

## **REPORT PRECIS**

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

Date: 30/06/2015

### **Subject**

Applications under Town and Country Planning Legislation.

### **Purpose of Report**

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

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

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

### **Financial Implications**

None

### **Crime and Disorder Implications**

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

### **Human Rights Act**

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

### **Representations**

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

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

### **Recommendation(s)**

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

### **Background Papers**

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

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### **2015/0418 Approval Page 4**

- Change of use from residential (C3) to private care home (C2);
- 153 Barnsley Road, Cudworth, Barnsley, S72 8UT

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### **2014/1240 Approval Page 9**

- Erection of 4 no. detached dwellings with associated access, parking and landscaping;
- Land off Huthwaite Lane, Thurgoland, Sheffield

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### **2015/0557 Approval Page 25**

- Retention of residential caravan site for 3 gypsy families, temporary permission previously approved by 2011/0958;
- Land off Warren Walk, Royston, Barnsley S71 4EB

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### **2015/0549 Approval Page 35**

- Outline application with all matters reserved comprising of a mixed use development of Barnsley Markets and adjoining land following demolition of existing offices, bridge, part of existing market hall and multi-storey car park to provide a replacement refurbished retail / market floor space, new retail / food and drink (Use classes A1, A3, A4), a cinema (Use Class D2), a library (Use Class D1), and new public open space, access road and associated servicing arrangements, car parking and a pedestrian footbridge across the adjacent railway to the site of the former CEAG building;
- Barnsley Markets and adjoining land at Cheapside, Barnsley

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### **2015/0224 Approval Page 55**

- Erection of a new manufacturing unit adjacent to the existing PVC unit, and additional staff parking provision;
- Station Road Industrial Estate, Valley Road, Wombwell, Barnsley S73 0BS

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### **2015/0229 Approval Page 65**

- Change of use from B8/B1 to B2, B8 and B1. Alterations to existing buildings, demolition of external structures and the installation of external lighting and two new substations;
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**2015/0447 Approval****Page 75**

- Erection of 7 no. dwellings (Outline);
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**2015/0434 Approval****Page 81**

- Conversion of chapel to provide a community facility;
- Wombwell Chapel, Cemetery Road, Wombwell, Barnsley, S73 8HY

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**2015/0540 Approval****Page 86**

- Conversion of chapel to provide a community facility (Listed Building Consent);
- Wombwell Chapel, Cemetery Road, Wombwell, Barnsley, S73 8HY

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**2015/0479 Approval****Page 91**

- Erection of modular classroom extension to primary school;
  - Summer Lane Primary School, Summer Lane, Barnsley, S75 2BB
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**2015/0418**

Miss Kirsten Gaskell

Change of use from residential (C3) to private care home (C2)  
153 Barnsley Road, Cudworth, Barnsley, S72 8UT

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The application was requested to be presented at the Planning Board by the Cudworth Ward members.

20 letters of objection have been received

A petition containing 54 signatures has been received in support of the application

Councillors Houghton and C. Wraith have objected to the application

### **Introduction**

This application was deferred from the 2<sup>nd</sup> June Planning Board to allow Members the opportunity to visit the site.

Since the report for the 2<sup>nd</sup> June Planning Board was published, a petition containing 54 signatures has been submitted in support of the application. The report has therefore been updated to reflect this submission.

The remainder of the report remains as previously seen on the June 2<sup>nd</sup> Planning Board agenda.

### **Site Location and Description**

The property is a brick terraced dwelling, located on the south east side of Barnsley Road in the centre of the Principal Town of Cudworth.

The dwelling is located immediately next door to the Metro C21 Superstore which lies on the corner between Barnsley Road and Co – Operative Street. To the other side is a row of residential terraced properties which match the applicants in design with a front projecting gable with dual vertical windows present at both ground and first floor within the gable.

To the rear the property has a long narrow garden which backs onto a rear access track which is utilised by a number of residents for access to outbuildings and garages. This track is also backed onto by bungalows on York Street.

### **Proposed Development**

Permission is sought for a change of use from the existing residential property (C3) to a private care home. The care home would provide 24 hour care for 3 young persons at the property and no external alterations to the building are required to facilitate the use.

The applicant has stated that the children who would be accommodated are under the Social Services category of 'looked after children', whereby these children would normally be placed within Foster Care Homes, but due to a lack of foster homes in the area these children are placed into care.

### **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the

Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

The 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.

### SPDs/SPGs

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

### Other material considerations

South Yorkshire Residential Design Guide - 2011

### NPPF

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

In respect of this application, relevant policies include:

General principles para 17  
Design para 58 – 65

### **Consultations**

Environmental Health – No objections

Highways DC – No objections

### **Representations**

Councillors Houghton and C. Wraith have objected to the development on the following grounds:

- This is a change of use from a residential property to a business which impacts on the residential nature of the area and particularly on the aged persons bungalows to the rear of the property.

- It is our belief that the proximity (i.e. next door) to the supermarket/off licence means two incompatible activities are being brought together.
- The increased activity within the property will impact upon local residents, particularly with regards to traffic and a lack of sufficient parking space, again will have a negative impact.
- The proximity to a main road and potential impact on traffic movement on an area already identified as problematic by Highways.
- A children's home will generate more noise and thus impact upon adjacent properties and residents, particularly older people.

20 letters of objection have also been received, however the majority raise non planning related concerns such as the background of the people in the home, reduce property values, and an increase petty crime. A number of objectors have raised the location as an issue being adjacent to an off license, close to an area which houses a number of elderly persons and on a busy main road.

Other concerns raised are noise and disturbance, lack of parking, visual impact, and inappropriate location.

A petition containing 54 signatures has been received in support of the application.

## **Assessment**

### Material Consideration

Principle of development  
 Design and layout  
 Residential Amenity  
 Highway Safety

### Principle of development

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

The existing property is a dwellinghouse which is classed as a C3 use under the Town and Country Planning (Use Classes) Order 1987 (as amended). The C3 use classification also allows for up to 6 residents, not necessarily related to each other, to live as a single household. For this application, the applicant has indicated there would only be three children living at the premises accompanied by staff. As such the numbers in the house would not be over 6 residents. However, the applicant has indicated that staff are required 24 hours a day, and it is only this requirement for 24 hour care, and not the number or type of residents proposed to be living at the premises, that means that the proposed use would be classed as a C2 use and hence the planning application is required.

The use of the dwelling would still be primarily for residential purposes, and therefore in principle would be acceptable within a Housing policy Area. However, it is still necessary to assess the impact on visual amenity, residential amenity, and highway safety.

### Design and layout

In terms of design there are no external alterations to the building proposed and as such the proposal is considered acceptable and in accordance with policy CSP29 of the Core Strategy.

## Residential Amenity

The proposed use is for the care of 3 young persons with 24 hour care as such the activity is considered similar to that of a family of two adults with 3 children, and given that this level of activity could occur without the need for planning permission, an objection based on the activity or noise and disturbance in terms of residential amenity cannot be substantiated.

A large number of the objections submitted raise concerns about the potential behaviour of the occupants of the care home and some objectors have cited problems at other care homes from anti-social behavior and the location of the premises next to a supermarket/off licence.. These are matters that are not material planning considerations and are operational matters for the managers of the care homes to deal with. Given the relatively small scale of the use, which is comparable to that of a domestic dwelling, the proposal is considered acceptable from an amenity perspective.

## Highway Safety

The proposal has been assessed by the Highways Section who have commented as follows

‘The proposed development is unlikely to result in any significant adverse impact on the surrounding highway network. Consequently, there are no objections to the proposed development in a highway context.’

Given the above, the proposal would not result in conditions detrimental to highway safety.

## Conclusion

The use proposed will not generate any increased activity over and beyond that of a family occupying a dwelling and as such the small scale of the proposal means that a number of the concerns expressed cannot be substantiated in planning terms. As such the proposal is considered in line with local and national planning guidance and approval is therefore recommended.

## **Recommendation**

### **Grant subject to conditions:-**

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

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved, including the description on the submitted application form indicating the home is for only 3 young people and will be staffed 24 hours a day, unless required by any other conditions in this permission.

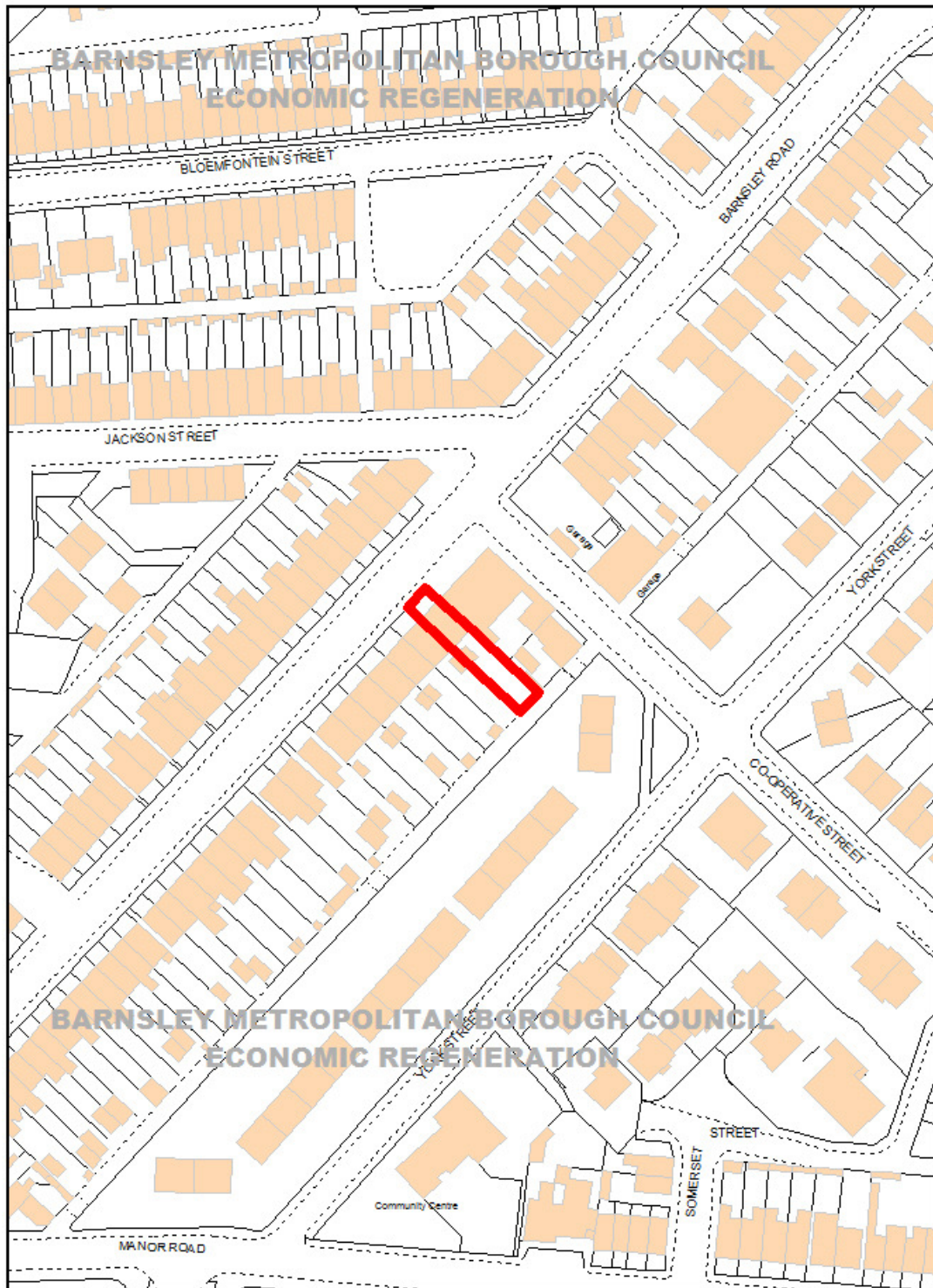
Reason: In the interests of the amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

PA reference :-

2015/0418

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**BARNESLEY MBC - Economic Regeneration**

Service Director: David Shepherd  
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Barnsley S70 9FD  
Tel: 01226 772621

  
Scale 1:1250



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**Ref 2014/1240**

Applicant: Yorkshire Land Ltd

Description: Erection of 4no detached dwellings with associated access, parking and landscaping

Site Address: Land off Huthwaite Lane, Thurgoland

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36 letters of objections have been received from local residents.

Objections have also been received from Councillor Barnard, Thurgoland Parish Council and Angela Smith MP.

16 letters of support have been received from local residents.

### **Site Description**

The site comprises an 'L' shaped plot of land which is located on Huthwaite Lane near to Thurgoland.

The site comprised 0.4ha of open and undeveloped land positioned between existing dwellings which are located on either side. The site has an existing access gate onto Huthwaite Lane and a dry stone wall on this boundary.

The site is overlooked by the rear of terraced houses to the west, Mount Pleasant and Rock Leigh. To the east the site is overlooked by the rear of a row of one and a half storey detached bungalows.

Located to the rear of the site is the former Huthwaite Quarry which is a designated Regionally Important Geological site.

### **Proposed Development**

The proposal is to construct 4 detached dwellings on the site. The dwellings would all be substantial in scale containing 5 bedrooms with footprints ranging from 134 to 203sqm. In addition the dwellings would be provided with a mixture of detached or attached double or triple garages which would add a further 55qm of built floorspace in the case of plots 1 and 4. Facing materials are proposed to comprise pitched face natural stone and natural slate.

It is proposed to construct a new private drive internally within the site to serve the dwellings. The dwellings would also be provided with driveways and gardens.

### **History**

B/94/0020/PR – Erection of two detached dwellings (outline). Refused permission 24/02/1994 for the following reasons:-

*1. The application site lies within an area designated as Green Belt and Area of County Landscape in the South Yorkshire Structure Plan wherein new development is not permitted, except in exceptional circumstances for the purposes of agriculture, forestry, recreation, cemeteries, institutions standing in large grounds and other uses appropriate to a rural area. In the opinion of the Local Planning Authority there are no exceptional circumstances in this case that would justify a departure from that policy.*

*2. The development proposed would be materially detrimental to the character of the existing settlement both by increasing the density of the buildings and creating a precedent that could lead to similar proposals elsewhere within the settlement.*

## **Policy Context**

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

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

### Local Development Framework Core Strategy

CSP2 'Sustainable Construction'  
CSP3 'SUDS'  
CSP4 'Flood Risk'  
CSP8 'The Location of Growth'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP34 'Protection of Green Belt'  
CSP36 'Biodiversity and Geodiversity'

### Saved UDP Policies

UDP notation: Green Belt

WR10 'Western Rural Green Belt'  
GS6 'Extent of the Green Belt'  
GS7 and GS8 'Development within the Green Belt'  
H8D 'Infill, Backland and Residential Development'

### SPD's

-Designing New Residential Development  
-Parking

### Other

South Yorkshire Residential Design Guide

### Local Plan Consultation Draft 2014

Proposed allocation: Green Belt

### NPPF

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

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

14. At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.

For decision-taking this means:

- approving development proposals that accord with the development plan without delay; and
- where the development plan is absent, silent or relevant policies are

out- of- date, granting permission unless:

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

80. Green Belt serves five purposes:

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

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

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

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include:-

*Limited infilling in villages, and limited affordable housing for local community needs under policies set out in the Local Plan*

## **Consultations**

Biodiversity Officer – Does not object subject to the mitigation measures in revision C of the Ecology report being conditioned.

Drainage – No objections subject to conditions.

Highways – Consider that Huthwaite Lane should be resurfaced for the section between the site access and Cote Lane and that this should be ensured as part of any planning permission. Apart from that issue they do not object to the application subject to the imposition of standard conditions.

Regulatory Services – No objections subject to conditions.

Tree Officer – No objections subject to conditions.

Thurgoland Parish Council – Object based upon the following reasons:-

- Concerns about the impact of the development on a designated Local Wildlife and Regionally Important Geological site, Huthwaite Quarry which is located adjacent to the site.
- Access – It is stated that Huthwaite Lane is a poor quality unadopted road which is not suitable to accommodate traffic from the development. It is also contended that the Council has missed a previous opportunity to improve and adopt Huthwaite Lane.
- Scale and appearance – Local residents are concerned that the proposed plans are not in keeping with the existing dwellings located adjacent to the site and would be incongruous.
- Biodiversity – Concerns that the site has been cleared of vegetation and that the development would lead to the loss of remaining habitat for biodiversity.
- The site in question is in Green Belt, and is not identified as housing land in the current Local Development Framework, or indeed in the proposals for the new Local Development Framework, currently under consultation.

The Parish Council's grounds of objection are supported by Councillor Barnard.

SAGT – Raise no objections subject to conditions.

SYMAS – No objections

Urban Design Officer – No objections.

Yorkshire Water – No objections.

## **Representations**

The application was publicised by notices in the press and on site and by individual neighbour notification. 52 representations from local residents have been received (36 objections and 16 supports). Objections have also been received from Councillor Barnard, Thurgoland Parish Council and Angela Smith MP.

In summary the main grounds of objections are as follows:-

- Inappropriate development in the Green Belt.
- The site should remain open to prevent urban sprawl.
- Planning history – Previous applications to build housing on the site have been refused. It is therefore stated that the outcome should be no different this time around.
- Scale and character – Concerns that the proposed houses would be out of scale with the old stone cottages and bungalows located adjacent to the site. It is therefore contended that bungalows should be developed if there is to be any development at all.
- The houses are intended to provide mansions which would be of no benefit to the local community.
- Harm to residential amenity – overlooking, overshadowing, levels differences, loss of view, noise, light and odour pollution.
- The development is not considered to be contrary to the NPPF in relation to the sections on National Green Belt policy and Core Planning Principles.

