

Report Précis

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

Date: 17/03/2015

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.

2013/0960 Approval**Page 3**

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

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

2015/0091 Approval**Page 21**

Development of three employment units at plots 2, 3 and 4, substation, spur road, sustainable drainage system and landscaping - (approval of reserved matters pursuant to application 2014/1055)

Land off Dearne Valley Parkway, Birdwell, Barnsley,

2015/0156 Approval**Page 32**

Erection of a three storey rear extension to existing building, internal alterations to create a total of 5 no. flats and external alterations to create a level garden area and 6 parking spaces.

39 Huddersfield Road, Barnsley, S75 1DN

2015/0096 Approval**Page 39**

Remove lowest limb over driveway for Horse Chestnut T1 and fell Horse Chestnuts T2, T3, T4 and T5, Sycamore trees T6 and T7 and Cherry tree T8 within TPO 1/1964

Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley, S71 5EH

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-Deerne. 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-Deerne 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 15 two bedroom, 35 three bedroom and 8 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 Marker 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 dwelling houses 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

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

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 power cuts affecting existing residents.
- It is questioned why a footpath was 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 (*this no longer forms part of the application*).
- 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 58 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 areas of open/greenfield land located to the east.

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 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 30 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 terms of the protected trees and some reasonable quality trees located to the south west of the site, the Tree Officer is satisfied that the proposed houses would be located a sufficient distance away that they should not be harmed by the development. However a condition would be required to agree protection fencing details. In addition new trees would need to be planted within the site as part of a landscaping scheme for the development.

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 comply with the spacing garden size standards and SYRDG standards in the majority of cases within the site with the exception of corner plots 75 and 90. The plans are therefore considered acceptable with regards to providing an acceptable standard of residential amenity for future residents. Garden sizes are lower for the plots next to the eastern boundary where there shall be a landscaping buffer and in the north east of the site adjacent to the banking containing trees protected by a group Tree Preservation Order. However this is considered preferable in terms of providing a buffer between the development and existing houses on Lowfield Meadows and in order to provide a landscaping buffer between the site and open/greenfield land to the east of the site. In some cases therefore it would be necessary to impose a condition removing permitted development rights for future extensions to ensure satisfactory residential amenity standards.

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 on 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.

Gleesons 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 64 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 dwelling type

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

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

P202/1D 202 dwelling type

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

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

301/1D 301 dwelling type

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

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

302/1E type 302 dwelling type

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

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

303/1E type303 dwelling type

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

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

304/1C type304 dwelling type

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

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

309/1B type309 dwelling type

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

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

310/1B type303 dwelling type

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

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

404/1D type404 dwelling type

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

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

406/1F type406 dwelling type

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 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 wellbeing 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,
 - groundwater's and surface waters,
 - ecological systems,
 - archaeological 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 10% via a 'fabric first' approach. Upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 10% reduction in carbon dioxide emissions has been achieved above the applicable Building Regulations requirement.'
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.

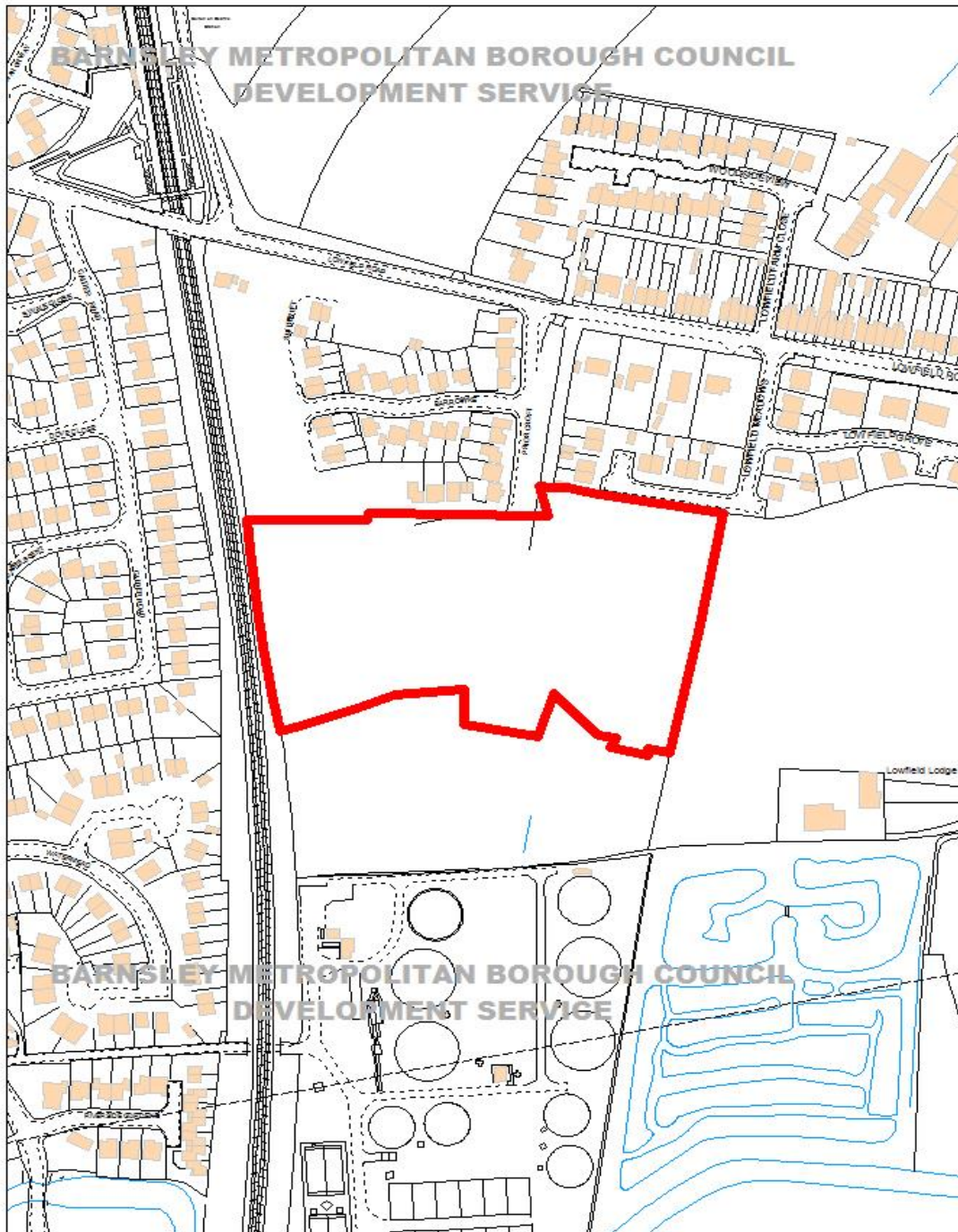
- 17 No building or other obstruction (including trees) shall be located over or within 3 metres either side of the centre line of each of the sewers, i.e. protected strip widths of 6 metres per sewer that cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at 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.
- 22 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2008 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority on plots 108-118 (excluding 117).
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.

