a new balancing pond, to create a new roundabout junction to the east side of Birdwell Roundabout, carriageway re-alignment and tie-in to the A6135 Sheffield Road, construction of a new section of carriageway linking northwards, the creation of a second new roundabout junction connecting to Rockingham Roundabout, inclusion of new spurs at Roundabout 1 and Roundabout 2 to facilitate links for future development and the creation of an additional slip road exit lane off the M1 at Junction 36.

Birdwell and Rockingham Roundabouts A6195, Dearne Valley Parkway, Birdwell, Barnsley

2014/1286 Approval**Page 125**

Change of use of land to a private single family gypsy/traveller site including the siting of caravans, a utility block and formation of hard standing (Retrospective) Land off Engine Lane, Ferrymore Way, Grimethorpe, Barnsley, S72 7BN

2015/0040 Approval**Page 133**

Change of use from shop (A1) and Beauty/tanning salon to dwelling houses (C3) including window and door alterations and external finishes, hardstanding and boundary works.

40 Derwent Road, Athersley South, Barnsley, S71 3QT

2014/1442

Mr Jeff Pears

Erection of 3 no. wind turbines with associated infrastructure including access tracks, control building, underground cabling and temporary construction compound.

Land at Spicer Hill, Whitley Road, Whitley Common, Ingbirchworth, Sheffield, S36 9PA

7 individual letters of objection

Objection from Councillor Barnard

Letter from Angel Smith MP enclosing a constituent's objection letter

Site Location and Description

The application site of 5.3 hectares is located at Spicer Hill between Whitley Road and Spicer House Lane and 1.5km to the north east of Crow Edge. The site is characteristic of, and is situated within, upland farmland between the Peak District National Park to the south and the settlement/urban fringe areas of Barnsley and Huddersfield. The major settlements of Penistone and Holmfirth lie to the south-east and north-west respectively.

The site occupies a locally prominent ridge of high ground with the land dropping steeply away to the Upper Don Valley to the south and west. Currently occupying this ridge is Blackstone Edge windfarm comprising 3 turbines each 101m to blade tip (7.5 MW), three 93m turbines of Spicer Hill wind farm (6.9MW) and Royd Moor Wind Farm (due to be decommissioned in 2018), comprising 13, three bladed turbines some 54m to blade tip in height and arranged in two staggered rows, parallel to Whitley Road (6.5MW). The Royd Moor wind farm is due to be decommissioned in 2018.

Immediately to the east lie several small reservoirs, including Broadstone, Ingbirchworth, Royd Moor and Scout Dike. The surrounding area is characterised by a fairly uniform and large scale landscape of open, rounded hills, punctuated by vertical rocky edges and peaks. Rough grassland and improved pasture remains the predominant land use.

The nearest property is a farmstead, Spicer House, off Spicer House Lane to the north, some 400m from the site boundary and slightly more from the nearest proposed turbine, but this is a dwelling with an interest in the site. The nearest non-involved dwelling is Annat Royd Farm 400m away from the site boundary. Several scattered farmsteads and residential properties are also located in close proximity to the site including Brown's Edge Farm, Royd Moor Farm and Whitley House.

To the east, north and west lie the hamlets of Ingbirchworth, High Flatts, Maythorn and Crow Edge all with views of the existing Royd Moor Wind Farm.

The Trans Pennine Trail follows the National Park boundary 2km to the south before heading off towards Penistone while the Barnsley Boundary Walk comes within 250 metres of the site to the north.

The closest heritage assets are

Annat Royd Farm (Grade II Listed Building) approx. 450m from the site

Small Shaw (Grade II Listed Building) approx. 730m from the site

Ingbirchworth Conservation Area 2km distant

Thurlstone Conservation Area 2.6 km distant.

Background

2009/0572 Erection of 3 no. wind turbines (maximum of 95m to blade tip) and associated infrastructure including transformers, access tracks, control building, underground cabling, 1 no. meteorological mast, formation of new site access from Whitley Road and temporary construction compound (Resubmission). Granted 08/06/2010 and became operational in 2012.

2008/0804 WITHDRAWN - Erection of a 5 turbine wind farm with a height of 84m to blade tip and associated infrastructure including transformers, access tracks, control building, underground cabling, meteorological mast, formation of new access from Whitley Road and temporary construction compound (EIA).

2008/0171 Erection of a 3 turbine wind farm with a height of 101m to blade top, including substation building, anemometer mast and ancillary infrastructure. Land between Browns Road and Whitley Road, known as Blackstone Edge, Crow Edge, Barnsley granted 26/05/2009

B/92/0574/PR Erection of wind farm. 13x 0.5 MW (6.5MW in total), granted 26 February 1993. Due to be decommissioned 2018.

Proposed Development

Permission is sought for the erection of 3 no. wind turbines no greater than 93m to blade tip with associated infrastructure including access tracks, control building, underground cabling and temporary construction compound. Two of the turbines would be located on the area of land between the existing Blackstone Edge turbines and the existing Spicer Hill turbines, with a proposed third turbine to be situated to the east of the easternmost of the existing Spicer Hill turbines, and close to the Royd Moor turbines, giving the appearance of a coherent wind farm rather than separate groups. The development would have a lifespan of 25 years.

A key element to the proposal is that the 3 proposed turbines (each of 2.3MW) would not be erected until the 13 existing Royd Moor turbines are removed. The applicant proposes to secure this via a legal obligation.

The proposed development will comprise:

- Three three-bladed horizontal axis wind turbines of up to 93m tip height (57m to hub), nominally rated at 2.3MW, the chosen candidate turbine is an Enercon E70, the same as those in operation at Spicer Hill in semi matt pale grey colour;
- Hard-standing areas (30m x 22m) for cranes at each turbine location;
- Turbine foundations (18.4m outer diameter);
- On-site access tracks (of a minimum 4m and maximum 6m width);
- A single site entrance from the main road network (Whitley Road, to the south of the site). This is the existing entrance to the Spicer Hill Wind Farm.
- Drainage works;
- A sub-station building;
- An on-site electrical and control network of buried cables;
- A spur connection from the sub-station to the local grid network
- A temporary construction compound, including parking, and welfare facilities;
- Associated ancillary works;
- Engineering operations.

The make, size and colour of the turbines are proposed to be the same as the existing Spicer Hill turbines which will present a consistent visual impression, with storm control facilities to reduce

operations in extremely high wind situations (above 65mph) whilst still enabling the turbine to produce energy safely. Together, the three 2.3MW turbines would generate an annual electricity output equivalent to the average domestic consumption of about 4,000 homes. Existing site tracks will be utilised as much as possible and where new tracks are required these will follow the route of existing farm tracks or keep close to boundary walls to minimise impact on farming operations. In terms of drainage, runoff will be captured and dealt with by sustainable drainage principles, and kept separate from existing field drainage.

Each turbine would require a circular reinforced concrete foundation of 18.4m diameter x 2.3m deep. In total approximately 1540 cubic metres of concrete would be required for the development

Some 0.9km of new or upgraded on-site access tracks to serve the turbines would be required at a nominal width of 4.0m. The tracks would comprise a geotextile base with crushed stone on top to a minimum thickness of 350mm.

The temporary construction compound 10m x 30m is proposed to be adjacent to the site access and would house temporary portable buildings. The compound area would be reinstated following turbine erection.

The turbine components would be delivered from an east coast port along the same route used for the original Spicer Hill turbines, estimated construction and commission would take 6 months.

The proposed access route for the installation of the turbines would be from Junction 36 of the M1, A61, A616 and then via the A628, Royd Lane and Whitley Road.

The total number of off-site vehicular movements during the construction period would comprise approximately 270 HGVs importing the aggregate, and a further 153 deliveries of concrete with a further 5 for reinforcement steel. Personnel are expected to generate 6-19 vehicular movements per day with turbine components delivered by approximately 15 deliveries in specialised vehicles.

Deliveries of concrete during the foundation represent the most intensive period of traffic associated with the development. In total 153 deliveries will be required on site over a period of 3 days, 1 for each turbine.

A Traffic Management Plan (TMP) finalising traffic management measures will be a condition of any approval of planning permission. The TMP will finalise the route to be followed by the Turbine Delivery Vehicles (TDVs) and HGVs, the schedule of deliveries, suitable escort arrangements for each turbine convoy, confirmation of construction traffic numbers and construction phasing; information to be supplied to the general public regarding the movement of abnormal loads, and any road closures or diversions.

A stone-built pitch roofed substation located to the west of the access track 10.5m x 4 m x 2m in height is proposed which will be quarterly visited by staff. Once erected the wind turbines would operate automatically but typically, Enercon maintenance teams are scheduled to conduct quarterly checks on the operation of turbines. These are undertaken in light commercial vehicles such as vans, cars or similar vehicles.

All cabling between the turbines and substation will be underground, buried in trenches 0.8m wide and a minimum of 1m deep, adjacent to the tracks where possible. Vegetation and top 100mm of soil will be stripped and reinstated immediately after the cables have been installed to reduce disturbance.

Reinstatement will incorporate restoration and landscaping of track verges, cable runs, temporary construction compounds, temporary hardstandings, temporary drainage control and other features not required as part of the permanent works.

At the end of the developments operational life the wind turbines would be decommissioned, the principal elements removed and the site restored. The hard standings would be covered with topsoil and re-seeded, the access tracks are likely to remain in situ to aid farming operations, the electrical substation would be removed and the foundations covered and re-seeded. The decommissioning process would take between 2 and 4 months, a decommissioning programme would be agreed with the Local Planning Authority prior to the commencement of decommissioning works.

The application is accompanied by an Environmental Statement in accordance with the requirements in the Town and Country Planning (Environmental Impact Assessment Regulations) 2011, as amended. This provided detailed assessments for ecology, landscape and visual impact assessments, noise, cultural heritage, hydrology and hydrogeology, infrastructure, shadow flicker, and climate change. Additional information on highways impacts and ecological mitigation has also been submitted.

A draft unilateral undertaking has been submitted which would the erection of the turbines until the Royd Moor turbines are decommissioned.

Policy Context

The Energy White Paper: Our energy future – creating a low carbon economy, published in 2003

The Energy White Paper sets out the Government's policies in response to future challenges to energy. The Government aims to cut the UK's carbon dioxide emissions by some 60% by 2050, with real progress by 2020, and to maintain reliable and competitive energy supplies. Having already set a target to generate 10% of UK electricity from renewable energy sources by 2010, the White Paper sets out the Government's aspiration to double that figure to 20% by 2020, and suggests that still more renewable energy will be needed beyond that date.

The Energy Challenge: Energy Review Report 2006, published in July 2006

This report gives a renewed commitment to the need for renewable energy.

Meeting the Energy Challenge: A White Paper on Energy, published in May 2007

The Energy White Paper, May 2007 confirms the requirement for 10% of UK electricity to come from renewable energy by 2010 and 20% by 2020. It also underlines that applicants do not have to demonstrate either the overall need for renewable energy or for their particular proposal to be sited in a particular location, and gives a clear steer to planners and local authority decision makers, that in considering applications they should look favourably on renewable energy developments.

Climate Change Act 2008

In March 2007, the Government announced a climate change bill, which proposed, amongst other matters, to put into statute the UK's targets to reduce carbon dioxide emissions, to at least 26% below 1990 levels by 2020 and to at least 60% by 2050.

In February 2008, the Government announced a review of the target to reduce the UK's carbon dioxide emissions by at least 60% by 2050. The review considered a higher target of 80% for greenhouse gas emission reductions. This has now been accepted and the Bill setting the legally binding targets was enacted on the 26 November 2008.

The UK Renewable Energy Strategy (July 2009)

The strategy sets out the path for the UK to meet its now legally-binding target to ensure that 15% of our energy comes from renewable resources by 2020, almost a seven-fold increase in scarcely more than a decade, with much of it coming from wind power.

Policy Context

The site is allocated as Green Belt on the Saved Barnsley Unitary Development Plan Proposals Map.

The site lies within a minerals permission and a mineral consultation area of the UDP

The site lies within the F1: Ingbirchworth Upland Rolling Farmland Landscape Character Area (adopted 2002), and within the Yorkshire Southern Penning Fringe National Character Area (Natural England 2013), and LCT D: Moorland Fringes/Upland Pastures character area of the South Pennines Wind Energy Landscape Study (2014).

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 adopted development plan consists of the Core Strategy, saved Unitary Development Plan policies and the Joint Waste Plan.

The Council has produced a Consultation Draft of the Local Plan which shows possible allocations up to 2033 and associated policies. This 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

CSP6 - Development that Produces Renewable Energy - we will allow development that produces renewable energy as long as there is no significantly harmful effect on;

- The character of the landscape and appearance of the area
- Living conditions
- Biodiversity, Geodiversity and water quality
- Heritage assets, their settings and cultural features and areas
- Highway safety and
- Infrastructure including radar.

Proposals must be accompanied by information that shows how the local environment will be protected, and that the site will be restored when production ends.

The Core Strategy recognises that undulating landscapes, such as those in the west of the borough, can increase the prominence of turbines. Careful consideration will need to be given to the capacity of the landscape to accommodate turbines, the ability to mitigate visual intrusion and cumulative impacts of individual sites when they are grouped rather than dispersed. We will use the Character Assessment and Policy CSP37 to assess the effect of development proposals.

CSP21 – Rural Economy – aims at encouraging a viable rural economy by allowing development in rural areas if it supports the sustainable diversification and development of the rural economy or results in the growth of existing businesses or is related to tourism/recreation or improves the range and quality of rural services.

CSP29 - Design - states that high quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley, including (amongst other things):

- Topography, important habitats, woodlands and other natural features
- Views and vistas to key buildings, landmarks, skylines and gateways
- Heritage, townscape and landscape character including the scale, layout, building styles and materials of the built form particularly in and around (amongst other things), Penistone and the rural villages in the west of the Borough.

CSP30 – states that development will be expected to protect the character and/or appearance of listed buildings

CSP34 – covers the protection of the Green Belt which is to be safeguarded and remain unchanged.

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

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

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

Unitary Development Plan – Adopted 2000

Saved Policy ES 12 Wind Energy Generation

National Planning Policy Framework

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, paragraphs of particular significance include:

- 80, 87, 88 and 91 in respect of development in the Green Belt
- 98 for applications for renewable energy

- 128 & 132 relating to the historic environment
- 58 & 65, which relate to good design

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.

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

91. When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

93. Planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure

95. To support the move to a low carbon future, local planning authorities should.....plan for new development in locations and ways which reduce greenhouse gas emissions

97. To help increase the use and supply of renewable and low carbon energy, local planning authorities should recognise the responsibility on all communities to contribute to energy generation from renewable or low carbon sources.

98 When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

109. The planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

Supporting a prosperous rural economy (NPPF Section 3)

A positive approach should be taken to sustainable new development.

Conserving and enhancing the natural environment (NPPF Section 12)

The planning system should contribute to and enhance the natural and local environment by (amongst other things), protecting and enhancing valued landscapes.

Requiring good design (NPPF Section 7)

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

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

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.

DCLG National Planning Practice Guide for Renewable and Low Carbon Energy March 2014
Para 07 states that in considering planning applications:

- The need for renewable or low carbon energy does not automatically override environmental protection
- Cumulative impacts require particular attention, especially the increasing impact that wind turbines... have on landscape and local amenity...
- Local topography is an important factor in assessing whether wind turbines... could have a damaging effect on landscape...
- Great care should be taken to ensure heritage assets are conserved... including impact of proposals on views important to their setting
- Proposals in National Parks...and areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- Protecting local amenity is an important consideration

National Planning Practice Guidance for Renewable and Low Carbon Energy 2014

Government guidance can be a material consideration and should generally be followed unless there are clear reasons not to. Paragraphs of particularly relevance include the following:

Para 1 – 3 :The guidance explains that all communities have a responsibility to help increase the use and supply of green energy, but this does not mean that the need for renewable energy automatically overrides environmental protections and the planning concerns of local communities.

Para 15: The assessment and rating of noise from wind farms' (ETSU-R-97)13 should be used by local planning authorities when assessing and rating noise from wind energy developments.

Consultations

Civil Aviation Authority – no objection but requests that CAA are notified at least 6 weeks prior to construction

Drainage – no objection

Yorkshire Water – no objection

The Coal Authority – the site does not fall within a high risk area and an informative would be necessary if planning permission is granted

Ministry of Defence – no objection but request that the development is fitted with aviation safety lighting.

NATS – preliminary technical findings objected to the proposal but objection withdrawn subject to the imposition of a condition requiring the decommissioning of the Royd Moor wind farm prior to the commencement of development.

Regulatory Services – no objections subject to conditions

Planning Policy – no objections subject to the proposal being acceptable from a landscape impact perspective.

English Heritage – no objections, the turbine would be sufficiently distant from the late prehistoric enclosed settlement on Castle Hill, (1.7km north of the site) not to substantially harm its setting.

SYMAS - the land lies outside any coal mining referral area and a coal mining risk assessment is not required.

Forestry Officer – no objections

Peak District National Park Authority – the Authority agrees that the replacement of the existing 13 turbines with the proposed three turbines would result in a net improvement in visual and landscape terms by providing a more coherent layout with fewer numbers of turbines overall and all at a similar scale - no objection providing a suitable mechanism is in place to ensure the existing Royd Moor turbines are decommissioned and removed prior to the erection of these turbines.

Penistone Town Council – request strict enforcement of conditions that the erection of 3 turbines do not proceed until the existing Royd Moor turbines are decommissioned and that no further turbines are to be erected on the Royd Moor site.

Biodiversity Officer – No objections subject to an informative.

Gunthwaite and Ingbirchworth Parish Council – no objections subject to clarification that the proposal is not a replacement of the Royd Moor turbines

Highways – no objections subject to conditions

British Horse Society – no comments received

Dunford Parish Council – no comments received

RSPB – no comments received

Ramblers Association – no comments received

SYAS – no comments received

PROW – no comments received

Sheffield City Council – no comments received

Kirklees Council – no comments received

CPRE – no comments received

Conservation Officer - the proposal does not represent substantial cumulative harm to the setting of the listed buildings and the conservation areas are also sufficiently distant that there will be little if any visual impact or harm and there may ultimately be a net gain in terms of a marginal reduction of visual intrusion. If any harm does occur there is a demonstrable public benefit to the

proposal that may outweigh the less than substantial harm to the settings of the heritage assets and their significance.

Representations

Community consultation was undertaken by the applicant in accordance with The Town and Country Planning (Development Management Procedure and Section 62A Applications) (England) (Amendment) Order 2013 prior to the application being submitted. Details submitted stated no objections had been received as a result of the consultation.

Once the application was submitted to the Local Planning Authority it was advertised on site with 4 separate site notices close to the site and in the local press as a Departure from the Development Plan, as a major application and an application subject to an Environmental Impact Assessment. Neighbour notification letters were also sent to 219 individual properties.

MP Angela Smith wrote a letter enclosing a constituent's letter but added no comments of her own. The issues raised in the constituent's letter are included below with other objections.

Ward Councillors – Councillor Barnard objections on the following grounds

- It is an inappropriate development in the Green Belt and the applicant has failed to demonstrate special circumstances to justify such development.
- Strobing and shadow flicker.
- Hazard to bats and migratory birds.
- Hazard to horses and their riders.
- Cumulative impact.
- Interference with television reception.
- The photomontages appear to have been taken with a wide angle lens and thereby create an optical illusion making the structure appear small by comparison to nearby objects.

In addition, 7 letters of objection have been received, the main issues raised are as follows:

- Visually intrusive
- Noise
- TV reception
- Loss of views
- No certainty that Royd Moor turbines will be removed prior to the erection of those proposed
- Turbine 1 would extend the size of the site
- There are already too many turbines in the area

Assessment

Material Considerations

Principle of Development

Landscape and Visual Impact

Highways

Ecology

Archaeology and Cultural Heritage

Other issues

Principle of Development

The proposed turbine is located within Green Belt. As such it is considered that the proposed development constitutes inappropriate development. Inappropriate development is, by definition, harmful to the Green Belt and such development should not be approved, except in very special circumstances. Such very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal is therefore, potentially in conflict with CSP34.

The NPPF states that very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable resources whatever their scale, and this should be given significant weight in determining proposals. The NPPF also reiterates the importance of Green Belts and in particular, their openness and permanence and local planning authorities should plan to retain and enhance landscapes, visual amenity and biodiversity. Substantial weight is given to any harm to the Green Belt.

In maximising renewable and low carbon energy, any adverse impacts should be satisfactorily addressed including cumulative landscape and visual impacts and good design is a key aspect of sustainable development.

Para 91 goes on to state that when located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The NPPF also emphasises the importance of supporting renewable and low carbon energy sources. The proposal will generate approx. 6.9 MW, enough to supply approx. 4,000 homes which will help to counteract the effects of climate change. In the context of the Government requirement for increasing the amount of renewable energy generate in order to ensure a secure supply, this is a significant amount of energy and it clearly demonstrates very special circumstances. However, it is still necessary to assess the other impacts of the development.

The site is also within a Minerals Permission Area and a Minerals Consultation Area (under the same ownership as this application). However, it is considered that the limited footprint of the development and its general and temporary nature, albeit for 25 years, would have an insignificant impact on the sterilisation of potential mineral reserves. The proposal therefore accords with CSP 38 Minerals.

Landscape and Visual Impact

The Local BMBC Landscape Character assessment identifies the site as being in the F1: Ingbirchworth Upland Farmland Character Area character area. The key landscape aspects are:

Stepped landform rising to 367m at Upper Whitley Edge, fields of pasture comprising medium geometric field units strongly defined by distinctive stone walls. Beech plantations stand out on the skyline, sometimes enclosed by stone walls and unimproved pasture with scrub on steeper slopes. Scattered farmsteads of sandstone, quarried from the local area with villages of Thurlstone and Millhouse Green on the character area border with the valley of the River Don, both with links to the former fulling mills along the river. Royd Moor windfarm at Spicer Hill is visually prominent on the skyline.

Single lane rural roads criss-cross the open countryside, bounded by stone walls and disused industrial quarries, shafts and mines indicate the importance of the area for the extraction of coal

and stone. Manmade reservoirs at Broadstone, Ingbirchworth, Royd Moor and Scout Dike. Panoramic views over adjacent river valleys and towards the open moorland of the Peak District National Park.

The strength of character is considered to be strong, landscape sensitivity to built development is judged to be **high** and landscape capacity is considered to be **low**.

This case revolves around the importance of maintaining the open nature of the Green Belt and maintaining the character and appearance of the landscape.

To mitigate against visual impact, the applicant has advised that the design of the turbines has been carefully considered in terms of colour and layout to minimise any significant adverse effects by choosing the same turbine as existing and a layout which is appropriate to the surrounding topography and to fit in with the existing pattern of turbine development.

Access tracks would wherever possible follow the existing pattern of walled field enclosures and be partially restored on commissioning. The construction compound and storage area would be located close to the access track to reduce their impact whilst the design of the control building would reflect the local vernacular. The development would be temporary, albeit for a period of 25 years, and the site would be restored on decommissioning.

The applicant has carried out a Landscape and Visual Impact Assessment (LVIA) including cumulative assessment as part of the Environmental Assessment which states the following:

Landscape Effects:

- The landscape does have man-made elements to it with the presence of large scale turbines in clusters at Spicer Hill, Blackstone Edge, Royd Moor, with pylons and roads nearby. The turbines all lie on the same ridge, which has uniform land cover, and is not particularly sensitive or pronounced and has no prominent landscape features. The valleys to either side are more sensitive but have roads, settlements and reservoirs. Overall landscape quality is generally considered to be low/medium.
- The construction activities would result in the temporary loss of less than 1 hectare of farmland, but the sensitivity of this localised area to construction activities is considered to be low due to the existing turbines. Ultimately much of the land would be restored.
- Landscape sensitivity. Potential operational effects to landscape character are assessed to be medium when viewed from within the area or immediately surrounding area. The turbines would not be prominent as there are already six similarly sized turbines. These 3 would fit within the existing envelope and as such would have little impact on the character of the landscape.
- The Royd Moor turbines would additionally be removed resulting in a more balanced and uniform development with a less cluttered appearance in the landscape. The magnitude of change would be low, resulting in a moderate/minor level of effect which would be long term and negative but not significant.
- When viewed from the surrounding area the turbines would be a prominent feature, however, they would be visible in a landscape where there are already operational turbines of a similar scale.
- The character of the landscape in the localised area is characterised by large scale turbines and the proposal would not change that. The removal of Royd Moor turbines would lead to a more balanced less cluttered appearance. The magnitude of change on the character area would be moderate/minor and be long term.

Visual Effects

- Post construction the appearance of the wind farm would be calmer but the visibility would extend over a wide area to residents, road users, tourists etc. but these views would already have the existing turbines of Spicer Hill and Blackstone Edge is visible.
- Viewpoint analysis indicates that significant visual effects would occur from two viewpoints within 2km of the development, being Spicer House (in the ownership of the applicant), and the Barnsley Boundary Walk.
- A survey of residential visual amenity was undertaken for all properties within a 1km radius of the extension turbines (13 in total). The visual impact assessments concludes that none are expected to suffer significant effects due to the proposed removal of Royd Moor linked to this application, thereby simplifying the view, and that from most viewpoints the turbines fit into the existing visual envelope created by Spicer Hill and Blackstone Edge turbines.
- Of the 8 settlements that are predicted to receive views, these will be from open areas prominent hill tops and edge of settlements, and it is likely that woodland and the built environment will screen the view much of the time.
- Major tourist and transport routes (A616/B6106) between New Mill and Penistone, and A629 between Shepley and Penistone would experience sporadic views with a moderate/minor level.

Cumulative Impacts

The National Planning Practice states that cumulative landscape impacts and cumulative visual impacts are best considered separately. The cumulative landscape impacts are the effects of a proposed development on the fabric, character and quality of the landscape; it is concerned with the degree to which a proposed renewable energy development will become a significant or defining characteristic of the landscape.

The Cumulative Landscape and Visual Impact of the proposed scheme are considered to be as follows:

- Each view point assessed has been considered cumulatively with all other wind energy projects identified within a 15km cumulative study area
- Generally found that as the Spicer Hill extension fits predominantly within the visual envelope created by the Spicer Hill and Blackstone Edge projects that significant cumulative effects were not possible.
- Typically the three new turbines would be seen within the existing pattern and would neither significantly extend the operations schemes nor add a new feature on a separate section of the horizon.

The LVIA includes a number of assessment tools including photomontages and wireframes assessed from some 15 viewpoints as agreed with the LPA prior to the submission of this application and are from varying distances from the proposal site from relevant sensitive receptors including residential dwellings and settlements, highways, and Public Rights of Way. An analysis of each viewpoint has been produced which includes an assessment of cumulative impact.