- It is asserted that the village of Huthwaite does not exist. The site is in fact located in a hamlet located near to Thurgoland village. Therefore the development should not be considered as an exception to forms of inappropriate development defined in the NPPF.
- It is also asserted that the established use of the site is as allotments and a wildflower meadow rather than being an 'infill' site that is suitable for development.
- Access – The majority of objections make the point that Huthwaite Lane is unadopted, is a poor condition and is too narrow. Associated concerns raised are therefore that the lane could not cope with additional traffic from the development. Residents also express concern that increased usage may increase the cost burden for existing residents.
- Rights of access – It is asserted that the Council has no jurisdiction to grant right of access to a new development from a private lane, certainly without the consent of/consultation with all owners of the lane.
- Improvements – a number of the representations received state that the development should only be allowed if the applicant is made to resurface Huthwaite Lane and carry out other improvements to drainage and parking to bring it up to adoptable standards.
- Parking – It is asserted that existing parking arrangements on the land are inadequate and that the applicant should be made to provide parking for existing residents and visitors.
- Existing cars would be displaced onto other parts of the lane when the access to the site is formed causing additional safety problems. In addition a dry stone wall would be damaged.
- The site is located next to an old quarry which contains a variety of local wildlife which would be forced away by the development.
- The development would also hinder local people's ability to access the former quarry site safely on foot and with young children.
- The site is not been fly tipped and has been deliberately cleared of vegetation by the applicant.
- Need – concerns that there is no demand for the type of houses proposed evidenced by the number of properties available for sale locally and because so many new sites are proposed to be allocated in the draft Local Plan.
- Concerns about the visibility at the junction between Huthwaite Lane and Cote Lane.
- Infrastructure/utility services – Concerns that existing utility services struggle to cope with the demand from existing houses.
- Ecology – Concerns are raised that the data in the ecological report cannot be relied upon as the site has been deliberately cleared by the applicant of all habitat. Concerns are also raised that the survey has not accurately recorded bat activity at the site.
- Harm to bats and birds and a wildlife corridor.
- Geology - The report also does not cover geology issues in respect of the RIGS site.
- Trees have been removed from the site that would be worth of a TPO.
- Conflict of interest – It is asserted that there may be a conflict of interest as the applicant's agent as also worked on the Council's Strategic Housing Land Availability Assessment.
- Concerns that the application has been pre-determined and is a 'done deal' which was the impression given to residents during Thurgoland Parish Council meeting.
- Concerns that the Parish Council is asking for improvements to Huthwaite Lane as a sweetener and that the application should be refused regardless.
- Concerns that the applicant has used tactics appear which underhand, dishonest and motivated by financial gain and that the Council should refuse planning permission to uphold the integrity of the planning system.
- The development would disrupt the rural ambience of the area.
- Materials – It is queried what facing materials would be used to construct the properties.
- Poor public transport accessibility.
- Problems with drains and blocked grates on Huthwaite Lane.
- Conflict with tractors, trailers, horse boxes, cattle trucks, combine harvesters, wagons, delivery vans, oil tankers and visitors to dog kennels.

- Gardens, flowers, wildlife have all been stripped from the land which has been chemically treated.
- The lane drains and utility pipes beneath the lane are old and may not stand up to the heavy equipment that will have to be used during the construction of the proposed residential dwellings.
- It is queried who would be responsible for the landscaped areas of the site.
- Fences would not be a suitable form of boundary treatment for the development.
- Cote Lane is considered unsafe due to excessive vehicle speeds and potholes.
- Concerns that soakaways would not work due to the ground conditions and that there would be not a 'plan B' for surface water drainage.
- Concerns that soakaways are located to existing properties and may lead to flooding.
- It is asserted that assessments should be provided in relation to flood risk, coal mining and contaminated land and a tree survey to enable the Council to assess the application.
- The plans are inadequately detailed with regards to detailing materials and the relationship with existing houses.
- Waste collection – it is queried where waste would be collected from given that Huthwaite Lane is private.
- Impact on local facilities including doctors surgeries and schools.
- Concerns about damage to property.
- It is asserted that the motives of the parties involved are about profit at the expense of the local community.
- Localism – It is asserted that the number of objections from local residents and the strength of feeling against the application should mean that the application is refused.
- It is asserted that any fly tipping that has been carried out has been done by the parties involved with the application.
- Harm to pedestrian safety.
- Noise and disturbance during the construction phase – Conditions would be imposed.

Angela Smith MP has objected on the following grounds:-

- Inappropriate development in the Green Belt creating urban sprawl.
- Biodiversity – the development would disrupt a long established wildlife corridor and may harm protected species including bats, grass snakes and badgers.
- Scale and appearance
- Harm to residential amenity
- Highway safety – The development would place an unacceptable burden on the local highway network.

In summary, the main grounds of support are as follows:-

- It is asserted that the site has been used as a dumping ground for many years by local residents and the site clearance works undertaken have improved the appearance of the area by removing waste.
- Comments about the site being a haven for wildlife or a nature reserve are unfounded.
- The development would have a positive impact on the village and the site is overdue being developed rather than somewhere to dump waste.
- The development is an opportunity to deal with the long term problem of 'making up' Huthwaite Lane to adopted standards. Speed bumps should be introduced.
- A condition of the acceptance of any planning application should be that Huthwaite Lane should be adopted up to Ormsby Close.
- The plans are for a good standard of development and would enhance the area.
- Wildlife habitat would be provided within the development.
- Small infill developments such as this are preferable to new housing estates.

## **Assessment**

### Green Belt

The site is located in the Green Belt whereby the construction of new buildings is inappropriate unless the form of development proposed meets one of the exception categories set out in the National Planning Policy Framework.

The case put forward by the applicant is that the development constitutes limited infilling within a village, which is one of the exception categories listed in the NPPF. On this matter the application has generated a debate amongst a number of local residents within the representation as to whether Huthwaite constitutes a village, or whether it represents a site that is located outside of the village Thurgoland. This is an important question for the Council as the case for whether or not the proposal constitutes inappropriate development hinges on the answer.

Having involved Planning Policy Officers in the assessment, it has been identified that Huthwaite is named as a village in the list of villages in the Core Strategy. Whilst a village boundary has not been defined in the draft local plan, logically the settlement consists of the Huthwaite Lane and Old Mill Lane and the areas in between. As the site is located in a central position in relation to existing houses in the settlement my opinion is that development of the site would be regarded as infill. As a result it is my opinion that the proposal would not be regarded as being inappropriate in the Green Belt by the National Planning Policy Framework. This document is therefore a material consideration which wasn't in effect in determining the previous application in 1994.

Being as the case is consistent with Green Belt policy, it is also considered to be compliant with Core Strategy Policy CSP8 The Location of Growth which allows for development in villages that is consistent with Green Belt policy. Therefore it is considered that there are no grounds in principle to refuse the application on. However, it is still necessary to consider the other material planning considerations which are assessed below.

### Visual amenity

Concerns about the scale and appearance of the proposed houses has featured prominently in the representations. The applicant was made aware of the concerns and was requested to consider amending the plans to look at using smaller house types. However the request was rejected on the grounds that the applicant disagrees that the dwellings would be out of scale with the settlement. Therefore it is necessary to consider whether the issues raised would be serious enough to warrant the application being refused.

Looking at the settlement as a whole the houses would be larger than existing dwellings located either side which comprise terraced housing and chalet bungalows. Only some of the houses located on Huthwaite Lane further to the west of the site and on Old Mill Lane would be a close comparison. However it must be acknowledged that a high number of the properties in the settlement are detached and occupy large building footprints. In addition the dwellings would still only be two storeys and site coverage by buildings would only be 18% of the overall site area.

The prominence of the development would be reduced by virtue of the site infilling a gap between dwellings located on either side. In addition 3 of the dwellings would be located towards the rear of the site and the other would be set back from the site frontage by 6m and would be side on to the Huthwaite Lane. On that basis I am of the opinion that the scale and appearance would not result in any substantive harm being caused in visual amenity terms. Indeed a negative consequence of plans being amended to reduce the size of their individual footprints could be to increase the proposed number of dwellings to make use of the land available, which would increase the impacts of the development and the number of movements to and from the site. Again therefore I do not wish to recommend refusal over this issue when also taking into account that the plans are

of good design and as high quality external natural building materials would be used in the construction. The dwellings could therefore be judged to add character and quality to the area.

### Residential Amenity

The site is overlooked by properties on the Mount Pleasant and Rock Leigh Terraces and the row of detached chalet bungalows on Cote Lane and is therefore sensitive with regards to residential amenity considerations.

However, loss of view is not a material planning consideration and the new dwellings are located a distance away from existing properties that would be sufficient to comply with the SPD. The application is therefore judged acceptable in relation to overlooking/overshadowing grounds having regard to the SPD.

It would however be necessary to impose a condition requiring obscure glazing on the eastern side of plot 3 as the proposed windows would be less than 10m from the boundary with Kinross and Fair View on Cote Lane.

Within the site the proposals raise few issues as the SPD standards would easily be satisfied. The standard conditions would need to be imposed to limit the effects of noise and dust during the construction phase.

### Highway Safety

The situation with regards to access to the site is complicated given that Huthwaite Lane is unadopted. However the Council's Senior Legal Officer has afforded consideration to the matter and determined that Huthwaite Lane would be classed as a public highway which is privately maintainable taking into account the relevant legislation. It is therefore accepted that the site is able to demonstrate access to the highway network in principle. Notwithstanding this, the surface of the lane between the application site and Cote Lane is in a poor condition at present and Highways have determined that it would be necessary for resurfacing work to be carried out prior to any of the new dwellings becoming occupied. A condition would be required to ensure this.

Apart from the issue of access into the site, the development has been designed in accordance with the relevant highway design standards and to provide sufficient car parking. Therefore Highways have resolved not to object subject to the imposition of the condition requiring the surfacing works and other standard conditions.

### Biodiversity

The application has attracted controversy in that the site was cleared of most of its vegetation prior to the planning application being submitted. In addition some of the residents assert that the site has been chemically sprayed since to prevent vegetation growing back on the site.

Incidences of alleged wildlife crime are a matter for criminal rather than planning legislation. Nevertheless it is a requirement that an application is accompanied by a suitable ecological evaluation report which has assessed the potential impact of the development on designated sites, habitats and protected species. The final report concludes that the site contains foraging habitat for birds and bats. However foraging habitat is not protected and the report recommends that the following mitigation would be sufficient as mitigation and enhancement:-

- Retain the hedge to the western boundary;
- Removal of Himalayan balsam;



- Planting of a buffer edge of native trees/ shrubs along the southern Installation of temporary fencing along the southern boundary prior to construction.
- The use of close offset accent lighting of low wattage and with movement sensors as outlined in the report.

The Biodiversity Officer has assessed the findings and does not object to the application subject to the recommendations of the ecological report being subject to a planning condition.

### Trees

Again this point is sensitive amongst several of the local residents given the allegation that the site has been cleared of vegetation prior to the application being submitted. However any trees affected were not the subject of a Tree Preservation Order and so no offence was committed. In terms of the current situation, the Tree Officer is satisfied that the development should not directly affect any trees. However there are some trees around the boundaries of the site and a woodland Tree Preservation Order is in effect to the south. Therefore it would be necessary to ensure suitable protection measures are put in place during the construction phase by condition. The Tree Officer is also satisfied that the landscaping details provided are acceptable and the new trees along the southern boundary will help to blend the site into the woodland edge.

### Geology

Sheffield Area Geology Trust have advised that development sites adjacent to geological sites including geological SSSIs and RIGS have the potential to temporarily expose bedrock and superficial sediments within service trenches, building footings and access cuttings. However they would not require a watching brief to be in place as they consider the likelihood of significant bedrock exposures strati graphically higher or lower than those currently exposed within Huthwaite Quarry is low, and the additional extent of exposures of Grenoside Sandstone within trenches and footings is not likely to add significantly to the understanding of the local geology.

SAGT are also content that the Geological report submitted with the application is appropriate in terms of content and coverage. They do raise a slight concern about the potential for damage to the RIGS site from fly tipped waste, including garden waste. Based upon that issue, they have requested that a 2m high fence is erected on the southern boundary of the development to afford protection. This is reflected in the proposed conditions.

### Drainage/Flood Risk

The site is below 1ha in size and is located in an area classed to be at low risk of flooding. This means there is no requirement for a Flood Risk Assessment to be provided with the application. In addition the Council's drainage engineers have resolved not to object to the application taking into account local circumstances subject to the imposition of standard conditions.

### Ground conditions

SYMAS have not identified any significant risks to the site in terms of unstable land given that the site is located outside of a Mining Referral Area. Accordingly SYMAS have raised no objections subject to the standard advice forming part of a decision notice.

### **Conclusion**

In summary my assessment has concluded that the proposal would constitute infill development in the village of Huthwaite and as such it would not be classed as being inappropriate development in the Green Belt. The development is also judged to be acceptable in principle given that Core

Strategy policy CSP8 allows for development within villages that is consistent with Green Belt planning policy.

I have afforded consideration to the other issues raised including the scale and appearance of the dwellings and the impact on the residential amenity of the residents of existing dwellings, highway safety, biodiversity and geology. However in my opinion none of the impacts would be significant enough to warrant refusal of the application taking into account design standards in the Designing New Residential Development SPD and Core Strategy policies CSP4, CSP26, CSP29 and CSP36. However it would be necessary to impose a planning condition requiring Huthwaite Lane to be resurfaced along the section between the site entrance and Cote Lane.

## **Recommendation**

### **Grant planning permission with conditions:-**

- 1            The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
  
- 2            The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:-  
  
Drawing 2014/10/01 'Plot 1 dwelling details'  
Drawing 2014/10/02 'Plot 2 dwelling details'  
Drawing 2014/10/03 'Plot 3 dwelling details'  
Drawing 2014/10/04 Rev A 'Plot 4 dwelling details'  
Drawing 2014/10/05 Rev A 'Proposed Site Layout'  
  
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
  
- 3            Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.  
  
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.
  
- 4            No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.  
  
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
  
- 5            The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose

chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

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

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction

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

- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:12.

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

- 8 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

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

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

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

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

- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of hard landscaping works. The approved hard landscaping details shall be implemented prior to the occupation of the dwellings.

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

- 10 The soft landscaping works hereby approved shall be carried out strictly in accordance with the plans FDA Landscaping plan R/1638/1 as approved. 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 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details  
Tree protection plan  
Arboricultural method statement

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

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and

shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

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

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

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

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

- 14 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:
  - o human health,
  - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
  - o adjoining land,
  - o groundwaters and surface waters,
  - o ecological systems,
  - o archeological sites and ancient monuments;
- (iii) an appraisal of remedial options, and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

The development shall be carried out in accordance with the approved report including any remedial options.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings other than garden sheds shall be erected other than those shown on the approved plans.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.

- 16 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (revision C), 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 Development shall not commence until details for a scheme of works for resurfacing of the private access road between Cote Lane and the site access off Huthwaite Lane has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the development being brought into use and be maintained throughout the duration of the development.

Reason: To ensure that there is adequate provision for pedestrian and vehicular access to the site and to prevent fretting and subsequent discharge of debris to the highway in the interests of highway safety.

- 18 Notwithstanding the provision of Class A of Schedule 2, Part 2 of the Town and Country Planning (General Permitted Development) Order 2015, (or any Order revoking, amending or re-enacting that Order) no gates, bollard, chain or other means of obstruction shall be erected across the approved access off Huthwaite Lane unless details have first been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

19 All windows on the east facing elevation of the plot 3 facing the existing dwellings Kinross and Fair View, Cote Lane shall at all times be fitted with obscure glass and retained as such thereafter.

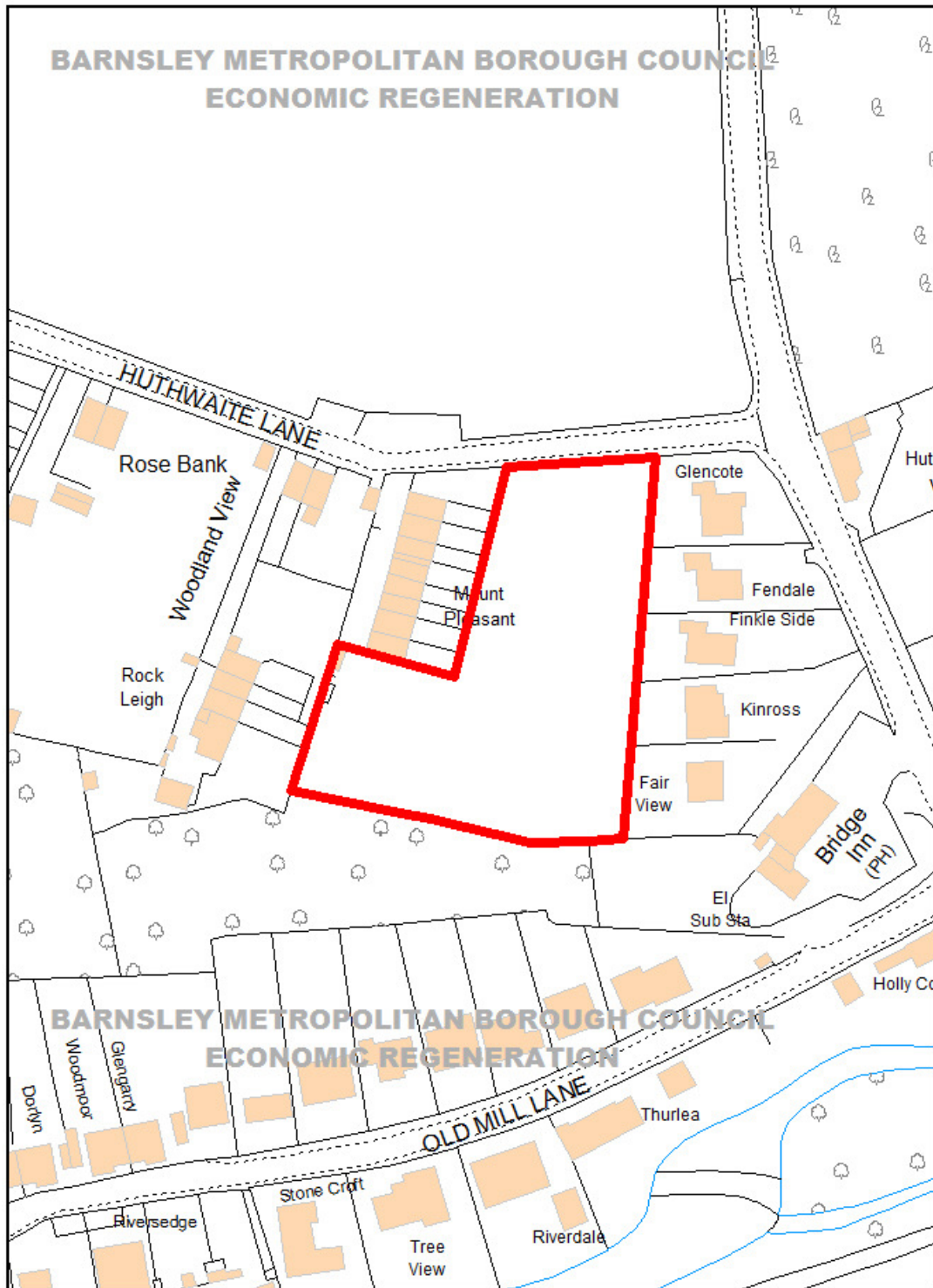
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with LDF Core Strategy Policy CSP 29, Design.