PA reference :-

2013/0960


Barnsley MBC Licence Number 100022264, 2014

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



BARN SLEY MBC - Development Service

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


NORTH
Scale 1:2500

2015/0091

Harworth Estates

Development of three employment units at plots 2, 3 and 4, substation, spur road, sustainable drainage system and landscaping - (approval of reserved matters pursuant to application 2014/1055)

Land off Dearne Valley Parkway, Birdwell, Barnsley

Site Location and Description

The site is located to the north of the roundabout which serves junction 36 of the M6 Motorway with the A6195 Dearne Valley Parkway dual-carriageway. The A6195 extends along the sites southern boundary, Rockingham Roundabout is also located on the sites frontage, this includes a stub access directly in to the site.

The land is roughly rectangular in shape. It covers an area of approximately 8.3ha and is relatively flat. Vegetation, in the main comprises in the main of self-set trees (largely contained to the sites boundaries) and improved grassland. A footpath crosses the site and there is a large attenuation drainage pond located towards the south eastern corner.

To the west the site is bound mainly by mainly residential properties located off Lynham Avenue access from Sheffield Road. There is open Green Belt Land to the North and East, located some 400m beyond the eastern boundary is Shortwood Business Park.

Planning History

2014/1055 – Formation of access roadway and associated infrastructure (Full). Outline planning application for a phased, mixed-use development comprising employment uses (B1bc/B8 with ancillary office B1a), hotel (C1) and/or car showroom/garage (sui generis/B2) and food & drink (A3, A4, A5) with associated infrastructure – Approved Conditionally at the January PRB Meeting

There remains an outstanding application for a mixed use development by Hartwood Estates relating to land which adjoins the site on the South Western boundary (ref 2014/1452). Discussions are still on-going, it is hoped that this will make the April Planning Board Meeting.

Proposed Development

The application has been submitted as Reserved Matter's to elements of the approved outline planning application 2014/1055. This includes details of the appearance, landscaping, layout and scale for the three employment units (occupying plots 2, 3 & 4), as well as a substation and spur road.

The siting of the buildings follows that which was indicated within the parameters plan which accompanied the outline planning application. The overall scale of the development is as follows:

Unit 2 - 1,207sqm (13,000sqft)
Unit 3 - 2,787sqm (30,000sqft)
Unit 4A - 1,022sqm (11,000sqft)
Unit 4B - 1,022sqm (11,000sqft)
Substation - 14.0sqm (151sqft)

Parking

Unit 2 - 15no. car parking spaces (including 1no. disabled) 2no. motorcycle spaces with shelter
4no. cycle spaces with shelter

Unit 3 30no. car parking spaces (including 1no. disabled) 2no. motorcycle spaces with shelter 4no.
cycle spaces with shelter

Unit 4A 11no. car parking spaces (including 1no. disabled) 2no. motorcycle spaces with shelter
2no. cycle spaces with shelter

Unit 4B 11no. car parking spaces (including 1no. disabled) 2no. motorcycle spaces with shelter
2no. cycle spaces with shelter

The 3 employment units would be accessed directly from the service road which was approved with the Outline Planning Consent. The units would be located to the north this road parallel to the sites boundary, they would be a steel portal framed construction to a maximum height of 8.5m. The cladding would be grey profiled and laid horizontally across the elevations , there would also be a large feature glazing element spanning the ground and first floor.

As per landscaping details indicated on the outline submission a heavily landscaped bund would be constructed along the length of the western boundary to the adjacent residential properties. A 2.5m high acoustic fence would be installed along the ridge of this bund to provide additional screening and noise attenuation to the residential properties. Soft landscaping would also be included along the length of the northern boundary as well as across and around the buildings themselves.

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
CSP5 Including Renewable Energy in Developments.
CSP8 Location of Growth
CSP 19 Protecting Existing Employment Land
CSP25 New Development and Sustainable Travel
CSP 26 New Development and Highway Improvement
CSP27 Parking Strategy
CSP29 Design
CSP31 Town Centres
CSP36 Biodiversity & Geodiversity
CSP39 Contaminated and Unstable Land
CSP 40 Pollution Control and Protection

Supplementary Planning Documents (SPD)

Residential Amenity and the Siting of Buildings
Parking.

Saved UDP Policies

HN3 (Employment Sites) HN3/2 Rockingham Employment Site identifies sites to be developed/retained for employment uses.

ED7 (Existing Employment Areas) states employment policy areas identified on the proposals map will remain in employment use. Development will normally be permitted for business, industry and storage and distribution. Class A1 (Shops) and Class A2 (Financial and professional services) will not be permitted.

S3 (Retail Development Outside Defined Shopping Centres) directs retail development towards the defined centres followed by edge of centre then out of centre sites that are suitable, viable and available.

Emerging Local Plan: Employment Land

Policy E3 Employment Site Policies: Planning permission will be expected to be granted if details are provided in accordance with site specific policies:

HOY2 Rockingham The development will be expected to:

- Account for the reduction in developable area to accommodate the planned roundabout improvements
- Consider the impact on residential amenity and include appropriate mitigations where necessary.
- Consider the potential impact on the nearby Shortwood and Hay Green LWS
- Retain the hedgerow along the north edge

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
Design para's 58 – 65

Consultations

Barnsley Development Agency: Offer support to the scheme.