The photomontages show both the existing situation, and also how the landscape would appear with both the additional 3 large scale turbines in place, and following the removal of the 13 Royd Moor turbines, since their removal is an integral part of this application and would occur prior to the erection of the 3 proposed turbines.

While photomontages and wirelines tend to underplay the true visual impact, they have been produced in accordance with good practice. Furthermore, each viewpoint has been visited by officers and it is considered that the conclusions of the LVIA are a fair representation.

An assessment and examination of the photomontages and wireframes, LVIA and site visit, reveals the following:

- From the World War II bunker of Whitley Road the turbines would be seen between the existing large scale turbines and perceived as part of the same cluster. The removal of Royd Moor turbines would remove the visual clutter in the distance.
- From Spicer House, the existing Spicer Hill turbines appear as large scale structures on the horizon with the smaller Royd Moor turbines at a lower level, both with varying degrees of screening of the towers from buildings and trees, but the Blackstone Edge turbines are just out of frame and appear clearly as a separate grouping. The proposal would declutter the lower levels by the removal of Royd Moor turbines. The easternmost extension turbine would appear to be in a similar location on the horizon to one of the Royd Moor turbines, extending the horizontal extent of the large scale turbines towards Spicer House Lane. The other two extension turbines would be located in the gap between the existing Spicer Hill and Blackstone Edge turbines, but from this location would still appear as two groups.
- The horizon from the Barnsley Boundary Walk, Annat Royd Lane is dominated by existing wind turbines with a row of smaller Royd Moor to the left horizon, Spicer Hill to front and Blackstone Edge to the right. The appearance of the landscape would be significantly simplified with the removal of Royd Moor turbines. Two of the extension turbines would be located within the gap between Spicer Hill and Blackstone Edge, but the easternmost extension turbine would extend the envelope of the large turbines and appear very close to the highway. The westernmost extension turbine would appear as a cluster of 3 with two Blackstone edge turbines
- Turbines currently dominate the horizon from the viewpoint at Crow Edge. Here, the nacelles and blades of Blackstone Edge are seen at far left on the ridge, with Spicer Hill and then Royd Moor towards the right, falling below the skyline in the right distance. The removal of the Royd Moor turbines would appear to significantly reduce the horizontal extent of turbine installations on the horizon. The large scale turbines would appear more evenly spaced and significantly reduce the visual impact.
- The view from Victoria comprises an extended cluster of large turbines prominent on the ridge with Royd Moor on the distant horizon. T shaped telegraph poles are seen in the foreground with Emley Moor in the far distance. The proposal would appear to reduce the horizontal extent of turbine development considerably with the large turbines including the extension turbines creating two clusters on the horizon with only one Blackstone Edge turbine appearing isolated from the remainder. Overall an improvement.
- From Windmill Lane the landscape is open and only the blades can be seen of existing six large scale turbines, relatively evenly spaced. The extension turbines would fit within the horizontal extent of the existing and be seen to partly fill the gap between the Blackstone Edge and Spicer Hill but would result in some apparent overlapping.
- Royd Moor Viewing platform presents a view of the double staggered row of Royd Moor turbines in the near view, with 5 out of the 6 existing turbines of Spicer Hill and Blackstone edge in the distance, one Spicer Hill turbine appearing isolated to the right, with Hazelhead to the distant left and small scale isolated turbines in the wider landscape of both Barnsley and Kirklees. With the removal of Royd Moor the view would be significantly simplified, with the nearest of the extension possibly appearing similar in scale to the existing Royd Moor turbines due to its slightly more distant position. There will be more consistency in size, spacing and rotation and the 9 turbines would appear as one large cluster of uniform turbines instead of a cluttered landscape with different sizes and rotations speeds and layout.

- From High Flatts the views are flat and open with Royd Moor to the left horizon, Spicer Hill in the middle and Blackstone Edge to the right, the whole covering a wide extent of the horizon, although all in the distance. Smaller vertical elements cross this landscape in the form of wooden telegraph poles. The proposal would significantly simplify the landscape with the removal of Royd Moor turbines and would appear to significantly reduce the horizontal extent of turbine development, in addition, the two extension turbines which would be located between Spicer Hill and Blackstone edge would link the two groups and make the 9 turbines appear as one more balanced and regularly spread group.
- From the Trans Pennine Trail at Hazelhead, the main aspect shows Royd Moor turbines with Spicer Hill in the distance, with only the blades of Blackstone Edge visible in a rising landscape with views obscured with stone walls and woodland copses. At this distance it is quite difficult to distinguish between the larger turbine and the Royd Moor ones. The proposal would reduce the number of turbines significantly on the skyline and be an improvement visually as all would be of the same scale and rotation speed. The gap between Spicer Hill and Blackstone Edge turbines would be filled with 2 extension turbines making the whole appear as one loose cluster. A significant improvement to the skyline.
- From Carlecotes, turbine development dominates the skyline with Hazelhead in the foreground and turbines extending for a significant distance along the ridge with Blackstone Edge, then Spicer Hill and Royd Moor in the distance. In the foreground are smaller vertical structures in the form of telegraph poles. The proposal would significantly improve the skyline, with the removal of Royd Moor and the filling in of the space between the Spicer Hill and Blackstone Edge turbines, the impact would appear to be substantially reduced leading to a more balanced scheme with fewer turbines but of similar scale and rotation speeds.
- The viewpoint from Mill house Green shows the existing turbines to be partly obscured by the topography with only blade tips visible. It is difficult to distinguish between the large scale turbines and Royd Moor. Other vertical structures include telegraph poles. If the proposal is implemented then there will be fewer turbines and they will be more evenly spaced.
- From Hoylandswaine Roundabout distant views of rising land show all the turbines on the ridge in the distance. They appear as two distinct groupings and two different rotation speeds; the regimented smaller turbines or Royd Moor to the left and the larger Spicer Hill with Blackstone Edge to the right. Other smaller isolated turbines located on the border of Kirklees can be seen in the wider landscape. The removal of the Royd Moor turbines would declutter this area of skyline considerably, and whilst the easternmost extension turbine would slightly extend the locational envelope of the large turbines, this would not be very noticeable from this location and would result in a more even layout and similar rotation speeds which would make the installation less obtrusive in the landscape
- From Hollin Lane, Catshaw, the skyline is dominated by wind farm development which includes all three wind farms. It is not particularly easy to distinguish the different turbine sizes as the topography obscures some of the towers. The proposal would reduce the impact of turbines on the horizon considerably by reducing the number, with the removal of Royd Moor, all would be of the same scale and rotational speed and would appear regularly spaced.
- From the settlement of Ingbirchworth, the horizon is dominated by wind turbines with all three wind farms visible but these are only glimpsed between buildings and partly screened by trees on the horizon. The skyline would be simplified considerably with the removal of the Royd Moor turbines and would appear to extend the horizontal extent of the large turbines only minimally. It would lead to an overall improvement of the skyline with a more even scale spacing and blade rotation.
- Daisy Hill farm on the A628 experiences long distance views of the turbines which are much more prominent on the skyline than the photomontage suggests, with the 3 turbines (2 bladed) at Catshaw in the foreground. Royd Moor and Spicer Hill are seen together but with clearly differing scales, with Blackstone Edge as a separate group to the left with pylons in the distance. The proposal would remove the 13 Royd Moor turbines and result in a more evenly

spaced single group of large scale turbines, each with the same rotational speed which would be an improvement on existing.

One objector raised concerns that one of the turbines extended the area over which the turbines were located. Whilst the extent of large turbines will be increased to the east slightly, should permission be granted, it is considered that it would have less overall visual impact than the current mix of existing turbines which include the Royd Moor turbines. The substation building is of small scale and built of natural materials in the vernacular. It will be removed once the turbines are decommissioned. Overall it is considered that that the proposal in terms of its design, scale and location, particularly in utilising the gap between the two groups of existing turbines, will retain and enhance the landscape character and distinctiveness of the area. In particular, the unilateral undertaking which will ensure the removal of the existing Royd Moor turbines before the three additional large scale turbines are erected will conserve and enhance the open, undeveloped rural character of the area by simplifying the views of the wind power infrastructure on this ridge by appearing as 9 turbines all of the same scale and of the same rotation speeds and in a more uniform layout.

On balance the overall impact on the character and openness of the Green Belt would be reduced and the proposal is therefore considered to be in accordance with CSP 34 and CSP 37, CSP 29, the Landscape Character Assessment and NPPG.

Highways

A Traffic Statement has been provided as part of the Environmental Statement. The assessment concludes:

- Vehicular movements along Royd Lane during construction would be significant but this is mainly due to comparing it with the current low levels of movement at the moment;
- Subject to a suitable Traffic Management Plan the effect on driver delay would not be significant e.g. use of off peak hours;
- Due to the temporary nature of the effects, the impact on severance is considered to be not significant;
- Effects on pedestrian delay and amenity, and accidents and safety are considered to be not significant. The settlements of Penistone and Thurlstone would be avoided and no major pedestrian routes have been identified;
- The effect of the operational traffic would not be significant; and
- Mitigation would include encouragement to car sharing, a Traffic Management Plan, maintenance of visibility splays etc.

Most of the adverse highway impacts would be during the relatively short construction and decommissioning periods and would therefore be temporary and the site has been the subject of a previous submission for a similar development, which was subsequently granted planning permission. Experience of other turbine deliveries, albeit they were slightly larger, shows that there will be works required in the highway to widen areas, remove street furniture etc. and there may be a need to secure permission to overhang private land.

It is imperative that the highway structure and the highway user is safeguarded during intense vehicle movements and during the delivery of exceptional abnormal loads. The traffic addendum indicates that such measures as deliveries outside peak hours, appropriate traffic management and publicity will be considered and agreed at a later date should planning permission be granted. The Councils Highways DC officer has no objections to the proposal and it is considered that all highway issues including the temporary removal of highway infrastructure can be satisfactorily dealt with the imposition of conditions including a requirement for, and implementation of, a Traffic Management Plan.

Noise

There are two types of noise emanating from wind turbines, mechanical noise from the nacelle (gearbox and generator) and aerodynamic noise from the movement of blades passing through the air. Noise can also be caused during construction and decommissioning activities. Noise was raised as an issue by a small number of objectors.

The Department of Trade and Industry report, 'The Assessment and Rating of Noise from Wind Farms' (Energy Technology Support Unit - ETSU-R-97), describes a framework for the measurement of wind farm noise, and the Government advises that this should be used by planning authorities when assessing and rating noise from wind energy developments.

The proposal has been assessed against the accepted ETSU Standard and other guidance and information sources and has taken account of cumulative impacts. It takes into account that the proposal will replace 13 aging turbines with 3 larger scale turbines with modern specifications.

In all, 17 receptor locations were selected for specific assessment i.e. the closest most sensitive properties which may experience overall wind farm noise levels in excess of 35 dB(A) (the lowest noise limit specified in ETSU-R-97). Of these, there are 6 properties within 600m of the proposed extension. These are Annat Royd, (440m), Brown's Edge Farm (approximately 570m away), Eagle Nest (520), Spicer House (approximately 450 from the nearest turbine and owned by the applicant), and Windmill Nursery (560m). No objections have been received from any of these six properties.

The Environmental Statement concludes that:

- Construction noise will be considerably lower at all sensitive receptors than the limits set out in BS 5228-1 "Code of Practice for noise and vibration control on construction and open sites" 2009.
- ETSU-R-97 Assessment. During operation, all background criterion will be met in all cases. The highest levels would be at Spicer House whose resident is involved in the proposed development
- There will be a small net increase (0.3 dB, unlikely to be perceived) over current turbine noise level at Spicer House and Browns Edge. Similar or marginally reduced levels are predicted at 4 other locations. The other 11 nearest noise sensitive locations show varying degrees of noise level reduction.

The conclusions of the Environmental Statement have been examined and are accepted by the Council's Regulatory Services Section who has no objections to the development subject to the imposition of conditions to keep noise emissions within the ETSU Standard and a management plan. It is considered that the proposal is in accordance with CSP 40 in respect of noise levels and the control of potential noise.

Ecology

The applicant advises that there are no sites of statutory designation or non-statutory local importance within the turbine envelope. The turbine envelope and surrounding area is dominated by generally poor arable and improved grazing land. The site includes a number of streams with no associated features of high value and no signs of protected species. There are however 4 local (non statutory) wildlife sites in the area, Whitley Edge, Broadstone Reservoir, Ingbirchworth Reservoir and Royd Moor Reservoir.

The Ecological Impact Assessment was scoped with the guidance of Natural England and the Councils Biodiversity Officer. The Assessment concludes that:

- Birds – Ten species of bird were recorded as breeding in the survey area, Both Oystercatchers and Lapwings (on the amber list of Birds of Conservation Concern) are breeding around the operating wind turbines as well as Skylarks. There are no Special Protection Areas or Ramsar sites within 4km of the application boundary. The magnitude of impact is considered to be negligible on bird species.
- Bats – Small numbers of common pipistrelle and a single noctule bat were recorded but there are no bat roosts within the development footprint. The nearest potential roost is located over 500m away from the nearest turbine. The proposed location of the turbines has been assessed against Natural England guidance regarding wind turbines and bats (Natural England 2012)

Initial concerns were addressed in an addendum proposing mitigation measures including timing of construction activities to avoid nesting birds, and erection of bat boxes.

Although concern was raised by objectors about the potential impact on bats and birds, In view of the foregoing, the Biodiversity is now satisfied that there will be no significant impact on ecology and biodiversity as a result of this proposal. As a result it is considered that the proposal is in compliance with CSP 36.

Archaeology and Cultural Heritage

There are no archaeological features recorded within the boundary of the site. There are however, 51 Scheduled Monuments within 15km of the site boundary but of these, only 3 lie within 5km. No registered Parks and Gardens lie within 5km, the nearest park being Cannon Hall some 6.9km distant. Approximately 35 Listed Buildings, mainly Grade II, lie within 2km and the closest Conservation Area is Ingbirchworth 1.7km to the north east. The closest known historical features are listed buildings at Annat Royd and Small Shaw, both over 400m away.

English Heritage additionally requested that the potential indirect visual impact on Castle Hill Schedule Monument 1.7km away be assessed both from the individual impact of the proposal and cumulatively with other existing turbines in the area.

A range of historical and technical data was collected and analysed.

The Environmental Statement concludes that:

- Although visible from Castle Hill Scheduled Monument, the visual impact would be low as the view already contains operations turbines of the same scale.
- No direct impact has been identified on any known features of cultural heritage interest
- The potential for the development to encounter previously unrecorded features is considered to be low.

The Conservation Officer considers that the proposal would not represent substantial cumulative harm to the setting of the listed buildings and that if Royd Moor is decommissioned then there may be a net gain in terms of a marginal reduction in visual intrusion. He further considers the conservation areas are sufficiently distant so will suffer little if any visual impact or harm. He concludes that “if any harm does occur...it is arguable that there is a demonstrable public benefit to the proposal that may outweigh the less than substantial harm to the settings of the heritage assets”. On this basis the proposal complies with CSP 30 and UDP ES12.

Hydrology and Hydrogeology

No statutory designations pertaining to watercourses exist within a 5km radius of the site, and there are no private or potable water supplies or abstractions within a 2km radius. There are no records of flooding at the site. A desk based assessment and site walkover was undertaken and predicted impacts identified.

The Environmental Statement concludes that

- the majority of potentially significant effects are only predicted to occur during the construction phase
- these would be in the form of potential increased sedimentation and pollution during construction.
- Adoption of best practice management and control procedures and implementation of proposed mitigation methods will reduce potential impacts to acceptable levels.

The Council's Drainage Section and Yorkshire Water have no objections on this basis.

Other issues

Rural Economy

Employment opportunities will be created during the construction, operation and decommissioning phases. During the construction phase there will be approximately 15-20 workers per day on site.

Shadow Flicker

National Planning Practice Guidance 2014 states that under certain combinations of geographical position and time of day, the sun may pass behind the rotors of a wind turbine and cast a shadow over neighbouring properties. When the blades rotate, the shadow flicks on and off; the impact is known as 'shadow flicker'. Only properties within 130 degrees either side of north, relative to the turbines can be affected at these latitudes in the UK – turbines do not cast long shadows on their southern side.

Modern wind turbines can be controlled so as to avoid shadow flicker when it has the potential to occur. Individual turbines can be controlled to avoid shadow flicker at a specific property or group of properties on sunny days, for specific times of the day and on specific days of the year. Where the possibility of shadow flicker exists, mitigation can be secured through the use of conditions.

Flicker effects, including cumulative flicker effects have been assessed by the applicant using bespoke computer software for all dwellings with 10 rotor diameters of Spicer Hill turbines that are within 130 degrees either side of north relative to the turbine. The assessment concludes that:

- Spicer House will experience an increase in cumulative potential shadow flicker to 19.1 hours. However, the owner has a financial interest in the application and can therefore be considered to be comfortable with higher levels of shadow flicker.
- Browns Edge Farm would experience an increase in cumulative potential shadow flicker to 9.5 hours per year. Some mitigation would however be provided by vegetation.

The effects of shadow flicker in respect of the proposal are minimal and insignificant and that Policy ES12 of the UDP and the NPPF is also satisfied in this respect.

Impact on Equestrians

Concern has been raised about the potential impact to horses and their riders. However, the turbines would be placed in a landscape which already has turbines and which can be seen when approaching from some distance. The British Horse Society have been consulted on this proposal but no comments have been received although the Society has previously accepted that horses in the area will be familiar with wind farms due to the presence of Royd Moor, Blackstone Edge and Spicer Hill and that as the area has low traffic, the potential for accidents is low.

Electrical Infrastructure

Consultees with aviation, telecommunications, television and other infrastructure interests were consulted and studies undertaken with appropriate guidelines and publications. Mitigation is proposed as follows:

- The aviation study identified a potential impact upon the Claxby En-Route radar and NATS originally objected to the proposal as it would cause an adverse impact due to a cumulative effect due to the impact of the existing turbines at Royd Moor wind farm. However, as the proposal includes an undertaking to ensure the development does not commence until the Royd Moor turbines have been decommissioned, NATS have confirmed that they are prepared to withdraw the objection subject to the imposition of a condition.
- Ministry of Defence (MOD) - No impacts are expected and therefore no mitigation is deemed to be required. The MOD have not objected to the proposal.
- Telecommunications - No impacts are expected and therefore no mitigation is deemed to be required.
- Television - Television reception – Government guidance notes that wind turbines can potentially affect electromagnetic transmission (e.g. radio, television and phone signals). Specialist organisations for the operations of electromagnetic links generally require 100m clearance either side of a line of sight link from the swept area of turbine blades. A condition could be required if planning permission is granted to safeguard signals.

A pre and post-planning television reception survey is normal practice for wind farm developments. Should any detrimental effects be experienced at properties in the area then these are normally addressed at the developer's expense as part of a planning condition agreed with the Council. UDP Policy ES12 is therefore satisfied.

Decommissioning

The applicant states that subject to there being no further planning application to extend the duration of any permission, decommissioning will take place within 25 years followed by site restoration. This issue can be covered by an appropriate planning condition and UDP Policy ES12B is therefore satisfied.

Loss of views

Whilst the landscape and visual impact of the proposal has been assessed in detail, the loss of view does not constitute a material planning consideration.

There are already too many turbines in the area

One objectors considered that there are already too many turbines in the area. However, there is no national or local planning policy or guidance that limits the number of turbines in an area or the minimum distances between developments. Instead, each proposal must be considered on its

own merits taking into account national and local policies and guidance and any other relevant material considerations.

Unilateral Undertaking

The senior Solicitor has confirmed that the draft unilateral undertaking submitted as part of this proposal is acceptable in legal terms. The document undertakes that the turbines shall not be erected until the Royd Moor turbines are decommissioned. Given that the Royd Moor wind turbines will need to be decommissioned by late 2018, to comply with application B/92/0574/PR, it is considered that there are specific special circumstances to allow a 4 year permission rather than the standard 3 year permission if Members are minded to grant approval of the scheme.

Conclusion

This proposal is for an extension of the existing Spicer Hill wind farm comprising an additional 3 large scale wind turbines, each of 2.3 MW, and together producing sufficient energy to power 4,000 homes. Two of the proposed turbines are to be located in the gap between the existing Spicer Hill wind farm and Blackstone Edge wind farm, with the third turbine slightly to the east. Importantly, a key aspect of the application is that new turbines would not be erected until the 13 existing Royd Moor turbines are removed. The applicant proposes that this element is secured under a unilateral undertaking.

The application constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF requires that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The generation of renewable energy is a material consideration in this proposal; very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

The three turbines are large scale and will generate 2.3 MW each, which is a significant contribution of renewable energy, and an increase in renewable energy production reducing the impact of climate change whilst achieving a significant reduction in the number of turbines on this ridge. Together, the three turbines are sufficient to power 4,000 homes as well as cutting greenhouse gas emissions and is sufficient to clearly demonstrate very special circumstances that outweigh the harm caused by inappropriateness, therefore complying with CSP1, CSP 6 and CSP 34.

Added to this it is considered that the development would maintain and improve the openness and visual amenity of the Green Belt by the removal of the Royd Moor turbines in accordance with CSP37 and it would not have an adverse impact on visual amenity for local residents or visitors to the area. The Conservation Officer confirms that the proposal would not cause significant harm to the setting of heritage assets and the removal of Royd Moor turbine may result in a net gain. The impact on the openness of the Green Belt has been minimised by the undertaking not to erect the turbines until the Royd Moor turbines are removed, and by locating two of the three turbines within the existing horizontal extent of the existing large scale turbines on this ridge. This is supported by CSP21, CSP29, CSP30, CSP34, LB1, and ENV9. The proposal retains and enhances the landscape character and the overall effect on landscape character is positive when seen from distant viewpoints in accordance with CSP37.

The impacts on highways, electrical and telecommunications infrastructure, noise and management of decommissioning and restoration of the site can be controlled by suitably worded conditions in accordance with UDP Policy ES12 and CSP 43.

Recommendation

Approve subject conditions and to a Unilateral Undertaking which will undertake not to erect the turbines approved by this permission until the Royd Moor turbines have been removed from site

Grant subject to:-

- 1 The development hereby permitted shall be begun before the expiration of 4 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 erection of the wind turbines hereby approved shall not take place until the Royd Moor Wind Farm permitted under planning permission B/92/0574/PR has been decommissioned under condition 4 of the said planning permission and the Local Planning Authority has confirmed in writing that the decommissioning works have been completed. For the avoidance of doubt, the decommissioning works shall include the taking down of masts and sails of the thirteen wind turbines, but shall not include the removal or breaking up of any concrete bases upon which the turbines are constructed, the removal or demolition of substation infrastructure or cabling used in relation to the said turbines and the reinstatement of the land for agricultural use.
Reason: In the interests of aviation safety and in accordance with CSP6.
- 3 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as set out in the application documents and the Environmental Statement as approved unless required by any other conditions in this permission:
Application Drawings:
APP-001 Site Layout
APP-001a Block Plan 1
APP-001b Block Plan 2
APP-001c Block Plan 3
APP-002 Turbine Elevation
APP-003a Typical Access Track Section
APP-004 Indicative Foundation Excavation
APP-005a Typical Substation Floor Plan
APP-005b Typical Substation Elevation
Volume I Environmental Statement
Volume II Landscape Figures
Volume III Supporting Figures
Volume IV Non-Technical Summary
Traffic Addendum dated January 2015
Ecology Addendum including Habitat Enhancement Figure
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 4 The planning permission hereby granted shall be for a period not exceeding 25 years from the date that electricity is first exported from the turbines hereby permitted to the national grid. The date when electricity is first exported from the turbines shall be notified in writing to the Local Planning Authority within 28 days of that event. At the end of the 25 year period,

the turbines shall be decommissioned. Within three months of the decommissioning, the turbines and all associated equipment and works shall be removed from the site and the site restored in accordance with a scheme which shall have been previously submitted to and approved in writing by the Local Planning Authority.

Reason: To protect the openness of the Green Belt in accordance with policy CSP34 of the Core Strategy.

- 5 The Local Planning Authority (LPA) 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 LPA to monitor compliance with the conditions of the planning permission.

- 6 The development shall consist of a maximum of 3no. Enercon E70 turbines. The turbines shall be no higher than 93 metres from the ground to blade tip, and all turbine blades shall rotate in the same direction.

Reason: For the avoidance of doubt, in the interests of visual amenity in accordance with CSP 29 Design.

- 7 Prior to the commencement of development, details of a site sign to be erected for the duration of the construction period notifying the general public of a telephone contact number for expressing any concerns regarding the implementation of the development shall be submitted to, and approved in writing by, the LPA. Details shall include size, materials, colour, wording and the proposed on-site location for the installation of the sign. The development thereafter shall be carried out in accordance with the approved details.

Reason: To facilitate the early resolution of any public concerns during the construction period.

- 8 All cables from the turbines to the operations control building (substation) shall be underground. All excavated ground in connection with cable laying shall be reinstated to its former condition as soon as is reasonably practicable, and in any event within 1 month of the date of commissioning, and to the satisfaction of the LPA.

Reason: In the interests of the visual amenities of the Green Belt in accordance with CSP 34.

- 9 Prior to the commencement of development, a Wind Farm Management Plan shall be submitted to, and approved in writing by, the LPA. The Wind Farm Management Plan shall include but not be limited to:

Measures for the management of adverse weather conditions (high wind, freezing fog, ice etc.) at the site;

Details of any proposed floodlighting/security lighting; and

Details of maintenance inspections aimed particularly at keeping operational noise levels within the limits specified in condition 15 below.

The development thereafter shall be carried out in accordance with the approved Wind Farm Management Plan

Reason: To maintain and ensure effective environmental monitoring and management of the development.

- 10 Prior to the commissioning of the wind farm, a scheme shall be submitted to, and approved in writing by, the LPA, providing for the remediation of any interference to domestic television reception attributable to the wind farm/turbines (such remediation to be at the cost of the operator). The approved scheme shall thereafter be implemented as required. The

scheme shall include but not be limited to the investigation by a qualified television engineer of any claim by any person for domestic television picture loss or interference at their household within 12 months of the commissioning of the wind farm. The results of any investigation shall be submitted to the LPA. Should any impairment to the television reception be determined as attributable to the wind farm, such impairment shall be mitigated within 3 months of this decision in accordance with the approved scheme.

Reason: In the interest of local amenity and in accordance with CSP 40 of the Core Strategy.