PA reference :-

2014/1240

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**BARNSELY MBC - Economic Regeneration**

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Scale 1:1250



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**2015/0557**

Applicant: Mr Dennis Smith

Proposal: Retention of residential caravan site for 3 gypsy families.

Address: Land off Warren Walk, Royston, Barnsley, S71 4EB.

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18 letters and a petition containing 48 signatures have been received in support of the application.

Councillors T. Cheetham and C. Markinson have written in to say they have no objections to an extended temporary permission for the site but do not wish to see a permanent consent.

### **Site Location & Description**

The application relates to land located off Warren Walk within the north eastern area of Royston. The site has been occupied by the applicant since 2008. The site is flat and is bounded to the North West and South West by residential properties and allotment gardens to the east and south. Access is taken off Warren Walk between 31 and 33 Robin Hood Avenue.

### **Planning History**

Retrospective planning permission for use as a gypsy site was granted on appeal in 2008. Condition 1 limited the consent to a temporary period of five years. Condition 3 restricted the number of caravans to four of which no more than three should be static caravans.

An application was submitted in 2011 for retention of the residential caravan site for 3 gypsy families. In essence the application sought to remove Condition 1, of the 2008 permission, in order to make the permission permanent, and to vary Condition 3 to allow six caravans on the site.

In response to this application the Council granted a new temporary permission (Ref 2011/0958) to allow the applicants to occupy the site to 1 November 2015. Condition 2 imposed on that permission did permit an increase in the number of caravans as requested. Condition 6 stated that a suitable landscaping scheme would need to be implemented on the expiry of the temporary permission.

The applicant appealed against the imposition of the temporary condition by means of a Hearing held on 29 January 2013. The Inspector recommended that the appeal be allowed, and that planning permission be made permanent. The Secretary of State disagreed with his Inspector and considered that the disputed condition should be retained.

A High Court judgement in January 2015 did rule that the Secretary of State had breached the Equality Act 2010 by adopting a process of intervening in all planning appeals relating to traveller and gypsy sites in the Green Belt. Whilst the ruling did not look at the ultimate decision made on the appeals it did state that there was discrimination in the procedure by subjecting the appellants to a much lengthier process than was necessary.

### **Proposed Development**

The applicant now seeks permission for the permanent retention of the residential caravan site for 3 no. Gypsy families i.e. they are applying to remove condition 1 and 6 of application 2011/0958.

### **Policy Context**

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

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

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

### Core Strategy

#### CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

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

In terms of their broad location sites will:

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

In terms of their specific location the sites will:-

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

#### CSP34 'Protection of the Green Belt'

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

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

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

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

### Other material considerations

South Yorkshire Residential Design Guide - 2011

### NPPF

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

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

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

### Planning Policy for Traveller Sites (PPTS)

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

#### Policy E: Traveller sites in the Green Belt

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

#### Policy H: Determining planning applications for traveller sites

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

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

### **Consultations**

Highways DC: - No objections

Drainage – No objections

Regulatory Services: - No objections

Yorkshire Water – No comments

Ward Councillors – No objections to further temporary permission but object to permanent

### **Representations**

The application has been advertised as a departure, a site notice was erected and a press notice published. 18 separate letters of support have been received along with a petition of support signed by 48 people.

### **Assessment**

The site already benefits from a temporary planning permission and other than the fact it is within the Green Belt, it broadly complies with the criteria in CSP 18. The site is on the edge of Royston and therefore has good access to facilities. It is not in an area of high flood risk or affected by contamination and has adequate vehicular and pedestrian access from the highway. It would also provide a good safe living environment with appropriate standards of residential amenity with the

ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008).

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

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

- The Inspector in the appeal recommended that the scheme should gain permanent permission and it was only the Secretary of State that reversed the decision.
- Unmet need for Gypsy and Traveller sites in Barnsley MBC
- Accommodation needs of the applicant
- Continuing uncertainty for the applicant with a temporary permission
- No other site for the family to go.

As such, there are four main issues to consider.

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

#### *Openness and visual amenity*

The site lies adjacent to the built up area of Royston surrounded by residential development, a paddock and allotment gardens. Warren Walk is a public footpath between the site and the rear of a residential institution in Jubilee Gardens. Its previous use as an allotment and piggery included buildings that would have reduced openness. However the number, height and bulk of the caravans now present on the site, particularly the static caravans, have a greater impact than this, and result in a significant loss of openness.

The site is enclosed by a well maintained timber fence which screens the caravans from Warren Walk. Some of the surrounding allotments are well maintained, others less so. They include outbuildings and a variety of boundary treatments. Within the adjacent paddock are an agricultural shed and other small buildings and enclosures. The caravans and outbuildings on the appeal site sit comfortably within this urban fringe setting and there is little adverse impact on visual amenity.

### *Planning policies*

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

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

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

### *General need*

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

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

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

### *Future provision*

The consultation draft of the Local Plan Policies Map shows three sites to accommodate the unmet need of 35 pitches. This is considered a reasonable approach, given that there are some assumptions made between 2011-2014 to arrive at 35 pitches. The Council have commissioned consultants to undertake a local Gypsy and Traveller Accommodation in order to inform the next version of the Local Plan, in order to assess if these assumptions are borne out.

One of the sites proposed to accommodate the unmet need is the site subject to this application (TRAV080) which is potentially earmarked for 10 pitches. Proposed policy GT2 states that the site would provide accommodation for travellers, and that no other development would be allowed on the site.

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

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

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

#### *Accommodation needs of the appellant*

The appellant needs a base to enable his grandchildren to be educated and have access to health services and yet no legitimate alternative sites are currently available. He and his extended family have strong local connections and the adult men do casual gardening and building work within the Barnsley area. Since moving to Royston the family have become accepted within the community. This is confirmed by letters from local people and it is notable that there have been no local objections to the proposal. It is also part of the gypsy culture that family members travel and live together, providing social and economic mutual support to each other. The present site is of sufficient size to accommodate the extended family. These accommodation needs and strong community ties give considerable further support to the proposal.

#### *Personal circumstances*

The appellant has put forward no special education or health needs. The temporary consent does not deprive the children of a family or a home although there would be potential disturbance to the education of the younger children at the end of the temporary period.

When temporary permission for five years was granted on appeal in 2008 it was on the understanding that an alternative site would become available through the development plan process by the end of that period. The present permission now extends this temporary period for another two and a half years by the end of which time the family would have been living on the site for over eight years.

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

#### *Balancing harm against other considerations*

Substantial weight must be accorded to inappropriate development in the Green Belt and further significant weight to loss of openness. However the site relates well to the built form of the village such that there is little adverse visual impact or conflict with the objectives of Core Strategy Policy CS18.

On the other side of the balance the accommodation needs of the appellant give considerable support to the proposal and the general need for gypsy sites and lack of site provision both attract further significant weight. The continuing uncertainty associated with a further temporary permission adds some additional weight.

Whilst the matter is finely balanced in this instance the harm to the Green Belt by reason of inappropriateness and loss of openness, is clearly outweighed by these other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

It is noted that the Inspector in the appeal decision in 2008 did not find that the balance was in favour of a permanent permission. However since then additional factors have come into play, notably the assimilation of the family into the local community and the failure of alternative sites to come forward within the temporary period. As such, the Inspector on the most recent appeal found in favour of the permanent permission.

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

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

### **Other Planning Considerations**

The site already benefits from a temporary planning permission and other than the fact it is within the Green Belt, it broadly complies with the criteria in CSP 18. The site is on the edge of Royston and therefore has good access to facilities. It is not in an area of high flood risk or affected by contamination and has adequate vehicular and pedestrian access from the highway. It would also provide a good safe living environment with appropriate standards of residential amenity both for existing occupants in and around the site and future occupants. The scheme has received no objections from any of the consultees including Highways, Drainage and Regulatory Services.

### **Conclusions**

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

Given the above, it is concluded that the site is well integrated into the built up area of the village and into its social structure and generally accords with Core Strategy Policy CS18. This consideration, together with the combined weight of the accommodation needs of the appellant, the serious shortfall in the provision of gypsy sites in Barnsley and the continuing uncertainty for the appellant associated with an extended temporary permission, clearly outweighs the harm to the Green Belt. As such, this amounts to the very special circumstances necessary to justify the grant of a permanent permission.

### **Recommendation**

#### **Grant subject to conditions:-**

- 1 The site shall not be occupied by any persons other than gypsies and travellers as defined in Annex 1 of Planning Policy for Traveller Sites.

Reason: In the interests of the visual amenities of the Green Belt and in accordance with the NPPF and Barnsley LDF Core Strategy Policy CSP 34, Green Belts.

- 2 No more than 6 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than three shall be static caravans) shall be stationed on the site at any time.

Reason: In the interests of the visual amenities of the Green Belt and in accordance with the NPPF and Barnsley LDF Core Strategy Policy CSP 34, Green Belts.

- 3 No commercial or industrial activities shall take place on the land, including the storage of materials.

Reason: In the interests of the residential amenities of nearby residents and the visual amenity of the Green Belt.

- 4 No vehicles above 3.5 tons in weight shall be parked on the site at any one time.

Reason: In the interests of the residential amenities of nearby residents and the visual amenity of the Green Belt in accordance with CSP29 and CSP34.

- 5 Unless otherwise agreed in writing by the Local Planning Authority no additional portable buildings shall be brought onto the land.

Reason: In the interests of the visual amenity of the Green Belt in accordance with CSP34.

- 6 The use hereby permitted shall cease and all caravans, structures, equipment and materials brought onto the land for the purposes of such use shall be removed within 28 days of the date of failure to meet any one the requirements set out in (i) to (iv) below:

- i) within 3 months of the date of this decision a landscaping scheme for the boundaries of the site shall have been submitted for the written approval of the local planning authority and shall include a timetable for its implementation;
- ii) within 11 months of the date of this decision the landscaping scheme shall have been approved by the local planning authority or, if the local planning authority refuse to approve the scheme, or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State;
- iii) if an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted landscaping scheme shall have been approved by the Secretary of State;
- iv) the approved scheme shall have been carried out and completed in accordance with the approved timetable.



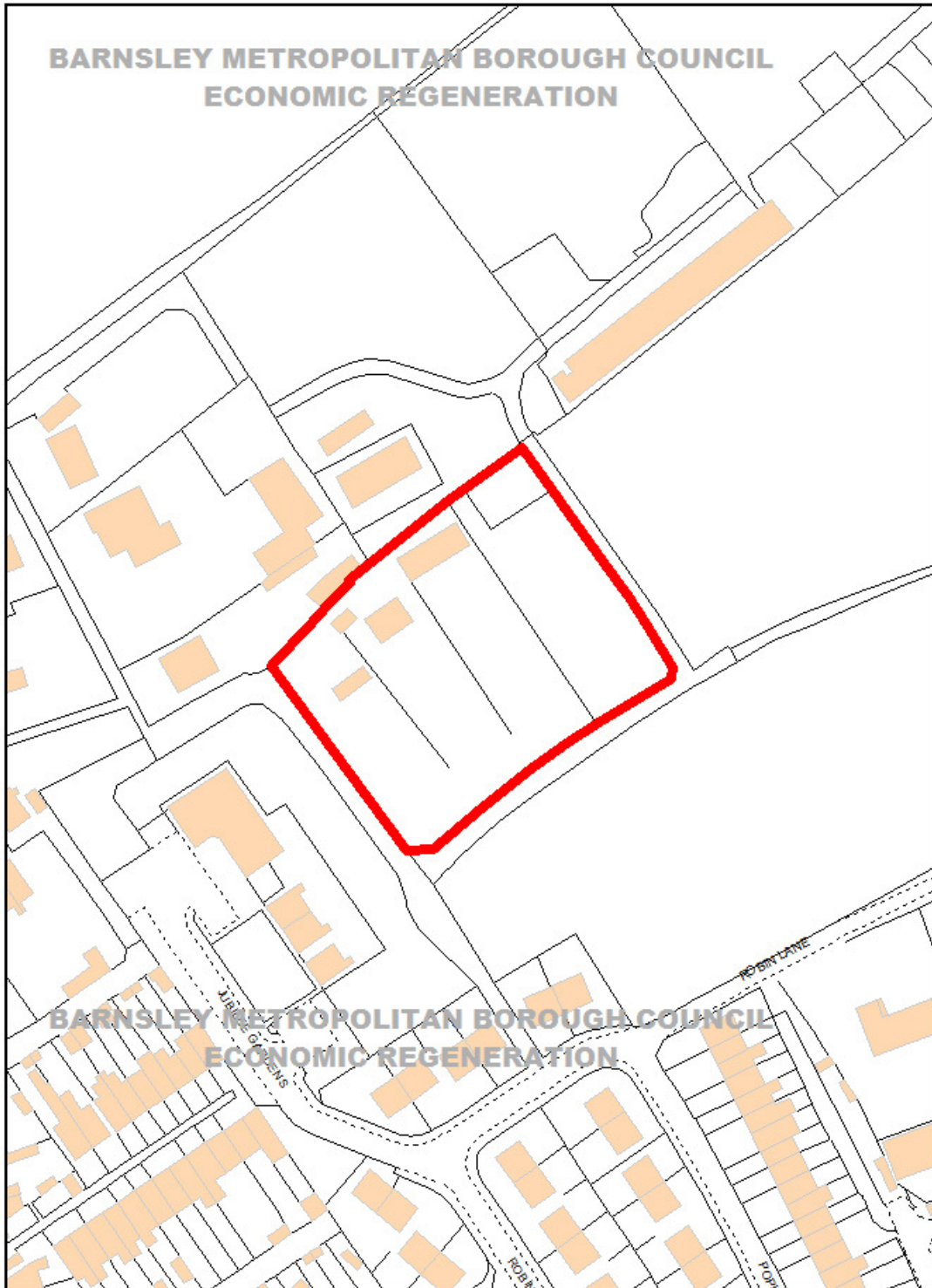
Reason: In the interests of the visual amenity of the Green Belt in accordance with CSP34.

PA reference :-

2015/0557

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**BARNLSLEY MBC - Economic Regeneration**

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

**NORTH**  
Scale 1:1250

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**Ref 2015/0549**

Applicant: BMBC

Description: Outline application with all matters reserved comprising of a mixed use development of Barnsley Markets and adjoining land following demolition of existing offices, bridge, part of existing market hall and multi-storey car park to provide a replacement refurbished retail / market floorspace, new retail / food and drink (Use classes A1, A3, A4), a cinema (Use Class D2), a library (Use Class D1), and new public open space, access road and associated servicing arrangements, car parking and a pedestrian footbridge across the adjacent railway to the site of the former CEAG building.

Site Address: Barnsley Markets and adjoining land at Cheapside Barnsley.

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### **Site Location and Description**

The site is the commercial core of the town centre, it covers an area of approximately 3.8 ha and encompasses The Metropolitan Centre, Former Central Offices, TEC Building, Multi-Storey Car Park, Former Carpet World building, May Day Green retail units and Jumble Lane Crossing. The site is principally bounded by Kendray Street/Eldon Street to the North, Cheapside (west), Alhambra Centre (south) and the railway line to the east.

The majority of the existing buildings are multi-storey, concrete structures that date from the 1970's. Several of these buildings have been vacated and are currently being stripped out in preparation for their eventual demolition. The outdoor market has been located along Cheapside, Queen Street and Peel Square.

Owing to the central location there are immediate connections on hand to the transport interchange as well as the wider strategic highway network.

### **Proposed Development**

This is an outline planning permission with all matters reserved for the Barnsley market site. The proposals include new floorspace for retail and leisure uses, enhanced public realm works and the delivery of associated infrastructure.

This involves the demolition of approximately 33,000m<sup>2</sup> of retail/office floorspace which includes the following buildings:

- BMBC Central Offices
- TEC Building
- Multi-storey car park and associated infrastructure
- Former Carpet Warehouse Building
- Part of the Market Hall
- Retail Units on May Day Green

The outline application would underpin the future regeneration of the town centre. This would establish the following new development:

- Up to 12,000sqm of refurbished retail / market floorspace (Metropolitan Centre) - to re-anchor Barnsley as a Market Town
- Up to 30,500sqm of new retail / food and drink (Use classes A1, A3, A4)
- Up to 4,500sqm of cinema (Use Class D2)
- A 3,000sqm public Library (Use Class D1)
- New public open space / public realm
- Closure of Jumble Lane railway crossing in lieu of a new pedestrian footbridge across the railway towards the approved CEAG surface car park.

- Associated access road, parking and servicing arrangements

Use	Use Class	Max Floor Space
Retail / Restaurant	A1 A3 A4	30,500m <sup>2</sup>
Health / Community	D1	3,000m <sup>2</sup>
Leisure	D2	4,500m <sup>2</sup>
Total		38,000m <sup>2</sup>

There would be a total of 12 building plots across the development the sit, the proposed floor space by plot would be as follows:

Plot Reference	Approximate Floor Space
Library	3,000m <sup>2</sup>
DS 1 1,500m <sup>2</sup>	1,500m <sup>2</sup>
DS2 8,000m <sup>2</sup>	8,000m <sup>2</sup>
DS3 7,000m <sup>2</sup>	7,000m <sup>2</sup>
DS5 7,500m <sup>2</sup>	7,500m <sup>2</sup>
DS6 3,000m <sup>2</sup>	3,000m <sup>2</sup>
DS7 2,000m <sup>2</sup>	2,000m <sup>2</sup>
MC 1 1,500m <sup>2</sup>	1,500m <sup>2</sup>
MC2 3,500m <sup>2</sup>	3,500m <sup>2</sup>
MCS 5,500m <sup>2</sup>	5,500m <sup>2</sup>
MC4 3,000m <sup>2</sup>	3,000m <sup>2</sup>
MC5 4,500m <sup>2</sup>	4,500m <sup>2</sup>

The above development would be delivered as follows:

#### A Market Square

A new landscaped public space, at the convergence of routes into the town centre large enough for open air market stalls and public events. The Market Square will provide the setting for new buildings including a new public face to the town's market and the proposed new public library.