Biodiversity Officer: No objections subject to compliance with the submitted Ecology - Water Attenuation Pond & Great Crested Newt report

Coal Authority: The Geo-environmental Site Assessment Report has been informed by an appropriate range of sources of information; including a Coal Mining Report, BGS geological mapping, Coal Authority Mine Abandonment Plans and the results from some comprehensive site investigations. The Authority are satisfied with the conclusions and raise no objections.

Contaminated Land officer: Support the recommendations of the site investigation reports submitted with the outline application, no objections.

Design: No objections.

Drainage: No objection subject to conditions.

Environment Agency: No objection subject to the recommended conditions including compliance with the recommendations of the FRA.

Forestry Officer: No objections

Highway Agency: No objection

Highways: No objections subject to conditions

Public Rights Of Way: No objections recommend that the diverted right of way is designed to accommodate a separated cycleway and equestrian verge to contribute towards longer term objectives of developing existing cycleway within the vicinity.

SYMAS: No objections

SYP ALO: No objections

SYPTE: No objections

Tankersley Parish Council: No objections, support the associated employment opportunities.

Yorkshire Water: The developer has reached agreement with Yorkshire Water with regards to the diversion of sewers within the vicinity. No objections subject to conditions.

Ward Councillors: No objections.

Representations

The application was originally advertised by way of a site notice and properties which share a boundary to the site have been consulted in writing. At the time of writing the report no representations had been received

Screening Opinion

A Screening Opinion was issued by the Local Planning Authority for application 2014/1055 confirming that the development of the land for employment uses (which included this site) did not constitute Environmental Impact Assessment (EIA) development within the meaning of the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 and therefore a full EIA was not required for the proposed development.

Assessment

Principle of Development

Outline permission has already been granted under reference 2014/1055 for a mixed use development at the site, this also included detail of access as part of a Master plan approach. The application seeks to approve the reserved matters (appearance, landscaping, layout and scale) of 3 of the 'approved in principle' units, it these matters that are the sole consideration for the application.

The proposals relate to employment uses falling within B1 (b/c) & B8 categories and would occupy units 2, 3 and 4 (which could be split to form 2 units) of the approved Master plan on land which is allocated for such uses. Other uses would be subject to their own independent Reserved Matters Applications which will follow in due course and are not subject to consideration.

It is considered very favourable that the Reserved Matters have been submitted within such a short timeframe of the Outline Consent being approved. It is also reassuring that the first of the Reserved matters applications has been submitted for the traditional employment uses as opposed to the ancillary commercial developments permitted at the site.

The delivery of the units would be achieved through European 'Jessica' funding, to the sum of £5m. A criteria of the funding requirement is that the units will be available for occupation from December 2015. Whilst this may not be strictly relevant to the consideration of the current planning application, it nonetheless aligns with the context of the Councils corporate objectives as identified within the Jobs and Business plan, which, sets the ambitious target of creating 39,000 new jobs and 1,600 new businesses across the Borough in its 3 year period. The erection of the employment units will yield direct economic outputs, contributing to the economy and providing employment opportunities. This clearly accords with the strategic objectives of the adopted Core Strategy and those of the emerging Local Plan.

The development of the units follows that indicated on the sites Master plan submitted with the outline permission. There should therefore be no fundamental objections to this as the application would be consistent with the principals established on the previous consent.

In addition to this the application also seeks to address access arrangements to the adjacent Hartwood site which has its own pending application. This requirement was stipulated by condition 12 of the Outline Consent following highway advice. It also seeks to ensure comprehensive development can be achieved to secure maximum economic outputs.

Design, Scale and Layout

The proposals have endorsed the concept of a Master-planned approach which was established within the approved parameters plan. The three units in question would be located to the north of the approved spine road with their frontages parallel to the Dearne Valley Parkway. The buildings boundaries would be defined by the highway, proposed landscaping bund to the west and public footpath to the north.

The layout observes the 'good neighbour zone' established on the approved parameters plan. This has addressed the landscaped bund along the western boundary to the residential properties. The buildings would measure approximately 8-8.5m to their eaves height with ridge heights ranging between 9.5m and 11m. The nearest of the units (plot 2) would be sited 24m from the western boundary (at its closest) with units 3 and 4 being sited 52m and 140m away.

The units would comprise of a typical steel portal framed units, the main body of which would be constructed from horizontally laid profiled metal cladding panels in metallic silver. A feature is made of the main entrances through the addition of large elements of glazing and contrasting materials on the corners. A brickwork plinth course would be constructed along the base of the units, all associated service and fire doors would be powder coated in silver to provide consistency with the overall appearance of the building. The applicant confirms that the design would be identical to units they have recently constructed at the Advanced Manufacturing Park in Waverley, which on reflection have a pleasing contemporary modern appearance. Internally the buildings have been designed to be flexible to address the aspirations/working practices of a range of employment users. Parking and service areas would be located adjacent to each of the buildings, these would be enclosed within a fenced compound details of which would be secured through a condition.

To address objectives of policies CSP2 (sustainable Construction and CSP5 (decentralised energy) a carbon reduction report has been submitted with the application. This outlines that the buildings would embrace a range of measures to improve their overall operating efficiency, a matter which would also benefit future occupiers. The commitments raised include high levels of thermal insulation, low energy lighting, automated controls and provision 5KW of photovoltaics. Taken collectively the pre assessment identifies that 15% carbon reduction would be exceeded and the building would achieve relevant BREAAAM standards of 'Very Good' therefore meeting policy objections.

Landscaping

Full landscaping details have been provided with the application, this includes details of the landscaping bund along the western boundary. This makes appropriate provision for a heavily landscaped/planted bund, it would measure in the region 2-3m in height and would support a 2.5m acoustic fence along its ridge. The design has been developed in order to screen the residential area beyond the site to the west. This has the dual function of not only reducing the visual impact but also containing noise levels within the site.