- 11 If any wind turbine(s) hereby permitted ceases to operate for a continuous period of 12 months, then a scheme, including timescale, for the decommissioning and removal of the wind turbine(s) and any other ancillary equipment and structures relating solely to that turbine(s), and for the reinstatement of the land, shall be submitted to, and agreed in writing by, the LPA within 3 months of the end of the cessation period. The scheme thereafter shall be implemented in accordance with the approved details.

Reason: To protect the openness of the Green Belt in accordance with policy CSP34 of the Core Strategy.

- 12 Within 12 months of the date of this permission, a scheme for the reinstatement of the site following decommissioning shall be submitted to, and approved in writing by, the LPA. The scheme shall provide for but not be limited to the removal of the wind turbines, substation, switchgear, and all other equipment together with all infrastructure located up to 1.2m below ground level. The reinstatement of the site thereafter shall be completed in accordance with the approved details and unless otherwise agreed in writing with the LPA, within one year of the date of decommissioning as notified under condition 04 above.

Reason: To ensure that the site is appropriately restored and to protect the openness of the Greenbelt in accordance with policy CSP 34 of the Core Strategy.

- 13 Prior to the commencement of development a detailed scheme (including timescale(s)) for the reinstatement of all areas of hardstanding and for the land occupied by the temporary site compound, and for the partial reinstatement of the access tracks, following the installation of the turbines shall be submitted to, and approved in writing by, the LPA. The development thereafter shall be carried out in accordance with the approved scheme.

Reason: In the interests of local amenity and to protect the openness of the Green Belt in accordance with Policy CSP 34 of the Core Strategy.

- 14 The noise level from the three turbine development shall not exceed the following;
(a) A day time (7am to 11pm) level of 35 dB LA90, 10 mins, or the background, expressed as LA90, 10 mins, plus 5dB, whichever is the higher, measured at no less than 3.5 metre from the façade of any residential property not owned by the applicant or a member of their family (but ignoring the effect of that façade).

(b) A night time (11pm to 7am) level of 43dB LA90, 10 mins, or the background, expressed as LA90, 10 mins, plus 5dB whichever is the higher, at 3.5 metre from the window of a habitable room in the façade of any residential property not owned by the applicant or a member of their family (but ignoring the effect of that façade).

In the event of a complaint being received in writing by BMBC alleging noise nuisance due to the wind turbines on the development hereby approved, the wind turbine operator shall, at its expense, employ a consultant approved by BMBC to measure the level of noise emissions from the wind turbine at the location of, and external to, the complainant's property (or, in the event that access is not possible, at the nearest publicly accessible location acceptable to BMBC). The results of the consultant's assessment shall be provided

to BMBC within 2 months of the date of notification of complaint unless otherwise agreed in writing by BMBC.

The operator shall cooperate with BMBC to ensure that the development is compliant with the above defined limits for the site.

In the event that the noise level from the turbines is above the stated levels and noise measurements have been carried out in accordance with the details above, then the applicant shall submit a mitigation scheme for the written approval of BMBC in order to identify measures to reduce the noise of the turbines to acceptable levels. The approved scheme shall then be implemented. In the event that the noise level from the turbine cannot be brought within acceptable levels, as defined above, the turbine shall not continue to operate.

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

- 15 Construction work and deliveries shall only take place during daytime hours identified as 0800 to 1800 Monday to Friday and 0800 to 1400 on Saturdays. No working or deliveries shall take place 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.

- 16 Prior to the commencement of the development, a scheme shall be submitted to, and approved in writing by, the LPA, identifying measures to be taken to ensure that all vehicles leaving the site are in such condition as not to leave mud and other debris on the public highway. The development shall thereafter be undertaken in accordance with the details of the approved scheme. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material and in any event during the same working day, in the interests of road safety.

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

- 17 No development shall commence on site, until a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with CSP26.

- 18 Prior to the commencement of the development, a Traffic Management Plan covering the duration of the construction, commissioning and restoration/decommissioning periods shall be submitted to, and approved in writing by the LPA. The development thereafter shall be carried out in accordance with the approved Traffic Management Plan.

Reason: In the interests of road safety and in accordance with CSP 26.

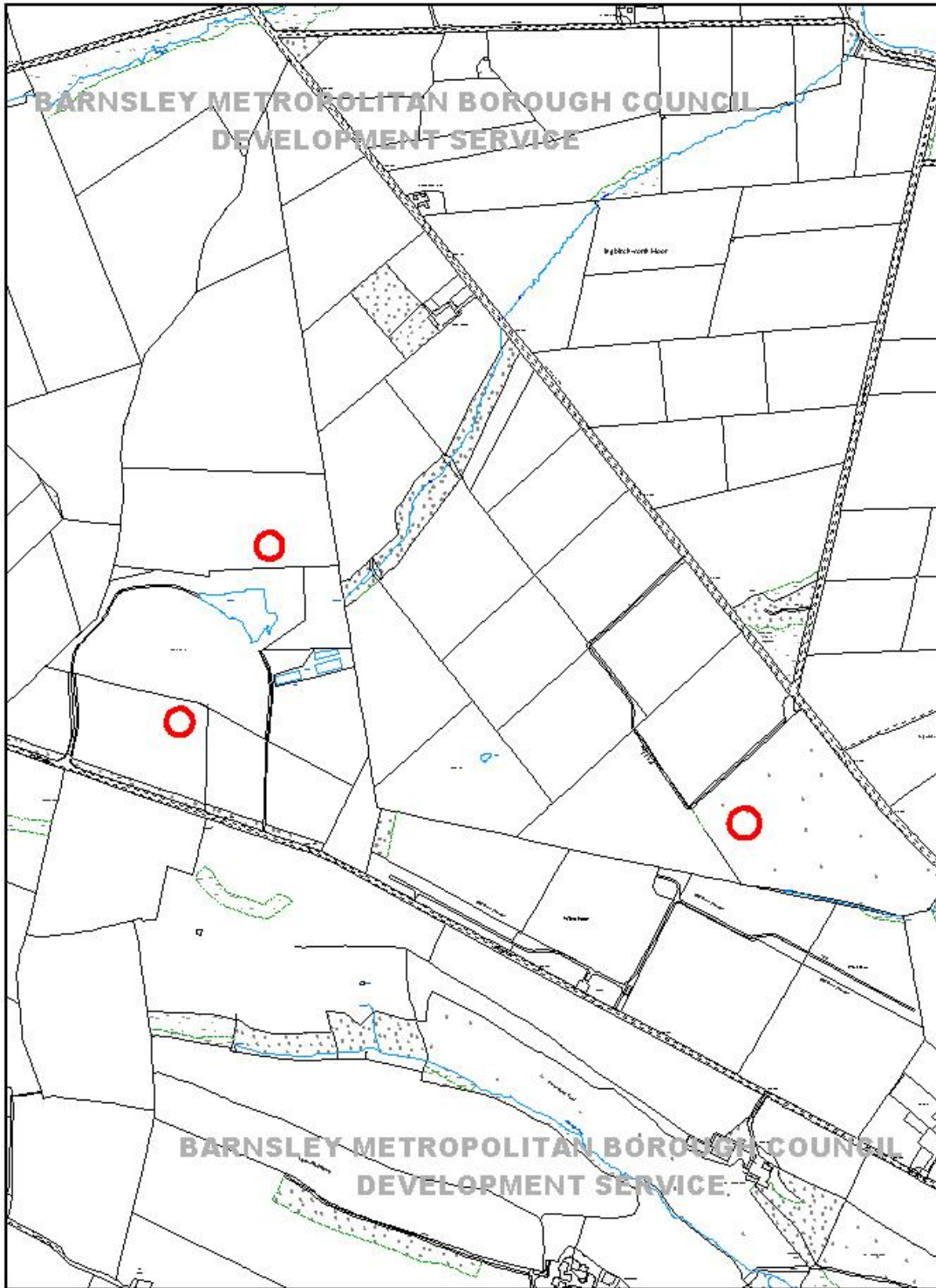
- 19 Prior to the commencement of the development, details of the temporary site compound including details of layout, fencing, parking and manoeuvring facilities shall be submitted to, and approved in writing by, the LPA. The development thereafter shall be carried out in accordance with the approved.

Reason: in the interests of road safety.

PA Reference:-

2014/1442

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BARNESLEY MBC - Development Service



Scale 1: _____

2014/0754

BDW Trading

Residential development of 67no. dwellings and associated infrastructure.

Land at Church Lane, Hoylandswaine, Barnsley

Objections from 168 local residents (30 individual letters and a petition containing 138 signatures), the Parochial Church Council of St John the Evangelist, Councillors Barnard and Wilson, Penistone Town Council and Angela Smith MP.

Introduction

Members may recall that the application was deferred for Officers to secure a greater proportion of the affordable housing contribution on site, including additional bungalows. The Board also wanted to see further parking provision for the church and a footpath link from the site to the primary school (if the school are agreeable) as well as a commitment to provide grit bins. Members expressed concern that the local school has no dedicated off street car parking.

The plans have now been amended resulting in an additional affordable bungalow now being proposed. In addition the car park for use by visitors to the Church and primary school has been increased from 6 to 11 spaces. The plans now also include a footpath link through the development to Hoylandswaine Primary School. The application is also now supported by plans indicating the proposed plot levels. A condition is also recommended to cover the placement of grit bins on the site.

The package of S106 measures has also been amended and now includes a sum of £40k specifically for provision of a car park at Hoylandswaine Primary School.

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 revised planning application proposes the development of 67 houses along with provision of associated infrastructure including roads, drainage, public open space and landscaping.

The revised housing mix would consist of 2 x two bed, 5 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. Since the previous Planning Board an additional bungalow has been added to the scheme.

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 revised plans also include the provision of an 11 space car park within the site that would be available for use by visitors to the Church and Hoylandswaine Primary School.

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.

NPPF

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

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

Paragraphs of particular relevance to this application include:

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

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

58 & 60 – Design considerations.

100-104 – Flood risk.

Consultations

Affordable Housing Officer – No objections 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. Objections from 168 local residents (30 individual letters and a petition containing 138 signatures). 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.

Drainage – It is asserted that more evidence should be presented to demonstrate that the proposed surface and foul water drainage solutions have received technical approval to mean that the proposed development is implementable.

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 SYPT 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 67 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 7 affordable homes on site and a contribution equivalent to provision of a further 9 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. In addition indicative plot levels plans have now been submitted which show that the finished floor levels of the new dwellings would be kept similar to existing land levels. 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 an 11 car park is now proposed within the development for use by visitors to the Church, or the Primary School which would significantly compensate for some of the loss of opportunities for on street parking on Church Lane.

The package of measures contained with the S106 agreement now includes a sum of £40k for provision of a car park at Hoylandswaine Primary School. This is highly significant because the school does not currently have a car park, which results in staff parking on Haigh Lane and other roads within the vicinity. This can have a detrimental impact on traffic flow and highway & pedestrian safety, which is exacerbated when parents drop off and collect children. The school has carried out feasibility work and prepared a car park proposal but has been unable to fund the scheme. This contribution will therefore provide the funding in order to remedy a long-standing problem.

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, including a requirement to provide grit bins as part of the development in accordance with the request of the Planning Board.

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 – 7 of the dwellings are now proposed on site as part of the development, which is equivalent to 10.5% 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 revised commuted sum of £851,521 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.

Subsequent to the 17th January Planning Board meeting Education have clarified that that because of a shortage of primary school places across the Penistone area Education have recently had to allocate places in Hoylandswaine Primary School to pupils living in central Penistone. This has generated a significant number of complaints from parents who have found the journey to school to be difficult. Based upon that Education would use the money to extend a school in Penistone, which would benefit both Hoylandswaine village and Primary Schools in terms of reducing the number of existing car journeys to and from Penistone over time and reduce the demand for parking in the area.

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 development has been designed with drainage systems to ensure that the development would not increase the risk of flooding off the site 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.

Subsequent to the 17th January Planning Board meeting the Principal Drainage Officer has confirmed that the proposed surface water drainage scheme has been agreed in principle and that the Council is able to grant consent for the works without the need for consent from any 3rd party landowners.

In terms of foul drainage, Yorkshire Water have confirmed that they have no objection to the proposed discharge of foul water into the public sewer network taking into account of available capacity.

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. However, this designation was only made on sites that were genuinely capable of development when needed and the relevant policy is classed to be out of date by the National Planning Policy Framework.

As such paragraph 14 of the NPPF would indicate that 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 site can be considered sustainable and the impacts of the proposed development would not be at a level to be considered significant and adverse so to outweigh the benefits taking into account the planning policy and other material considerations set out in the above report. This is summarised as follows:-

- The site is located outside the boundary of a Principal Town and is therefore not in a priority location for growth. However other area settlements are still expected to yield 1000 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 proposals are considered to represent a form of sustainable development having regard to the three dimensions of sustainable development in the NPPF: economic, social and environmental considerations in that the development 66 high quality new family dwellings which would make a significant contribute towards addressing the shortfall in the 5 year housing land supply. In addition the development has been judged acceptable with regards to 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 and the provision of incentives to use public transport.
- 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 polices 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.
- The proposal now includes a contribution towards provision of a car park at Hoylandswaine Primary School as well as the 11 parking spaces at the rear of the church. This will improve the existing situation along Haigh Lane significantly, remedying a long-standing problem.

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 public open space, on site and off site affordable housing, a contribution towards primary school places, a car park for Hoylandswaine Primary School and travel master passes.

Recommendation

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

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 F
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 500 Floor Plans (AD-500/02)
*Housetype 500 Elevations (AD-500/01)
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 546 Elevations (AD-546/01)
*Housetype 546 Floor Plans (AD-546/02)
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 383 Elevations (AD-383/01)
Housetype 383 Floor Plans (AD-383/02)
*Berrington Elevations and Plans (AD-BER/01)
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 The finished floor levels for the dwellings shall be in substantial accordance with Eastwood and Partners drawing numbers 36186/019 and 36186/20 rev C in accordance with final plans to be submitted and approved by the Local Planning Authority prior to the commencement of development. The plans shall detail 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.

- 23 No building or other obstruction shall be located over or within 5.0 (five) metres either side of the centre line of the large diameter water mains or over or within 3.0 (three) metres either side of the centre line of the sewer which cross the site.

Reason: In order to allow sufficient access for maintenance and repair work at all times.

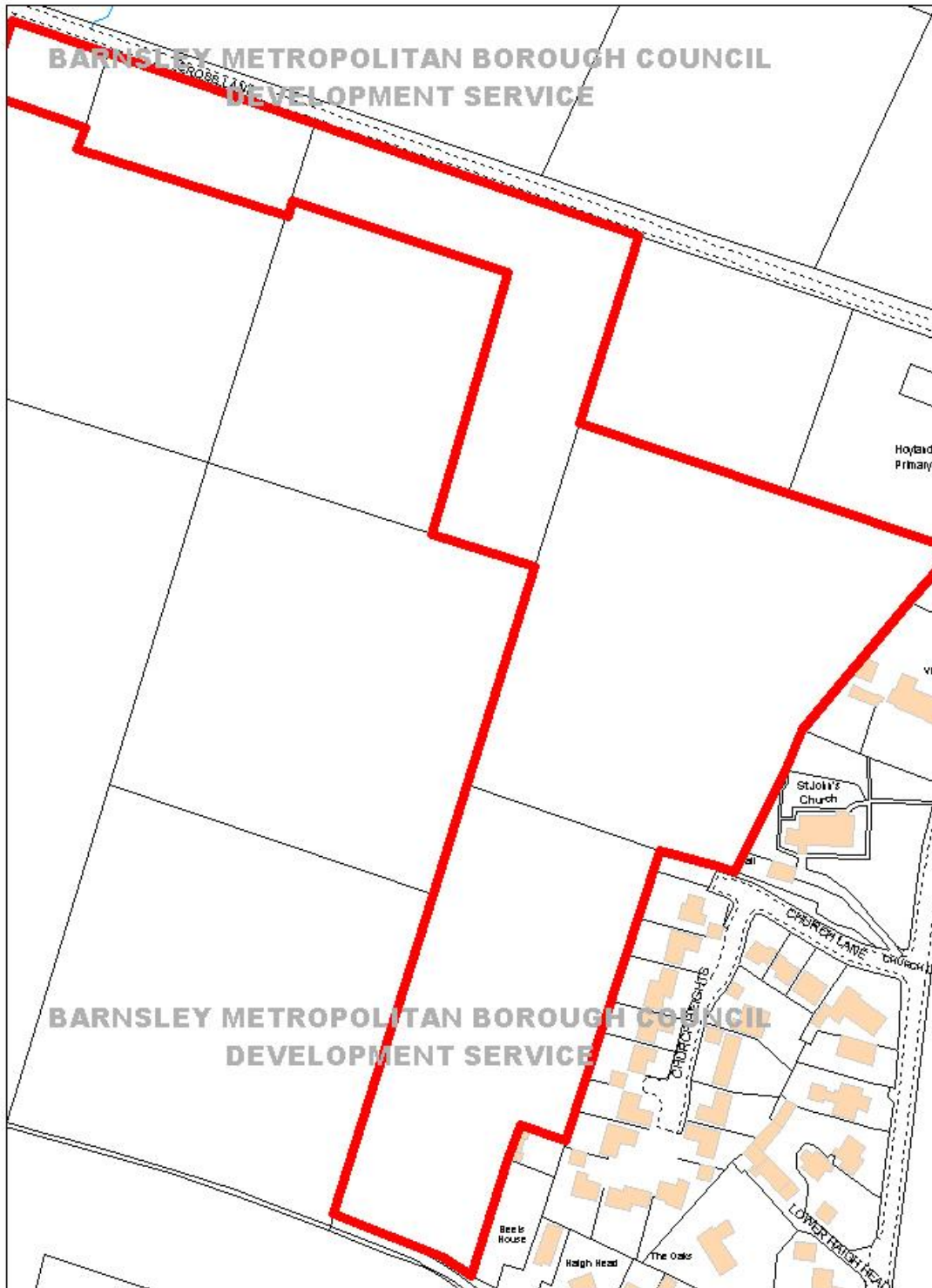
- 24 No development shall commence until details for the provision of grit bins within the development have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the dwellings, or an alternative timetable to be agreed with the Local Planning Authority.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

PA reference :-

2014/0754


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BARNESLEY MBC - Development Service

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Scale 1:2500

2013/0960

Mr Steve Gamble

Residential development of 58 dwellings with associated garages/parking spaces, roads and sewers.

Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 2TF

Objections have been received from approximately 170 residents.

The action group FLAG has re-formed to oppose the application.

Councillor Noble and John Healey MP support the residents in asking that the Planning Board fully investigate residents' concerns. They have also asked for Members of the Board to consider a site visit.

Site Description

The site is located to the rear of the on-going development of 60 houses by Gleeson Homes at Lowfield Road in Bolton-Upon-Dearne. The estate is now nearing completion having been granted planning permission in early 2012 under planning application 2011/0963.

A factory (Adspace) had previously occupied the site until closing in 2005. The site was cleared of buildings shortly afterwards and was in a derelict state for several years, as remains the case with the areas of land included in this planning application. Planning permission for a development of 141 dwellings was initially refused in 2007 (ref 2006/1119), prior to outline planning permission being granted in 2009 for a development of 50 dwellings (ref 2008/1599). Gleeson Homes then subsequently bought the site and made an application for a development of 60 houses on a 1.64ha section of the site, which was approved in December 2011.

The area of land covered by this application is 2.16ha in size and expands further to the east than the previous application, moving it behind existing dwellings on Lowfield Meadows as well as the houses on the existing Gleeson's development. In addition it would project further to the south moving the site nearer to Bolton-Upon-Dearne Waste Water Treatment Works, which is located immediately beyond the southern boundary.

Most of the land included in the application is covered by hard surfacing making the majority of it previously developed. However, a group of protected trees is located on a bank in the north east of the site adjacent the access road providing a separation from the dwellings located on Lowfield Meadows. Other characteristics are that the site is located next to the main Leeds-Sheffield railway line that runs alongside the Western boundary on a raised embankment.

Access to Lowfield Road is via a humpback bridge passing over the railway. This acts as a pinch point and is referred to in the objections received. The site is also located on the south eastern edge of the urban settlement adjacent open views across rural views of the Dearne Valley.

Proposed Development

The application proposes an extension of the existing Gleeson's housing estate to the south and south east by an additional 58 houses.

Houses would be two storeys in height and would be either detached or paired in semis which would be of a similar form and layout to the existing estate. Overall it would consist of 15no two bedroom, 35no three bedroom and 8no four bedroom properties.

The development would take place on the derelict, previously developed areas of the site leaving the existing grass banks and trees undisturbed. Access to the development would be via the new internal road that has been constructed to serve the first phase development of 60 houses. The plans also include a proposed children's play area which would be provided to the south of the houses.

History

Previous applications at the site include:-

2006/1119 - Erection of 141 dwellings with associated car parking. Decision: Refused planning permission 07/02/2007 for the following reasons which are summarised as follows:-

- The site was not allocated for development in the UDP and that the release of the site would impact on the aims of the South Yorkshire Housing Market Pathfinder Renewal Area.
- The proposal was contrary to UDP policy H2 in that the proposed development failed to include satisfactory distance to the Waste Water Treatment Works located to the rear of the site.
- The proposal was contrary to UDP Policy ES3 in that there was insufficient capacity at the Waste Water Treatment Works to accommodate the increased flow that the development would generate.
- The internal road layout was considered to be unacceptable design from a highway safety perspective.
- The proposed plans were considered an unacceptable form of design in context.
- The development was considered to represent an isolated finger of development that would project beyond the existing settlement boundary in the context of the boundary with the local countryside located next to the site

2008/1599 - Erection of 50 dwellings, associated car parking and formation of public open spaces including details of access (Outline). Decision: Granted outline planning permission with conditions 12/02/2009.

2011/0963 - Residential development - erection of 60 no dwellinghouses and associated works and infrastructure. Decision: Granted planning permission with conditions subject to the terms of a S106 Agreement 08/12/2011.

2012/1088 - Removal of condition 7 of approved app 2011/0963 relating to the provision of a 2m footway along the frontage of the site. Decision: Granted planning permission with conditions 21/12/2012.

2012/0492 - Removal of condition 11 of application 2011/0963 - (Provision of 1 year Travel Master Passes to the first occupants of each dwelling). Decision: Granted planning permission with conditions 16/07/2012.

2014/0175 - Application to review/vary the existing S106 on planning permission 2011/0963 (removal of affordable housing element). Decision: Refused permission by the Council but allowed on appeal by the Planning Inspectorate 9th September 2014.

Policy Context

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

series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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

Local Development Framework Core Strategy

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'
CSP17 'Housing Regeneration Areas'
CDP19 'Protecting Existing Employment Land'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Employment Policy Area/Area of Expansion for existing firm

ED7/DE4 'Employment Policy Areas'
ED/11 & DE5/1 'Expansion of Existing Firms'

SPD's

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

Planning Advice Note's

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

Other

South Yorkshire Residential Design Guide

Emerging Development Sites and Places DPD

Proposed allocation: Urban Fabric

- SD1 Presumption in favour of Sustainable Development
- GD1 General Development Policy

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

179 – Viability – The costs of any requirements likely to be applied to development, such as requirements for affordable housing, standards, infrastructure, contributions, or other requirements should, when taking account of the normal cost of development and mitigation, provide competitive returns to a willing land owner and willing developer to enable the development to be deliverable.

Consultations

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

Coal Authority – No objections.

Contaminated Land Officer – No objections subject to conditions.

Drainage – No objections subject to conditions.

Education – No objections.

Environment Agency - No objections subject to conditions

Highways – Do not object subject to a scheme of works being carried out to improve safety at the bridge.

Regulatory Services – Do not object to the application as they are willing to accept that there is sufficient distance from the properties to the WWTW to protect residents from nuisance from odour.

Tree Officer – No objections subject to conditions.

South Yorkshire Police ALO - No objections.

SYPTTE – No objections but request a pedestrian crossing is provided on Lowfield Road to facilitate pedestrian access to the train station.

Yorkshire Water – Remain of the view that it is generally an inappropriate use of land to site sensitive receptors so close to an operational WWTW. However, in this instance YW accept that there are existing houses close to the works, albeit on the other side of the railway line and in the opposite direction to the prevailing wind, and that there are few complaints at present from local residents.

Also, the developer has made attempts to mitigate the risk of loss of amenity by undertaking a thorough odour survey and more recently in the latest iteration of the site lay-out, moved the prospective housing further back from the WWTW to provide a greater buffer zone between the WWTW and the houses.

Given the above, whilst YW remain concerned that if the development of the site is permitted there is a risk that residents will suffer a loss of amenity due to the proximity of the WWTW (approximately 50m) provided Barnsley Council is satisfied that, if planning permission is granted, the Government's objective "that planning should help to deliver a healthy natural environment for the benefit of everyone and safe places which promote well- being" will be met, Yorkshire Water does not object to the development.

Representations

The application was advertised by notices in the press and erected on site and by individual neighbour notification. In addition residents have been notified on 2 additional occasions following changes to the plans. Objections have been received from approximately 170 residents. The action group FLAG has re-formed to oppose the application. Cllr May Noble and John Healey MP have requested that the concerns are fully investigated by the Council and to support the request that a site visit is made by the Planning Board.

In summary the main objections are summarised as follows:-

Highway safety

- It is asserted that Lowfield Road is an unsafe means of access to the site due the existing hump back railway bridge, poor forward visibility, an on-going lack of maintenance and subsidence. Residents also assert that Network Rail proposals to carry out works to the bridge are an admission of this.
- Concerns that the increased volumes in traffic could not be accommodated leading to dangers for drivers, cyclists and pedestrians.
- It is agreed that mitigation is required on the hump back bridge but not traffic lights, or speed bumps as the road is affected by snow and ice during winter
- In addition to the above it is asserted that the access from the development site onto Lowfield Road is unsafe as it causes an obstruction preventing two vehicles to pass and is affected by poor visibility.
- Concerns that the traffic survey is not accurate.
- Inconvenience/safety concerns for existing residents using their driveways.
- Concerns that the footways on Lowfield Road are not DDA compliant and are therefore unsafe for increased use.
- The access to the existing estate – Concerns that the works are incomplete and have been left in a dangerous state with a curb protruding out into the road.

- Concerns that the volume of traffic using Lowfield Road has already increased since the application was submitted resulting in a number of near accidents due to activity from the new housing development, the nearby fishing lakes and bird enthusiasts visiting the wetlands at the bottom of Lowfield Road.