#### New shopping spine

A new route from the Market Square towards Lambra Road to the south framed by new shops, the refurbished market and new surface car parking. This new route also helps rationalise the servicing of the markets and the Alhambra Centre and sets up the infrastructure for the town to grow to the south in the future.

#### The Metropolitan Centre

Extensively refurbished and extended to create a significantly improved presence for the markets within the town centre. This would include a new glazed market hall to the new Market Square.

#### Public Library

This would be located on the western side of May Day Green providing a backdrop to the new town square.

#### Pedestrian bridge

A new bridge that will link the new surface car park on the former CEAG site to the town centre and allow the closure of Jumble Lane level crossing.

#### Development sites

A series of sites that frame the proposed new square and streets that can accommodate a range of uses and attract outside investment. They have been considered to enable 'meanwhile uses' -

short-term uses that avoids long-term installation of hoarding and 'dead' frontage during the phased construction.

## **Planning History**

There have been previous applications for the redevelopment of the town centre.

Outline planning permission, including siting of the building and means of access, was granted for the development in 2006 (2006/1082) and varied in 2007 (2007/0271). A reserved matters application (2007/1573) relating to scale and design/external appearance was then granted in December 2007 and an application was submitted for approval of the landscaping (2008/0581) but was withdrawn in June 2008.

2011/0714 planning consent was granted for a 'Mixed-use redevelopment, comprising demolition of existing buildings on application site and replacement with retail and leisure elements, including new market, multi-storey car park and surface-level car park, new pedestrian routes, public realm, means of access and landscaping. This project came to an end when the intended anchor tenant pulled out - a move that was representative of the economic conditions and retail market at that time.

2014/0960 planning permission was granted to extend the Alhambra Shopping centre to provide a new 9 multiscreen cinema complimented by 6 restaurants located within a gallery complex.

More recently planning approval was granted under application ref 2015/0362 for a surface car park (173 spaces) at the site of the former CEAG building.

## **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 3 Sustainable Drainage Systems  
CSP4 Flood Risk  
CSP5 Including Renewable Energy in Developments  
CSP8 The Location of Growth  
CSP25 New Development and Sustainable Travel  
CSP26 New Development and Highway Improvement  
CSP 27 Parking Strategy  
CSP29 Design  
CSP30 The Historic Environment  
CSP31 Town Centres  
CSP39 Contaminated Land  
CSP40 Pollution Control and Protection

## Saved UDP Policies

S1 'Shopping/Commercial Centres'  
TC1 – 'Development of the Defined Central Shopping Area'  
TC20 – Design and Materials'  
SPDs/SPGs

## Emerging Local Plan

Proposed allocation: Town Centre  
Town centre area action plan policies:  
BT13  
AAP3 – Public Spaces

## NPPF

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

In respect of this application, relevant policies include:

Chapter 1 Building a strong, competitive economy  
Chapter 2 Ensuring the vitality of town centres  
Chapter 4 Promoting sustainable travel  
Chapter 7 Requiring good design  
Chapter 10 Meeting the challenge of climate change  
Chapter 12 Conserving and enhancing the historic environment

## **Consultations**

Barnsley Development Agency – No objections

Biodiversity Officer – No objections

Civic Trust – Supportive in principal to the proposals

Coal Authority – No objections subject to appropriate site investigation works being undertaken prior to the commencement of development

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

Contaminated Land Officer – No objections subject to recommended conditions.

Design officer – No objections in principle but would like to see the inclusion of an element of residential development within the scheme. Greater flexibility also needs to be achieved with respect to building heights, lines and materials from those shown in the visualisations.

Drainage – No objections subject to recommend conditions.

Environment Agency – Object to the FRA, discussions are currently taking place to resolve these.

Environmental Health – No objections subject to recommended conditions.

Highways – Comments on the Traffic Assessment to follow.

Network Rail – No objection but provide advise on how the protection of the railway can be maintained.

SYPTTE – Supportive in principle, the main concern for SYPTTE is the impact on the highway network/ traffic movements and how this could impact on public transport services, particularly during construction. In addition, the closure of the Jumble Lane Crossing will alter the emergency evacuation and contingency plans for the Barnsley Interchange.

SYPALO – Need for good quality and robust street fixtures and landscape.

Transportation Policy - No objections.

Waste Management – No objections.

Yorkshire Water- Advise on the need to divert a public sewer running through the site, no objection subject to the recommended conditions.

## **Representations**

The application has been advertised by the display of several sites notices, a press notice and premises which share a boundary to the site have been consulted directly in writing.

There has been a communication and consultation plan set up that is separate to the planning application, the purpose of this was to consider the:

- The background to the project
- The aims of the project
- An overview of consultation & communication activities
- Targeted activities for stakeholder groups
- The key communication messages
- An implementation plan and activity log

The proposed methodology was to use a wide range of activities as possible to engage the community and stakeholders in the project, this has included:

### ***Better Barnsley Shop***

A dedicated 'drop in' shop for the project is situated in the centre of Barnsley. It displays all the plans and proposals for the redevelopment and provides the opportunity for members of the public to give feedback and ask questions. The shop is staffed by the town centre ambassadors who are able to answer queries and provide information. The shop is also used as a space to hold workshops and events relating to the scheme. All the feedback from the drop in shop is collated by the project team to inform the development of the project.

### ***Website***

There is a dedicated web page for town centre development (Better Barnsley), with regularly updated information and links to the weekly newsletter. Opportunities for consultation are promoted here.

### ***Newsletter***

A weekly electronic 'Better Barnsley' newsletter is published and the link to it shared with local media and council colleagues. The Newsletter has a circulation of 1000+ readers who are predominantly local residents and businesses. The newsletter provides an update on the progress of the project, the team involved and events and activities taking place in the town centre. Printed copies of the newsletter are displayed in the Better Barnsley shop.

### ***Social media***

Regular updates and news items are shared via the council's Facebook and Twitter accounts. Any comments are shared with the development team. The project specific Twitter Page has 1230 followers; it is updated on a daily basis to keep people informed of the latest news about the project.

### ***Targeted events***

Regular meetings, presentations and workshops have been held with the consultees and stakeholders. A series of town centre walkabouts have also taken place to give people the opportunity to discuss existing issues in the town centre and to gain a better understanding of the redevelopment proposals and how they integrate into the town. All the feedback from these targeted events is utilised by the project and design teams to inform the development of the project.

### ***Consultation Feedback and conclusion***

The public and stakeholder consultation undertaken to date has proved invaluable to the project delivery team.

The feedback provided to date has helped to shape the details of this outline planning application. The scheme has also been presented twice to the Barnsley Urban Design Review Advisory Panel. The feedback from the panel has also been incorporated into the development of the proposals at the outline application stage.

The consultation has highlighted strong support for the project from both the local and wider community and from the various stakeholder groups. In terms of informing the proposals:

The relocation of the markets to be more visible at the front of the Metropolitan centre with the open market in the adjacent public square is viewed as being critical to recreating Barnsley as a Market Town.

An overwhelmingly positive response has been received in relation to the creation of a large public square for events and to increase dwell time in the town centre. Improvements to public spaces have been very favourably received with requests to include a new water feature and increased planting and greenery.

The feedback has highlighted strong support for the location of the new central library at the head of the public square.

There is clear demand for an improved retail offer in the town centre, with major high street chains being requested to complement the markets and retail offer. Space for the provision of food outlets such as cafes and restaurants have also proved popular.

The opportunity to create leisure uses within the town centre has been well received with many consultees commenting on the lack of leisure facilities currently available in the heart of the town.



The demolition of the vacant 1970's former council offices has met with widespread support.

Although the majority of consultees have indicated that they are supportive of the current proposals there are some concerns over the impact on car parking due to a loss of parking spaces in the Metropolitan centre Multistorey carpark.

Other frequent concerns raised during consultation include issues with anti-social behaviour in the town centre and cleansing and maintenance issues.

The project and design teams will continue to consult with the community and stakeholders to ensure that views and issues where relevant and possible are taken on board and incorporated into the scheme evolution. It is considered that the consultation undertaken to date has played a valuable role in the preparation of the current planning application.

## **Assessment**

### Principle of development

The principle of a mixed use retail and commercial development has been established under previous planning approvals. The redevelopment of the town centre and associated markets has been a long term objective of the Council, it is critical scheme from a Barnsley economic and regeneration perspective. Regrettably, previous mixed use developments have failed to materialise due to funding constraints.

New development needs to support the centre so that it can actively contribute to the growth of the Boroughs economy as well as serving the needs of local residents. To achieve this objective it is important that the existing centre diversifies in terms of its retail and leisure function and capacity, this will have the added benefit of also promoting the existing cultural and tourism offer within the town.

The site is identified within the UDP as being within the central shopping area, as such the proposal accords with the principles of saved policies S1, TC1 and TC20 and Core Strategy Policy CSP31 which seek to focus such activities/uses within defined central shopping areas, this also meets with the spatial strategy of the Core Strategy.

The site history demonstrates that a similar mix of uses (albeit at a larger scale), has been acceptable on the site previously, including retail, cinema, supporting uses, bridge over the railway line and car parking. Planning approval has been given for a cinema and restaurant uses at the Alhambra shopping centre, the proposals would compete with these uses, but in recognition of the town centre location a planning objection could not be sustained on sequential or impact grounds.

It remains that these proposals are seeking to achieve a similar overall vision for the town centre established under the previous consents, but in a way that is viable in the economic climate, the principle is therefore acceptable. Whilst the application is in outline form only with all matters reserved the application will be an important step to delivering the future town centre vision by promoting its comprehensive redevelopment. The details within the submission would, in effect become a guiding masterplan that would help shape and inform future Reserved Matters submissions.

## **Economic Impact**

The proposals present the opportunity to reinvigorate Barnsley Town Centre, enhancing the environment, encouraging investment and local employment opportunities and creating an attractive aspirational place where people want to live, visit and work. They also have the potential

to promote tourism and visitors to the town attracted to the revitalised centre, market, library and other shops and facilities, which would be delivered. The proposals seek to re-anchor the town centre and create a distinctive 21st Century Market Town.

The proposals represent the positive reuse of vacant, underused, outdated and previously developed sites and premises in the town centre, providing the basis to attract further investment and contributing towards a vibrant, well designed town centre. The proposals therefore address the economic and social values which also fall beneath the sustainability umbrella within the NPPF including creating employment opportunities, replacing poor design with better design and improving environmental conditions.

Job opportunities would be created both in the construction period and when the new developments come into use. The success of the redeveloped centre would have a multiplier effect which would help strengthen the role and function of the wider centre through additional footfall and the associated activity that this would stimulate. This would accord with overarching economic objectives of the Core Strategy making a significant contribution to the local economy.

### **Design, Heritage & Layout**

The NPPF recognises the role of the planning system in creating a high quality built environment and notes that well-designed buildings and places can improve the lives of people and communities. One of the NPPF's Core principles is that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. Paragraphs 61 the NPPF is of particular significance, it advises;

'Planning policies and decisions should address the connections between people and places and the integration of new development into the natural, built and historic environment.

In these circumstances a detailed appraisal of the design merits cannot be made of the proposals as design matters would be assessed as part of the Reserved Matters submissions whereby the access, appearance, landscaping, layout and scale would be considered.

The townscape would be significantly altered as a result of the demolition of the Central Offices, TEC Building (and associated access ramps), multi-storey car park, Market Hall and Mayday Green retail units. The shuttered concrete design of these building have a negative influence upon perceptions of the town, their removal would have an overall positive and welcomed impact. Equally the demolition of the Central Office building will give the Metropolitan Centre greater legibility and importance within town centre, especially as it will envelope the new centrally located market square. The final treatment of the external envelope as part of the refurbishment will therefore be of great importance, but, for reasons stated this is not for consideration at the present time.

The starting point of design proposals has been the vision for a comprehensive, high quality, sustainable, mixed-use development, the detail of which will be informed by rigorous analysis of the town centre which is guided on four key concepts. The development of conceptual proposals for buildings and spaces has occurred in parallel with thinking on transport, utilities and over sustainability objectives. The Design and Access statements identifies the driving concepts as follows:

- Concept 1- Reconnection of streets and spaces maximising connections across the centre. This includes the creation of a new Pedestrian Bridge in lieu of the closure of the Jumble

Lane Rail crossing, the extension of New Street to link Cheapside with the new boulevard and a new pedestrian boulevard (primary frontage) to the rear of the present Metropolitan Centre that would link Lambra Road to Midland Street and a new Central Market Square.

- Concept 2- Urban Structure. This is focused on the creation of a central Market Square at the heart of the development. This square would be enclosed by primary frontages including a new market hall and public library.
- Concept 3- Creating a sense of arrival to the town. The masterplan seeks to create a sense of arrival and gateway into the town centre. The visibility of activity on the Market Square with a mix of retail and leisure uses on its edges will provide an attractive entrance to the town from the interchange. The proposed pedestrian bridge would enforce a connection and improve permeability of access for pedestrians
- Concept 4- Shared space. The quality of the public realm is key to the success of the development.

The attraction of a generous open Market Square which offers the potential for amenity, recreation and commerce will transform the town centre into an attractive destination whilst giving coherency to the converging new and existing street.

The principle of the proposals and overall design concepts are supported. It is recognised that the approach would reinforce the role of the markets and improve overall legibility/connectivity within the town centre. However, some concerns have been raised by the Civic Trust with regards to the Illustrative proposals and this has also been shared to some extent by the Urban Design and Conservation Officers, although it has been stressed within the consultation responses that these issues can be addressed through the subsequent Reserved Matters applications.

From an urban design perspective, the scheme needs to allow for a flexible approach to the building lines, materials, uses, heights and landscaping from those indicated on the illustrative plans. Likewise, in terms of conservation and heritage, concerns with the design can be addressed if proposed buildings reflect the best of Barnsley's character and heritage so that the new development adds interest and inspiration to the town. It is also suggested that a design code would be beneficial to securing a consistent approach to the design across each of the development sites.

There is without doubt merit to the concerns raised by the Civic Trust and respective officers but as they acknowledge, the current proposal seeks to determine the principles of the development only. Moving forward, the Markets Development Team have shown a strong commitment to stakeholder and public engagement. This would continue in order to influence the design and form of future planning submissions at which stage there would be a more detailed assessment of design merits, as deemed relevant to be undertaken.

Overall, taking into account the above, the design concepts raised within the accompanying plans and Design and Access statement are considered to comply in broad principle with design requirements of the aforementioned planning policies.

## **Sustainability**

Sustainable objectives are achieved by virtue of the proposals representing a redevelopment of a brownfield site within a highly accessible location. The Design & Access Statement promotes a number of objectives for the detailed design of the proposals, this would ultimately ensure that policy expectations of CSP2, CSP3, CSP4 and CSP5 are embraced in terms of buildings performance, energy production and use of natural resources.

## **Residential Amenity**

There is not a residential aspect included within the proposals and there is currently only limited residential provision within the town centre. The accommodation which does exist is consigned to first floor accommodation above retail/commercial units along Eldon Street. Given the separation of these properties from the site it is not considered that the scheme would give rise to any residential amenity issues.

## **Highways and Access**

Owing to the sites central location, it is ideally located for access to public transport services and the strategic highway network. The transport interchange is immediately on hand to the north of the sites boundary, from here Borough and Regional wide bus and train connections can be accessed. Given the immediate connectivity the site is located within a very sustainable location, the principle of which is supported by the transport related policies of the Core Strategy and the wider Sheffield City Region Transport Strategy.

The existing multi storey car park contains approximately 600 parking spaces. Further parking is also available across the raised access deck that serves the Central Offices. A 173 space surface car park has been approved at the site of the former CEAG building. Additional parking would be provided within a surface car park off Lambra Road, this would compliment accessible parking within the undercroft Metropolitan centre. Details of this would be determined through the submission of Reserved Matters. Respectively, the Alhambra and Courthouse will also continue to serve as principal car parks for the town centre. The assessment of the level of car parking provision, its location and means of access is considered acceptable and reflects the Town Centre Car Parking Strategy and policy CSP27.

A Transport Assessment has been submitted to support which has included a robust assessment of junction across the centre and surrounding highway network. The impact of this development is largely restricted to peak times. There is a slight impact on the Alhambra Roundabout as a result of development which would equate to in an increase in queues on all legs being 1 or 2 vehicles, which could not be classed as severe as required by the NPPF. There is a severe impact at the Lambra Road/Pontefract Road junction. Lambra Road would be forced over capacity as a result of the development with extensive queues forming. To address this mitigation has been produced, in the form of a signal controlled junction, which resolves the problem and allows the junction to work within capacity.

The mini roundabout at the junction of Wesley Street and Lambra Road, shown on the submitted plans, has been tested and shows that two of the arms are over capacity. Again, mitigation has been produced and shows that a signal controlled junction in this location resolves the problem and the junction operates within capacity.

The improvements/mitigation at the above junctions can be addressed via a condition that requests details to be submitted prior to commencement of development. A condition would also be included to require submission of a construction method statement to ensure that traffic associated with the construction and demolition works results in minimal disruption to the town centre.

SYPTTE have raised some concerns about how the proposals impact upon Kendray Street and their emergency exit/contingency plans for the Interchange. This matter will be subject to further consideration and consultation through the detailed design process to which an agreeable solution will be sought. On other matters, observations concerning the promotion of real-time travel information within the scheme, as well as the adoption of a travel plan, are supported and can be accordingly conditioned.

A cycling hub has recently been provided within the Transport Interchange. The design will subsequently evolve to provide designated cycle routes and secure storage areas. A Travel plan would also help to promote cycle initiatives such as changing facilities for employees within the development.

In summary, would not impact adversely upon the surrounding highways network. No objections are therefore raised against policy CSP26 or relevant guidance of the NPPF.

### **Pedestrian Bridge**

A significant aspect of the development would be the closure of the Jumble Lane level crossing. This access would be replaced by the provision of a new footbridge across the railway line. The Crossing has been ranked according to its danger within the top 20% of national rail crossings, its closure is therefore essential on safety grounds. The actual closure of the Jumble Lane level crossing will have to be achieved by means of a Traffic Regulation Order, and which cannot form part of this planning submission.

The indication is that the bridge would be a minimum of 4m wide, accessed from street level from the new Market Square with a lift/staircase arrangement at the CEAG car park. A deviation from this concept would in theory result in a series of ramps within the CEAG car park, which may/may not be desirable. There has been an element of criticism raised from the Civic Trust in response to the concept of the replacement bridge, the importance of maintaining pedestrian accessibility is a key driver to this. The eventual design will be informed by the constraints of the sites levels and the need to traverse the railway line by 5.8m. All these matters will be considered during the detailed design process and there is strong commitment to ensure that the replacement facility will be designed to the community's aspirations.