There are no fences to the boundaries facing the proposed internal estate road. There are areas of soft landscaping integrated between the back edge of the estate road footpath and the new car parking/service zones. There are no new fences proposed to the north western boundary. The treatment of these areas is simply with new/enhanced planting to reinforce the soft landscaped areas that currently exist. The existing drainage ditch along the north western boundary will remain and the 3m easement associated with it will be respected.

Residential Amenity

The site is bounded to the west by residential development, there are in total 8 properties which share this boundary these fronting Alverley Way, Lynham Avenue and Locksley Gardens. The relationship of the site was considered at detail as part of the outline permission. The current proposals have embraced these principles such that compliance is reached with SPD 'Residential Amenity and the Siting of Buildings' with regard to spacing standards, sections have been provided which support this.

Unit 2 is the smallest of the proposals and this would be located closest to the residential boundary. The nearest property (36 Alverley Way) would be sited with its gable approximately

32m from the western elevation of the unit. The nearest property to be sited with its rear elevation directly facing the units is no.15 Locksley Gardens, this would be located some 62m away. Service Yards' to the units tend to be located towards the units eastern boundary, therefore removing activity even further from residential boundaries.

The addition of the landscape bund would provide significant mitigation to the adjacent properties by virtue of reducing the overall visual impact, and attenuating associated noise activity. The principles of a 'good neighbour zone' were embraced within the conditions applied to the outline planning permission, these will therefore remain applicable to the operations of the proposed units. Details of security lighting have however, not been provided, in the interests of good practice it is therefore recommended that such details are requested via condition.

Collectively having regard to the above, it is considered that the application observes the principles that were established on the outline planning application, insofar that the relationship to nearby residential properties would be acceptable with their amenity not being unduly prejudiced.

Highways

The details of the access arrangements have already been approved with the outline planning permission, which was accompanied with a full Transport Assessment which assessed a maximum development threshold of 16,000sqm. Since the outline consent was awarded permission has also been granted for improvements to the A61 Birdwell/Rockingham Roundabout gyratory, whilst this is subject to funding (expected March), if forthcoming it will provide significant additional capacity on the local network.

In recognition of current capacity issues associated with Birdwell roundabout appropriate conditions were applied that restricted the overall floorspace of the sites development. Mitigation was also secured in the form of minor widening, additional signing/lining on the A61 arm of Birdwell Roundabout, the justification being that this would give clearer direction to drivers allowing them to choose lanes more efficiently and effectively. This avoidance of late lane changing would in turn reduce congestion by allowing more vehicles to pass through the junction, improving overall capacity. These works would have to be completed prior to completion of any of the units within the site.

The application represents approximately 38% of the sites approved floorspace. The undertaking of the mitigation measures means that the development will fall well within the capacity of the local highway network, accordingly no objection have been raised by the highways Authority.

It was requested by condition 12 that the Reserved Matters includes details of a spur road to the adjoining Hartwood site on the south-western boundary. This was requested to incentivise the applicant to reach agreement with the adjoining landowner to secure a comprehensive development served from a single point of access onto the Dearne Valley Parkway. Details have been submitted which identify that a carriageway can be delivered to an adoptable standard, this has also be aligned to meet with the access requirements of the adjacent land owner. The road will be provided in conjunction with that of the estate road, therefore meeting aspirations of comprehensive redevelopment.

The units themselves will take direct access from the central spine road. Appropriate parking (car, cycle & motorcycle), manoeuvring and service areas would then be provided within private service yards. These arrangements are acceptable to the Highways Authority and therefore compliance would be reached with policy CSP26.

Rights of Way

A footpath joins the site at a central location on the Dearne valley Parkway boundary, this runs at an acute angle to the sites north eastern boundary. The alignment of the route is not impeded by the three units but it is clear that this will not be the case for later developments within the site. The proposal remains to divert this path along the western and northern boundary, this would also allow for a safer crossing refuge across the Dearne Valley Parkway. The path would be surfaced with a resin bond; the dimensions of the footway would be such that it could support multi-recreational uses. The diversion would be subject a separate application process, in principle the proposals have the support of the Public Rights of Way officer.

Drainage & Flood Risk

An open watercourse/pond exists within the north eastern boundary of the site in an adjacent field to the development proposals, this is a tributary of the downstream watercourse known as Shortwood Dike. There is also a surface water balancing pond located within the eastern corner of the site, this feature has been designed above required capacity and is a facility associated with the adjacent public highway.

Development can be achieved that embraces the use of SUDS in accordance with policy CSP3. It is proposed to address surface water by discharging via the watercourse/balancing pond, this would see the expansion of the pond as deemed appropriate to achieve a suitable level of capacity.

A Yorkshire Water drain crosses the site of the proposed pond expansion. The applicant has forwarded correspondence that an in principle agreement has been secured for the diversion of this apparatus. With regard to foul drainage Yorkshire water confirm that there are sewers within the site, a connection to which should therefore be readily available.

Subject to the above works being secured by a condition, the proposed development can satisfy the requirements of National Planning Policy Framework as well as Core Strategy polices CSP1, CSP3 and CSP4.

Air Quality

The site borders an AQMA, this reflects issues relating to traffic on the local highway network. The significance of the development in terms of contribution to air quality issues is considered to be slight to negligible. This is supported by Regulatory Services whom raise no objections.

Biodiversity

The ecological assessment identifies that in the main the main the site has a low overall ecological value which comprises of naturally vegetated hardstanding or semi improved grassland with some trees and hedgerows to the boundaries, the site is not subject to any designations and the nearest Local Wildlife Site is a sufficient distance away to avoid at risk.

The main point of consideration relates to the associated works to the expansion of the balancing pond.

This pond was found to support one individual great crested newt when it was surveyed in 2014, other amphibian species also included the smooth newt. The proposal is to construct a surface water attenuation feature in the area of rough semi – improved grassland whilst retaining the existing pond in situ. The concept is that the water attenuation feature will not form a permanent pond but will instead be periodically inundated, this would create a marshy / damp grassland /

woodland area that will have a higher biodiversity value than the grassland which the area currently supports.