Sustainability

- Concerns that too many houses are proposed on a site which is located too far away from local services including schools, shops, doctors, dentists etc. and due to the number existing empty/vacant properties in the area indicating a lack of need.
- Unjustified urban sprawl.
- Poor public transport access to Barnsley, Rotherham and Doncaster.
- Concerns that the development would not provide a suitable standard of living due to odour impacts from the waste water treatment works.
- Mix – concerns that too many three bedroom properties are proposed and no bungalows.
- Concerns that local primary schools are full to capacity in certain year groups.
- Concerns the proposals would undermine the objectives of the Dearne Valley Green Hart Project/Nature Improvement Area.
- Concerns about the pollution control impacts that the application may undo recent good work to create a wetland and cycle route locally.
- Concerns that the development is to accommodate people affected by the bedroom tax.
- It is asserted that better sites exist in the local area to build new houses, such as land located at the side of the new Lacewood School.

Residential Amenity

- Sewerage capacity. It is questioned whether the Waste Water Treatment Works has adequate capacity to accommodate the flows from the proposed and other developments in the area. Concerns are raised that it will be existing residents local to this area that will be affected by pollution and odour if the works fail as a result of being overloaded.
- Water supply issues – It is stated that residents living in houses towards the end of Lowfield Road are experiencing low water pressure and that the development will exacerbate the situation.
- Electricity supply - concerns that the development may lead to powercuts affecting existing residents.
- It is questioned why a footpath is shown to the area of land to the north of the bund near to the existing houses on Lowfield Meadows which is shown to remain undeveloped.
- Concerns that fly tipping has increased in the area since the application was lodged.

Planning history – It is stated that previous planning applications decisions have established a precedent for the Council to refuse permission for a high number of houses on this site.

Assessment

Principle of Development

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

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

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

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

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

The site is designated partly as an Employment Policy Area and partly as an Area of Expansion for an Existing firm in the Unitary Development Plan. The proposal would therefore not comply with the development plan in this respect. However the relevant policies are classed to be out of date in the context that the site ceased being used for employment purposes in 2005.

The proposal is also judged acceptable in relation to CSP 19 'Protecting Existing Employment Land' in that the established planning permission and subsequent commencement, on the northern section of the wider employment policy area has in effect removed the sites potential for employment development due to constrained access.

Based upon the above the second part of paragraph 14 of the NPPF is considered to apply meaning planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. The remainder of the assessment has been carried out in that context.

Sustainability

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

The NPPF also states that development proposals which accord with the development plan should be approved without delay. As has been established above, the proposal does not accord with the existing site specific land use policies affecting the site. However UDP policies are classed to be out of date and the site is located in an area designated to accommodate housing growth in the Core Strategy part of the development plan. Specifically the site is classed to be in the Goldthorpe (Dearne Towns) Principal Town, which is a priority location to accommodate growth during the LDF plan period (3000 new dwellings net before 2026) in accordance with CSP8 and CSP9. This consideration needs to be afforded significant weight in the overall balancing exercise.

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

The proposal would deliver a number of positive economic, social and environmental in that the development would provide 64 houses in an area designated to accommodate housing growth contributing towards addressing the deficiency in the five year housing land supply. In addition the site is brownfield and therefore the development recycling of urban land which is one of aims of CSP14 and Planning Advice Note 30 at local level and one of the Core Aims of National Planning Policy in the NPPF.

Residents who oppose the development assert that the location of the site is poor in relation to local services and public transport. However the site would easily pass the housing development sustainability checklist contained in Planning Advice Note 30 and SYPTTE have afforded the site a

green rating in terms of public transport accessibility (although they do still request a pedestrian crossing is implemented through the highway works).

The development would therefore deliver a number of benefits which would indicate that the presumption in favour of sustainable development would apply. However, the social and environmental impacts of development are considered in more detail below.

The proposed development – housing policy considerations and design/visual amenity

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

The first aim of CSP14 'Housing Mix and Efficient Use of Land' is to ensure that housing developments achieve a mixture of house size, type and tenure. The development is considered to achieve a reasonable mix of two, three and four bedroom houses and the density/garden sizes are such that it would provide opportunities for properties to be extended in the future. Officers are aware that Members of the Board strive to secure the onsite provision of bungalows within new development, indeed this matter has been discussed at length at recent Planning Board Meetings. The point has not been lost, and negotiations have been entered into with the developer to establish where the housing mix could be reconsidered. Unfortunately this is not a point the applicant is willing to concede upon, Gleeson Homes assert that they provide low cost open market housing which is tailored towards young families and first time buyers who are generally on low incomes. They strive to deliver affordable housing which does not compromise on quality, this business model has been devised around standard house types, to which there is little flexibility for change. In the absence of any specific 'bungalow' policy it must be stressed that the range of the accommodation meets the policy aspirations of CSP14, and a refusal on the housing mix could not be justified." As such I do not consider the proposed mix to be a significant issue.

CSP14 also aims to achieve a minimum density of 40 dwellings per hectare in the interests of making efficient use of land. However it is considered more important that development is designed to provide adequate standards of amenity for existing and future residents and achieve a good standard of design. In this case the proposals have been designed to satisfy the design criteria in the SPD. As such I do not consider the density of 27 dwellings per hectare to be an issue.

There are few issues with the elevations, which are for the same type of two storey and modern but conventional design as the existing estate and are of a good standard of appearance.

An issue is that the site is located next to open greenfield land which is located to the east. Because of this the plans include a 5m wide landscaping buffer to avoid the development providing a hard edge. In addition the layout has been designed to retain the group of protected trees located in the banking in the north east of the site, which would provide a visual buffer between the new houses and the existing dwellings located on Lowfield Meadows.

In summary the plans are assessed to be acceptable in relation to housing planning policy and design/visual amenity considerations.

Residential Amenity

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

- The effect of the development of the living conditions of existing residents.

- The design of the scheme in terms of meeting policy requirements relating to the required standard of amenity for future residents.
- The waste water treatment works and potential odour issues.
- Noise from passing trains.

The effect of the development on the living conditions of existing and future residents

The new houses would be located at distances which comply with the standards in the SPD regarding separation distances. The plans are therefore considered acceptable with regards to privacy and overshadowing considerations.

Internally the plans that comply with the spacing garden size standards and SYRDG standards. The plans are therefore considered acceptable with regards to providing an acceptable standard of residential amenity for future residents.

The waste water treatment works and potential odour issues

A potential issue is odour emanating from the Waste Water Treatment Works, the boundary of which is located just over 60m from the nearest dwelling on the proposed plans. Indeed, this concern was stated as one of the reasons for refusal on previous planning application 2006/1119. However, unlike application 2006/1119, the application is accompanied by an odour assessment that was carried out over an extended 12 month period prior to the application being submitted. The report asserts that odour levels below 5 OUE/m³ (European Odour Units) would not pose a significant odour issue and that accordingly the plans have been designed to be set back behind the position whereby the 5 OUE/m³ threshold was not exceeded during the 12 months that the survey was conducted.

The issue has been afforded detailed consideration by Officers in Pollution Control and Yorkshire Water for an extended period of time. It is not straight forward because there is no set guideline as to when nuisance will occur and as higher and lower thresholds have been used in other sites around the country. However details have been provided of a number of appeal cases whereby the 5 OUE/m³ threshold has been accepted by Planning Inspectors. It is also the case that a number of existing properties are located nearer to the WWTW than the nearest of the proposed dwellings. In addition there are few complaints on record about odours from the works.

A remaining issue was that the initial plans showed houses in a position that were located near to the 5 OUE/m³ contour line that formed part of the odour assessment. However the current set of plans were amended to include a 10m set back following negotiations and are no longer objected to by Officers in Pollution Control and Yorkshire Water. It is therefore considered that the development would not be in conflict with the NPPF or CSP40 which aim to prevent new development from contributing to or being put at unacceptable risk from pollution. In addition a landscaping strip is to be provided adjacent the boundary with the WWTW which shall also act as a future screening buffer between the housing development and the works.

Noise from passing trains – This is an issue for some of the proposed dwellings located towards the west of the site. The application is accompanied by a Noise Assessment which concludes that the properties on the western part of the development would need to be subject of enhanced sound insulation to ensure that internal noise levels satisfy national guidelines. Regulatory Services are content this mitigation would ensure that noise levels would not result in unacceptable pollution levels for future residents.

Highway Safety

It is recognised that the proposed means of access to the site is one of the most contentious parts of the application which is reflected in the majority of objections to the application. This is because the development would lead to increased traffic flows over the existing humpback bridge over the railway on Lowfield Road which is affected by a narrow carriageway width and lack of forward visibility and due to concerns raised by the residents about the safety of the junction between Station Road and the B6098, Angel Street.

The application is accompanied by a Transport Assessment which asserts that the network would continue to operate within capacity. Notwithstanding it proposes mitigation in the form of introducing a 20mph speed limit on Lowfield Road with associated signage as a means of traffic calming. However, the application has coincided with proposals from Network Rail to carry out works to improve the safety of the bridge and discussions between highways and Network Rail have determined that a scheme of traffic signals is the favoured option. Nevertheless as Network Rail are a 3rd party to the application highways have also afforded consideration to the position if the traffic signals scheme was not be delivered. In which case highways would require an alternative mitigation scheme that would include vehicle active signs, coloured road surfacing, new signage and LED street lighting. Highways have no objections to the proposed development in highway safety terms subject to either mitigation scheme being in place. The applicant would be required to contribute towards the cost of the work in either scenario.

Residents' concerns regarding the width of the existing footpaths are acknowledged. Unfortunately there is very limited scope to do anything about this on the bridge itself due to its narrow width. However the proposed mitigation works to the bridge would be of some benefit to pedestrians in either form. In addition the overall development shall lead to the widening of a section of the footpath on Lowfield Road leading towards the bridge, a new 2m footpath along a section of the site frontage and a crossing. Again highways have resolved not to object to the application taking these considerations into account.

Internally within the scheme the road layout and the number of parking spaces has been designed to comply with the relevant standards. A footpath that had been previously proposed through the hedging off the existing road has now been removed to mitigate against any potential noise and disturbance to properties on Lowfield Meadows. In addition the application is supported by a sustainable travel plan whereby a person will be appointed to work with the residents to achieve a reduction in car usage. The proposal would comply with CSP 25 'New Development and Highway Safety' in this respect.

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

Education - Education have confirmed that they do not wish to object to the application having carried out an assessment of available capacity at local primary and secondary schools.

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 include a LEAP standard play area based upon local needs. Policy also require a contribution of £52,994.35 towards formal recreation provision off the site.

Affordable housing – The site is an area where affordable housing provision should be 15% of the overall number of dwellings. Indeed the planning permission obtained by Gleesons for the existing development originally was subject to a S106 Agreement to include 8 affordable houses. However Gleesons were successful in having the obligation being removed by the Planning Inspectorate following an appeal being made under the review and appeal procedure introduced by Central Government (app ref 2014/0175). This was on viability grounds with the appointed Inspector

concluding that 'a viable scheme does not exist' with an affordable housing obligation being in place.

Gleasons have submitted an appraisal for the current application, which has again concluded that viability of the site is marginal and that only a relatively small figure would be viable to be provided as a commuted sum for S106 Agreement matters. However it should be noted that the developer is already being asked to contribute a commuted sum towards public open space, off site highway works, impose a sustainable travel plan on the development and utilise sustainable construction methods which would all incur costs. In addition the development would constitute low cost market housing and whilst this is specifically excluded from the definition of affordable housing in the NPPF it does indicate that the provision of a very small amount of commuted sum towards affordable housing would not outweigh the other priorities listed above in this particular case. On balance therefore I do not consider that a reason for refusal could be substantiated under CSP15.

Other considerations

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is not at risk of flooding from either the River Dearne or overland flows and drainage infrastructure.

In addition the systems on the development would need to be designed to reduce the existing surface water run off rates by 30% given that this is a brownfield site 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. In addition Yorkshire Water have removed their previous objection to the application based on the potential effect of the development on the capacity at the WWTW.

Ground Conditions

The site lies outside a Coal Mining Referral Area. However the ground investigation has identified potential issues with made ground/land stability and contamination arising from the previous land use. As such conditions would need to be imposed to ensure a suitable mitigation strategy as per the recommendations of Regulatory Services and the Environment Agency.

Ecology

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is supported by a reptile survey following the reports from the previous applications identifying the area of scrub to the south of the application as potential habitat. However, no evidence has been found of any living at the site. The trees and hedgerows, including those protected by the Tree Preservation Order would not be affected by the development, but any maintenance or clearance work affecting dead trees would need to take place outside bird breeding season. Overall there are no concerns in relation to CSP36.

Sustainable Construction

The policy context is that it is a requirement that dwellings are constructed to a level 3 rating under the Code for Sustainable Homes and that the developments CO2 emissions are reduced by 15% by incorporating suitable design measures. These would require conditions to be imposed.

Conclusion

In summary, the proposed housing development would be built upon land which is designated as Employment Policy Area and for the Expansion of an Existing Firm. The proposal would therefore not comply with the development plan in this respect. However the relevant policies are classed to be out of date in the context that the site ceased being used for employment purposes in 2005.

In such circumstances the NPPF states that planning permission should be granted for a proposed 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 be at a level to be considered significant and adverse so to outweigh the benefits taking into account the planning policy and other material considerations set out in the above report. This is summarised as follows:-

- It has been established that there would be not be conflict with CSP 19 'Protecting Existing Employment Land'.
- The site is located in the Goldthorpe Principal Town and is therefore in a priority location for growth which is expected to yield 3000 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 proposal would deliver a number of positive economic, social and environmental having regard to the definition of sustainable development in the NPPF in that the development would provide 58 houses in an area designated to accommodate housing growth contributing towards addressing the deficiency in the five year housing land supply.
- The site is brownfield and therefore the development recycling of urban land which is one of aims of CSP14 and Planning Advice Note 30 at local level and one of the Core Aims of National Planning Policy in the NPPF.
- The plans are assessed to be acceptable in relation to housing planning policy and design/visual and residential amenity considerations having regards to the Designing New Residential Development SPD, CSP29 'Design', CSP14 'Housing Mix and Efficient Use of Land'.
- The assessment of odour and noise levels has concluded that the development would not be significantly affected. Therefore the proposed development would not be in conflict with CSP40 and the NPPF.
- The proposal is judged acceptable on highway safety grounds subject to the mitigation taking into account polices 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 public open space, a commuted sum towards highway improvement works and the provision of a sustainable travel plan.

Recommendation

Grant planning permission subject to completion of S106 Agreement (Public Open Space, Highways and a Travel Plan).

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:-

373/G Planning Layout

13/201-02 Type 201 Elevations (Urban 13)

13/201-8 Type 201 Elevations (Rural 13)

201/1D 201 dwellingtype

13/202-02 Type 202 Elevations (Urban 13)

13/202-9 Type 202 Elevations (Rural 13)

P202/1D 202 dwellingtype

13/301-02 type 301 elevations (Urban 13)

13/301-8 type 301 elevations (Rural 13)

301/1D 301 dwellingtype

13/302-02 type 302 elevations (Urban 13)

13/302-9 type 302 elevations (Rural 13)

302/1E type 302 dwellingtype

13/303-02 type 303 elevations (Urban 13)

13/303-9 type 303 elevations (Rural 13)

303/1E type303 dwellingtype

13/304-02 type 304 elevations (Urban 13)

13/304-10 type 303 elevations (Rural 13)

304/1C type304 dwellingtype

13/309-02 type 309 elevations (Urban 13)

13/309-10 type 309 elevations (Rural 13)

309/1B type309 dwellingtype

13/310-02 type 310 elevations (Urban 13)

13/310-10 type 303 elevations (Rural 13)

310/1B type303 dwellingtype

13/404-02 type 404 elevations (Urban 13)

13/404-9 type 404 elevations (Rural 13)

404/1D type404 dwellingtype

13/406-02 type 406 elevations (Urban 13)

13/406-10 type 406 elevations (Rural 13)

406/1F type406 dwellingtype

SD701 Detached single garage

SD100 Boundary Treatments 1200mm high timber fence

SD103 Boundary details - Post and wire fence

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 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.

- 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 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.

- 6 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.

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

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

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

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

8 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.

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, in accordance with Core Strategy Policy CSP 29.

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 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.

11 No development or other operations being undertaken on site shall take place until the following documents, prepared in accordance with BS5837:2012, have been submitted to and approved in writing by the Local Planning Authority:

Tree protective fencing

Tree protection plan (TPP)

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.

- 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 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
(i) a survey of the extent, scale and nature of contamination;
(ii) an assessment of the potential risks to:
human health,
property (existing or proposed) including buildings, crops, livestock, pets, woodland and 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.
- 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 The development's carbon dioxide emissions shall be reduced by at least 15%. 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.

- 16 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.
- 17 No building or other obstruction (including trees) shall be located over or within 3 metres either side of the centre line of each of the sewers, i.e. protected strip widths of 6 metres per sewer that cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 18 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 the public open space shown on plan no 373/F Planning Layout and for the enhancement of public open space off site in accordance with the Councils greenspace needs assessment carried out on the application and the LDF Supplementary Planning Document 'Open Space Provision on New Housing Developments'. The development shall proceed in accordance with the approved scheme and timescales.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with LDF Supplementary Planning Document 'Open Space Provision on New Housing Developments'
- 19 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.
- 20 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.
- 21 The development shall be carried out strictly in accordance with the noise mitigation measures set out in Spectrum Acoustic Consultants report ref RK1041/13076 'Noise and Vibration Assessment -Phase 2'
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

PA reference :-

2013/0960

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BARNESLEY MBC - Development Service

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Scale 1:2500

2014/1232

Peveril Securities Limited

Demolition of existing built development and construction of retail units and erection of residential development of up to 35 no. dwellings (Outline - All Matters Reserved)

Former Foulstone School, Nanny Marr Road, Darfield, Barnsley, S73 9AB

2 representations from local residents.

Site Description

The site is the vacant former Foulstone School site on Nanny Marr Road in Darfield, which closed in 2012 subsequent to the opening of Netherwood Advanced Learning Centre.

The site is approximately rectangular in shape apart from at the southern boundary which is diagonal along Barnsley Road. The overall site is 2.45ha in area. There are few signs of the previous use in that all former buildings associated with the school have been cleared and the site seeded with grass. This is with the exception of the former youth centre building in the southern part of the site off Barnsley Road, along with the perimeter walls and fences and a number of trees which are mainly located on the western (Nanny Marr Road) and southern (Barnsley Road) boundaries. There are further trees located adjacent the eastern boundary although the majority are located outside the site in Darfield Miners Welfare Park.

The surroundings of the site are predominately residential with the site sharing a boundary with existing dwellings located on Victoria Street, Queen Street and Coronation Street to the north and being located opposite houses on Nanny Marr Road and Barnsley Road to the west and south. The site also borders onto Darfield Miners Welfare Park and Darfield Conservation Area which are located to the east of the site.

The existing topography across the site is fairly uneven. However there are no significant levels differences across the site overall. The difference from the western Nanny Marr Road boundary to the eastern boundary adjacent the Miners Welfare Park is approximately 5.2 metres.

Proposed Development

The application seeks outline permission for development with only means of access to be considered at this stage. The scheme proposes the demolition of the youth club building and the construction of a development in two parts being retail, including a foodstore, on the southern section of the site, and a residential development of up to 35 dwellings making up the remainder.

The retail development would occupy the larger part of the site on the southern section adjacent Nanny Marr and Barnsley Roads. It would comprise a 1,254sqm retail foodstore, 5 smaller retail units comprising of units between 185 and 465 sqm of floorspace, associated service areas and a 166 space car park.

In addition a residential development of up to 35 dwellings is proposed on the northern part of the site on 0.9ha of land on the areas of the site adjacent to Nanny Marr Road, Victoria Street, Queen Street and Coronation Street.

Layout, scale, landscaping and appearance have been reserved for subsequent approval. However the application is accompanied by an indicative site layout/parameters plan and indicative elevations.

The retail and the residential parts of the development would be served off two separate accesses from Nanny Marr Road, which are sought to be approved as part of the application.

History

Previous planning applications at the site include:-

B/75/3580/DA – Construction of chimney. Approved 15/01/1976.

B/75/1391/DA - Extensions to school. Approved 27/06/1975.

B/76/1847/DA – Construction of bus lay by. Approved 28/10/1976.

B/91/1052/DA – Siting of mobile classroom. Approved 12/09/1991.

B/95/1393/DA – Erection of extension and alterations to school. Approved 18/01/1996.

B/96/0022/DA – Erection of perimeter fence. Approved 29/02/1996.

B/97/0123/DA – Erection of a telecommunications cellular site. Approved 05/06/1997.

B/97/1391/DA – Erection of retail unit. Refused 20/02/1998.

B/02/1816/DA – Erection of two storey extension to form city learning centre with associated parking. Approved 21/03/2003.

2012/1006 – Demolition of school (prior notification). Prior approval granted.

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'
CSP43 'Educational Facilities and Community Facilities'

Saved UDP Policies

UDP notation: Existing Community Facility/Village Centre. However neither of the site specific policies have been saved. The community facilities policy has been replaced by CSP43 in the Core Strategy.

SPD's

- Residential amenity and the siting of buildings
- 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

Draft Local Plan

Proposed allocation: H41 Housing Proposal

NPPF

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

Paragraphs of particular relevance to this application include:

- 32 – 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'.
49 – 'Housing applications should be considered in the context of the presumption in favour of sustainable development'.
58 & 60 – Design considerations.

100-104 – Flood risk.

Consultations

Affordable Housing Officer – No objections subject to the provision of 15% affordable housing as part of the residential part of the development.

Biodiversity Officer – No objections subject to conditions.

Contaminated Land – No objections subject to a condition.

Conservation Design- No comments have been received.

Drainage – No objections subject to conditions.

Education – No objections.

Environment Agency – No objections subject to conditions.

Highways – No objections subject to conditions.

Regulatory Services – No objections subject to conditions.

Tree Officer – No objections subject to conditions.

SYPTE – In summary express the following concerns:-

- The development shall generate additional public transport journeys
- The existing bus stops are considered unfit for purpose.
- The PTE are also concerned that the existing bus shop located on the south side of Nanny Marr Road is located in a position that does not align with the bus layby.

Overall therefore they consider that the existing bus stops should be demolished and replaced as part of the development.

Yorkshire Water – No objections subject to conditions.

Representations

The application was advertised by neighbour notification, site and press notice. 2 objections have been received from local residents. In summary the main concerns expressed are as follows:-

Highway safety – concerns that the increase in traffic would make it difficult for residents living in existing properties on Nanny Marr Road to use their driveways safely.

Residential amenity – It is stated that the maximum height of the dwellings should be two storeys in order to prevent a loss of light at existing properties.

Concern is raised that area of land adjacent to No.21 Coronation Street which is currently not used for any purpose other than litter and anti-social behaviour, is tidied up.

In addition to the above the application is accompanied by a report summarising consultation that was undertaken by the applicant with the local community prior to the application being submitted. This states that the public exhibition was well attended with approximately 300 visitors and that

strong support was expressed for the proposal with 92% of respondents stating strong support for both the shops and the housing.

Assessment

Principle of Development

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

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

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

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

The main issues to consider in land use planning policy terms are:-

- Loss of land designated as an existing community facility.
- Retail policy
- Housing policy

Loss of land designated as an existing community facility

The site is designated in the UDP as an Existing Community Facility and a Village Centre. The Village Centre designation is considered below under retail policy. The adopted Core Strategy includes a policy CSP43 Educational Facilities and Community Uses which states that 'such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing use or an alternative community use'. The school that previously occupied the site has been demolished and the education requirements are now catered for at Neitherwood ALC. Furthermore the Youth Club is now no longer used and is a vacant building with its services having been disconnected. The site does not therefore have a current community use and, given its size, it would be unviable to be used for an alternative community facility. The applicant states that the site was marketed by the Council with 'the developer for the proposed scheme presenting the most suitable bid'. Property and Procurement have confirmed that there were no bids with the intention of developing a community use and therefore this policy is considered to have been satisfactorily addressed. Accordingly there is no conflict with CSP43.

Retail policy

This site was identified in the Unitary Development Plan as being part of a large area that has potential for improvement of the environment and local facilities. In particular, the possibility of identifying a site for small supermarket was highlighted in the UDP, but the policy has not been saved. This potential was also noted in the recent Smaller Centres Study (2010).

However, as the UDP policy has not been saved, Darfield does not have a defined retail centre boundary in an adopted local plan. The adopted Core Strategy designates Darfield as a Local Centre but does not define a boundary. However, the Smaller Centres Study is helpful in defining

this boundary and is also evidence base underpinning the draft Local Plan. The draft boundary is adjacent to the application site and it is therefore concluded that the site is edge of centre.

Accordingly, in line with CSP31 and the NPPF, it is necessary for the applicant to undertake an assessment of sequentially preferable sites. Notwithstanding the submission on disaggregation, it is agreed that there are no sequentially preferable sites for the proposed development or the greater part of it. The applicant has considered potential sites within the catchment area for the proposed development that includes the shopping centres of Darfield, Wombwell, and Stairfoot. Apart from a range of small shop units in the shopping centres, there is only one shop unit of significant size available. This is in Wombwell and amounts to 435sq m. Given that this would theoretically accommodate only one of the larger of the 'small' retail units, it can be considered that the Wombwell shop unit is not sequentially preferable to the application site.

In addition, in line with the NPPF, an impact assessment is required because the proposal is for a total of 3410 sq m of retail floorspace and is above the threshold set out in the NPPF (2500 sq m) for an impact assessment. The submitted impact assessment indicates that the proposal would still only result in 19% of convenience and 9% of comparison goods trade being retained in the catchment area.

It is considered that although the proposal will extend the size and offer of the Darfield Local Centre, the resultant Centre will still predominantly meet the needs of the local area and not adversely impact on nearby Centres. The applicants impact assessment concludes that the impact on Wombwell District Centre will amount to a diversion of 1.8% of spend. The impact on Darfield itself is quantified at 3.2% of expenditure (and is so low due to the lack of provision currently found within the Centre). Finally, the impact on Stairfoot would amount to 4% but the majority would come from an overtrading Aldi store within the Centre.

The proposed development would improve the provision of convenience and comparison shopping in Darfield, and increase the amount of spend that is retained in Darfield. It is considered that the proposed retail development would make a significant contribution to the sustainability of Darfield, by virtue of the provision of retail services that will be more easily accessible by foot or cycle than the existing alternative provision in nearby Centres. It is concluded that this contribution to sustainability, together with the positive contribution that the proposal will make to local consumer choice, outweighs any limited concerns that the proposed development would harm the vitality and viability of nearby Centres. The proposed retail development is therefore considered to be in accordance with the main strategic policies in the development plan.