### **Drainage**

There is no historic record of flooding due to drainage issues in the area of the development. The existing unrestricted surface water run-off from the site is approximately 382 litres per second. This is based upon an impermeable area of approximately 2.75 hectares. Policy CSP4 recommends that new development on brownfield sites reduce surface water run-off by 30%, on this basis the permitted discharge from the site would be reduced to approximately 267 litres/second.

Guidelines recommend that surface water run-off from the development be disposed by means of Sustainable Drainage Systems (SUDS). However, ground investigation works have been undertaken identify that the use of soakaways/infiltration is not considered to be a suitable, consequently the sites drainage would have to discharge (via attenuation) to the existing public sewer network upon Yorkshire Waters approval. It is considered that a technical solution exists and that run-off rates can be restricted to those required by policy CSP4. A planning condition is therefore recommended to secure this.

The Environment Agency has raised an objection to the Flood Risk Assessment, this relates to consideration to divert Sough Dyke and agree discharge rates for outfall connections. The objections raised are not considered to be insurmountable, and proactive discussions are taking place with the EA to resolve this matter. It is therefore recommended that Officers be granted delegated authority to issue the decision following resolution of the EA's objection, which may include adding any conditions as deemed appropriate from these discussions. Members can be assured that no decision will be issued until this has been successfully resolved because the authority would otherwise be compelled to refer the application to the Secretary of State so that he can decide whether or not to call it in for his determination.

With regard to existing foul water drainage, the majority of the existing network will become redundant as a result of the demolition process. Yorkshire Water have advised that based on the indicative layout some drains may also have to be diverted (or plots moved to ensure an easement), this will again be addressed through the detailed design.

### **Air Quality**

The nearest AQMA is located on Harborough Hills road. In conjunction with detailed Traffic Assessments Air quality issues have been looked at in detail on the previous applications for the centres redevelopment. An assessment will be made of air quality impacts associated with the demolition of the sites through the prior notification procedure. An assessment to deal with the operational phase air quality impact will be required for each of the Reserved Matters applications. Given that previous assessments have identified that impacts would be of neutral significance (on larger developments) there are no reasons to suggest why this would be any different with regard to the current proposals. Consequently, no objections are raised against policy CSP40.

### **Ground Conditions / Mining Legacy**

A Geotechnical risk assessment has been provided which assesses ground conditions and mining legacy risks. The site has been subject to several site investigations and Geotechnical appraisal's since the conception of the original town centre redevelopment proposal. The assessment provided draws upon the previous site investigations and concludes that mining legacy risks at the site are low, however shallow coal is present beneath the site and limited areas could possibly have been mined. Precautionary measures/remediation may therefore be required in some instances of the detailed design.

### **Ecology**

A preliminary Ecological Appraisal has been undertaken in accordance with the advice of the Biodiversity officer. The ecological impacts of this development are likely to only be moderate or low, all demolition works will be completed outside of the nesting period and following an detailed inspection of the building. A host of mitigation/wildlife enhancement measures will be considered as part of the detailed design for each phase of the development.

### **Conclusion**

This outline application seeks to secure the principle of the comprehensive redevelopment of the town centre. This ultimately establishes a framework that would in turn inform the detailed design of the development through subsequent applications for Reserved Matters.

The application represents an important step in securing the long-awaited redevelopment of the town centre. This is the initial step to delivering a modern and functional centre that will realise long-awaited economic, social and environmental objectives through the delivery of retail and leisure opportunities. This will help to cement Barnsley's reputation within the respective Sheffield and Leeds city regions which will help to attract further investment and opportunity.

The proposal is considered to comply with local and national planning policy in that it would help to deliver sustainable development within the heart of the town centre.

### **Recommendation**

**Members resolve to grant subject to officers being given delegated authority to resolve the outstanding Environment Agency objection and subject to the following conditions:-**

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

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

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

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) means of access
- (e) landscaping

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

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

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Phasing of the development
- 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

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

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

- 4 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
  - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
  - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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

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

- 5 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved in writing by the Local Planning Authority before development commences.

Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system, which will prevent overloading in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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



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

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

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

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

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

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

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

- 10 Prior to commencement of development full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.

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

- 11 Unless agreed through the detailed submission of Reserved Matters, no building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the 150mm, 225mm and 375mm public sewers, 4.0 (four) metres either side of the centre line of the 300mm, 450mm and 600mm combined sewers, which cross the site. 5.0 (five) metres either side of the centre line of the 900mm, 1050mm and 1200mm combined sewers, which cross the site, 6.0 (six) metres either side of the centre line of the 525mm and 675mm combined sewers, which cross the site or 6.5 (six point five) metres either side of the centre line of the 750mm and 1000mm combined sewers, which cross the site.

Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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

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

- 13 No development shall take place until an Detailed Risk Assessment of the nature and extent of contamination has been submitted to and approved in writing by the Local Planning Authority. This assessment must be undertaken by a competent person, and shall assess any contamination on the site, whether or not it originates on the site. Moreover, it must include:
- (i) a survey of the extent, scale and nature of contamination;
  - (ii) an assessment of the potential risks to:
    - human health,
    - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - adjoining land,
    - groundwaters and surface waters,
    - ecological systems,
    - archaeological sites and ancient monuments

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 No development shall take place until a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment has been submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, an appraisal of remedial options, and proposal of the preferred option(s), and a timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological

systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.

- 15 No development shall take place until the applicant, their agent, or their successor in title, has secured the implementation of an archaeological watching brief in accordance with a scheme of investigation that has been submitted to and approved in writing by the Local Planning Authority. In the event that archaeological features are disturbed during the proposed development, mitigation measures should be submitted to and approved in writing by the Local Planning Authority. The development shall proceed thereafter in accordance with the approved mitigation measures.

Reason: To ensure that arrangements are made to record, or preserve in situ, considerable archaeological remains in accordance with Core Strategy policy CSP 30.

- 16 Prior to commencement of development details of proposals to mitigate the air quality impact of the development shall be submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Core Strategy policy CSP 40.

- 17 No development shall take place on-site until a condition survey (including structural integrity) of the highways to be used by construction traffic has been 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 developers expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

Reason: In the interests of road safety.

- 18 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- a) provision of a signal controlled junction at the Wesley Road/Lambra Road
  - b) provision of a signal controlled junction at Lambra Road/Pontefract Road;
  - c) provision of VMS at various locations throughout the town centre;

- d) any necessary changes to street lighting;
  - e) any necessary changes to drainage;
  - f) provision of and any necessary changes to Traffic Regulation Orders;
  - g) carriageway/footway resurfacing/reconstruction on all affected highways;
  - h) any necessary signing/lining;
  - i) provision of signal engineer parking bay at the signal controlled junctions;
  - j) provision of motorcycle/cycle parking
  - k) provision of coach parking facilities
- 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

- 19 Prior to the commencement of development, full details of the bridge, including structural calculations, shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the development shall be carried out in strict accordance with the approved plans and details.

Reason: In the interests of pedestrian and railway safety.

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

Reason: To encourage use of non-car transport, in the interests of sustainable development and in accordance with policy CSP25.

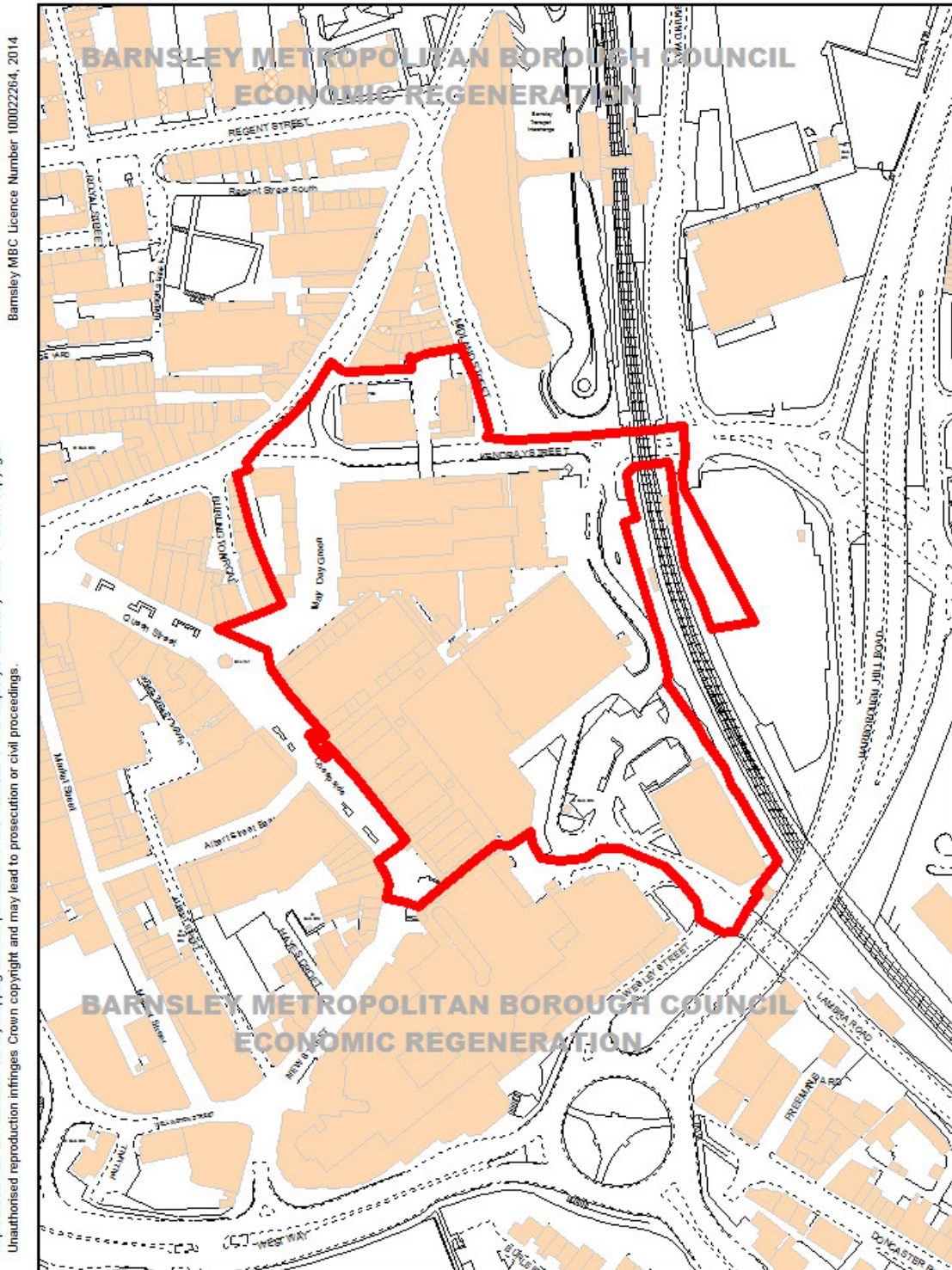
- 21 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or other obstruction shall be located over or within:
- a) 3.0 (three) metres either side of the centre line of the water mains, which cross the site
  - b) 5.0 (five) metres either side of the centre line of the 900mm, 1050mm and 1200mm combined sewers, which cross the site.
  - c) 6.5 (six point five) metres either side of the centre line of the 750mm and 1000mm combined sewers, which cross the site.
  - d) 6.0 (six) metres either side of the centre line of the 525mm and 675mm combined sewers, which cross the site.
  - e) 4.0 (four) metres either side of the centre line of the 300mm, 450mm and 600mm combined sewers, which cross the site
  - f) 6.5 (six point five) metres either side of the centre line of the 1200mm surface water sewer, which crosses the site
  - g) 3.0 (three) metres either side of the centre line of the 150mm,

225mm and 375mm public sewers, which cross the site.

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

PA reference :-

2015/0549



**BARNSELY MBC - Economic Regeneration**

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

  
Scale 1:2500

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2015/0224

Mr Gareth Howard

Erection of a new manufacturing unit adjacent to the existing PVC unit.  
Station Road Industrial Estate, Valley Road, Wombwell, Barnsley  
S73 0BS

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**Councillor Saunders has raised concerns about the impact of this scheme on residential amenity.**

**Site Location and Description**

Safestyle UK own a large area of the Valley Road industrial estate, which is accessed to the north west off Station Road. The site that forms this planning application is an area of open scrubland which is part of the employment site and hasn't been developed and is immediately adjacent the company's existing Pvc frame assembly building. The site is located to the east of the existing sports ground and several residential properties run along the northern side of Station Road to the south of the Frame Assembly building..

Safestyle's buildings are the first on the estate and are split across Valley Road at a minor crossroads with each side having gated access and a security guard present monitoring vehicles and deliveries to and from the site. Currently, therefore, the manufacturing process is also split across Valley Road with the units to the north east comprising of the glass working area and offices and recycling.

The existing Frame Assembly Building is 6150 sq metres in floor area, and is built of brick cavity wall construction with a steel frame and external cladding, with high level glazing. The building has a shallow pitched roof with steel sheeted cladding to it.

**Proposed Development**

Permission is sought for a new warehouse unit to the north west of the existing building. The new building will add a further 6000sq metres of space and make considerable efficiency savings by reducing the movements needed across Valley Road between the company's units. The building is 91 metres in length by 65 metres in width, with the front set back from the existing frame factory by 26 metres and projecting 20 metre past the back of the existing factory. The height to the highest point of the proposed building, i.e. to its ridgeline, will be 8.7m.

The layout shows 93 parking spaces to be provided to the south east side and rear of the existing building with a 27 metres turning circle at the rear to facilitate delivery vehicle manoeuvres. A further 45 parking spaces for staff have been freed up in front of the old glass factory to the opposing side of Valley Road, due to the space in front no longer being needed to allow deliver vehicles to drop off glass deliveries, and to pick up completed window units.

The company operates 24 hours a day on a rotating shift pattern – however the main core hours are 8am to 6pm, the majority of HGV deliveries take place within the core operating hours.

The new building will not result in an increase in the workforce at the site over the next 3 years.

The purpose of the expansion is to relocate the existing glass factory from the opposing side of Valley Road and position it adjacent the Frame Assembly Building so that glass no longer has to be transported across Valley Road and that completed units can be transported from the glass factory which eliminates transporting them again across Valley Road.

In support of the application a design and access statement, Transport Statement, Geotechnical and Geo Environmental Assessment and a Flood Risk Assessment have been submitted.

## **Policy Context**

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

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

### Local Development Framework Core Strategy

CSP8 'The Location of Growth'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP39 'Contaminated and Unstable Land'  
CSP40 'Pollution Control and Protection'

### Local Development Framework Supplementary Planning Documents (SPDs)

The SPD 'Parking'

'Residential Amenity and the Siting of Buildings'

### Saved UDP Policies

UDP notation: Employment Policy Area

Policy ED4 'Economic Development and residential Amenity'

Policy ED10 'Growth of Existing Firms'

### Draft Local Plan

Proposed allocation: Urban Fabric

### NPPF

The National Planning Policy Framework sets out the Government's planning policies for England and how these are expected to be applied. At the heart is a presumption in favour of sustainable development. Development proposals that accord with the development plan should be approved immediately without delay 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**

Barnsley Development Agency – No objections

Dearne and Dove I.D.B. – No comments received

Environment Agency – No objections

Yorkshire Water Services Limited – No objections

Environmental Health – No objections

Highways DC – No objections

South Yorkshire Mining Advisory Service – No objections

Contaminated Land Officer – No objections

Ward Councillors – Concerns regarding impact on nearby residents

Drainage – No objections

## **Representations**

The application has been advertised both through site notice and neighbour letters to immediate residents with no letters of objection received.

## **Assessment**

### Material Consideration

Principle of development  
Design and layout  
Residential Amenity  
Visual Amenity  
Highway Safety

### Principle of development

The erection of factory buildings within an Employment Policy Area will normally be permitted subject to satisfactory standards of design, acceptable amenity levels for neighbouring uses, and the provision of adequate car parking, loading and vehicle manoeuvring facilities.

The proposal is considered to comply with local and national planning policy in that it supports economic expansion of an existing company located on an allocated employment site. The proposal also brings into economic use an underutilised site adjacent the existing factory, the investment, although will not create any additional immediate jobs, will protect the existing employees for the foreseeable future and as such is beneficial to the local economy.

## Design and layout

The proposed new factory building will resemble the existing building in design and materials. The building will be screened from Station Road and the residents due to the existing building other than the top of the roof and the rear section which projects back of the existing building.

The existing building that the new factory will be placed against measures 7.5m to its highest point at the ridgeline and the overall height of the proposed building would be 1.2m higher than the existing structure. Given the significant set back from the frontage of the existing factory and from Valley Road the new unit will still be read as less dominant than the proposed.

The building has a functional industrial appearance in keeping with the rest of the industrial estate and as such is considered in line with policy CSP29 of the Core Strategy.

## Residential Amenity

The building is on the far side of the existing factory from Station Road and as such it will be broadly screened and only partially visible from these dwelling. Additionally there is a separation distance of over 100 metres between the new unit and properties on Station Road. The site carries an Employment allocation and as such a degree of activity would be expected, it is however considered that the main two aspects of consideration in regard to residential amenity are Noise and Deliveries.

### **Noise**

The nearest properties to the new building are located on Station Road and are some 125 metres in distance from their rear elevations to the nearest point of the new factory. This is comparable to the existing Frame factory which is 62 metres from the rear elevation of the same properties, and as such whilst the building is large in scale given it is located further away from residents it is feasible to consider any noise related issues are an existing issue and will not be exacerbated by the new factory which affords greater separation distance

It is also understood that residents have been previously aggravated by the reversing beepers of folk lift trucks which at present are required to transport glass, from the existing glass factory on the opposing side of Valley Road to the frame factory for fitting and completed windows from the frame factory back to the glass factory for delivery. The proposal will significantly reduce the number of vehicular movements from folk lift trucks due to the glass factory being relocated immediately adjacent the frame factory as a result of the proposal, which allows internal movement of the glass and processes.

Although noise related complaints have been made previously to the Council's Regulatory Services section, no statutory noise nuisance has been determined as emanating from the site. The Council's Regulatory Services have been consulted and raised no objections to the scheme.