To address concerns of adversely affecting the Great Crested Newt it is proposed that the pond is extended on a risk assessment basis using Reasonable Avoidance Measures in relation to all amphibian species. This approach means that a development license is not required, an approach actively promoted by Natural England in such situations. Reasonable Avoidance Measures and offsite mitigation are proposed for managing the amphibian species that are resident near to the site, works would be appropriately stopped and ecologist consulted in the vent of a newt being found within or near to site works being undertaken. The Risk Assessment will be implemented through the Outline Method Statement presented within the ecological report.

To determine where the main breeding pond is for Great Crested Newts the applicant has agreed to undertake ongoing season long surveys in the wider area around the site in an attempt to determine where the main breeding pond is for the small population. The survey area is anticipated to include all suitable land within 500m of the pond.

Other ecological measures that are proposed include the planting of new woodland and scrub, management of existing woodland and scrub, installation of amphibian hibernacula, deadwood habitats, bat boxes, hedgehog hibernation boxes and the sowing and management of species rich grassland and neutral grassland areas.

Overall, the proposed will enhance biodiversity and sufficient measures are proposed to protect species during construction. Accordingly, the Biodiversity Officer raises no objections and the scheme complies with policy CSP 36.

Conclusion

It is considered that the proposal reflects the parameters which were established on the outline planning consent.

The site has been allocated for employment purposes for a significant length of time. The proposals would therefore allow the site to yield its economic potential through the provision of modern employment premises. In addition to the onsite provision of employment units, an access road to adjoining employment land is also shown. This will further help to raise the economic potential of the locality, making a significant contribution to strategic objectives of the Core Strategy.

The development would be set within a high quality landscaped environment which also incorporate sufficient safeguards to protect levels of residential amenity. Overall sustainable objectives can also be achieved through the building's design, use of renewables, sustainable drainage and ecological enhancement.

There are therefore no significant or demonstrable adverse impacts associated with the development and the application has successfully demonstrated that the Reserved Matters have been successfully addressed.

Recommendation

Grant subject to:-

- 1 The development hereby approved shall be carried out strictly in accordance with the amended plans (Design and Access Statement ref. 11462A-DA01 rev.B, Materials Samples document ref. 11462A-MS01 rev.B, 15% Carbon Reduction (Sustainability) Report December 2014 v2.0, Arboricultural Assessment January 2015, Plans 11462A-112 rev.H, 11462A-113 rev.A, 11462A-114 rev.C, 11462A-115, 11462A-116 rev.A, 11462A-117 rev.C, 11462A-118 rev.A, 11462A-119 rev.C, ref. 11462A-120 rev.D, 11462A-121, 11462A-122, 11462A-123 rev.A, 11462A-124 rev.B, 11462A-125 rev.C, 4652-R10, V11462 L01 rev.F, V11462 L02 rev.B, V11462 L03 rev.C, D25550/PY/A, V11462 L04 Rev.C, Ecology - Water Attenuation Pond & Great Crested Newt report March 2015) 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.
- 2 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

 - Tree Protection Plan (TPP)
 - Arboricultural Method Statement (AMS)

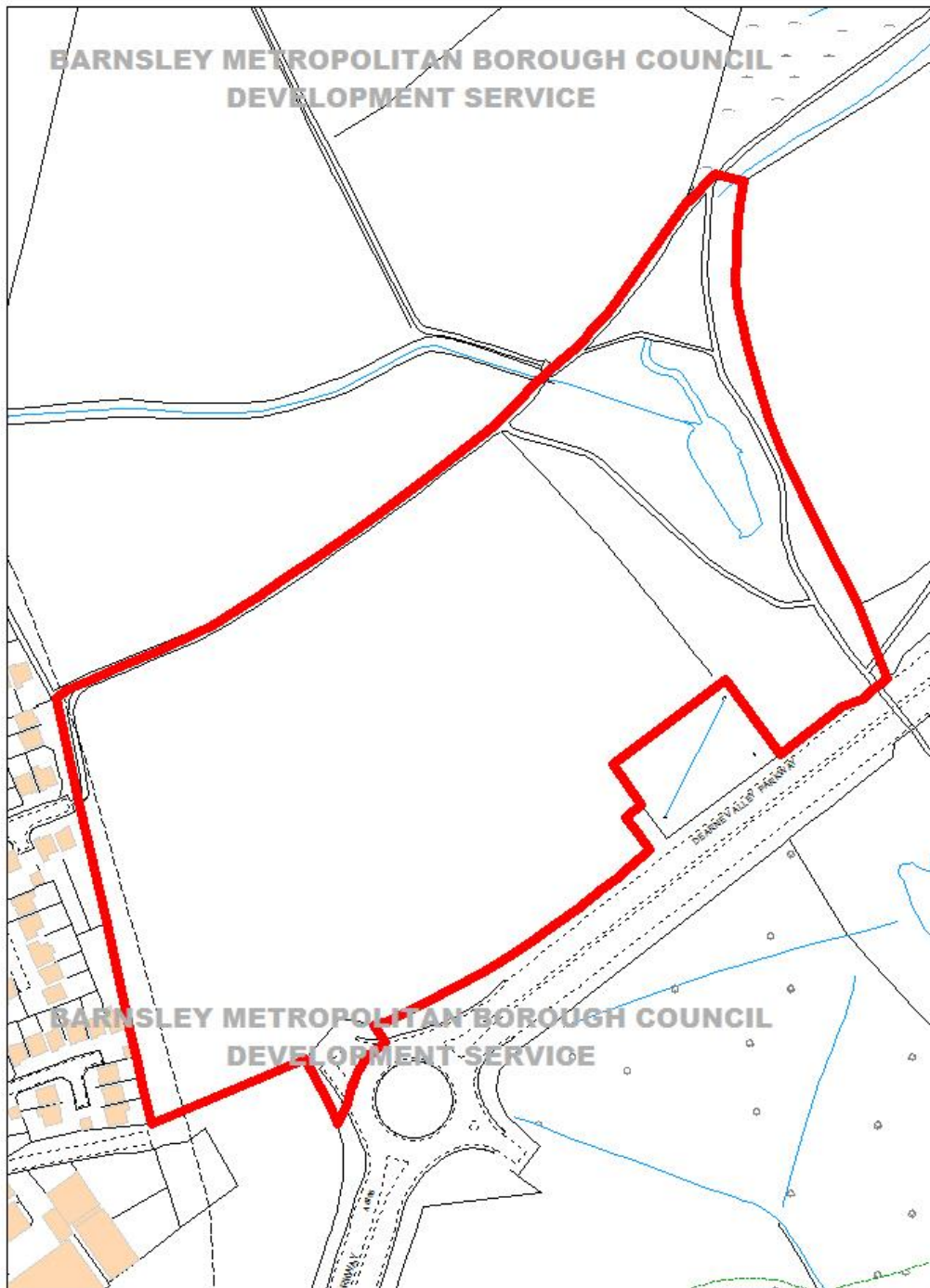
The development shall be carried out in accordance with the approved TPP & AMS and the erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the 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.
- 3 The 2.5m high close boarded timber acoustic fence and bund, as shown on the approved site plan - 11462A-112 Rev G) shall be installed prior to occupation of the units and retained as such thereafter.
Reason: In the interests of residential amenity, in accordance with policy CSP40.
- 4 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