Housing policy

The proposal lies within a central location within Darfield, which is part of the larger Wombwell Principal Town. This is identified in Core Strategy policy CSP8: Location of Growth as a priority location for housing growth. As the borough cannot yet demonstrate a five year supply of specific, deliverable sites as required by the NPPF, the adopted policies for the supply of housing should not be considered up-to-date and applications should be considered against the NPPF's presumption in favour of sustainable development. The presumption states that, with regard to decision taking, where policies are out of date permission should be granted unless 'any adverse impacts of doing so would significantly and demonstrably outweigh benefits'. The main issues in this location are the extent to which the location is sustainable and if the proposal complies with adopted policies on open space and other infrastructure requirements, access, design and density.

Given the location of the proposal at the centre of Darfield, it is reasonable to assume that the site is well served by services, facilities and public transport. The housing site selection process consideration of this site concluded that it is partly within the core public transport network buffer;

is within walking distance (800 metres) of all essential facilities and five other services; and is within 0.8km of local centre. In addition, it is noted that policy CSP14 indicates that priority will be given to the development of previously developed land, which this site is. The proposed residential development is therefore also considered to be in accordance with the main strategic policies in the development plan.

Based upon the above the presumption in favour of sustainable development laid out in the NPPF is considered to apply. As such planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

Visual Amenity

Layout, scale, appearance and landscaping have all been reserved for subsequent approval. However the application is accompanied by an indicative site layout/parameters plan and indicative elevations.

The retail development would occupy approximately 60% of the site and the housing development approximately 40%. The plans indicate that the buildings associated with the retail development would be sited towards the southern boundary adjacent Barnsley Road and the eastern boundary towards the recreation ground. The car park and access road would be located in the foreground in relation to the Nanny Marr Road site frontage.

The buildings would be predominately single storey in height (approx. 5m) raising to 7m in the case of the foodstore retail unit. The plans represent a good standard of modern design that would include a palette of materials that would be sympathetic to the area including stone for some of the walls, cream render and cladding panels. From an appearance point of view I consider the indicative elevation plans to be acceptable in principle having regard to CSP29.

In terms of the proposed residential development, only an indicative layout has been provided which is not at a level of detail to allow an informed assessment as is common with outline application. However the plans indicate that it should be possible for the spacing standards in the SPD to be satisfied. Therefore I am content for this to be a consideration for the reserved matters stage.

The plans indicate that the development would result in the loss of a number of existing trees located on the western (Nanny Road Road) and southern (Barnsley Road) boundaries and from within the site in order to accommodate the full amount of development proposed and implement the proposed levels strategy.

However discussions with the applicant have resulted to changes to the plans which have led to the retention of a number of the higher value category B trees and the majority of trees to be removed fall into category C or U. In addition the high amenity group of trees located to the rear of the site in the park would be unaffected by the development and provide a good level of tree cover as the backdrop to the site.

Notwithstanding, new trees would be required to be provided as compensation for those lost as part of the landscaping scheme under the application for the approval of the reserved matters and this would need to be secured by conditions.

In summary the plans are assessed to be acceptable in relation to design/visual amenity considerations at the outline stage, subject to the standard conditions governing an application for the approval of the reserved matters.

Residential Amenity

As has already been explained layout, scale, appearance and landscaping have all been reserved for subsequent approval. However given that the application seeks to set the maximum parameters an assessment has been carried out of the indicative site layout plan and elevations taking into account the Residential Amenity and the Siting of Buildings SPD, the Designing New Residential Development SPD and Core Strategy policy CSP40 Pollution Control and Prevention'.

The proposed retail development primarily raises considerations with regards to the relationship between the proposed foodstore as the largest retail unit on the site and the existing terraced dwellings located to the south of the site on Barnsley Road. The plan indicates that a building spanning 73m across would be located adjacent to Barnsley Road at a distance of approximately 20m away from the buildings located opposite.

The Residential Amenity and the Siting of Buildings SPD indicates that any building should be a minimum 25m from the windows of any habitable room in any nearby dwelling or the distance required by the 25 and 45 degree rules. In this case the distance would be under 25m, however the low profile design of the building would ensure that there would be no conflict with the upward 25 degree rule and the sideways 45 degree rule would not be applicable in this case. In addition the plans would retain the screen to Barnsley Road provided by existing trees which are to be retained in this area. In addition there are plans for this to be supplemented with additional tree planting. It is my view therefore that this part of the plans would not result in any demonstrable harm as a result of loss of outlook or result in overshadowing.

The remainder of the retail development would be located away from existing houses in the eastern part of the site. As such the buildings would not result in any specific impacts on existing houses. However there would be noise and disturbance issues associated with the service yards, delivery vehicles and air handling and refrigeration units. Accordingly the application is accompanied a noise assessment which has concluded that mitigation measures would be necessary in order for the development to operate within acceptable noise limits. This would comprise a 3 metre high acoustic fence around the service yard boundary, a restrictive condition preventing the operation of plant and machinery exceeding exceed 39 dBA between 7am and 11pm hours and 35 dBA at all other times and that no deliveries should take place between the hours of 6am and 10pm on any day. Regulatory Services are satisfied that the development would not give rise to any amenity concerns subject to these conditions being imposed.

No details of lighting for the building and car park have been provided as might be expected at the outline stage. However as this has the potential to be a source of nuisance affecting residents, I consider that a condition requiring the details to be provided prior to the commencement of development would be necessary.

In terms of the proposed residential development, only an indicative layout has been provided which is not at a level of detail to allow an informed assessment as is common with outline application. However the plans indicate that it should be possible for the spacing standards in the SPD to be satisfied. Therefore I am content for this to be a consideration for the reserved matters stage.

The noise assessment has also identified that the housing development would need to be the subject of enhanced sound insulation in the area located adjacent to Nanny Marr Road. Again therefore a condition would be required to ensure that an additional survey accompanies the reserved matters application seeking approval over the layout and house types.

A condition requiring a construction method statement would be required to minimise the effects of noise and dust during the construction phase.

In summary the plans are assessed to be acceptable in relation to residential amenity considerations at the outline stage, subject to conditions requiring information to be submitted under the application for the approval of the reserved matters and relating to the detailed design.

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 have been analysed within a Transport Assessment (TA). The TA concludes that the development could be accommodated on roads which are of a standard to absorb the development without giving rise to any significant issues.

In terms of the proposed accesses, highways are satisfied that the approach of using two separate accesses to serve the retail and residential development is correct, subject to 2.4m x 43m sightlines being safeguarded. In addition the existing extended length of bus layout would be reduced in length to a more suitable size.

Within the site, layout is a reserved matter. However the parking, servicing and manoeuvring arrangements have been checked and highways are satisfied that it is acceptable in principle having regard to the relevant standards including the Parking SPD.

However an issue is that the existing footpath on Barnsley Road is narrow and should be widened to 2m in the interests of pedestrian safety as mitigation for the proposed development. In addition a travel plan would be in place for the development once it is operational.

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

Existing Green Space - The northern section of the site is listed on the green space register as GS998 Former Foulstone School which is a Local Neighbourhood Sports Facility. This area comprised 2 hard surfaced games areas, informal open space and playground which totalled around 0.65 hectares. It has therefore been assessed that compensation for loss of green space will be required to offset the loss in accordance with CSP35 at a cost of £90,000 to spend in Darfield Park on enhancements such as the provision of a Multi-Use Games Area and upgrade of the children's play area.

Open space provision - New green space provision is required to be provided as part of the development in accordance with SPD: Open Space Provision on New Housing Developments. The level of open space would need to be determined when the exact number and types of properties are determined i.e. at Reserved Matters stage. A condition is therefore recommended if Members are minded to approve.

Affordable housing – The site is located in an area where affordable housing provision should be 15% of the overall number of dwellings and this level of provision has been agreed in principle between the two parties. In this case it would be appropriate to secure this via a condition given details of the overall number of dwellings and unit sizes are reserved for subsequent approval.

Education – No objections have been received to the housing part of the application from education who have carried out an assessment of capacity at local primary schools. Given that there are not considered to be any capacity issues, no contribution is required.

Other considerations

Biodiversity

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is accompanied by an ecological report which has concluded that the site is of low ecological value and that the potential for the remaining building and all trees on site is very low. The Biodiversity Officer is in agreement with these findings, subject to enhancements being provided in the form of bat boxes and native tree planting forming part of the landscaping scheme as part of the reserved matters. This shall require a suitable condition to be imposed.

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is not located in an area which is at risk of flooding. In addition a condition would need to be imposed requiring existing surface water run off rates to be reduced by 30% as this is brownfield site 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 not identified any significant risk to the development in terms of potential sources of contamination, ground gas and unstable land regards to policies CSP39 'Contaminated and Unstable Land'. However an intrusive site investigation has been recommended prior to the commencement of development to inform any necessary mitigation measures. Pollution Control are content that the risks to the development are being adequately assessed and are sufficiently comfortable for the application to proceed subject to conditions requiring the results and any mitigation measures to be submitted prior to the commencement of development.

Sustainable Construction

The policy context is that the retail development should achieve BREEAM very good standard and the housing development a level 3 rating under the Code for Sustainable Homes. In addition Co2 emissions should be reduced by 15% on both parts of the development by incorporating suitable design measures.

An energy statement has been submitted with the application. The report states that the houses would be constructed to a level 4 rating under the Code for Sustainable Homes which would exceed the policy requirement. However the 15% CO2 emission reduction and BREEAM requirement is not specifically covered and therefore this would require specific conditions to be imposed.

Conclusion

In summary, the site is designated in the UDP as an Existing Community Facility and a Village Centre. Neither policy has been saved. However the adopted Core Strategy includes policy

CSP43 Educational Facilities and Community Uses which states that *'such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing use or an alternative community use'*. This has been satisfied and accordingly there is no conflict with CSP43.

In terms of the proposed retail development, the site has been assessed to be edge of centre and accordingly a sequential test has been undertaken to considered potential sites within the catchment area for the proposed development that includes the shopping centres of Darfield, Wombwell, and Stairfoot, however it has been assessed that no sequentially preferable sites exist. In addition an impact assessment has concluded that the development would predominantly meet the needs of the local area and not adversely impact on nearby Centres and would make a significant contribution to the sustainability of Darfield. The proposed retail development is therefore considered to be in accordance with the main strategic policies in the development plan. In terms of the proposed housing development the proposal lies within a central location within Darfield, which is part of the larger Wombwell Principal Town. This is identified in Core Strategy policy CSP8: Location of Growth as a priority location for housing growth. Given the location of the proposal at the centre of Darfield, it is reasonable to assume that the site is well served by services, facilities and public transport. The housing site selection process consideration of this site concluded that it is partly within the core public transport network buffer; is within walking distance (800 metres) of all essential facilities and five other services; and is within 0.8km of local centre. In addition, it is noted that policy CSP14 indicates that priority will be given to the development of previously developed land, which this site is. The proposed residential development is therefore also considered to be in accordance with the main strategic policies in the development plan.

Based upon the above the presumption in favour of sustainable development laid out in the NPPF is considered to apply. As such planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

An assessment of other material planning considerations has been carried out. My assessment concludes that the impacts of the proposed development would not be at a level to be considered significant and adverse so to outweigh the benefits taking into account the planning policy and other material considerations set out in the above report. This is summarised as follows:-

- The plans are assessed to be acceptable in relation to housing planning policy and design/visual and residential amenity considerations having regards to the Residential amenity and siting of buildings SPD, the Designing New Residential Development SPD, CSP29 'Design', CSP14 'Housing Mix and Efficient Use of Land' and CSP40.
- The proposal is judged acceptable on highway safety grounds subject to the mitigation taking into account polices 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, which include a requirement to provide open space and affordable housing in association with the proposed housing development. In addition a S106 Agreement would be required in relation to the issue of providing compensation for loss of green space.

Recommendation

Grant planning permission subject to completion of S106 Agreement (Compensation for loss of Green Space) and conditions.

Grant subject to:-

- 1 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) 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.
- 2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 3 Detailed plans accompanying the reserved matters submission shall be designed in substantial accordance with parameters detailed on the following plans accompanying the application:-

Drawing no P03 'Proposed Indicative Site Layout'
Drawing no P04 'Indicative Outline Elevations'
Drawing no P05 'Indicative Outline Site Elevations'

Reason: In order to define the permission, for the avoidance of doubt.
- 4 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.
- 5 Detailed plans shall accompany the reserved matters submission for each phase of the development indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter each phase of 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.
- 6 Sightlines, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the site accesses with Nanny Marr Road, 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 phase of the development shall take place, including any works of demolition, until a phase specific 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:
- Alterations to/reinstatement of the bus lay by;
 - Provision of a 2m wide footway on the Barnsley Road frontage;
 - Provision of/alteration to street lighting;
 - Provision of/alterations to highway drainage;
 - Resurfacing/reconstruction as necessary
 - Any necessary signing/lining
 - Measures to prevent parking/loading on Nanny Marr Road and Barnsley Road
 - Relocation of bus shelter on southbound carriageway of Nanny Marr Road maintaining footway width;
 - Removal of any redundant school signing/lining

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

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

- 9 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.

- 10 Prior to the occupation of any phase of the development a draft Travel Plan prepared in respect of the relevant phase shall be submitted to and approved in writing by the Local Planning Authority. The plans 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 relevant phase of the development 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.

11 No phase of 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 for the relevant phase, 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 phase of the development shall be occupied or brought into use until the approved relevant 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.

12 Prior to the commencement of any phase of development the following documents prepared in relation to the relevant phase and 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 phase of development or other operations shall take place except in complete accordance with the approved, phase relevant 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.

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

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

14 No phase of development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a phase specific plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the relevant phase of the development or 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.

- 15 The dwellings shall achieve at least 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.

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

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

- 17 The development's carbon dioxide emissions shall be reduced by at least 15%. Upon completion of each phase 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.

- 18 The proposed retail development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the retail development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.

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

- 19 Prior to commencement of any phase of development full details of the phase specific 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. Each phase of 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.
- 20 No fixed plant and/or machinery shall come into operation until details of the fixed plant and machinery serving the development hereby permitted, and any mitigation measures to achieve this condition, are submitted to and approved in writing by the local planning authority. The rating level of the noise emitted from the site shall not exceed 39 dBA between 0700 and 2300 hours and 35 dBA at all other times. The noise levels shall be determined by measurement or calculation at the nearest noise sensitive premises. The measurements and assessment shall be made according to BS 4142:1997
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 21 In accordance with sections 4.1 to 4.10 of the Sharps Redmore Noise assessment report a noise assessment shall accompany the reserved matters submission detailing the proposed noise mitigation measures that will be applied to the residential development to ensure that noise levels are no greater than those specified in BS8233:2014 (30dBA in bedrooms and 35dBA during the day in living rooms).
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 22 Deliveries to the retail development once operational shall be only take place between the hours of 6am and 10pm on any day.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 23 Plans shall accompany the reserved matters submission providing details of the 3 metre high acoustic grade service yard boundary fence identified in the Sharps Redmore Noise assessment report. 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.
- 24 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 25 There shall be no external storage of materials within the service yard at any time, to ensure that adequate manoeuvring areas are maintained.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

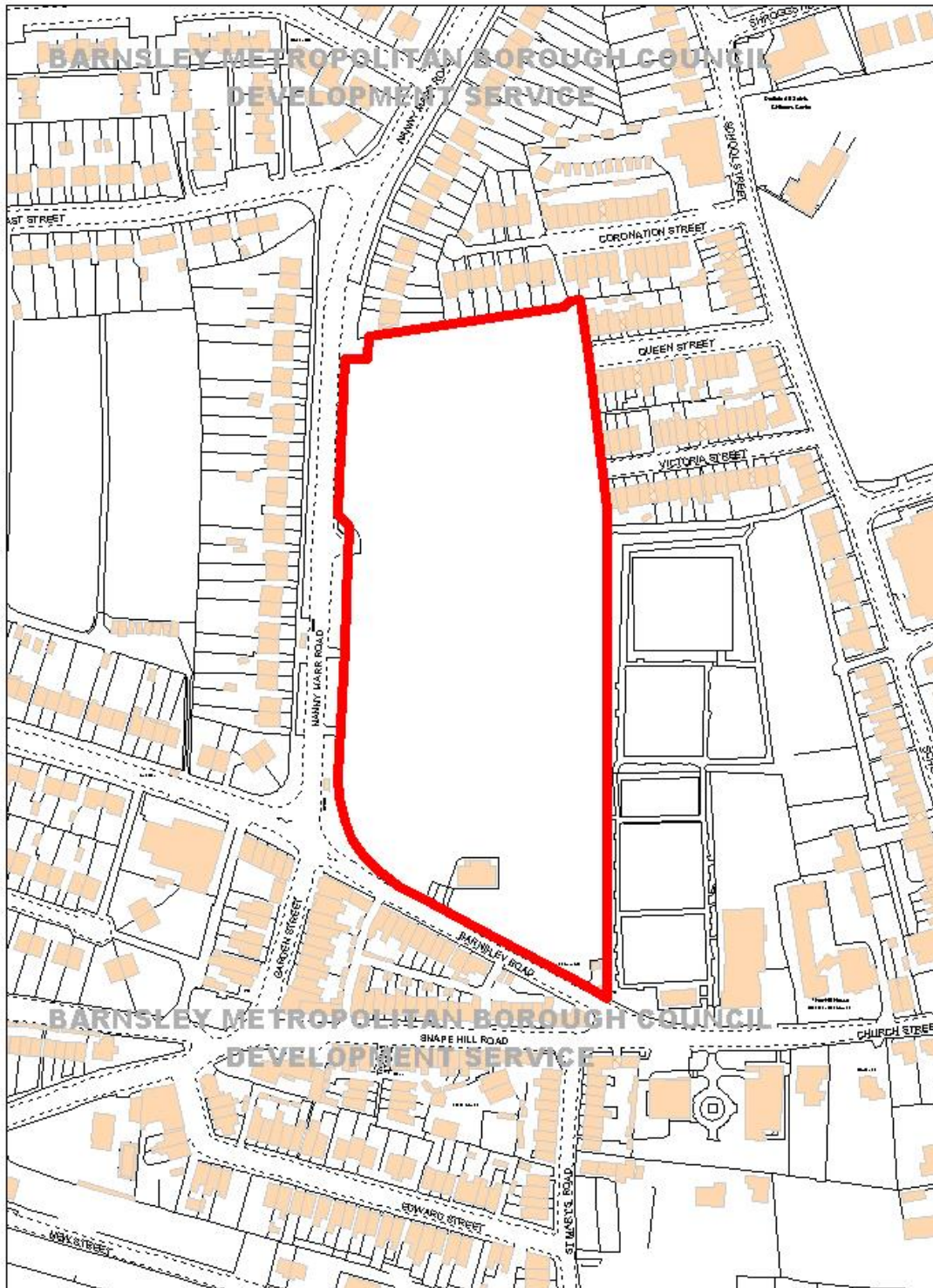
- 26 The residential phase of the development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with the Open Space Provision on New Housing Developments SPD. The provision or enhancement of the off site open space shall be provided prior to completion of the residential 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.
- 27 Prior to occupation of the retail phase of the development, full details of external building and car park lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building/commencement of the use and retained as such thereafter.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light in accordance with Core Strategy Policy CSP 40.
- 28 Prior to commencement of each phase of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and 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'. Each phase of 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.

PA reference :-

2014/1232

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BARNSLEY MBC - Development Service

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



Scale 1:2500

2014/1285

Ms Julia Ogden

Change of use from retail (A1) to dog grooming parlour.

10 Market Street, Penistone, Barnsley, S36 6BZ

4 Letters of support have been received

59 signature petition in opposition to the scheme has been received

8 objections have been received

Penistone Town Council have raised no objections.

Description

The property is a newly renovated, single storey unit, situated within the heart of Penistone's principle shopping and commercial area. The unit has a floor area of approximately 43sqm and has previously been used for retail uses.

The property is set to the rear of number 10 Market Street and is set adjacent to the private car park of the new St Mary's Street gateway commercial buildings. The Tesco car park is set some 30m to the west. A number of uses operate adjacent to the site including other retail stores, the Spread Eagle Public House and the Loft Coffee shop.

Proposed Development

The proposal involves the change of use of the unit to the rear of 10 Market Street, from retail (A1) to a dog grooming parlour (Sui Generis). No external works are proposed.

During the course of the application, the applicant has amended the proposed opening hours to 0900 to 1830 Monday to Friday, with a late night opening on a Thursday until 2000. Saturday opening times are 0900 to 1600 with no openings on Sundays.

The applicant has also provided the following information in support of the application in response to the objections received:-

Noise/barking dogs

- The salon is soundproofed to help prevent noise (barking) and as my services will be one to one, dogs will not be held for excessive amounts of time as I do not wish to run my business like an assembly line holding 6 to 10 dogs in at one time which most dog grooming places do. Dogs bark when they are not stressed. e.g. on the street and in confinement.

Problems related to excessive hair and blocked cracked drainage

- I will be using a hydro bath which has huge benefits to pets and the environment
Drastically reduced bathing time therefore using less water
- Easy, clean and hygienic
- Filter bags, fitted to the inner re-circulating outlet, catches loose hair, dirt and debris plus a hydro bath metal strain filter that catches hair and debris during the outer re-circulation process. Therefore there would not be excessive hair blocking drains.
- Attached to the clippers and grooming rakes is a clipper vac. A clipper vac attaches to clippers or grooming rakes and catches all the hair whilst grooming and clipping therefore provides a healthier environment for me and my customers. This is then emptied and double bagged

before going to general waste in a bin provided. This would not have any impact on the Spread Eagle Pub or the Loft Cafe what so ever.

Fouling

- Every day I will be walking around outside the premises perimeter to remove (if any) dog fouling. As most of my customers are aware failure to pick up after a dog has fouled can be fined, I do not expect to see any fouling. If a dog is coming to be groomed I make sure the dog has done what it needs to prior to appointment, if the dog does foul it would be removed immediately.
- If urine is present this will be removed with hot soapy water. Therefore there will be no smell which is mentioned. I do see regular dog walkers through the village I can't see the argument here. People can walk their dogs where ever they want to. This does not have an impact on any of the businesses around Penistone.

Safety

- Regarding parking, Penistone is a busy place therefore parking can be an issue, but there are parking areas in and around Penistone, most of my customers use my collection and drop off service so this should not have a big impact on parking related issues. There is parking available. The salon it's self is situated away from the main road which I believe is safer from a dog owner's point of view.
- I have spent time and money studying, passing exams and working in Dog Salons over the last two years to become a Qualified Dog groomer. I have a love and true passion for all animals' wellbeing. The government will eventually change the law where people cannot trade unqualified which most do. I am now City and Guilds Qualified and still continue to study. I would like to start a business in an area that has potential to grow and provide a service within a huge market of animal lovers. My long term plan is to employ or provide an Apprenticeship and can see my customers, myself included, using other businesses around Penistone therefore increasing turnover for many.

Policy Context

The site is situated within the Principle Shopping/Commercial area in Penistone

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 Council has produced a Consultation Draft of the Local Plan which shows allocations up to 2033. 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

CSP29 – Design

CSP26 – New Development and highway Improvement

CSP30 – The Historic Environment

CSP31 – Town Centres, Penistone is defined as a district centre

CSP40 – Pollution Control and Protection

UDP Saved Policies

Policy S1 - All new retail development will be permitted only within the central shopping area of Barnsley town centre and in the principal shopping and commercial centres defined on the proposals map where suitable sites, or buildings suitable within these locations, proposals for new retail development will be assessed on their merits having particular regard to their relationship and compatibility with the existing retail uses located therein.

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 7, 9, 12, 14, 17
Design Para's 58 & 69

Consultations

Penistone Town Council – no objections
Yorkshire Water – no comments
Regulatory Services – no objections
Highways – no objections
Drainage – no objections
Conservation – no objections
Ward Councillors – no comments received

Representations

4 Letters have been received in support of the applicant including a letter from West Yorkshire Dog Rescue which states 'Julia is our Charity Dog Groomer – often dogs arrive in our Rescue in a terrible state and she baths and grooms them free of charge. She is kind with the dogs, and does an excellent job. We hereby state we wish to support her application to open a Dog Grooming Parlour in Penistone.'

59 signature petition in opposition to the scheme has been received and 8 individual objections have been received which raise the following concerns:-

- Noise impact from stressed dogs barking
- Impact on adjacent businesses due to disturbance (Spread Eagle and Loft's Coffee Shop)

- Increased dog fouling and smell of urine. No details of how this will be disposed of.
- Drainage problems due to dog hair. The man hole cover to the inspection chamber outside the shop is broken due to it being constantly removed due to blocked drains.
- Possible flooding from the blocked drains
- No allocated parking spaces. The Tesco car park is not a public car park as it has restrictions. Penistone 1 and the Spread Eagle have private parking areas for service users and patrons only.
- Impact on highway safety and pedestrians from increased traffic
- Penistone does not need another dog grooming business
- The dog salon will spoil the environment of the Spread Eagle for patrons
- The proposal will affect people that are scared of dogs
- Danger of agitated animals biting the public
- Extra danger on market days

Assessment

Material Consideration

Principle of Development

Visual Amenity

Disturbance/Noise/Smells

Drainage

Highway Safety

Other issues raised by the objectors

Principle of Development

In principle, the use of the building a dog grooming parlour is considered to be acceptable as the property is situated within a principle shopping/commercial area, where commercial uses which have visiting members of the public providing the custom would normally be expected to be located.

Visual Amenity

The application does not involve any external changes to the building therefore visual amenity is not affected.

Disturbance/Noise/Smells

The Council's Pollution Control section have no objection to the proposal. Objections have been raised with regard to disturbance to the local businesses from barking dogs, smells and fouling. The applicant has stated that should any dogs foul it would be removed immediately and if urine is present this will be removed with hot soapy water. In terms of disturbance from barking dogs, the applicant has stated that the salon is soundproofed to help prevent noise and that the services will be one to one, therefore dogs will not be held for excessive amounts of time.

There are limited residential properties in the area. Given the opening times which are in line with other businesses in the area, with the exception of one late night opening until 2000hrs, there would be no significant impact upon residential amenity or the amenity of adjacent businesses in line with policy CSP40.

Drainage

The council's drainage officer has no objections to the proposal and no comments have been received by Yorkshire Water. Concerns have been raised with regard to the possibility that the existing drainage system would be blocked with dog hair. Although the equipment used to wash hair would not be a material planning consideration the applicant has stated that the hydrobath used for the washing of the animals has a filter which catches any hair or debris, therefore there should be no significant impact to the drainage system.

Highway Safety

The Council's highways section does not wish to raise highway objections to the proposals. The application site is an outbuilding lying to the rear of 10 Market Street, which is accessed via a covered, gated walkway from Back Lane. There is no access from this building to the building that fronts onto Market Street, as they are separated by a fence. There is a small car park to the north of the building, the Tesco car park some 30m away to the west and public parking some 75 metres to the east. There are regular bus services within walking distance.