### **Deliveries**

The site currently operates over a 24 hour period with staff working shift patterns, however the main core operating hours are 8am to 6pm and it is between this period that the majority of deliveries take place. Given that no restrictions are presently in place it would be unreasonable to now restrict deliveries to a set time frame given that the operations proposed to take place are already in operation on the industrial estate.

## Highway Safety

At present it is common for Valley Road to be congested by staff parking on the highway and Safestyle are aware of this problem, and it is felt that due to the existing car parking areas being on the route where glass and waste is transported many of their employees have had punctured tyres and have chosen to park on Valley Road rather than within the staff parking area.

Again the movement of the glass factory allows internal transportation and should eliminate this problem. In addition due to the proposal, the space in front of the present glass factory is freed as it is no longer required for HGVs to deliver glass, and for folk lifts to transport it to the other factory site. This allows for the creation of a further 45 staff parking spaces which should help to provide some alleviation of the existing congested parking on Valley Road.

	Current Staff per Shift (2015)	Proposed Staff per Shift (2106/17)	Current Floor Area of Old Glass & PVC Factory (M2)	Proposed Floor Area of New Glass & PVC Factory (M2)
Operatives	125	125	9,675	12,387
Management	25			

The above table outlines staff numbers; with the additional parking provision the total on-site parking spaces will be 138, with 93 to the side and rear of the frame factory and an additional 45 to the opposing side of Valley Road. The level of parking provided as such covers an entire shift of operatives and falls just 12 short of covering the full management staff additionally. As such given some staff may car share and use public transport the level of parking is considered sufficient. It is accepted that there may be times of congestion during shift changes but this will obviously be only a occurrence over a short timescale twice a day.

Highways have confirmed that given the level of staffing and that the proposal will remove additional vehicular movements that they raise no objections and the proposal is considered acceptable from a highway safety and parking perspective.

## Conclusion

The proposal seeks a new glass factory for the Safestyle production company. The building is located to the north west side of the existing frame factory and is therefore further away from residents on Station Road than the present building and is as such not considered to impact on residents adversely.

The proposal will result in the glass factory being immediately adjacent the frame factory and will result in folk lift trucks no longer having to transport glass to and from the present glass factory located to the other side of Valley Road, which has been a reason for complaint for local residents due to reverse beepers being heard at early morning hours.

The proposal additionally does not result in any additional staff and is purely to make the current production process more efficient. The movement of the glass factory does however mean the space in front of it is no longer needed for deliveries and folk lift movements and the proposal outlines an additional 45 parking spaces for staff in this area, with a total of 138 provided.

As such given the application seeks to improve operations for an existing firm within an employment site, the proposal is considered in line with the NPPF, and Core Strategy Policies CSP29, 26 and 40, Saved UDP policies ED4 and ED10. As such the recommendation is to approve subject to conditions.

## Recommendation

### Grant subject to:-

- 1           The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
  
- 2           The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos P01 Rev C, P02 Rev B, P04 Rev A, P07.) and specifications as approved unless required by any other conditions in this permission.  
  
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
  
- 3           The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
  
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
  
- 4           Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.  
  
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
  
- 5           Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority, to ensure a safe and adequate highway network,  
  
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

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

Reason: In the interests of sustainable development and in accordance with policy CSP26.

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

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

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

- 8 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

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

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

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

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

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

The scheme shall include the following details:

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

o A timetable for its implementation; and

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

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

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

- 10 Prior to commencement details of any fixed plant, including air conditioning units, shall be submitted to the Local Planning Authority and agreed in writing.

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

- 11 The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) compiled by Eastwood and Partners, dated January 2015, and the following mitigation measures detailed within the FRA:

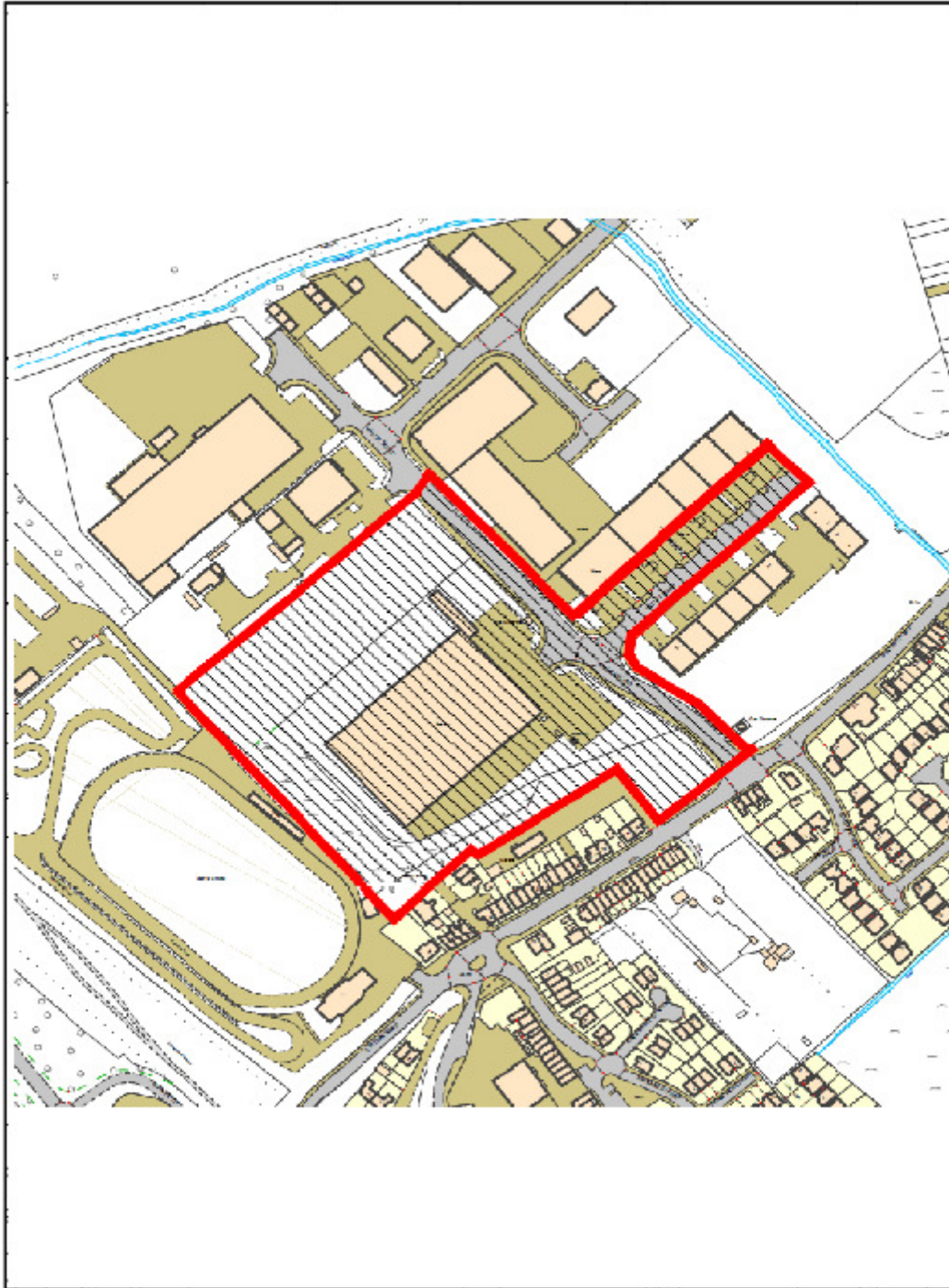
1. Finished floor levels are to be set no lower than existing ground levels.

2. Flood resilient design is to be used in the construction of the building; including electrics raised 300mm above finish floor levels.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme.

Reason: To reduce the risk of flooding to the proposed development in accordance with CSP40

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**BARNSELY MBC - Economic Regeneration**



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



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**Ref: 2015/0229**

Applicant: Naylor Industries PLC

Description: Change of use from B8/B1 to B2, B8 and B1. Alterations to existing buildings, demolition of external structures and the installation of external lighting and two new substations.  
Site Address: Unit 17, Valley Road, Wombwell, Barnsley

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Councillor Saunders has raised concerns about the impact of this scheme on residential amenity.

### **Site Description**

The Station Road Industrial Estate is on Valley Road, which is located off Station Road a main route linking Wombwell and Darfield. Unit 17 is located at the north west corner of the industrial estate and there is a significant area of open land between the application site and the nearest houses located on Littlefield Lane about 140m away to the west.

There are some terraced houses fronting on to Station Road close to the entrance to the Industrial Estate and residential roads leading off Station Road include Bayford Way. The application site measures 1.82 hectares and the whole estate is 15.5 hectares. The existing building, which has a gross internal floor area of 8662m<sup>2</sup> is a two storey brown brick and clad structure. There are large hard surfaced areas around the building that include 142 existing car parking spaces.

Other manufacturing process carried out in the units on the estate include Safestyle UK, who manufacture double glazed window units, and Right Logistics who produce metal bars.

### **Planning History**

The site has been subject to a wide variety of applications dating back to the 1970s. Those within the last 10 years of most relevance are as follows:

2006/0581 – Erection of single storey office building with ancillary accommodation – Approved

2009/0490 – Change of use from Warehouse/Offices (B8/B1) to General Industrial/Offices (B2/B1) – Approved

2013/0278 – External alterations to building to facilitate internal mezzanine level of offices - Approved

### **Proposed Development**

The proposal is for Naylor's to utilise this site as its main HQ for the manufacture and storage of product from its Specialist Plastics Division. The application is primarily for change of use of an existing building but some minor external alterations are proposed and an existing internal mezzanine floor and external structures, which are not required will be removed/demolished.

The main change is the manufacturing process that replaces most of the previous warehouse function. The manufactured products would be stored in the external storage yard (maximum height 6m) so security lighting would be installed.

The existing HGV access arrangements would be modified and 58 of the existing parking spaces would be retained. An analysis of the existing business shows that there would be around 140 HGV movements in a typical month which is about 5 a day. However, with the move there is an anticipated 20% increase in HGV movements. So this gives 6 HGV movements per day.

The cladding and window frames on the building would be painted light admiralty grey and red. New roller shutter doors would be created on the western elevation allowing access to the storage area.

Two sub stations would be provided adjoining the southern elevation and alongside Valley Road, adding a total of 63m<sup>2</sup>.

Most of the existing landscaping will be retained and additional planting would be provided to improve the sound attenuation. This would include a bund with an acoustic fence on top on the north west boundary.

There would be 24 hour working and approximately 70 jobs will be provided for at this location. This is made up of 45 existing jobs transferring from the companies Wath and Hyde premises and 25 new jobs. It is also anticipated that there would also be additional jobs in the future from expansion in the Head Office function.

### **Applicants Supporting Statement**

The applicants have provided the following supporting statement:

*Approval of this application will allow Naylor to complete the purchase of this unit and then to relocate two production lines from Hyde & Wath, involving the transfer of 45 jobs (creating vacancies for those unwilling to relocate). A new production line is to be purchased and installed to create 25 new jobs and there will be a further 20 management & office jobs relocating from Naylor's Cawthorne site.*

*It would be helpful to Naylor if planning approval is granted within BMBC's usual timeframes – failure to complete the purchase, and that can't happen without approval, could lead to the Company incurring additional costs.*

*This is not the only ongoing investment in the Borough; the Company is currently relocating its concrete business from Ossett to Barugh Green.*

*This all comes on the back of a £2.5m expansion/investment project at Cawthorne only last year which attracted a SCR LEP RGF grant of £646k. Naylor have further expansion plans for Cawthorne and relocating the HQ to Wombwell will allow for the demolition of existing poor quality offices freeing up space for further production facilities.*

*Naylor Industries continues to grow, both through acquisition and organically and currently has in excess of 330 employees. They recently picked up 2 National manufacturing awards, including one for exports. The Company is an exemplar employer, has a benchmark apprenticeship scheme and it a keen supporter of business/education initiatives.*

*Naylor is a well-managed, progressive and fast growing business but remains firmly rooted in Barnsley.*

### **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 Draft Local Plan, which will eventually supersede the above. 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

CSP4 Flood Risk  
CSP19 Protecting existing Employment Land  
CSP26 New Development and Highway Improvement  
CSP29 Design  
CSP36 Biodiversity and Geodiversity  
CSP40 Pollution Control and Planning.

### Saved UDP Policies

The UDP shows the site allocated as an Employment Policy Area.

### SPDs/SPGs

Parking

### Emerging Local Plan

The Draft Local Plan shows the site allocated as Urban Fabric.

### NPPF

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

In respect of this application, relevant policies include:

General principles paragraph 17  
Building a strong economy paragraph's 18-22  
Design paragraph's 58 – 65

### **Consultations**

Barnsley Development Agency – Support the application

Dearne and Dove I.D.B. – No comments received

Environment Agency-No objections subject to conditions.

Drainage- No objections subject to conditions

Yorkshire Water - No comment.

Highways – No objections subject to conditions

Ward Councillors – Concerns regarding impact on nearby residents

IDB – Have stated that the IDB's consent would be needed in relation to any works within 9m of the watercourse.

## **Representations**

The application was advertised by way of a press notice, site notice, and notification letters to neighbouring occupiers. No letters of representation have been received

## **Assessment**

### Principle of development

The application site is on a long established industrial estate, as evidenced by the fact that along with adjoining land it was allocated as an employment policy area in the UDP. There are other manufacturing processes carried out in the other units on the estate, including Safestyle UK, who manufacture double glazed window units and Right Logistics who produce metal bars.

To change the use of part of the building from a warehousing use to specialist plastics manufacture would therefore be compatible with these other units in the same the location. In addition planning permission was granted in 2009 for the premises to be utilised for General Industrial Use although this was never implemented.

In addition to manufacturing the building will be used as the HQ for the company so there will be significant office use (1,453 m<sup>2</sup>) but this is of the same magnitude as the previous occupier.

On the basis of the above the application would be in conformity with Core Strategy policy CSP19 Protecting existing Employment Land.

Therefore, the main considerations in this case will be the likely impact on the living conditions of nearby residential neighbours, together with the visual and the highway implications of the development.

### Residential Amenity

Concerns have been raised about the potential for nuisance to be caused by the 24 hours of operation of the site and HGV movements.

This unit and other units on the industrial estate can already operate for 24 hours a day. So an objection restricting only this unit would be hard to sustain, unless it can be demonstrated that the new use and its location on the edge of the estate is significant. The applicants have submitted a Noise Impact Analysis to address these concerns.

The following matters are covered in their Noise report.

The Noise Report states that the sound sources at the premises will be:

- production machinery inside the main building with closed doors
- a fan assisted chiller located outdoors
- forklift trucks and side loader inside the building and outdoors
- lorries transporting incoming materials and finished products

The Report is based on an assessment of the noise levels experienced at Naylor's other premises at Wath and Hyde.

It is stated that all production lines and machinery will be housed inside the factory building. Access to the building will be through a zip door in the northwest elevation which will be open for minimal time periods when materials are being handled to or from outdoors.

The Noise Report says that the outdoor movements of vehicles and forklift trucks at night are predicted to be the main impact affecting the occupiers of dwellings on Littlefield Lane.

It has been stated that there would be 6 HGV movements per day. The submitted Noise Report assumes that the company will not be using tonal warning beepers on vehicles. If any reverse warning signals are used it is stated that they will be of the white noise type to avoid disturbance.

Most of the existing landscaping will be retained and additional planting would be provided to improve the sound attenuation. This would include an earth mound with an acoustic fence on top on the north west boundary. The agent has provided a drawing showing a proposal for a 3m earth mound with a 2.5m fence on top. This satisfies the Council's Regulatory Services Section's requirements for attenuation but given that separate consent from the IDB is needed it is recommended that the details are firmed up and agreed via a suitable condition.

According to the Noise Report the average distances from vehicle movements to nearby dwellings will be 175m to Littlefield Lane, 270m to Station Road and 360m to Bramham Croft.

Taking all of the above into account the predicted noise levels at Littlefield Lane are:

manufacture	24 dBA,
vehicles,	35 dBA
plant items (outdoor chiller)	27 dBA.,

It can be seen that the applicants have undertaken a thorough analysis of the potential for noise nuisance and they have proposed significant mitigation that if implemented would yield noise level reductions that would make the proposal acceptable and meet Core Strategy policy CSP40 Pollution Control and Planning. The Council's Regulatory Services have inspected the scheme and raised no objections.

The only other matter that would potentially cause nuisance is the proposed lighting but the applicants have submitted a technical paper on the external lighting to demonstrate that there would be no adverse impact to the nearest dwellings.

### Visual Amenity

The main visual implications will be as a result of the proposed changes to the colour of the cladding and window frames on the building, the increased storage of items in the adjacent yard and associated lighting. Some minor buildings are due to be demolished and two small sub stations are proposed. This will not have any significant visual effect.

The cladding will be in light grey with red window frames, currently the building is predominantly brown so this could be viewed as being an improvement.

The manufactured products would be stored, to maximum height of 6m, in the external storage yard so security lighting would be installed.

The main implications of this will be seen within the industrial estate, where such matters would not be unusual.

The external storage and lighting would not be visible from outside of the industrial estate due to the formation of the earth mound and acoustic fence between the site and houses on Littlefield Lane. Furthermore there are existing trees in the area that will screen the site. So there would not be any visual implications from the creation of the earth mound itself due to this existing mature planting.

Therefore, the proposal would accord with the provisions of Core Strategy policy CSP29 Design.

### Highway Safety

A number of questions were raised regarding the distribution of the proposed uses and parking provision. The applicants have responded by saying that:

*With regard to the previous use of the site by Maplin our expectation is that the current proposal from Naylor Industries will result in less car and HGV traffic to/from the site. Whilst we do not have any specific information about movements from Maplin the unit was operated as a regional distribution facility with significant HGV delivery, lorry/van delivery and collection as well as trade collections from the site.*

*Turning to the split of B2/B8 uses within the site as a result of the Naylor operations the main building is intended to be principally for manufacturing operations albeit there will undoubtedly be some internal storage of finished products. However, the external yard area is intended to be utilised as the principal B8 storage area for finished products.*

A minimum of 107 spaces has been derived from the Council's SPD on Parking. The applicant's response regarding providing less parking is:

*The parking standards are intended to be maximum ratios rather than minimum. Moreover, the SPD does suggest that, where good public transport links exist: "developers will also be expected to reduce the amount of parking".*

The Planning Design & Access Statement, says that Naylor Industries have specifically identified the parking requirement for the scheme based upon existing operations within the company which are intended to relocate to Wombwell. At any one time the maximum staff parking requirement would be approximately 42 spaces; comprising 20 (Head Office), 10 (Plastics Office) and 12 (Plastics Manufacturing per shift). The scheme provides for approximately 58 spaces (16 more than required by the current staffing needs). This "higher" number is intended to accommodate for future growth and expansion of employee numbers and allow for an element of visitor parking (4 spaces).