PA reference :-

2015/0091

Barnsley MBC Licence Number 100022264, 2014

Reproduced from the Ordnance Survey mapping with the permission of the Controller of Her Majesty's Stationery Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings.



BARNESLEY MBC - Development Service

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


Scale 1:2500

2015/0156

Berneslai Homes

Erection of a three storey rear extension to existing building, internal alterations to create a total of 5 no. flats and external alterations to create a level garden area and 6 parking spaces.

39 Huddersfield Road, Barnsley, S75 1DN

No Objections received.

Site Description

The application relates to a large, stone built period property located within the Huddersfield Road Conservation Area. The building is currently vacant but previously accommodated 3 flats over 2 floors with further rooms within the basement and roof space. There is pedestrian access to the front from Huddersfield Road and vehicular access to the rear from Cockerham Lane. The rear garden slopes from the rear elevation down to Cockerham Lane and is currently overgrown. There appears to be a former vehicular access and parking space adjacent to the rear boundary but this has since been fenced off/boarded up.

There are neighbouring properties to both sides of the site, a detached dwelling to the South and a pair of semis to the North. There are properties opposite Huddersfield Road to the West and opposite Cockerham Lane to East.

Proposed Development

The applicant seeks permission to erect a two storey flat roofed extension to the rear of the property. The extension would occupy the full width of the rear elevation and project 4m. It would have a total height of approx. 9.1m to the top of the parapet.

Internally the space would be reconfigured to incorporate the extension and create;

- 1 no. 1 bed garden flat and 2 no. store rooms on the basement floor
- 1 no. 1 bed flat and 1 no. 2 bed flat on the ground floor
- 1 no. 1 bed flat and 1 no. 2 bed flat on the first floor

Externally the garden would be cleared and a retaining wall created mid-way down to accommodate a level garden area adjacent to the rear elevation and a tarmac parking area for 6 vehicles adjacent to Cockerham Lane.

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 Development Sites & Places Development Plan Document (DSAP), which shows possible allocations up to 2026 and associated policies. The document is a material consideration but the weight afforded to it is limited by the fact it is at an early stage in its preparation.

Core Strategy

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.

CSP 30 – The Historic Environment – Development which affects the historic environment and Barnsley’s heritage assets and their settings will be expected to protect or improve the character or appearance of the Conservation Area.

Saved UDP Policies

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

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

SPDs/SPGs

- SPD ‘Designing New Housing Development’
- SPD ‘House Extensions’
- SPD ‘Parking’ provides parking requirements for all types of development.

Other material considerations

South Yorkshire Residential Design Guide - 2011

Planning (Listed Buildings & Conservation Areas) Act 1990

Under the act (ss66 and 72) the Council has a duty to have special regard to the desirability of preserving or enhancing a conservation area. This has to be accorded considerable importance and weight.

NPPF

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

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that ‘permission should be refused for

development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Consultations

Highways DC – No objections subject to conditions

Conservation Officer – No objections subject to conditions

Tree Officer – No objections

Ward Councillors – No objections raised

Representations

The application was advertised by site notice, press notice and by writing to neighbouring residents who immediately adjoin the site. Unfortunately, the original description only described the scheme as an extension to the building and did not reference the use (i.e. 5 flats). As such, it has been re-publicised with a revised description but the consultation period does not expire until after the meeting. At the time of writing the report, no letters of objection have been received and any comments received between publication of the report and its consideration by members will be reported verbally. Given this, if members are minded to grant, officers would like delegated authority to issue the decision on expiry of the consultation period. In the highly unlikely event that material planning considerations are raised which have not been considered in this report, officers would refer the application back to members for further consideration.

Assessment

Principle of Development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps and Urban Fabric, i.e. land within the settlement with no specific allocation, in the consultation draft of the Local Plan. 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, the site is within a Conservation Area, therefore, the proposed extension and external alterations will be expected to protect or improve the character or appearance of the Conservation Area.

Residential Amenity

The proposed rear extension would be three stories in height and occupy the full width of the elevation. It would be located to the South of number 41, however, given the proportions of the dwellings on Huddersfield Road, the proposed projection of 4m is relatively modest, in addition, number 41 has a rear elevation which projects beyond the proposal, as such, it would not increase overshadowing to an unreasonable degree, or be an overbearing feature to the detriment of residential amenity.

The extension would be to the North of number 37 and, as the neighbouring property is set further back on its plot that the application property, the extension would only project approximately 1.8m beyond the neighbouring rear elevation. Again, due to the orientation and the projection, residential amenity in terms of overbearing and overshadowing would be maintained.