Highways have stated that the proposed use of a dog grooming business would be expected to generate less traffic movements than the previous retail footwear use. The proposal is therefore considered acceptable in terms of highway safety in compliance with Policy CSP26.

Other issues raised by objectors

In relation to the objections received with regard to the number of dog grooming salons in the area, it is not the role of the planning system to restrict competition, pressure existing commercial interests or prevent innovation, therefore it is not a material planning consideration which can be taken into account when assessing this proposal. In addition concerns raised with regard to members of the public being scared of dogs and possible aggressive dogs is not a planning matter, any dogs which are outside of the premises would be the responsibility of the dog owner and would be no different to a member of the public walking their dog.

Conclusion

The scheme is for a commercial use in the centre of Penistone. Compared to the existing retail use that the unit could be put to it is not considered that the proposed dog grooming parlour would have any detriment to the surrounding area in terms of highway safety or residential amenity.

Recommendation

Grant subject to:-

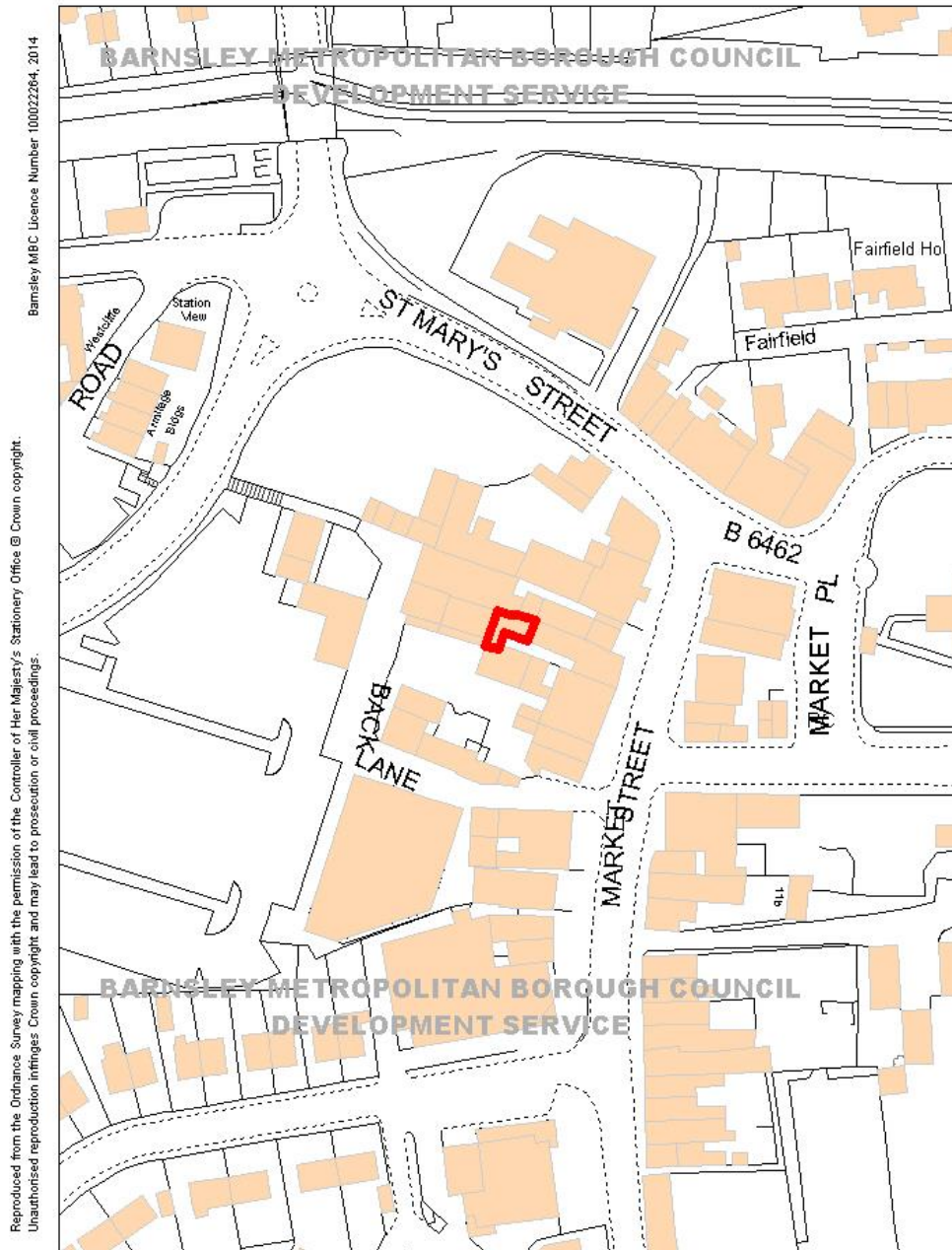
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications (Received 30.10.14 and revised opening hours as stated in the email dated 29.01.15) 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 use hereby permitted shall be carried on only between the hours of 0900 to 1830 Mondays to Fridays (with a late night opening of 2000 on a Thursday only), 0900 to 1600 on Saturdays and at no time on Sundays or Bank Holidays.

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

PA reference :-

2014/1285



BARNSELY MBC - Development Service

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


Scale 1:1250

2014/1219

Mr Steve Gamble

Erection of 97 no. dwellings with garages including parking spaces together with the provision of associated roads, sewers and infrastructure.

Land at Ellwood, Off Wilson Grove, Lundwood, Barnsley, S71 5JF

One letter of objection received.

Site Location & Description

The site is located to north of Lundwood District centre approximately 3 miles north east of Barnsley Town Centre. The application concerns an undeveloped Greenfield site, it has a gross area of approximately 3.05ha (7.55 acres) and is roughly triangular in shape. In the main the land comprises of rough grassland and low level vegetation. Levels fall by approximately 11m from the southern corner to northern corner of the site.

The site has a frontage (access) on its southern boundary to Ellwood Place, this is a residential cul-de-sac constructed in the last 15 years. Elsewhere the site is bounded by open Green Space to the west and north, the Trans-Pennine trail is located across the northern boundary and small scale industrial warehousing (Coach depot) across the eastern boundary. The A628 Pontefract Road is located directly to the east.

The northern and western boundaries are not clearly defined. Across the site there are examples of sporadic self set trees, these are not of a significant maturity. A series of footpaths have been created along desire lines through the site, these generally link to the Trans-Pennine trail and open space across the northern boundary.

There is a raised sewer located through the site and electric power lines exist along the north/eastern boundary.

Relevant Planning History

2010/0420 - Outline application for residential development - Approved conditionally

2013/0389 - Renewal of 2010/0420 - Approved conditionally.

Proposed Development

The application has been submitted for the erection of 97 dwellings, the development includes an area of dedicated onsite public open space, as well as various footpath connections. Despite there being an extant outline permission the applicant has not submitted the scheme under Reserved Matters. This is because the applicant has contested that requirements of the outline consent are commercially unviable. A full planning permission has therefore been submitted whereby all matters can be considered.

The accommodation mix comprises wholly of two storey development including detached and semi-detached. The mix would comprise of 13 house types which would be broken down as follows:

28no. 2 bed properties

63no. 3 bed properties

6no. 4 bed properties

The overall density would equate to approximately 32 dwellings. The layout comprises of a central spine road which would be a natural continuation to Ellwood the single point of vehicular access, from the road there would be a series of cul-de-sacs. The road picks up existing desire lines across the site whereby linkages would be made to adjacent open space and the TPT. A minimum of 2 parking spaces would be provided for each of the dwellings (including 2bed), and provision is also made for garaging.

All properties would take a traditional form, comprising of a concrete tiled pitched roof construction with elevations comprising of a mix of red and buff brick. All properties would have enclosed rear gardens which exceed minimum requirements of 60m², boundaries would be defined by 1.8m timber fences and where they front a highway a pier and panel fence would be utilised. The estate would generally be designed to be open plan, although hedging would be provided at key nodes, an indicative landscaping scheme suggests that good balance of tree and shrub planting could be achieved.

The applicant has committed to offsite financial contributions towards formal recreation provision and education.

Prior to the submission of the application the applicant undertook a community consultation event. This was held on the 27th August at prior campus, it was attended by 10 residents and a local Ward Member.

The application has been accompanied with the following reports:

- Comprehensive package of plans
- Design & Access / Planning statement
- FRA
- Site Investigation Report
- Extended Phase 1 Habitat Survey
- Viability Assessment
- Affordable Housing Statement
- Transport Statement
- Acoustic Report
- Tree Survey
- Sustainability report
- Statement of Community Involvement

Policy Context

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

The Core Strategy

- CSP1 Climate Change
- CSP2 Sustainable Construction
- CSP3 Sustainable Drainage Systems
- CSP 4 Flood Risk
- CSP5 Including Renewable Energy in Developments.

CSP8 The Location of Growth
CSP9 The Number of New Homes
CSP10 The Distribution of New Homes
CSP14 Housing Mix and Efficient Use of Land
CSP15 Affordable Housing
CSP25 New Development and Sustainable Travel
CSP26 New Development and Highway Improvement
CSP29 Design
CSP35 Green Space
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations
CSP43 Educational Facilities and Community Uses

Consultation Draft Local Plan

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

Unitary Development Plan

The UDP designation is Housing development, allocated under (BA1/27)

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

Affordable Housing: Have been consulted on the Viability appraisal, despite query's over the methodology no objections are taken to the conclusions of the District Valuation Services Appraisal.

Biodiversity Officer – Support the recommendations of the Ecology survey, no objections subject to recommended conditions.

BMBC Drainage - No objections, identify that there is a sewer which crosses the site a suitable easement needs to be observed either side of this infrastructure.

Civic Trust – No objections subject to management of green space

Contaminated Land Officer: No objections subject to recommended conditions.

Design – No objections, layout has reflected recommendations to provide more inclusive area of POS.

Dearne & Dove Drainage: No comments made.

Education: Recognised shortage of primary school places within the Lundwood area. Request that a financial contribution of £140,480 is secured to offset the demand for additional places.

Environment Agency – No Objections subject to conditions.

Forestry Officer – No objections subject to recommended conditions

Highways DC – No objections subject to recommended conditions

Public Rights of Way – No objections

Regulatory Services – No objections

SYPTTE – No objections

SYMAS – No objections

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

SYMAS – No objections

Waste Management – No objections

Yorkshire Water – No Objections subject to conditions

Representations

The application has been advertised by way of site and press notices, in addition neighbouring properties were consulted in writing. One letter of objection received, the main points can be summarised as follows:

- The junction of Wilson Grove to Pontefract does not have sufficient capacity to serve the development.
- Pontefract Road is also handling too much traffic, there have been several housing developments within the locality and these have all resulted in an increase in vehicular traffic.
- The site is a natural Green Space, development would have a detrimental impact upon wildlife and the appearance of the locality as a whole.

Assessment

Principle of Development

The adopted Core Strategy recognises Urban Barnsley as a key focus for growth which would accommodate the majority 46% of new housing (9,800 dwellings) for the Borough across the next plan period. Urban Barnsley encompasses the district of Lundwood, the site therefore aligns with the spatial strategy targeted for future growth. This is pertinent to the consideration of policy CSP8 (Location of Growth), where as a full planning application, should permission be forthcoming then development should be able to commence almost immediately, thus contributing to housing growth targets.

The principle of planning permission has been established under the previous planning consents at the site. These decisions were issued in recognition of the sites longstanding UDP allocation as a housing proposals site, this is also consistent with the allocation identified within the consultation document of the merging Local Plan.

Members will only be too aware that the Council cannot demonstrate a deliverable five year supply of housing land. This has a profound influence upon the decision making process whereby decisions have been guided on the overall sustainability criteria of site.

Since the last approval the circumstances of the site remain unchanged. It remains as a naturalised area supporting low level vegetation and some trees. Public access also remains in place with principle routes being taken from Ellwood and Priory Place. Outside of the sites boundaries circumstances also remain unchanged with no recent developments having taken place or impending proposals being suggested which would have an influence upon the determination of the application.

Therefore as an allocated site, with the benefit of outline planning permission the principle of residential development has been firmly established, in this sense, the proposals still represent a logical use for the development of the land/site.

Section 106 Contributions

It must be stressed that this is a full planning consent whereby all matters are up for consideration. It does however, remain pertinent that the previous outline consent required that the Reserved Matters included a 15% contribution towards affordable housing, as well as commuted sums to mitigate education and recreation requirements.

Monies have been presented to address both Education and Recreation requirements, however, no provision has been made to secure a contribution towards either onsite or offsite affordable provision. This matter has been contested through the submission of a viability statement which the Council has had independently assessed by the District Valuation Service (DVS). The DVS support the applicant's assertion that monies are not available within the development to make an affordable contribution. Abnormals have been identified within the level of ground works, additional remedial works have also had to be undertaken to the entrance road along Elwood Road.

The test for viability is whether the evidence indicates that the current cost of building out the development at today's prices is at a level that would enable the developer to sell the market units at a rate that a competitive return would be provided to a willing developer. The consideration to such issues is addressed within Government Guidance 'Flexible Options for Planning Permissions'.

Lundwood falls within a suppressed housing market, which should be considered as 'High Risk' for interpretation of developer return. Financial viability was recently considered by Members on the application at Littleworth Lane, Lundwood which did not include any affordable housing.

Within Higher Risk market it is reasonable to accommodate a larger developer profit margin. A similar circumstance was considered in an appeal decision which the applicant challenged (and was allowed) at Lowfield Road, Bolton-Upon-Deerne. Given that an independent assessment has been undertaken by the DVS, it would be agreed that in the circumstances of the developer the provision of affordable housing can be waived.

Education

As Members will be aware the situation with regard to secondary places in the borough is stable with adequate capacity accommodated for. The situation with Primary places is more pressing, Lundwood is an area of highest demand with schools operating at capacity. 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.

In view of this, to mitigate against the pressure of the additional classroom places brought by the development a contribution of £140,480 is sought from the developer. This would either be used towards the construction of a new classroom or spent on refurbishment/remodelling of existing accommodation to provide additional classroom places. The contribution would have to be paid in full when work first commences on site. This would ensure that sufficient mitigation has been secured from the development.

Green Space

The site functions as greenspace which is apparent from several desire lines that run through the area. Saved UDP policy BA1/27 requires that footpaths are provided through the site to link with adjoining public open spaces located across the northern boundary. A commitment to this has been accounted for within the layout whereby linkages are made to the outlying area of wider open space, including the TPT.

In accordance with policy requirements the layout include a (LEAP) Children's play area, this would be located to the north of the site providing a linkage to users of the TPT. This will help to address recognised deficiencies within Lundwood for access to Children's play. Maintenance of the play area would be transferred to a private management company, details and responsibilities

of which would be secured by condition. In addition to an onsite play area a commuted sum of £84,500 towards the cost of the provision or improvement of offsite open/recreation space would be secured.

Design and Layout

The site presents itself as a logical extension to residential development (Ellwood and Priory Place) which are located to the south. The northern and eastern boundaries are clearly defined by open space and the Trans Pennine Trail, which effectively contain the development.

The net development area is approximately 3 hectares, the density of which equates to 32uph, this is reflective to that of the existing housing within the immediate vicinity and is not considered to constitute an overdevelopment. The development would comprise of 13 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 which is compatible with the local vernacular of the surrounding housing stock.

The broad mix of house types would appeal to a range of accommodation needs from first time buyers to families. Officers are aware that Members of the Board strive to secure the onsite provision of bungalows within new development, indeed this matter has been discussed at length at recent Planning Board Meetings. The point has not been lost, and negotiations have been entered into with the developer to establish where the housing mix could be reconsidered. Unfortunately this is not a point the applicant is willing to concede upon, Gleeson Homes assert that they provide low cost open market housing which is tailored towards young families and first time buyers who are generally on low incomes. They strive to deliver affordable housing which does not compromise on quality, this business model has been devised around standard house types, to which there is little flexibility for change. In the absence of any specific 'bungalow' policy it must be stressed that the range of the accommodation meets the policy aspirations of CSP14, and a refusal on the housing mix could not be justified.

The housing layout has a clear hierarchy designed around a central spine road which serves a series of cul-de-sacs. Properties are orientated to provide active frontages to streetscapes and overall parking is well integrated to the side of dwellings, which allows for the retention of soft (gardens) frontages to properties.

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 pier and panel walls where they adjoin the highway, and feather edge timber fences in less exposed areas, again 1800mm high.

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, and the traditional design would allow the developments to integrate successfully and promote the regeneration of the overall 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 centre of the site itself mainly comprises of self-set scrub and small trees which although providing some habitat value are not of arboricultural importance. There are some groups of relatively young specimens close to or just outside the boundaries, however these are shown to be

retained which will allow them to develop into young woodlands. Some of the smaller trees are situated close to the boundaries and are shown to be retained. It is envisaged that some remedial pruning will be required to improve their suitability to be garden trees. As trees are to be retained, protection details will be required along with an arboricultural method statement to deal with all the works in close proximity to or which could affect retained trees.

The landscape proposals show that quite extensive replacement tree planting is proposed, however no specific details have been provided and as such full landscaping details would be secured under a conditional approval.

Highway Safety

The proposed access arrangements are fundamental to the determination of the application. It is also this matter (especially with regard to capacity) which has formed the crux of the objector's comments. In this regard the proposal is to introduce a single access into the site which would be located off the head of the existing cul de sac at Ellwood/Wilson Grove.

The relevant design guidance nationally and locally are Manual for Streets and the South Yorkshire Residential Design Guide respectively. Both documents place no restrictions on the number of dwellings which can be served from a single point of access. The proposed extension of existing residential areas served by a single access point off Pontefract Road is therefore acceptable as it complies with both the requirements of the NPPF and national and local design guidance.

The 2010 Outline planning permission established the principle of residential development to the scale of 110 dwellings, access from a single point of entry at Ellwood/Wilson Grove. This application was accompanied by a Transport Assessment, which has been reviewed and updated for consideration on the current proposals. The conclusion remains that there is adequate capacity on the local network including Cundy Cross roundabout to allow safe and adequate access arrangements, and that there are no existing safety concerns that would be exacerbated by the proposals. However, a number of improvements have been suggested to help improve safety on the local highway network. This includes the provision of a 3m wide turning lane from Pontefract Road to Wilson Grove and improvements to the markings of the junction of Ellwood with Wilson Grove.

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.

It is of note that Ellwood and Wilson Grove have been designed to comply with current highway design guidance. It comprises of a 5.5m wide highway with 2m wide footways it is therefore typical of a modern housing estate and is appropriate to serve as the principle access point to the site. Highways DC have been consulted and no objections to the proposal have been received.

With regard to the layout the road hierarchy has been designed to be MfS and SYRDG compliant. In addition all properties have a minimum of two 'in-curtilage' private parking spaces each, adhering with SPD 'Parking'. In the main parking is also provided to the side of dwellings which is a design preference. Casual visitor parking will also be possible along the main highway and within widened areas on shared access carriageways which would be created specifically for this purpose.

The site is regarded as being within a sustainable location. The A628 (Pontefract Road) is served with regular bus services with bus stops being located a short distance from the site. In addition the Trans Pennine Trail borders the site providing attractive walking and cycling opportunities. Pedestrian/Cycling accesses will also be provided through the site to link with adjoining public opens spaces. In addition Lundwood district centre is also only a short distance away and can easily be accessed on foot. Having regard to this the site, it is therefore considered to be highly accessible, and well located in terms of sustainable transport means.

A Travel Plan has also been submitted in support of the application, and the implementation and monitoring will be dealt with by condition.

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

Residential Amenity

The site shares a direct boundary with 12 properties, these are located along the southern boundary and front Wilson Grove, Ellwood and Priory Place. All relevant spacing standards would be observed and ground levels (in the main) fall to the north of the site away from the existing properties. Rear gardens would back onto existing properties and there would be no examples of vehicular accesses meeting rear boundaries. All properties within the development would be limited to a standard two storey pitched roof construction alleviating any perceived concerns over outlook as the overall scale would be comparable to existing dwellings. Overall the relationship to existing properties would be policy compliant and as such is deemed to acceptable.

It is of note that the site borders an industrial use to the north of the site, therefore regard needs to be given to the relationship of any residential development to this. The neighbouring site has a long time association with KM Coaches. The site is occupied by the company's offices and main depot. It is not considered that the relationship of the proposed development and the depot would be anymore harmful than that experienced by existing residents of Wilson Grove. A noise survey has accompanied the application which has been appropriately considered, its conclusions are supported, in that it is recognised that no properties within the development would be exposed to unacceptable noise levels. Explicit noise mitigation requirements are therefore not required.

With regard to the amenity which will be afforded to the residents of the development it is of note that in the main each of the properties meets with the standards of the SYRDG. The close proximity of the site to existing transport links, nearby local amenities and the town centre means that residents would also benefit from good access to local services.

With regard to potential disturbance arising during the construction phase, conditions can be employed restricting working hours, and best practice guidelines to working practices can also be secured within a construction method statement, this would control noise and dust across the site. It also requested that a phasing plan is submitted so that the full extent of the works can be properly assessed.

Ecology

The application is supported by an extended phase 1 habitat survey. The report identifies that the site consists mainly of neutral semi-improved grassland; in the southern part of the site this is typically species-poor, but further north it is more diverse, and of greater intrinsic ecological value. The northern site boundary is defined by a continuous belt of scrubby woodland, separating the site from Littleworth Public Open Space; the eastern site boundary (abutting the TPT) which is also fairly well-wooded.

The site does not contain any water bodies, and no water bodies appear to be present in close proximity to the site boundary; no great crested newt records were provided by the Barnsley Biological Records Centre, and the application site therefore does not appear to have potential to support this species.

The site does not contain any buildings or other structures, and none of the trees around the site boundary have potential to support roosting bats. The northern and eastern site boundaries, both of which are defined by belts of scrub/ scrubby woodland do have potential for foraging and/ or commuting bats, and both of these shall be retained within the proposed housing scheme.

In terms of the retention or provision of habitat, the existing trees and hedgerow would be retained where appropriate, but in the main onsite vegetation will be cleared and replaced under a comprehensive landscaping scheme. The area of POS will be complemented by an area of scrubby woodland, semi-natural grassland and herb rich grassland. Bat boxes shall also be erected on trees that are adjoining the site. The ranges of measures have been supported by the Biodiversity officer who has recommended conditional approval to the scheme.

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.

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), this will be achieved through an attenuation system which will discharge to a nearby unnamed watercourse. 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

Promoting sustainable development and reducing the Borough's impact upon climate change are overarching principles of the Core Strategy. This can be achieved through the efficient use of land and infrastructure by utilising previously developed land and developing to appropriate density targets. The design measures including sustainable construction techniques and the incorporation of renewable energy sources all contribute to meeting climate change objectives and reducing the carbon footprint. These policy objectives are referenced within CSP 2, 4, 5, 14 and 29.

To address policy CSP2 'Sustainable Construction' the design and choice of materials within the development has been carefully selected. The dwellings have been designed to follow the 'Passive Homes' principles, they would incorporate high levels of thermal insulation to the floors, roof and walls which would collectively achieve a 15% reduction to CO2 emission to meet Code Level 3.

Policy CSP 5 does require that decentralised or renewable energy sources are incorporated within developments to reduce the carbon dioxide emissions by at least 15%. This policy is applied flexibly, acknowledging the recognised viability issues associated with the development it would not be viable to pursue this matter as it would result in reductions to other section 106 monies.

Conclusion

The site has a longstanding allocation for housing development and falls within a recognised sustainable location. Residential development represents an efficient use which is compatible with the locality.

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.

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 the completion of Section 106 securing financial contribution towards education and off-site public open space.

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 amended plans (Nos.1313 04 01 Rev K Housing Layout, Substation design GTC-E-SS-0012-R1-7, Revised Landscape Proposals 2504-2D-lp-A0-500, SD1111B Fence & Brick Wall, SD112 Timber Fence with Trellis, House Types- dwg no.s 201/F, 301/1G, 303/1E, 307/1A, 310/1D, 401/1G, 404/1F, Design & Access Statement, Extended Phase 1 Habitat Survey Rev 0, Geotechnical and Geo-Environmental Site Investigation ref 36487-001(2), Acoustic Assessment ref NDT4608/14271, Drainage Statement 02-10-14, Transport Assessment Ref 15V2, Energy Statement 14th May, Tree Survey, Interim Travel Plan Ref15 V1, Flood Risk Assessment ref 13/027.01) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 3 The houses hereby approved shall be constructed from the following schedule of materials, Hanson Clumber Red Multi, Hanson Village Harvest Buff Multi Brickwork and flat dark grey concrete tile.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 4 The approved boundary treatment referenced in condition no.2 shall be completed to each plot before the dwellings are occupied.
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.

- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 6 The parking/manoeuvring facilities (including private drives), 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.
- 7 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.
- 8 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the internal road junctions, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 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:
- Phasing of the development
 - 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.**
- 10 Within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented, in the interests of sustainable development.
Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.
- 11 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for

the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

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

12 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface 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 the occupation of the first dwelling details for the provision of grit bins within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with a timetable to be agreed in writing with the Local Planning Authority.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP26.

14 Within 6 months of the commencement of development full details of both hard and soft landscaping works, including details of management responsibilities and maintenance schedules as well as details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority, the approved hard landscaping details shall be implemented prior to the occupation of the building(s).

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

15 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.

- 16 Upon construction of the first dwelling full details of the LEAP standard play area including, management responsibilities and maintenance schedules and a programme for installation shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable for installation.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy CSP35 of the Core Strategy.
- 17 Prior to the commencement of development full details of the mitigation measures identified in the Ecological Survey (Extended Phase 1 Habitat & Reptile Survey SLR 424-03044-00015 dated September 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.
- 18 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.
- 19 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and 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.

- 20 The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) by JOC Consultants Ltd, dated 13/01/14 and the revised layouts (drawing no. 1313.04.01 rev k) and following mitigation measures detailed within the FRA:
1. There shall be no development in the "high risk area of surface water flooding" in the Northern corner of the site (unless otherwise agreed by the local authority drainage team).
 2. Limiting the surface water run-off generated by the development so that it will be the equivalent of the Greenfield run-off rate (5l/s/ha). Ensuring no surface water flooding on site for storm events up to the 1 in 30 year return period and not increasing the risk of flooding off-site by ensuring storm events up to and including the 1 in 100 year plus 30% climate change event will be contained within the development site with no flooding of buildings on site.