The estimated car parking numbers do not take account of car sharing, public transport usage, cycling or walking which could reduce further the need for car parking spaces within the proposal. By way of example, Naylor Industries operate a government sponsored "Cycle to Work" scheme in association with Halfords to encourage non car dependent patterns of commuting.

It is accepted that the proposed use is likely to generate fewer vehicle movements than the previous use and there should be no adverse impact on the highway network. As stated previously, there is a shortfall of parking according to the SPD –Parking. It is accepted that the parking is sufficient for this particular business, and highways have raised no objections subject to appropriate conditions relating to restricting it to the applicant, and controlling the floorspace relating to B1 and external storage.

On the basis of the above the application would be in conformity with Core Strategy policy CSP26 New Development and Highway Improvement.

## Flood Risk

The applicants have submitted a Flood Risk Assessment, which indicates the flood risk has not increased as a result of this proposal. There are no changes to the current drainage system and no changes to the current impermeable areas due to this change of use. The Council's drainage section are satisfied with the scheme as submitted but it would be up to the applicant to seek the necessary separate permissions required from the IDB.

## Conclusion

The proposal is to introduce manufacturing into a Unit situated on a long established industrial estate. Concerns have been raised about the potential for nuisance to be caused by the 24 hours of operation of the site and HGV movements. However, the site can already operate for 24 hour use, and, given the mitigation that is proposed, it is not considered that there would be sufficient detriment to neighbouring amenities over and above the existing usage.

A number of questions were raised regarding the distribution of the proposed uses and parking provision. Highways have no objections to the proposed development if the floor areas are restricted to what is submitted, further details are submitted regarding storage areas and it is made personal to the applicant.

The scheme would provide an employment use on an employment site and would generate job creation. As such it is recommended for approval subject to conditions

## **Recommendation**

### **Grant subject to conditions:-**

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

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

- 2 The development hereby approved shall be carried out strictly in accordance with the drawings numbered ST14026-004, ST14026-005, 1300-08-REV2, 1300-02-250-REV2, 1300-03-REV2-REV3, 1300-02-REV2-REV3 and specifications as approved unless required by any other conditions in this permission.

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

- 3 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.

- 4 The floorspace shall be restricted to B1 (a) 1453sqm and B2 3853sqm

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 The use of the site hereby permitted shall be carried out only by the applicant i.e. Naylor Industries PLC.

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 6 Prior to the development being brought into use, details of the location and size of the external storage area shall be submitted to and approved by the Local Planning Authority, and shall be provided on site and 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 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.

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

Reason: 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.



9 No development shall take place unless and until full foul and surface water drainage details, including Yorkshire Water Permission to discharge, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority

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

10 Notwithstanding the submitted plans, prior to commencement of development, details of the the earth mound and acoustic barrier to be erected shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall then be implemented before the building is brought into use and shall thereafter be retained.

Reason: In the interests of the amenity of nearby residents in accordance with Core Strategy policy CSP40 Pollution Control and Planning.

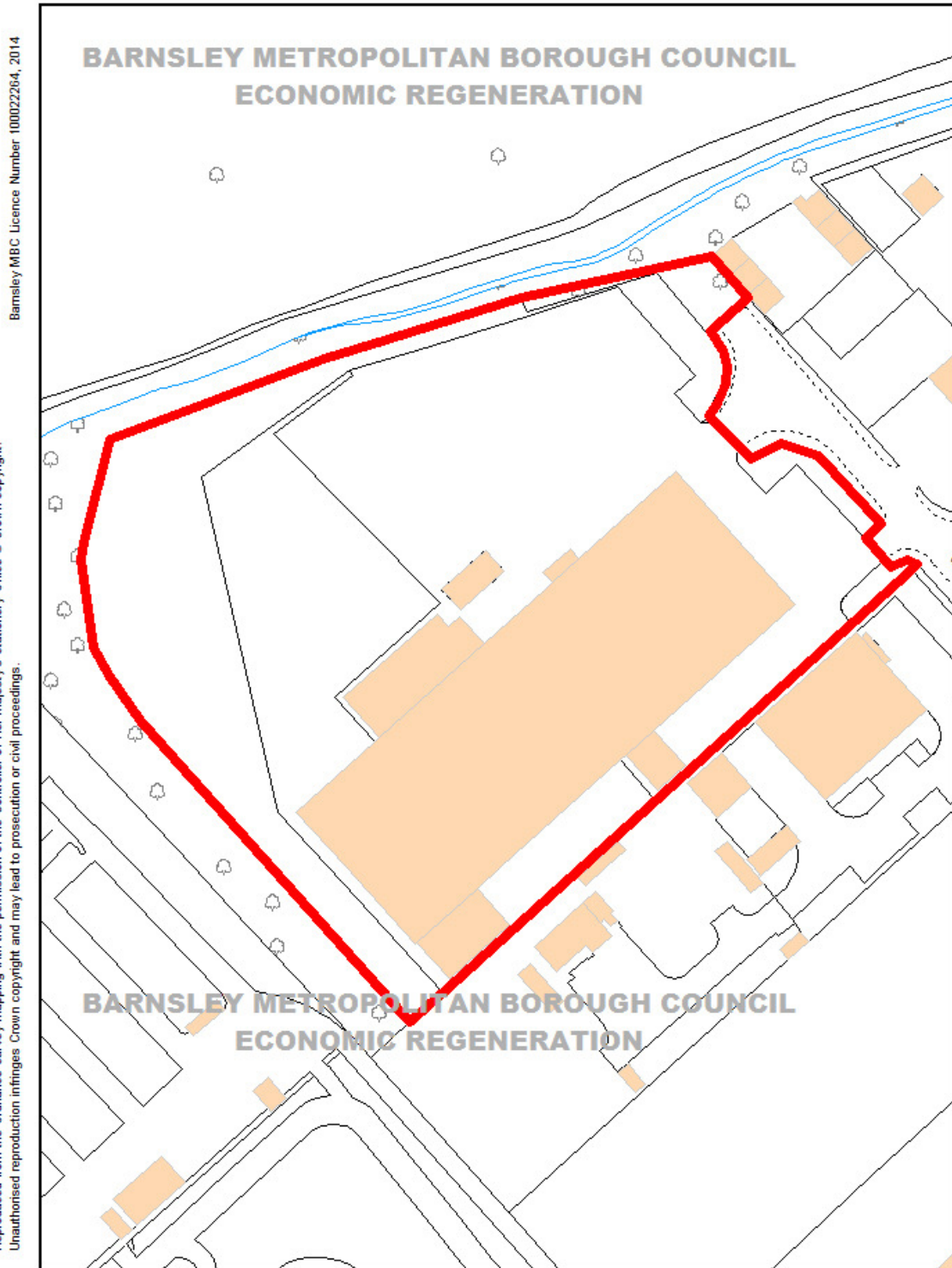
11 The development hereby approved shall be carried out strictly in accordance with the recommendations contained in the following submitted documents:

- External Lighting Scheme dated 22.04.2015,
- Lumineux Report dated 28.05.2015,
- Flood Risk Assessment dated April 2015,
- Noise Impact Assessment dated 29th April 2013,
- Wardle Armstrong Letter 28th May 2015

Reason: In the interests of the visual and residential amenities of the locality in accordance with CSP29.

PA reference :-

2015/0229




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**BARNESLEY MBC - Economic Regeneration**

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

  
Scale 1:1250

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**2015/0447**

Mrs Jenna Allott

Erection of 7 no. dwellings (Outline)  
Land at Windmill Avenue, Grimethorpe, Barnsley, S72 7AW

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One objection received

### **Site Location and Description**

The site forms an open area of Green Space located to the northern side of Windmill Avenue within the outskirts of the village of Grimethorpe, approximately 5 miles to the east of Barnsley Town Centre.

The area is made up of predominately 1960s semi-detached brick built Council housing. Immediately opposing the site is a similar area of open Green Space. To the north east of the site Sandhill Grove runs to the south of Brierley Road and forms a garage site at the end which backs on to the dwellings immediately to the east of the dwellings next to the site.

The site slopes considerably in level in line with Windmill Avenue from an east to west direction.

### **Proposed Development**

Permission is sought for the erection of 7 dwellings in outline form with all matters reserved for future consideration. An indicative drawing has been submitted showing a block of 3 and another block of 4 townhouses with access to the east and garages to the rear.

### **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 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**

CSP10 'The Distribution of New Homes' commits 46% of the Boroughs Housing to be built within Urban Barnsley (9,800 properties).

CSP14 'Housing Mix and Efficient Use of Land' states that proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and sustainable communities.

CSP26 'New Development and Highway Improvement' new development shall be expected to be design and built to provide safe, secure and convenient access for all road users.

CSP29 'Design' sets out that high quality design shall be expected.

CSP35 “Green Space. We will only allow development proposals that result in the loss of green space where: an assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or an appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provided in the area which it serves; or the development is for small scale facilities needed to support or improve the proper function of the green space.”.

CSP40 ‘Pollution Control and Protection’ states that the Council shall not allow development of new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution levels are unacceptable and there is no reasonable prospect that they can be mitigated against.

#### Saved UDP Policies

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

#### SPDs/SPGs

The following LDF Supplementary Planning Documents are relevant to the proposal:-

‘Designing New Residential Development’ sets out the standards that will apply to the consideration of planning applications for new housing development.

‘Parking’ states that the parking standards for new housing development shall be 1 space for dwellings under 3 bedrooms in size and 2 spaces for 3 bed dwellings and above.

The South Yorkshire Residential Design Guide has been adopted as a best practice guide by the Council and covers issues relating to sustainability, local distinctiveness and quality in design.

#### NPPF

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

In respect of this application, relevant policies include:

Para 9 Sustainable Development – positive improvements  
Para 17 Core Planning Principles  
Para 35 Transport & Location of Development  
Para 58 Good design

#### **Consultations**

Brierley Town Council – No objections

Yorkshire Water Services Limited – No objections

Highways DC – No objections

Policy – No objections subject to compensation for loss of Green Space

Ward Councillors – No comments received

Drainage - No objections

SYMAS – The site can be considered as stable with regards to deep mining subsidence. The risk of mining legacy issues affecting the land is considered low.

## **Representations**

The application was advertised both through site notice and neighbour notification letters to which one letter of objection has been received. The concerns raised relate to a loss in privacy and the land level difference of the site relative to no 27. Additionally the loss of a playing area that children utilise is mentioned and the additional noise and disturbance from additional traffic.

## **Assessment**

### Material Consideration

Principle of development  
Green Space  
Design and layout  
Other matters

### Principle of development

The site lies within an existing housing estate and forms a linear gap adjacent the north side of Windmill Avenue. In terms of UDP allocation the site is allocated as a Housing Policy Area and it is within a predominantly residential area. However it is considered to function as greenspace and is on the Green Spaces register. As such proposals for development should be considered against policy CSP35 and will not be acceptable unless the area is surplus to requirements or appropriate compensation is provided.

### Green Space

The application site forms part of GS252 Windmill Avenue North Open Space. In accordance with CSP35 we will only allow development proposals that result in a loss of green space where the site is surplus or compensatory provision is provided.

The site currently functions as local neighbourhood green space and offers an informal amenity/recreation function although there is no formal recreational equipment on the site. The immediate locality does have a lack of green space in relation to formal children's play and outdoor sports facilities. As the site is small and adjacent to residential properties it is however considered to offer limited potential to reduce those deficiencies whilst meeting distance standards and thus protecting the residential amenity of existing residents. There are also other informal green spaces within the locality. Given these factors it is considered that in this case, the loss of the Green Space can be appropriately compensated for with a monetary contribution which could go to improving other recreational areas.

Given an offsite contribution, the principle of development is considered acceptable subject to all other criterion being adhered to. The proposal is therefore considered to satisfy the requirements of policy CSP35 of the Core Strategy and the principle of the development is therefore considered acceptable given it borders onto existing residential properties.

## Design and layout

Design and layout are not under consideration at this stage and as such cannot be formally assessed. The site does appear large enough to accommodate 7 dwellings however the indicative layout that has been submitted, with the garages to the rear, does appear somewhat contrived and could lead to issues of noise and disturbance from the parking area impacting on the rear gardens of neighbouring dwellings. However, given that this is a reserved matter, this will need to be considered in the follow up reserved matters application although an informative is recommended to be placed on any grant of this planning permission to advise the applicant to enter into pre-application discussions prior to the submission of any subsequent reserved matters application.

In terms of the land available it is considered that there is sufficient space for 7 dwellings to be placed on the site that would meet the required separation distances and required associated parking and amenity areas

## Other Matters

The objector has raised matters such as impact on privacy and overlooking as well as disturbance, and at outline stage these are difficult to assess as many of these factors rely on design, scale and layout of the scheme. However, it is considered that a group of dwellings reflecting the existing building line could be accommodated within the site in a suitable layout to protect neighbouring properties from any significant loss of light or privacy. It should be noted however that No 27 is at a lower level relative to the site and as such scale and design need to be sensitively considered, and it would be advisable to have levels and cross sectional drawings to support the application. A condition is therefore recommended to cover this.

The Council's Highways Section have raised no objections in principle to the development. Access can be taken off Windmill Avenue but details of the position and layout of car parking would need to be assessed at reserved matters stage.

## **Recommendation**

### **Grant subject to legal agreement:-**

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

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

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

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) means of access
- (e) landscaping

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

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

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

- 4 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:

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

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

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

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

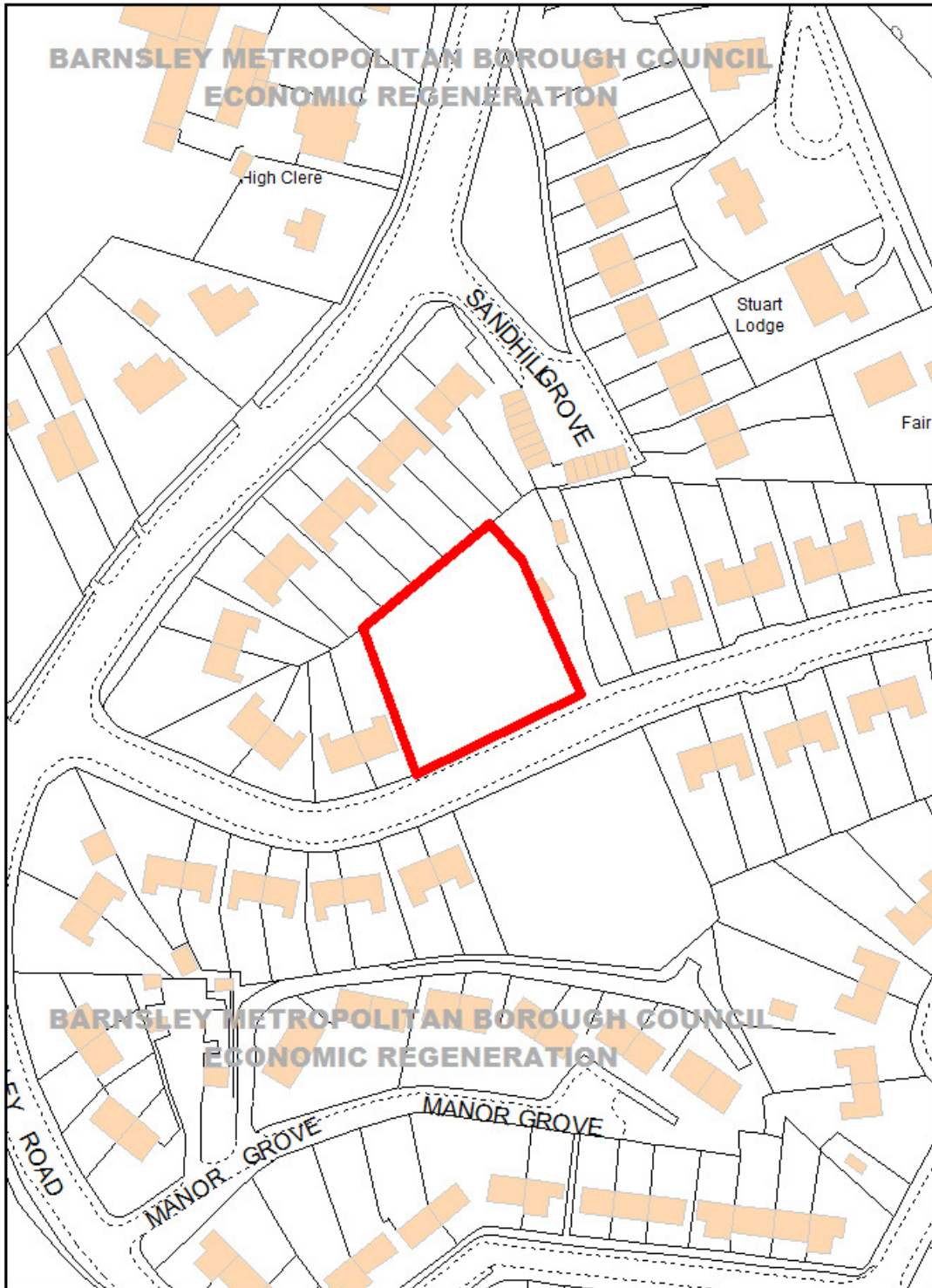
- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

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

PA reference :-

2015/0447

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**BARNSELY MBC - Economic Regeneration**

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Scale 1:1250



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**2015/0434**

Barnsley Bereavement (BMBC)

Conversion of chapel to provide a community facility.  
The Chapel, Cemetery Road, Wombwell, Barnsley, S73 8HY

---

This application is before Members as it is a Council application.

No letters of representation have been received.

### **Site Location and Description**

The Mortuary Chapel is located off a private access which runs to the west of Cemetery Road and is set within the grounds of the cemetery, which runs adjacent Summer Lane to the south. The site falls gently towards Cemetery Road where vehicular access is taken.

The building is one of two “sister” Chapels of rest on the site and is in a dilapidated condition, the “sister” Chapel is in a greater state of disrepair, and is open to the elements. Both Chapels are grade II listed buildings.