There are no additional windows proposed on the side elevations, the existing front habitable room windows would be retained and the proposed rear elevation windows would be in excess of 21m from the properties on Cockerham Lane, as such, privacy levels for neighbouring residents and proposed residents would be to a reasonable degree.

It is acknowledged that the number of residential units would be increased from 3 to 5 as a result of the works which could potentially increase noise and disturbance. However, given the number of properties within the area and the fact that the parking court would be adjacent to Cockerham Lane away from neighbouring dwellings, the increase in residential activity would not be significant.

In order to create a level garden area and parking to the rear, a retaining wall would be required part way down the garden. This would result in lower land levels to the rear but slightly higher land levels on the garden area. The level immediately adjacent to the rear elevation of the extension would be similar to that which exists but the level adjacent to the proposed retaining wall would be approximately 1.1m higher. The terrace would be set in over 2m from the boundary with number 37 but would be up to the boundary with number 41, as such, there would be some potential for overlooking of the neighbouring rear elevation and garden area. A condition will be recommended for full boundary treatments to be submitted to ensure amenity levels are maintained.

In terms of residential amenity for future occupants of the building, the proposed units comply with the South Yorkshire Residential Design Guide and they would have access to shared outdoor amenity space, in accordance with SPD 'Designing New Housing Development'.

Visual Amenity

The proposed extension would be to the rear and would be partially obscured by the adjacent properties and out buildings. However, it would be within the Conservation area and would be visible from public vantage points. The existing rear elevation has a number of smaller openings which it could be argued appear ad hoc. The proposed rear elevation would have larger, more regimented openings which would be more in keeping with the front elevation. Furthermore, there would be an arched window included which would also mirror the front.

The extension would incorporate a flat roof whereas the original property has a shallow pitched hip; however, a parapet would be included which would reflect the front of the property. When looking up at the rear of the property from the lower level public vantage points it would not be immediately evident that the extension does not have a hipped roof, as such, visual amenity would be maintained to a reasonable degree and the character and appearance of the Conservation area would be protected, in accordance with CSP 29 & 30.

It is acknowledged that the host property is constructed from stone and the proposed extension would be red brick. However, when approaching the site via Cockerham Lane from Huddersfield Road the majority of properties front and rear are stone but there is a change immediately after the site where the rear of 41 and 43 Huddersfield Road are red brick, as well as the apartment block further along and the semi-detached properties on the opposite side of Cockerham Lane. The proposed extension would form part of this transition and would not appear alien or out of character. Furthermore, the Conservation Officer has not raised objection to the red brick subject to a condition requesting samples to ensure they are of a quality befitting the host property and Conservation Area.

The current rear garden is over grown and unkempt. The proposal is to remove the vegetation and create two distinct areas, a raised garden adjacent to the rear elevation and a parking area adjacent to Cockerham Lane. It is acknowledged that large areas of hard landscaping would be on show with the tarmac car park and retaining wall. However, the West side of Cockerham Lane is characterized by parking areas and garages serving properties on Huddersfield Road.

Furthermore, adjacent outbuildings on the back edge of the footpath would limit views, as such; the visual amenity of the Conservation area would be maintained to a reasonable degree.

An enclosed bin compound area is proposed to the rear of the parking area to ensure waste and recycling is kept in one location and not have a negative impact on visual amenity.

Highway Safety

There are 5no. residential units with 2 bedrooms or below. The requirement set out in SPD 'Parking' is 1 space per unit with 2 beds or below, as such, the proposal would exceed the requirements.

The vehicular access would be onto Cockerham Lane which already accommodates a number of existing access points serving properties fronting Huddersfield Road. There would be adequate space within the site to enter and exit in a forward gear.

As a result of the comments above, Highways DC have raised no objections to the proposal subject to conditions, one of which requires the relocation of an existing lamppost which would impede access and egress.

Trees

The site is within a conservation area and there are a number of trees evident on the site which are proposed to be removed. However, the trees have little merit and are growing under power lines. As such, the Tree Officer has raised no objections to their removal.

Conclusion

The proposal would preserve the character and appearance of the Conservation Area and 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, it would 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, CSP 30 and SPD's 'Designing New Housing Development', 'House Extensions' and 'Parking'.

Recommendation

Give officers delegated authority to grant permission in accordance with the suggested conditions on expiry of the revised consultation period unless material planning considerations are raised by a third party which have not already been considered in this report.