The mitigation measures shall be fully implemented prior to occupation of any dwelling or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To reduce the risk of flooding to the proposed development and future occupants and to prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Core Strategy policy CSP4.

- 21 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

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

The scheme shall then proceed in accordance with the approved schemes.

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

- 22 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:

- Extension of the existing ghost island and right turn lane into Wilson Grove including the provision of a 3m wide lane from Pontefract Road.
- Traffic calming measures on Wilson Grove
- Road markings to denote vehicle priority at the Ellwood/Wilson Grove
- 2.0m footpath link to Priory Place
- Provision of/any necessary alterations to street lighting;
- Provision of/any necessary alterations to highway drainage;
- Provision of any necessary highway reconstruction/resurfacing

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.

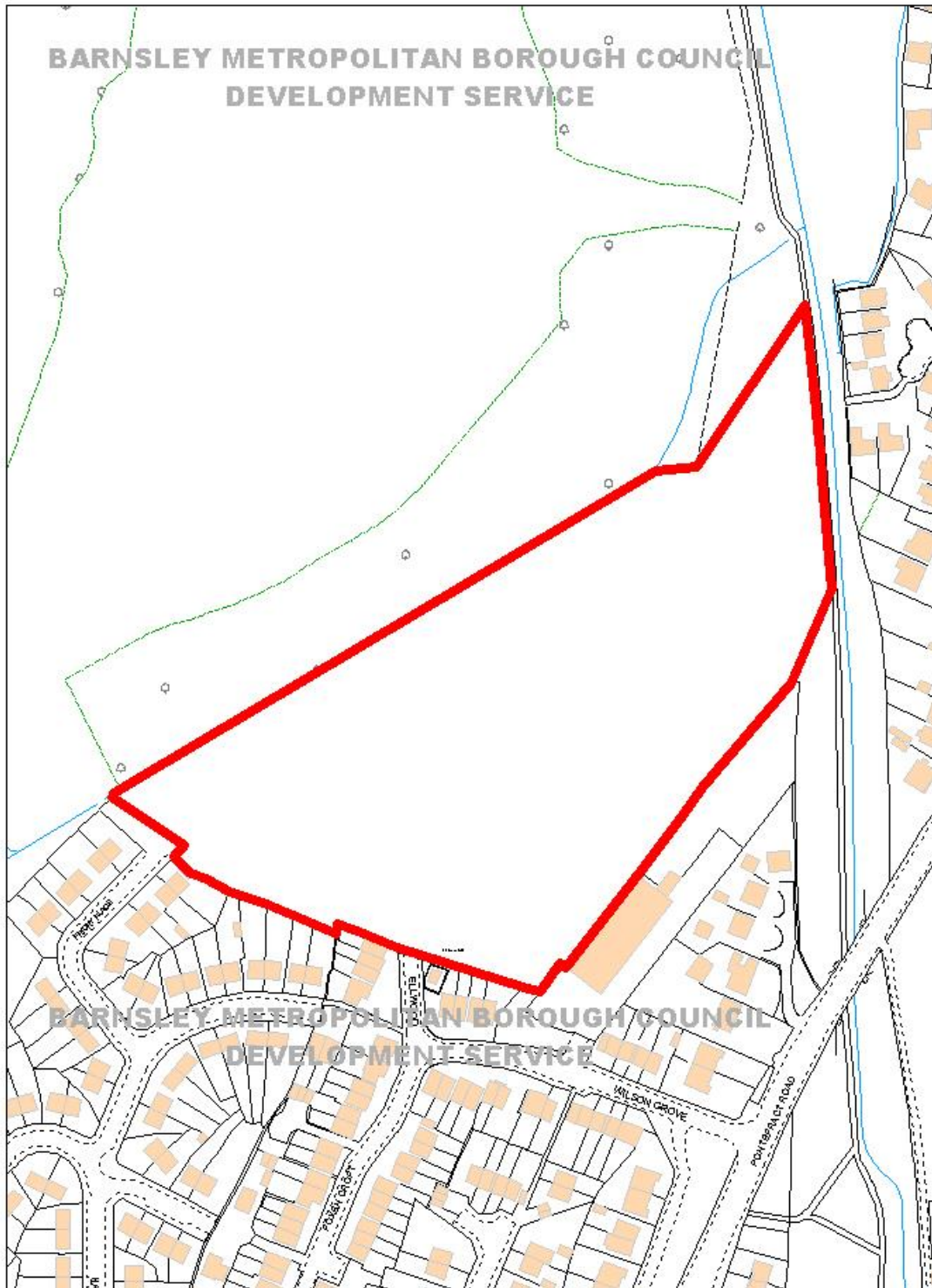
Reason: In the interests of highway safety and the free flow of traffic in accordance with CSP 26.

PA reference :-

2014/1219

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BARNLSLEY MBC - Development Service

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Scale 1:2500

2014/1516

Replacement and upgrade of A61 Birdwell Roundabout, realignment and upgrade of links to the A61 Sheffield Road and to Junction 36 of the M1, construction of a new balancing pond, to create a new roundabout junction to the east side of Birdwell Roundabout, carriageway re-alignment and tie-in to the A6135 Sheffield Road, construction of a new section of carriageway linking northwards, the creation of a second new roundabout junction connecting to Rockingham Roundabout, inclusion of new spurs at Roundabout 1 and Roundabout 2 to facilitate links for future development and the creation of an additional slip road exit lane off the M1 at Junction 36.

Birdwell and Rockingham Roundabouts A6195, Dearne Valley Parkway, Birdwell, Barnsley

Two letters of objection have been received

Site Location and Description

The scheme is to be constructed across 7ha (approx) of land situated adjacent the existing Junction 36 of the M1 roundabout and east of the A6195 Dearne Valley Parkway on the junction of the A6135 and A61. Historically the area of land formed part of the former Rockingham Colliery and was used for open cast mining until 1995, it is now predominantly grassed land supporting isolated landscape areas of tree and shrub planting that borders the highway boundary. In addition to this a mix of housing and industrial units bound the south eastern corner of the site.

The site boundary to the west is demarcated by a timber post and rail fence on the A6195 highway boundary. The site is bisected by the A6135 Sheffield Road and the southern boundary extends to encompass the M1 junction 36. To the east the site boundary terminates at an area of trees and shrubs approximately 90m from Cross Keys Lane. The northern boundary extends to a large area of grassed land. The site level rises from Rockingham roundabout, in the north east corner, 11m to a high point at Cross Keys Lane.

Two existing public rights of way traverse the site west to east. Overhead power lines enter the site from junction 36 of the M1 and pass through the south west corner of the site before crossing the A6195 Dearne Valley Parkway heading north west.

Proposed Development

The application has been submitted for full planning permission, the description provided for the works has been included within the title of this report. Essentially the scheme seeks to increase the size and capacity of the existing A61 Birdwell roundabout. This includes a new gyratory and realignment of the links between the A61 and junction 36 of the M1. This involves the lengthening of the existing Birdwell roundabout along a north east axis and the creation of two new roundabouts located off Birdwell and Rockingham roundabouts with respective linkages and landscaping.

Traffic queuing and delays at the A61 Birdwell Roundabout have been a problem for a number of years. High volume traffic associated with the M1 and the Dearne Valley Parkway combines with local traffic, resulting in long queues on the A61 through Birdwell and along the A6135 to Allots Corner at Hoyland Common.

The proposals aim to increase flow through this busy junction, reduce congestion / delays and build in added capacity to address potential employment demands along the Dearne Valley Corridor. It will also include a combined 3m wide footpath/cyclepath to improve the safety of pedestrians and cyclists through the already busy gyratory.

The Scheme has been designed in accordance with the D.f.T. Design Manual for Roads and Bridges. It is proposed that the new link road will be constructed to Council standards and will be surfaced with bituminous material. Combined kerb drainage units and road gullies will be incorporated to deal with the surface water run-off and will be connected to an attenuated drainage system. New street lighting will be provided along with new traffic signals, traffic signs and road markings.

In essence the scheme is aimed at achieving the following:

- Reduce existing traffic congestion at the A61 Birdwell Roundabout providing improvements to bus services and reducing overall journey times.
- Improving access and development potential of the Rockingham Employment Site (Existing and Proposed)
- Accommodate additional traffic generated following development of the Rockingham Employment Site
- Prevent queuing traffic backing onto the M1 Junction 36 Roundabout to reduce journey time and improve air quality.

The application was screened in accordance with the Environmental Impact Regulations (2011), it was identified as representing Environmental development. Consequently a full Environmental Statement has been prepared and submitted with the application.

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

Core Strategy

CSP 1 Climate Change
CSP 2 Sustainable Construction
CSP 3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP 7 City Regions
CSP11 Providing Strategic Employment Locations
CSP12 Distribution of New Employment sites
CSP 19 Protecting Existing Employment Land
CSP 23 Accessibility Priorities
CSP 26 New Development and Highway Improvement
CSP 28 Reducing the Impact of Road Travel
CSP 29 Design
CSP The Historic Environment
CSP 34 Protection of Green Belt
CSP36 Biodiversity and Geodiversity
CSP 40 Pollution Control and Protection

Saved UDP Policies

ED4 Economic Development and Residential Development
ED7 Existing Employment Areas

Emerging Local Plan

Employment land

EMP1 Uses on Employment Land

NPPF

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

In respect of this application, relevant policies include:

General principles para's 17
Building a strong economy para's 18-22
Promoting Sustainable Transport para's 29-41
Design para's 58 – 65
Protecting Green Belt Land para's 72-89

Consultations

Air Quality Officer – No objections raised

BDA: No objections

Biodiversity Officer: No objections subject to conditions

Coal Authority: Agree with the recommendations of the Technical Report (October 2014, prepared by Sub Surface North East Limited), recommend a conditional approval. ;

Contaminated Land Officer: No objections.

Drainage: No objections subject to recommended conditions.

Environment Agency: No objections subject to drainage conditions.

Forestry Officer: No objections subject to conditions

Highways Agency: No objections subject to conditions.

Homes & Community Agency: No objections.

National Grid: Should be contacted prior to any development commencing to agree on works phasing/methodologies.

SYMAS: No objections

Tankersley Parish Council: No objections but ask that consideration be given to pedestrian crossing facilities on Sheffield Road.

Yorkshire Water: A number of water mains and sewers are laid within the site boundary some of which will need to be re-routed to follow the new road layout. The diversion/protection measures can be implemented via the New Roads and Street Works Act rather than planning legislation.

Representations

The application has been advertised by way of a site notice and local business and residential properties (57) have been consulted in writing. Two representations have been received objecting to the proposals for reasons which can be summarised as follows:

- There will be a significant increase in air and noise pollution both during and upon completion of the works, this will have a significant and detrimental impact upon the quality of life of local residents.
- The development will also bring a busy road closer to schools, play areas and other children's facilities which will pose unnecessary dangers.
- A point to consider is the cost of compensation via Land Compensation Act 1973 and Noise Insulation Regulations 1975, has this been included into the full cost of the project and assessed, will Barnsley Council offer affected residents assistance with claims in this regard.
- The current 'congestion' is limited to 2 short expected periods during weekdays only, there could be a more cost effective ways of addressing this to improve/equal traffic flow.
- The layby presently situated on Sheffield Road is used by many vehicles for car sharing etc this will be wiped out. These cars are likely to be dispersed across surrounding residential streets causing yet more disruption, dangers and problems for the local residents and their families.
- The development would have a significant visual impact on the properties sited along Wood View due to the removal of an established grass verge and hedge.
- The slip road from the M1 will increase vehicle speeds into Birdwell posing a threat to pedestrians.
- Additional noise, traffic will result in further sleep deprivation for the residents of Birdwell.

Assessment

Context

The Dearne Valley Parkway at Hoyland was completed in 1998 and forms a strategic link connecting the M1 to the Dearne Towns at Goldthorpe and is an essential part the of Council's Economic Strategy to regenerate the Dearne Valley.

Congestion relief along the A6195 Dearne Valley Parkway was identified as a key scheme in the Local Transport Plan (South Yorkshire LTP3 Implementation Plan 2011 – 2015).

The Department of Transport has recently undertaken work to try and increase highway capacity and manage traffic flows from the M1 junction 36. This involved increasing the number of lanes and signalling the M1 Junction 36 roundabout and approaches, but the existing junction layout

(A61 Birdwell Roundabout) is still unable to cope with the traffic volume generated during peak times.

In 2012 the Highways Agency had promoted a scheme for Pinch Point funding, this comprised of a proposed signalised junction complex within the existing Highway boundary. The scheme was not successful and this prompted the Council to assess alternative options to relieve traffic congestion within the locality. A total of three options were considered and subsequently evaluated by AEECOM Transport Consultants. Each of the options was modelled with success gauged on their ability to accommodate both existing traffic and modelled future growth. The proposed scheme performed the most effectively in addressing these scenarios and was therefore promoted as the preferred option.

Principle of Development

The site that would be developed for the construction of the road falls almost exclusively across land either allocated for employment purposes or the strategic highway network on the saved UDP map. Junction 36 is however, allocated within the Green Belt, this is therefore a consideration to the alignment of the connecting road with Birdwell roundabout.

Firstly with regard to the general economic and transport policy the Core Strategy promotes the development and improvement of the Boroughs Highway network, it advocates proposals which address problems of delay and congestion. This is considered to be of particular reference in this instance given the well documented issues associated with Birdwell and Junction 36 roundabouts during peak times.

The A61 Birdwell junction will need to be improved to accommodate the likely increase in traffic volumes resulting from new development along the Dearne Towns corridor. Development of allocated land will only be permitted if the anticipated traffic to be generated can be acceptably accommodated into the highway network. This would therefore directly contribute to the Council's overriding economic objectives.

The M1 motorway and Junction 36 fall within the established Green Belt boundary. The proposals would see a minor realignment of the southern spur of Birdwell Roundabout that links to junction 36 of the M1. The realignment would result in some possible, albeit minor encroachment (approx. 6m) across the Green Belt boundary, this would in the main comprise of highway verge with the actual carriageway skirting the defined boundary of the strategic highway network. Such development would be considered inappropriate development within the Green Belt, which should only be permitted in very special circumstances. As such significant weight must be attached to the consideration of this impact which must be balanced against the benefits of the proposals.

The actual level of harm that would occur to the Green Belt is not considered to be significant, given that it would follow, albeit on an extended curvature the alignment of the existing carriageway of the A61. In the main this would also comprise of landscaped verge which would have a complimentary, rather than negligible impact upon overall character and openness as the area in question is not considered sensitive. Any harm that could be associated with this would be extremely modest which would not undermine the character, function or openness of the Green Belt in any great way.

By way of mitigation the development includes proposed associated landscaping which have favourable impact, whilst the construction of the gyratory as whole would relieve congestion, from the associated improvements to traffic flow there would be positive social, environmental and economic benefits to the locality which clearly outweigh any perceived harm.

Highways

The Birdwell Roundabout is a key junction on the Boroughs strategic highway network, and is in very close proximity to junction 36 M1 part of the strategic national network. Birdwell Roundabout currently suffers from congestion, operating at or above capacity, especially at peak times. It is, therefore, critical that any proposal assesses the impact on the local and the strategic highway network.

The Highway model compiled by AECOMM demonstrates what can be seen on site which is congestion and extensive queuing at peak times. The model of the proposed scheme which includes committed development and current land allocations within the vicinity, shows that the congestion is relieved. In addition, the proposed scheme makes considerable improvements for pedestrians and cyclists, who have little provision at present.

There has been extensive negotiations with the Highways Agency during both the development of the scheme and the development of the model. After due consideration, the HA have raised no objections to the proposed development.

It is noted that the layby situated off the A61 (Sheffield Road) would be lost to the development. This is at present heavily used by commuter traffic during mid-week periods. This could potential result in vehicle displacement to other areas of network, this must be accepted as a necessity of the development, the priority is to improve Birdwell roundabout for the majority of road users and not the interests of opportunistic parking. The objection in this regard is therefore acknowledged but it is not deemed significant to the determination of the planning application.

Following the work undertaken it has been proven that the development would achieve significant improvements to the free and safe flow of traffic on the highway network, this accords with the requirements of policy CSP26.

Residential Amenity

There have been objections received opposing the application, a central theme to these representations is the impact that the scheme will have on the quality of life arising from additional noise disturbance.

It is understandable that comments have been received in this regard as it is considered that they reflect upon the present situation. Sheffield Road has a long association of suffering from traffic congestion, and it is local residents who feel the brunt of this most. The main objective of the development is to facilitate the movement of traffic through the Birdwell roundabout.

The proposal will not reduce the volume of traffic but it will help to manage it in a more controlled manner which will in turn have benefits upon the amenity of local residents. Standing traffic presents major concerns as it reduces air quality and results in an increase in general noise disturbance from vehicles continually stopping and starting. By facilitating the continued movement of vehicles noise disturbance should be reduced to a more maintained level, and a reduction in the standing traffic will improve local air quality and overall residential amenity.

To help minimise associated disruption during construction phases a community liaison officer will be employed as a point of contact to respond to associated enquires.

Environmental Impact of Construction and Use

Construction of the roads is expected to extend over a 14 – 16 month period, best practice works methods would be employed at all times to ensure that disturbance is kept to a minimum, and this would also be appropriately reviewed. In brief the works would comprise of;

- Site establishment, selective vegetation clearance and preparation
- Establishment of Contractor's site compound
- Temporary diversions and temporary access restrictions
- Temporary watercourse diversions
- Site stripping, levelling and earthworks
- Construction of the new carriageway
- Use of generators, machinery and temporary lighting
- Construction vehicle movements for the import / export of material
- Stockpiling of waste and storage of material
- Restoration of landscape and temporary use areas
- Installation of new Traffic Signals
- Installation of new Street Lighting
- Installation of directional & regulatory signing

Noise - The Environmental statement contains detailed evaluations of noise, air quality, traffic vibration and community impacts. The submitted noise assessment identifies that there will be long term operational noise increases which exceed 3dB LA10 specifically at properties to the south of the scheme, in the vicinity of Cross Keys Lane/Sheffield Road (A6135). As such details of noise mitigation will be considered as part of the detailed design process which would be accordingly conditioned. Such measures could include Low Noise surfacing to carriageways and the installation of localised noise barriers. In addition it has also been identified that up to 79 properties (Cross Keys Lane, Moor Lane, Sheffield Road (A61 & A6135) within the vicinity may qualify under Noise Insulation Regulations (NIR), such mitigation would be identified following the road coming into full operational use. Accordingly to determine this further noise assessment work needs to be undertaken upon completion of the development.

Air Quality – The revised junction layout has been designed to address current congestion and accommodate future growth. This will contribute towards reducing stop-start driving behaviour within the area reducing air quality effects associated from stationary vehicles, this will result in local improvements to properties along Sheffield Road (Wood) view. The new section of carriageway would move traffic closer to Cross Key Lane, however, the stand-off distance is sufficient to that road traffic emission would be negligible. All modelled receptor locations within the location are therefore predicted to meet national Air Quality Objectives. The Council's Air Quality Officer has inspected the plans and raised no objections to the scheme.

Visual Amenity – The scheme occupies approximately 7ha and comprises of the existing A61 Birdwell roundabout as well as adjoining grassland and woodland belts located to the east of the Dearne Valley Parkway. As detailed above the scheme will include new infrastructure and earthworks, this would involve the loss of tree planting and hedgerows which are locally an important feature.

The scheme will involve the provision of an elongated signalised gyratory roundabout encompassing the existing Birdwell roundabout. A major priority roundabout will be included to the east adjacent the A6135 which will enable the inclusion of a link road to an additional second major roundabout adjacent the existing Rockingham roundabout. Whilst the scale of the development would be significant for the locality, the overall impact upon the character of the

landscape would be low and this would reduce over time as landscaping establishes. The Road would follow the existing highway network, land levels are favourable to ensure that the appearance is not overly 'exposed' with the site falling within a relatively contained visual envelope, limiting views to the site from beyond the adjacent highway network, immediate field boundaries and the settlement fringe of Birdwell and Hoyland. A comprehensive landscaping scheme comprising of woodland planting, earth bunds, field boundary fences, hedgerows and ornamental planting would further allow the development to integrate into the surrounding landscape. The landscape impact is therefore considered to be acceptable.

Heritage – A study area considered a radius of up to 2km from the centre of the site. This identified 7 listed buildings, but no Conservation Areas, Scheduled Monuments, Registered Battlefields, Registered Parks or Gardens or World Heritage Sites. The nearest listed building to the site is Stone Bank Farm which is located on the western side of the A61, other buildings are located outside what could be considered a zone of influence. The setting of the farm building is already dictated by the presence of the A61 and M1 motorways. The proposed new build associated with the development is mainly concentrated east of the existing carriageway, some minor remodelling would take place to the M1 / A61 spur, existing woodland that separates the farmhouse to this section would be retained and enhanced as deemed appropriate. No adverse impact would therefore occur to the character or setting of the building.

A geophysical survey has been undertaken which identifies no obvious anomalies of archaeological potential. The survey had identified anomalies which are consistent with geological outcropping and the industrial use of the land for mineral extraction. The archaeological potential has therefore been assessed as low but further field work is recommended prior to construction. Considering the above the impact on heritage assets is therefore considered to be acceptable and no objections are raised against policy CSP30.

Drainage - Consultation with the Environment Agencies Flood Map confirms the site is not at risk of flooding and does not lie within a flood plain. Drainage and watercourses exist to the north and north east of the site. Ground conditions are not favourable for the use of soakaways. The intention is therefore to create a Balancing Pond within the extended island of Birdwell Roundabout, this would have a further outfall to an existing highway pond located to the west of the Dearne Valley Parkway. No objections have been raised by any of the drainage authorities. In all the proposals represent a suitable strategy which would accord with the objectives of policies CSP 3 and CSP 4.

Trees - The proposed scheme will require the removal of the majority of the trees within the site area, although those along the western boundary will be retained. The majority of the trees to be removed are semi or early-mature, however there are occasional older, larger specimens which will require removal to facilitate the new road layout. In terms of the removal there is little scope to accommodate further onsite retention, as those to be removed need to be done so through necessity. As such the key issues are the mitigation for the trees to be removed and the protection of those to be retained. This will be addressed through a comprehensive raft of conditions which also addresses landscaping. The replacement planting that is proposed will exceed the level of tree cover already present and as such this will be significant aspect of the development.

Ecology – The application is supported by a detailed ecological assessment. The site is in the main restored opencast so habitat types and species diversity is generally low. Mitigation will focus on protecting key features and ensuring that they are not harmed by on-site activities. Subsequent mitigation and enhancement measures will focus upon creation of new and enhanced habitats; this will include the replacement of native planting, creation of green corridors and

consideration to lighting. The exact details of these mitigation measures will be considered through the imposition of conditions, no objections are raised against policy CSP36.

Conclusion

Having had consideration to the development proposal and the comments raised within representations it is recommended that planning permission should be approved. The present situation experienced at Birdwell roundabout during rush-hour periods is unacceptable and intervention is clearly required.

The proposal represents an opportunity to address longstanding congestion on the area of strategic highway network. The works would not only address the current issues but also address demands associated with future growth. Located at the gateway to what is planned to a major employment corridor within the Borough, the scheme will yield significant economic benefits. Any harm associated with the scheme would be suitably addressed through the identified range of mitigation measures.

It is therefore concluded that the development achieved suitable economic, social and environmental objectives which accords with the key principles of sustainable development in compliance with adopted Local and National Planning Policy.

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. HD/A61.69.1/PA/1 General Layout, HD/A61.69.1/PA/2 General Drainage Arrangement and specifications contained within reports
Extended Phase 1 Habitat Survey (wildscapes May 2014 as amended Feb 2015),
Archaeological Desk Based Assessment ref 2603, Geophysical Survey 2648, SYMAS Mineral Report, Desk Study Report ref 151045DS, Ground Investigation Report ref NE3312A, Noise & Vibration Survey ref SHF.422.001.No.R.001, Air Quality Assessment Ref A089530 as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement

Development shall proceed in accordance with the approved plans.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.

- 4 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 safeguard existing trees, in the interest of visual amenity.
- 5 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.
- 6 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented in accordance with a phasing plan to be agreed in writing with the local Planning Authority.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29.
- 7 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 8 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 9 Prior to the commencement of the development, a Traffic Management Plan, including phasing of the works and measures for pedestrians and cyclists, covering the duration of the construction works shall be submitted to, and approved in writing by the LPA. The development thereafter shall be carried out in accordance with the approved Traffic Management Plan.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 10 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;
 - Hours of movement of vehicles associated with the construction of the development;
 - The routes to be used by construction traffic.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

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

- 12 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 control vehicle speeds;
- Measures to prevent parking and loading on the new highway network;
- Measures to prevent parking and loading on the existing highway network;
- Provision of off carriageway servicing bays for controller equipment;
- Any necessary signing/lining including any temporary measures;
- Provision of/any necessary amendments to street lighting including any temporary measures;
- Provision of /any necessary amendments to highway drainage including any temporary measures;
- 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.