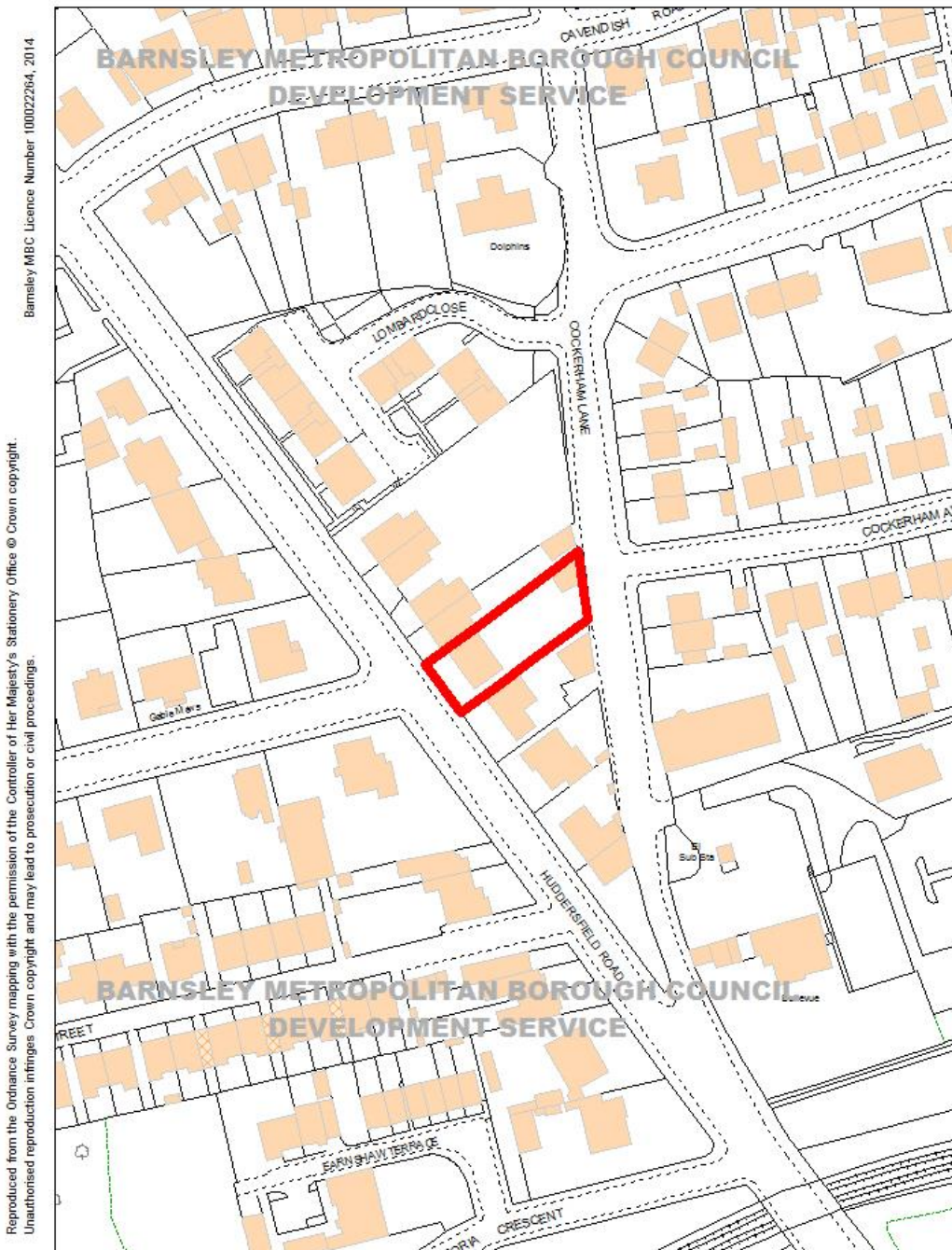
Grant subject to:-

- 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 No construction work will commence until a representative sample of the roofing material, facing brick, stone dressings, windows type / style, door type / style, and rainwater goods has been submitted to, and approved in writing by, the Local Planning Authority, and the development shall proceed in strict accordance with these details as approved.
Reason: In the interests of the visual amenities of the locality and Conservation Area in accordance with Core Strategy Policy CSP 29, Design and CSP 30.

- 3 The development hereby approved shall be carried out strictly in accordance with the plans (Nos TBC) 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.
- 4 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:
• Relocation of the street lighting column
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.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.
- 6 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.
- 7 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

PA reference :-

2015/0156



BARNSELY MBC - Development Service

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


Scale 1:1250

2015/0096

Mr Andie Nixon

Remove lowest limb over driveway for Horse Chestnut T1 and fell Horse Chestnuts T2, T3, T4 and T5, Sycamore trees T6 and T7 and Cherry tree T8 within TPO 1/1964

Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley, S71 5EH

Description

The trees form part of a woodland within Ardsley Crematorium which is situated adjacent to the rear boundary of the properties on Roehampton Rise. The site is steeply sloping with the woodland area elevated in relation to the dwellings.

Proposed Development

The applicant seeks permission for the removal of 1no limb from 1no Horse Chestnut tree (T1) and removal of 4no Horse Chestnut trees (T2, T3, T4, & T5), 2no Sycamore trees (T6 & T7) and 1no Cherry tree (T8) within TPO 1/1964.

Policy Context

The statute law on TPO's is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g. road or footpath for a TPO to be made but the courts have decided that trees should be protected for "*pleasure, protection and shade they provide*". Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is:- 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

Consultations

Tree Officer – approve subject to conditions

Representations

Neighbour notification letters were sent to surrounding residents, no comments have been received.

Assessment

In line with good practice, primarily the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The trees are positioned at various locations within the grounds of Barnsley Crematorium and form part of a wider, high amenity woodland. The majority of the trees are located within falling distance of residential properties.

The trees to be removed, (T2-T8) are in a poor state and their ultimate demise is inevitable, it is considered that the trees are likely to become hazardous within a relatively short space of time and as such it is considered prudent to remove the trees before any damage occurs.

It is acknowledged that the proposed removal of the lowest limb, which has a long linear wound, from Horse Chestnut tree (T1) could be considered detrimental, however, the form of the tree puts a significant amount of pressure on the fault. It is therefore considered that the removal of the limb would safely prolong the retention of the tree which overhangs the exit driveway.

It is considered that replacement planting is not appropriate in this instance as it is unlikely that new replacement trees would establish due to the mature trees already present.

All trees have been identified via pink timber paint for easier identification and for the avoidance of doubt.

Recommendation

Grant subject to:-

- 1 The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure that adequate notice is given for the works to be inspected and approved by the Local Planning Authority.
- 2 Not less than five working days' notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.
Reason: To ensure the work accords with good arboricultural practice.


PA reference :-

2015/0096



BARNESLEY MBC - Development Service

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


Scale 1:1250

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

1st February 2015 to 28th February 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>
2014/1017	Erection of 1 no. 50 KW wind turbine with a height to the hub of 36.6m and 49m to blade tip with associated infrastructure	Written Representations	Delegated
2014/1466	Erection of two storey front and side extension to dwelling	Written Representations	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in the month of January 2015.

APPEALS DECIDED 0 in February 2015

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Decision</u>	<u>Committee/Delegated</u>
2013/1352	Erection of 3 no. detached dwellings (Outline) Hawthorne House, New Row Lane, Ingbirchworth, Sheffield	Written Representations	Dismissed	Delegated
2013/1173	Erection of two pairs of semi-detached houses (Outline) (Resubmission) 714 Doncaster Road, Ardsley, Barnsley	Written Representations	Dismissed	Delegated

18 Appeals decided since April 2014

2 Appeals allowed since April 2014

89.9% of all appeals dismissed since April 2014