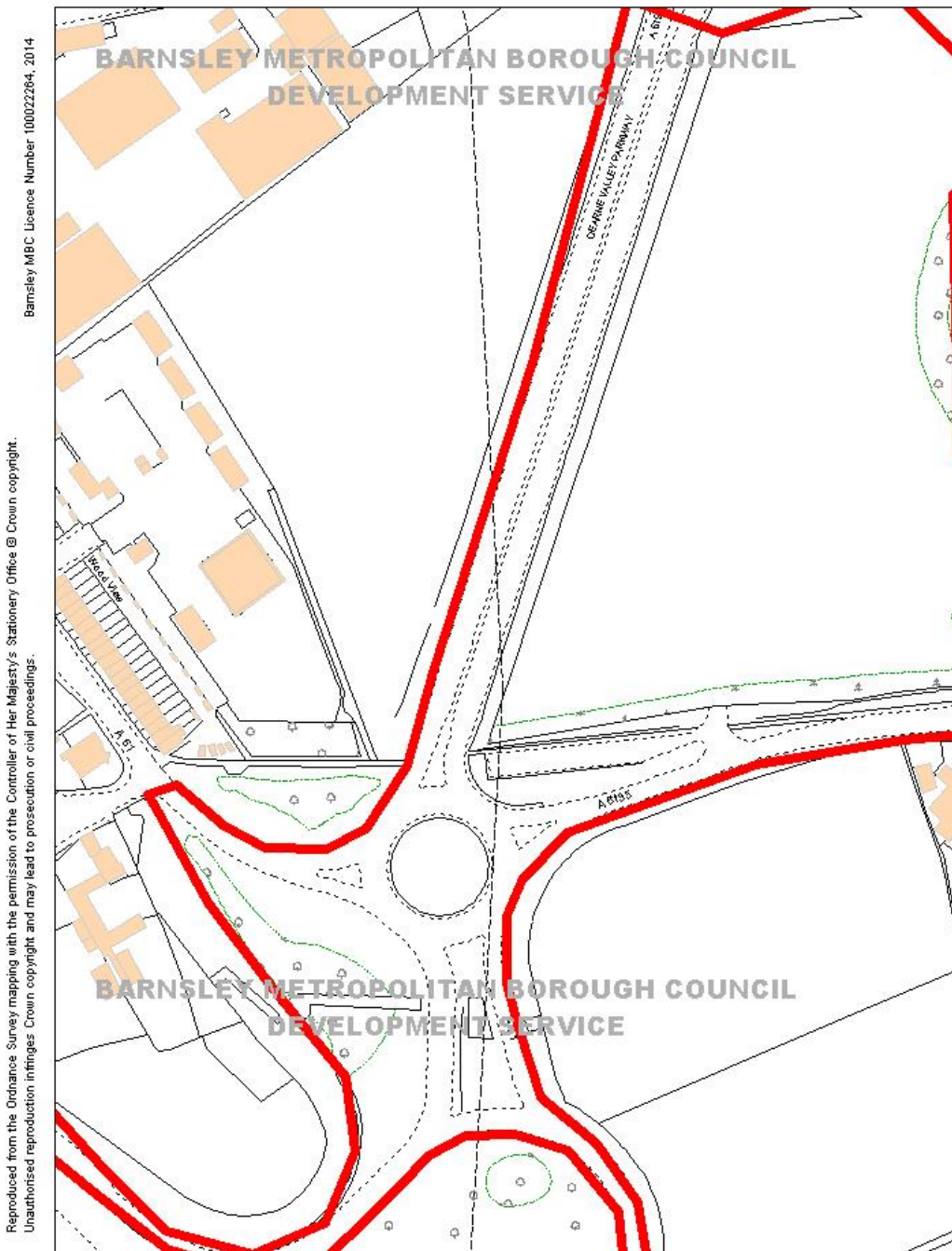
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

- 13 Prior to the commencement of development full details of the site investigation works and mitigation measures(including any additional remedial works arising from such investigations) identified in the Technical Report (October 2014 Prepared by Sub Surface North East Limited) shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details.
- Reason: To accord with sections 120 & 121 of NPPF.**

- 14 The development hereby permitted shall not be commenced until such time as a surface water scheme has been submitted to, and approved in writing by, the Local Planning Authority. The mitigation measures shall be fully implemented in accordance with the timing/phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing by the Local Planning Authority.
Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site in accordance with Core Strategy Policy CSP3 and CSP4 .
- 15 Before the development hereby permitted commences a scheme shall be submitted to and approved by the Local Planning Authority which shall specify the provisions to be made for the control of noise emanating from the site, and the development shall be carried out in strict accordance with the approved scheme.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 16 Prior to the commencement of development full details of the mitigation measures identified in the Ecological Survey (Wildscapes May 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.
- 17 No development, including any 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.
- 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.**
- 18 Within 2months of the completion of the development a full detailed Noise assessment shall be submitted to the local Planning Authority for approval in writing. The Assessment shall address the noise impact of the development arising to residential properties located along Cross Keys Lane and Sheffield Road. The assessment shall include full details of any mitigation proposals to ensure that residential amenity has not been adversely affected through a worsening of noise pollution. The mitigation measures shall be implemented within a time table to be agreed in writing by the local planning authority.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.


PA reference :-

2014/1516



BARNESLEY MBC - Development Service

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


Scale 1:2500

2014/1286

Mrs Joanne Morrison

Change of use of land to a private single family gypsy/traveller site including the siting of caravans, a utility block and formation of hard standing (Retrospective)

Land off Engine Lane, Ferrymore Way, Grimethorpe, Barnsley, S72 7BN

One letter of objection from Brierley Town Council**Site Location and Description**

The site is located to the west of Engine Lane, Grimethorpe. It is accessed down an unnamed, un-adopted road which runs at the rear of the SASH building which lies adjacent the Ferry moor roundabout, the access past the site terminates in a dead end.

The site forms a very small part of an agricultural field. It is currently occupied by two portable buildings, including a residential caravan, a touring caravan and a permanent utility block. The site has been hard surfaced and its boundaries secured with a 1.8m high wooden fence.

To the south of the site is an area of employment land which is occupied by a large industrial building. To the north, east and west is agricultural land.

Site History

Retrospective temporary permission was granted in 2010 under application ref 2010/0263 for the use of the site for private single family as a gypsy and traveller site, including the siting of caravans, a utility block and hard standing area. The permission was granted for a period of 4 years from the date of the decision which was 8th September 2010.

Proposed Development

Given the expiration of the temporary permission the applicant now seeks permanent approval for the gypsy site and its associated structures which are in situ on the site.

As such retrospective planning permission is again sought to change the use of the land to a private gypsy and traveller site for one family which includes the siting of 2 no. portable buildings comprising a residential caravan and a touring caravan and erection of a permanent utility block on the land, in addition to the laying of an area of hard standing.

A design and access statement and justification statement has been provided in support of the application.

Policy Context

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

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

Core Strategy

CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

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

In terms of their broad location sites will:

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

In terms of their specific location the sites will:-

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

CSP19 - states that redevelopment of employment land for non-employment uses will only take place where redevelopment would not result in a loss of existing jobs or employment potential and there will still be an adequate supply of employment land in the locality.

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

Although the site itself is not within the Green Belt it does border onto the Green Belt and as such Policy CSP4 is relevant in terms of protecting the openness and character of the Green Belt.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

Planning Policy for Traveller Sites

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

Policy H: Determining planning applications for traveller sites

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

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

Consultations

Brierley Town Council – Object to the proposal on grounds the site is green belt, access degradation with use of caravans across it, increase in traffic and the location within a flood plain.

Environment Agency – No objections

Yorkshire Water Services Limited – No objections

Environmental Health – No objections

Highways DC – No objections

Ward Councillors – No comments

Drainage – No comments received

Representations

None

Assessment

Material Consideration

Principle of Development

The availability of alternative sites

The personal circumstances of the family

Sustainability of the site

Flood risk

Residential Amenity

Highway Safety

Visual Amenity

Principle of Development

The site forms part of an 'Area of Investigation for Potential Employment Sites' in the UDP. The overall employment sites' potential was explored through an outline planning application that identified areas that have employment potential, and areas that provide opportunity for landscaping/balancing ponds. Development has now taken place on the wider site including provision of development platforms, with associated access road and landscaped areas.

CSP19 states that redevelopment of employment land for non-employment uses will only take place where redevelopment would not result in a loss of existing jobs or employment potential and there will still be an adequate supply of employment land in the locality.

The proposal site is peripheral to the wider site and development platforms, separated by the road and landscaped areas/balancing ponds, and is considered undevelopable for employment purposes due to the new road layout. As such it is considered to offer limited employment potential. In this instance the loss of employment land is therefore considered acceptable as the proposal would not impact on the potential of the wider employment site, nor undermine the supply of employment land in the locality.

The availability of alternative sites.

The only Council-owned site in the Borough is on Smithies Lane and this is currently at capacity with waiting lists over the past few years fluctuating between a minimum of 8 to a maximum of 21.

There are several other sites in the Borough and these include:

- Ings Road, Wombwell
- Warren Walk, Royston
- Burntwood Cottages, Great Houghton
- Common Road, Brierley
- Pleasant View, Smithies
- Smithies Lane, Smithies

These are however private sites and as a consequence the Council have no nomination rights. Furthermore, most of the sites are either fully occupied, or have temporary permissions only and therefore are not considered to be viable alternative sites in this instance. The Ings Road site was, in addition, subject to two severe flooding events in 2007 and as a consequence of the above the applicant is reluctant to occupy this site, even if the opportunity arose, and this would seem a reasonable point of view.

It is apparent therefore that no alternative sites are currently available within the Borough and I consider that this lack of alternative sites is a material consideration that also lends support to the applicants case.

The personal circumstances of the family

The applicant has family, social and economic ties in the local area and are registered at the local doctors and dentists. The continuity of residence and health care of the children and the ability of the applicant to attend work are material considerations.

I am advised that the family previously resided at the Smithies site for a period of 10 years. After experiencing problems with other residents, and having no alternative site to move to, they moved to private rented bricks and mortar accommodation, where they lived for a year. Following the

involvement of their son in a severe road traffic road accident just outside their house, which resulted in him being hospitalized for a week, the family decided they wished to revert to a more culturally appropriate lifestyle.

The applicant initially approached the Local Authority Property and Procurement Department with an intention to purchase some land for that purpose, but was advised there was no identified land for Gypsy and Traveller sites in the Borough. An approach was then made to Strategic Housing Services to rent a plot on the Smithies site but the applicant was advised that there were no plots available although they could be put on a waiting list. With no other alternative available to them, the applicant decided to occupy the site under consideration today and as such seeks planning permission for a change of use, retrospectively.

I consider that these circumstances add weight in favour of the scheme.

Sustainability of the Site

The site is located less than 1 mile from the centre of Grimethorpe, despite it being physically separated from it by the A6195, which is a busy main road devoid of any footpaths or pedestrian crossing facilities; there are bus stops in either direction close to the site easily accessible on foot. In addition given that there are a range of shops and services in the centre of Grimethorpe, which are arguably within walking distance of the site, the site is considered broadly sustainable.

Notwithstanding the above considerations, in accordance with Core Strategy Policies the affect of the proposal on residential amenity, highway safety, visual amenity, flood risk also needs to be considered and these issues will be dealt with, in turn, below.

Flood Risk

The site falls within Flood Zone 1 and therefore has the lowest level of flood risk from river and sea flooding. The Environment Agency therefore do not object to the development proposed.

In terms of actual flooding events on the site, I have been informed that the area of land closest to the caravan has in the past suffered from limited localised flooding during severe rainfall events, the most notable event being in 2007. However levels of rainfall experienced at the time, and in 2007 in particular, were unprecedented and caused widespread flooding of areas not formerly susceptible to such events. As a consequence he considers that it would be unreasonable to cite these events as a ground for refusing permission in this instance.

Residential Amenity

There are no issues to consider with regards to residential amenity as the development is located on an isolated parcel of agricultural land, away from any residential development. There have been no objections to the development from any local residents.

I acknowledge that the site is located close to an area of employment land/buildings and that noise and activities on the land may adversely affect the amenities of the occupiers of the site. Whilst this relationship is not generally desirable, I do not consider that the amenities of the occupiers of the site would adversely affected by a significant degree. Most of the operations on the employment land take place within the existing building, or within the service area to the north of it, and as such any noise generated will be attenuated by distance and screened by the presence of the building.

Highway Safety

The access road is hard surfaced and has good visibility in both directions at its junction with A6195 and turning space is available within the site to ensure that vehicles can enter and exit in a forward gear. In addition there is sufficient space within the site for the parking of vehicles associated with the development and as a consequence Highways raise no objections.

Visual Amenity

The development has been in situ on the site for a number of years. The site is set back from the main highway and is surrounded by boundary fencing. It is dwarfed in size by the SASH building opposite and whilst the site does border onto the Green Belt it is considered that the single storey nature of the caravan and utility block does not have a detrimental impact on the character and openness of the Green Belt or the surrounding area as a whole.

Conclusion

The proposal is located within a "potential employment area" under the UDP and not as Green Belt, as such special circumstances are not required and under policy CSP19 the proposal complies as it does not result in any loss in employment. In addition the site is considered undevelopable due to the site characteristics and future road layout of the employment site itself.

I also consider that the lack of alternative sites within Barnsley and the applicant's personal circumstances add weight in its favour. In addition the fact the development would not affect the amenities of any local residents, does not harm highway safety and the fact the temporary 4 year use did not result in any significant local objection amount to support in favour of a permanent permission. As such the proposal is considered to comply with policy CSP18.

Recommendation

Grant subject to:-

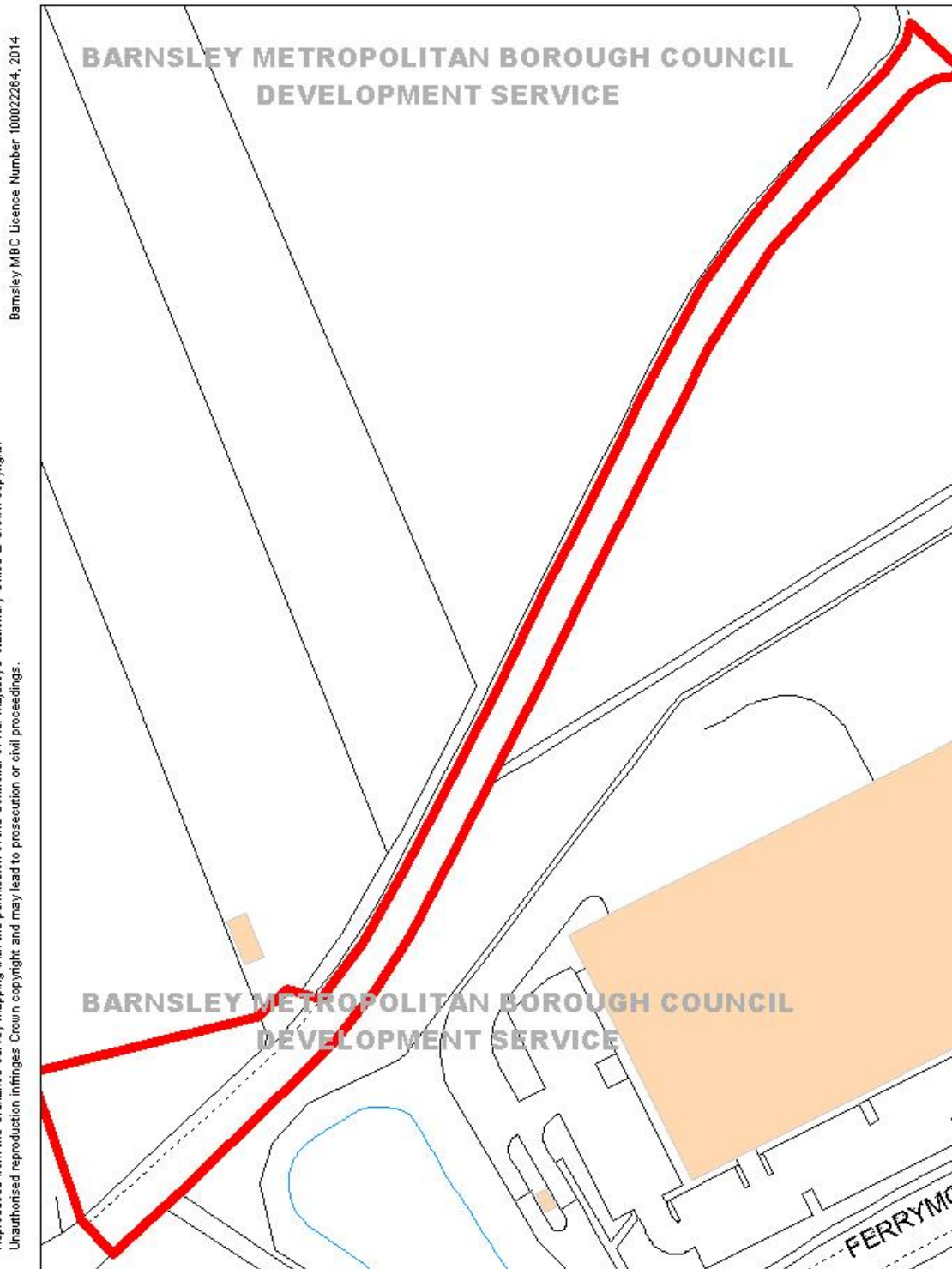
- 1 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 2 The occupation of the site hereby permitted shall be carried on only by the following and their resident dependants: Mrs Joanne Morrison and her husband, Mr Billy Morrison.
Reason: In accordance with advice in ODPM Circular 01/2006.
- 3 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravans Act 1968 shall be stationed on the site at any one time. No further caravans, including touring caravans or additional portable or permanent buildings, shall be stationed or erected on the site without the prior written approval of the Local Planning Authority.
Reason: In the interest of visual amenities and in accordance with Barnsley Core Strategy Policy CSP29.

- 4 No commercial activities shall take place on the land, including the storage of materials.
Reason: In the interest of visual amenities of the locality and in accordance with Barnsley Core Strategy policy CSP29.

- 5 No building or other obstruction shall be located over or within 4.0 (four) metres either side of the centre line of the large water main, which crosses the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times to protect the water main in accordance with CSP40.

PA reference :-

2014/1286



BARNESLEY MBC - Development Service

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



Scale 1:1250

2015/0040

Mr Ron Brannon (Berneslai Homes)

Change of use from shop (A1) and Beauty/tanning salon to dwelling houses (C3) including window and door alterations and external finishes, hardstanding and boundary works.

40 Derwent Road, Athersley South, Barnsley, S71 3QT

No Objections received.

The neighbour consultation period via letter expires on 11/02/2015 and the site notice expires on 18/02/2015.

Members will be updated at the Planning Board on any further representations that are received.

Site Description

The application relates to 2 no. 2 storey mid terraced properties located on a crescent of mixed residential and commercial/retail units. The left hand property (no. 38/40) currently accommodates a vacant tanning/beauty salon on the ground floor and a 1 bedroom flat on the first floor. The right hand property (No. 42/44) currently accommodates a charity shop on the ground floor and a 1 bedroom flat on the first floor. To the front of the properties is a hardstanding/forecourt area and to the rear are enclosed gardens.

The application properties are adjoined by 2 storey residential dwellings and form part of a crescent which accommodates a mixture of residential and commercial/retail properties. To the front of the site, beyond the road, is an area of open green space.

Site History

2010/1051 – 38 Derwent Road – Change of use from tanning salon to retail (class A1) - approved

Proposed Development

The applicant seeks permission to change the use of the ground floor units from a beauty salon and shop to residential (C3). The ground floor of each unit would then be combined with the existing residential unit above to create a 3 bedroom property with accommodation over 2 floors.

Externally there would be a driveway for each property to the front, which would be enclosed by a 1m high dwarf wall with associated 1m high metal vehicular and pedestrian gates. To the rear the garden areas would be enclosed by 1.8m high timber fencing.

Policy Context

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

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

UDP Saved Policies

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

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

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

Core Strategy

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

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

National

National Planning Policy Framework (NPPF) promotes sustainable development. Relevant paragraphs to this application are as follows:

Para 49 – Sustainable Development

Para 50 – Mix of housing types

Other material considerations

South Yorkshire Residential Design Guide - 2011

Consultations

Highways DC – No objections subject to conditions

Representations

None

Assessment

Principle of Development

The site is allocated as a Housing Policy Area within the saved UDP proposals maps, as such, residential development is acceptable in principle.

All new dwellings proposed within existing residential areas must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In

addition, infill development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

It is acknowledged that the site is located within an area of commercial/retail units which serve the local community. The change of use would result in the loss of 2 of these units, however, a number of units have been vacant for a number of years with little interest despite marketing. The units that would be lost as a result of this application would be a vacant beauty/tanning salon, which gained planning permission for A1 retail in 2010 but was never instated, and a charity shop which occupies a unit on reduced rent due to lack of interest. As such, the loss of these units would not be significantly detrimental to the local community's access to shops and local services.

Residential Amenity

The first floor of the properties already accommodate residential use, the change of the use of the ground floor from retail/commercial to residential, in order to create a larger family home with accommodation over 2 floors, would not significantly increase noise and disturbance for the occupants of the adjoining or surrounding properties. It could be argued that the loss of the retail/commercial units could potentially reduce noise and disturbance as activity and pedestrian/vehicular movements would likely decrease as a result.

There would be additional habitable room windows incorporated within the building, however, these would be at ground floor level and as there are no residential properties in close proximity to the front or rear of the site privacy levels for existing and proposed residents would be maintained to a reasonable degree.

In terms of the residential amenity for future occupants, the internal space on offer predominantly complies with the guidance set out in the South Yorkshire Residential Design Guide and the outdoor amenity space meets the 60m² requirement for a family property with 3 plus bedrooms.

Visual Amenity

The application properties are located centrally within a crescent that predominantly consist of terraced properties arranged in groups of 4. The central 2 properties have retail/commercial units on the ground floor with residential units above while the end units, set back both front and back from the central units, accommodate residential properties with accommodation over 2 floors. The immediate area, beyond the crescent, predominantly consists of 2 storey, hipped roof, semi-detached properties.

Despite the loss of the retail/commercial units within the crescent, the creation of 2no, 2 storey family homes would still reflect the development pattern and character of the predominantly residential area and would not appear alien or misplaced within that location. Especially as the attached properties on either side are residential dwellings and the majority of the properties within the streetscene are 2 storey family homes.

In order to accommodate the change of use, the shop front would be removed and partially infilled leaving residential scale fenestration which would harmonise with the first floor of the property and the neighbouring residential dwellings. It is acknowledged that the ground floor would be rendered and painted Ivory which is not a common finish within the immediate area as most buildings are red brick. However, as the application properties sit within the centre of the crescent, the symmetry of the streetscene would remain. Furthermore, the render would aid avoiding unsightly bonds between old and new brickwork which would likely be unsightly and detrimental to visual amenity.

To the front of the property the existing open forecourts would be enclosed to create a driveway and a pedestrian path to each property. The majority of the works would be permitted development as the walls and gates would not exceed 1m in height. In any case, the layout would reflect the enclosed garden areas of the adjoining properties and the majority of residential properties within the immediate area. As such, visual amenity would be maintained to a reasonable degree, in accordance with CSP 29.

Again the majority of the works to the rear of the dwelling would fall under permitted development rights as the means of enclosure would fall below 2m in height. Furthermore, the alterations would be in a relatively non-prominent position and reflective of the rear residential amenity spaces within the surrounding area.

Highway Safety

There are two parking spaces proposed per dwelling which is in accordance with the requirement of SPD 'Parking'. The spaces also conform to the dimensions set out in the South Yorkshire Residential Design Guide. Highways DC have raised no objections to the scheme.

Conclusion

The proposed change of use would ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land in accordance with policies H8D, CSP 26, CSP 29 and SPD's 'Designing New Housing Development' and 'Parking'.

Given that the site notice does not expire until the day after Planning Board, Members are respectfully requested to delegate any decision made to Case Officers who will liaise with the Chair of the Planning Board if any further representations are received.

Recommendation

Grant subject to:-

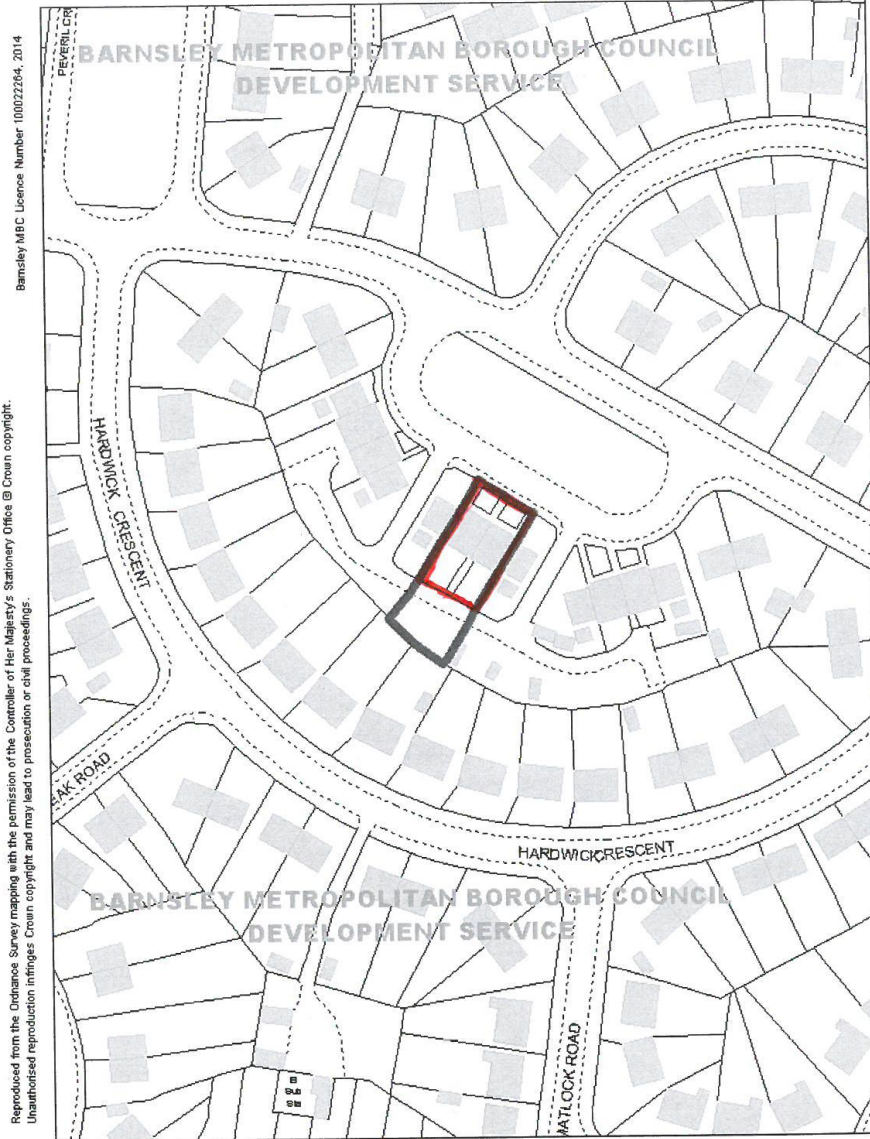
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos. NPS-00-00-DR-A-010-A & NPS-00-00-DR-A-031-A) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 4 The dwellings shall achieve 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 submitted to the Local Planning Authority certifying that Code Level 3 has been achieved.

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

PA reference :-

2015/0040



BARNESLEY MBC - Development Service

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



Scale 1:1250

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

1st January 2015 to 31st January 2015

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>
2014/0546	Residential development for four units (Outline) Land to the rear of White Hart PH, Bridge Street, Penistone, Sheffield	Written Representations	Delegated
2014/0638	Change of use of land to residential curtilage to allow for alterations to vehicular access, formation of new driveway and erection of boundary wall Woodland Villa, Work Bank Lane, Thurlstone, Sheffield	Written Representations	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in the month of January 2015.

APPEALS DECIDED 0 in January 2015

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/Delegated</u>
2014/0534	Detached garages at 102 Sackville Street, Barnsley	Written Representations	Dismissed	Delegated

17 Appeals decided since April 2014

2 Appeals allowed since April 2014

88.2% of all appeals dismissed since April 2014