The Chapel was constructed c1868 and is now in use as a store by Thomas Dobb of Rotherham. The construction is generally thinly coursed sandstone with some contrasting dressings and a Welsh slate roof. The layout consists of a single cell with corner spire and its appearance is of a High Victorian Style.

The only access into the building is from a pointed doorway with colonnettes (all restored) at the gable end. Above the main access is a circular window with foiled openings in sunken ashlar panel. The single square based spire is located right of the entrance with matching stone buttressed to octagonal turret and slit windows.

### **Proposed Development**

Permission is sought to convert the existing Chapel into a community facility. The work proposed is intended to both restore the building and in addition provide the local area with a facility for community use.

Essentially the building will be used for educational activities such as local history. In addition the building could be used for funeral teas and made available to other community groups for hire for meetings or events.

The works therefore reconfigure the Chapel internally which allows the installation of toilets, including an access/baby change facility and a meeting room, as well as a small kitchen area. The works externally other than restoration are relatively minor and in order to maintain the buildings character the existing window openings will be reused with new contemporary casement windows to improve thermal performance. The only other external works are to resurface the drive.

The existing Cemetery is open every day between 0800 to 2000 in winter and 0800 to 2100 in summer, as such the opening hours for the community centre are to be 0900 to 2200.

A corresponding listed building consent application ref 2015/0540 for the works is also under consideration and is on this same Planning Board agenda.

## **Policy Context**

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

The 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.

CSP 30- Historic Environment – We will positively encourage the management, conservation and enjoyment of Barnsley’s historic environment and make the most of heritage assets which define Barnsley’s local distinctiveness.

### SPDs/SPGs

SPD ‘Parking’ provides parking requirements for all types of development.

### 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 17

Design para 58 – 65

Conserving and enhancing the historic environment – para 126 - 140

## **Consultations**

Environmental Health – No objections

Highways DC – No objections

Ward Councillors – No comments received

Conservation – No objections

Drainage – No objections

Historic England – No objections

## **Representations**

Along with the corresponding listed building application, the works involved have been advertised by way of press notice, site notice and neighbour notification letters. No letters of representation have been received.

## **Assessment**

### Material Consideration

Principle of development  
Listed Building  
Residential Amenity  
Highway Safety

### Principle of development

The Chapel lies within the Wombwell catchment area, and is Grade II listed building whereby development is positively encouraged that provides the conservation of such assets. With this application the building would be put to a community use which would benefit the surrounding area and allow for a use that would fit with the historic use of the building and conserve its appearance. As such it is considered acceptable in principle subject to their not being any significant detriment to the listed building, residential amenity or highway safety.

### Listed Building

The works involve restorations externally and internally with the layout being changed to provide toilets, a kitchen area and meeting room to facilitate its community function. The fundamental focus of the application is to restore the grade II listed building and as such the proposal categorically adheres to the specifics within the NPPF and Core Strategy Policy CSP30 in retaining an historic building of significance. In addition the Council's Conservation Officer and Historic England have both inspected the scheme and raised no objections.

### Residential Amenity

Given the Chapel is set within the quite expansive grounds of the Cemetery neither of the Chapels are in close proximity to residential properties. Properties on Blythe Street and fronting Cemetery Road are the closest but the building is still 30 metres from those on Cemetery Road and 60 metres from the rear of those on Blyth Street. As such, given that there are no external alterations other than restoration – the proposal will not result in any detrimental impact on adjacent residents.

### Highway Safety

There is minimal parking within the cemetery with that currently available mainly limited to disabled parking. There is provision to park on the main drive within the cemetery and operate a one way system. However, it is envisaged that as this is a local facility there will be little impact on parking on street. It may be that there is some parking locally most likely on cemetery road and summer lane. This already happens for events in the cemetery such as the weekly friends meeting.

In general it is not intended to make this a hub for lots of activities but to restore the chapel so the building can be used primarily by the group as they are currently squashed into the old mortuary. Having the chapel will enable them to display local history and encourage work with the local community to value the cemetery as a local asset. The use is not expected to result in large events that will disrupt local residents.

The Council's Highways Section has inspected the plans and raised no objections to the scheme

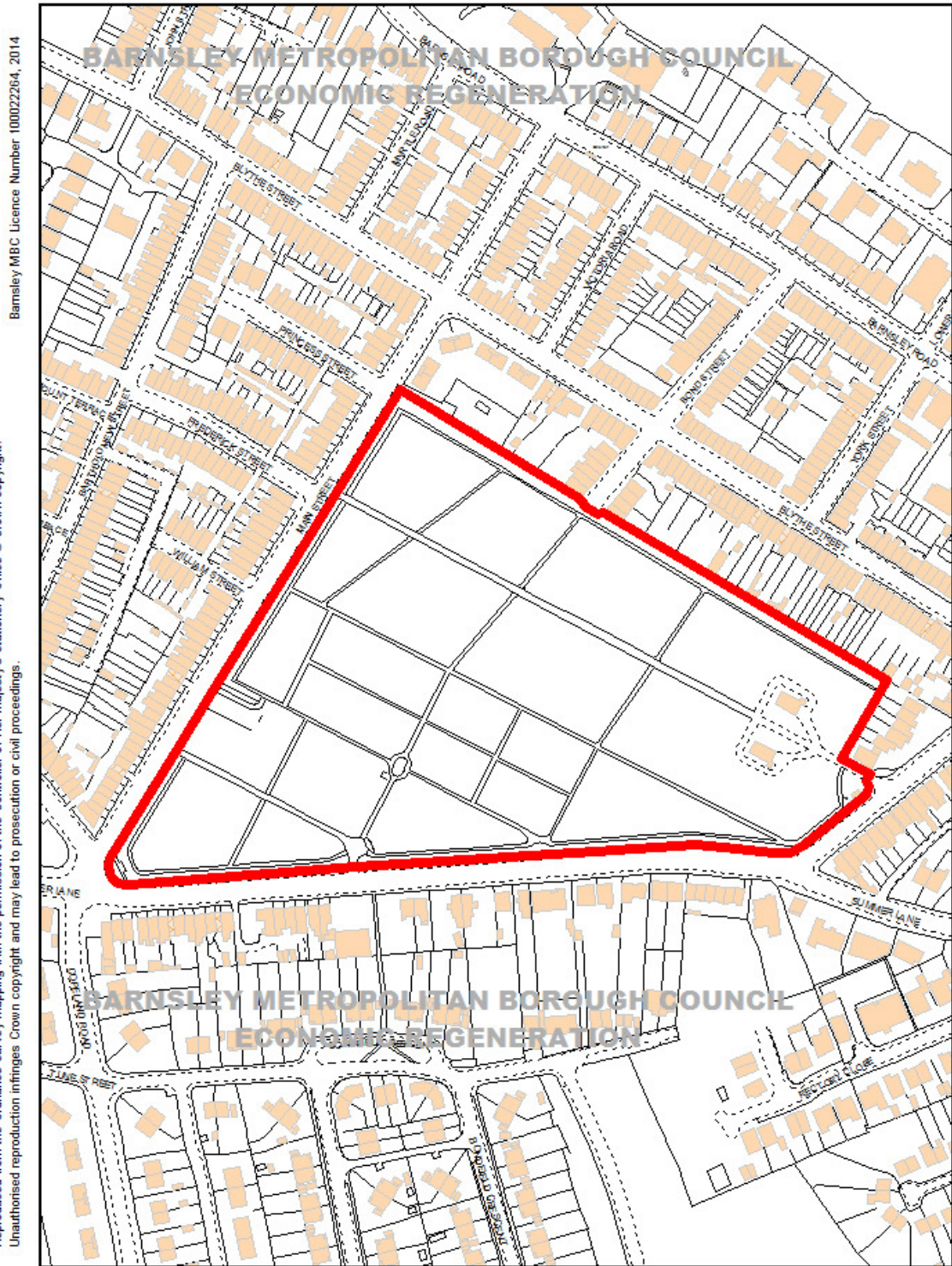
## **Recommendation**

### **Grant subject to:-**

- 1           The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
  
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
  
- 2           The development hereby approved shall be carried out strictly in accordance with the plans (Nos NPS-DR-A-(90)-010, NPS-DR-A-(21) - 020, NPS-DR-A-(21) - 021, NPS-DR-A-(41)- 100, and NPS-DR-A-(41)- 101) and specifications as approved unless required by any other conditions in this permission.  
  
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
  
- 3           New and repaired facing stone shall be natural sandstone, matching the existing exactly in terms of colour, general grain size, type of face dressing, and method of coursing.  
  
Reason: To preserve the character of the listed building in accordance with policy CSP30 of the Core Strategy.
  
- 4           To facilitate re-pointing joints shall be raked out by hand to approximately twice the depth of the width of the joint. The mortar mix for the re-pointing works should be 1:3 (1 part NHL3.5 lime: 3 parts washed river or well graded grit sand), and should be flush pointed then stippled back to reveal the texture of the aggregate, the arises of the stone blocks and produce a gently concave joint.  
  
Reason: To preserve the character of the listed building in accordance with policy CSP30 of the Core Strategy.


PA reference :-

2015/0434



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**2015/0540**

Barnsley Bereavement

Conversion of chapel to provide a community facility (Listed Building Consent)  
Wombwell Chapel, Cemetery Road, Wombwell, Barnsley, S73 8HY

---

This application is before Members as it is a Council application.

No letters of representation have been received.

### **Site Location and Description**

The Mortuary Chapel is located off a private access which runs to the west of Cemetery Road and is set within the grounds of the cemetery, which runs adjacent Summer Lane to the south. The site falls gently towards Cemetery Road where vehicular access is taken.

The building is one of two "sister" Chapels of rest on the site and is in a dilapidated condition, the "sister" Chapel is in a greater state of disrepair, and is open to the elements. Both Chapels are grade II listed buildings.

The Chapel was constructed c1868 and is now in use as a store by Thomas Dobb of Rotherham. The construction is generally thinly coursed sandstone with some contrasting dressings and a Welsh slate roof. The layout consists of a single cell with corner spire and its appearance is of a High Victorian Style.

The only access into the building is from a pointed doorway with colonnettes (all restored) at the gable end. Above the main access is a circular window with foiled openings in sunken ashlar panel. The single square based spire is located right of the entrance with matching stone buttressed to octagonal turret and slit windows.

### **Proposed Development**

Listed building consent is sought to convert the existing Chapel into a community facility. The work proposed is intended to both restore the building and in addition provide the local area with a facility for community use.

Essentially the building will be used for educational activities such as local history. In addition the building could be used for funeral teas and made available to other community groups for hire for meetings or events.

The works therefore reconfigure the Chapel internally which allows the installation of toilets, including an access/baby change facility and a meeting room, as well as a small kitchen area. The works externally other than restoration are relatively minor and in order to maintain the buildings character the existing window openings will be reused with new contemporary casement windows to improve thermal performance. The only other external works are to resurface the drive.

The existing Cemetery is open every day between 0800 to 2000 in winter and 0800 to 2100 in summer, as such the opening hours for the community centre are to be 0900 to 2200.

A corresponding full planning application ref 2015/0434 for the works is also under consideration on this same Planning Board agenda.

## **Policy Context**

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

The 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

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley.

CSP 30- Historic Environment – We will positively encourage the management, conservation and enjoyment of Barnsley’s historic environment and make the most of heritage assets which define Barnsley’s local distinctiveness.

### 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 17

Design para 58 – 65

Conserving and enhancing the historic environment – para 126 - 140

## **Consultations**

Ward Councillors – No comments received

Conservation – No objections

Historic England – No objections

## **Representations**

The works involved have been advertised by way of press notice, site notice and neighbour notification letters. No letters of representation have been received

## **Assessment**

### Material Consideration

Principle of development  
Listed Building

### Principle of development

The Chapel lies within the Wombwell catchment area, and is grade II listed whereby development for alterations and improvements is considered acceptable providing it is not of harm to architectural and historic fabric of the building. The intention with the application is to restore the building and bring it into community use and as such is considered acceptable in principle, with other impacts considered under the planning application ref 2015/0434.

### Listed Building

The works involve restoration externally and internally the layout will be changed to provide toilets, a kitchen area and meeting room to facilitate its community function. The fundamental focus of the application is to restore the grade II listed building and as such the proposal categorically adheres to the specifics within the NPPF and Core Strategy Policy CSP30 in retaining an historic building of significance. In addition the Council's Conservation Officer and Historic England have both inspected the scheme and raised no objections.

## **Recommendation**

### **Grant subject to:-**

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

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos. NPS-DR-A-(90)-010, NPS-DR-A-(21) - 020, NPS-DR-A-(21) - 021, NPS-DR-A-(41)- 100, and NPS-DR-A-(41)- 101)) and specifications as approved unless required by any other conditions in this permission.

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

- 3 New and repaired facing stone shall be natural sandstone, matching the existing exactly in terms of colour, general grain size, type of face dressing, and method of coursing.

Reason: To preserve the character of the listed building in accordance with policy CSP30 of the Core Strategy.

- 4 To facilitate re-pointing joints shall be raked out by hand to approximately twice the depth of the width of the joint. The mortar mix for the re-pointing works should be 1:3 (1 part NHL3.5 lime: 3 parts washed river or well graded grit sand), and should be flush pointed then stippled back to reveal the texture of the aggregate,



the rises of the stone blocks and produce a gently concave joint.

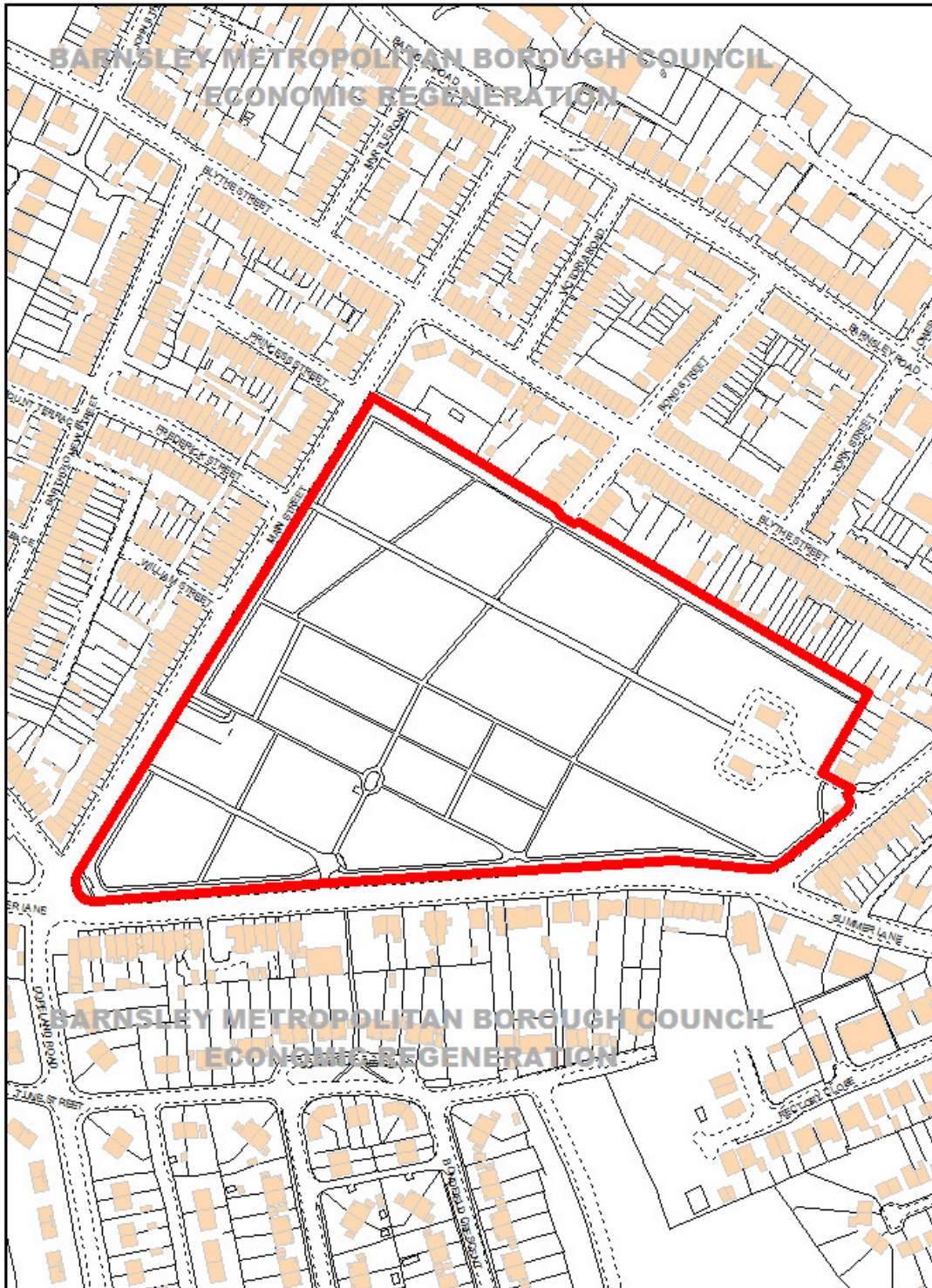
Reason: To preserve the character of the listed building in accordance with policy CSP30 of the Core Strategy.

PA reference :-

2015/0540


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**2015/0479**

Mr Richard Waterhouse (Childrens and Young Peoples BMBC)  
Erection of modular classroom extension to primary school.  
Summer Lane Primary School, Summer Lane, Barnsley, S75 2BB.

---

The application is before Members as it is a Council application.  
No objections have been received from local residents.

### **Site Location and Description**

Summer Lane Primary School lies at the junction of Pogmoor Road with Summer Lane, opposite Barnsley Hospital NHS Foundation Trust, and to the north west of Barnsley Town Centre.

The school occupies a roughly triangular piece of land bordered by Summer Lane to the south, Pogmoor Road to the west, Gawber Road to the north and Blackburn Lane to the east, and comprises of a number of brick buildings in a linear south-west to north-east alignment, both pitched and flat roofed and with a mixture of roof materials including metal and blue slates.

Vehicular access to the school is from Pogmoor Road at two points, both of which serve a car parking area (22 spaces) towards the north east corner of the site and the reception building. The school playing fields lie to the south of the site whilst a playground is situated in the north east corner. The site is enclosed by palisade fencing and bordered by shrub and tree planting, particularly to the north east.

Other than the adjacent hospital use with associated car parking, the site is bordered by residential properties to the east off Blackburn Lane and to the south of Summer Lane.

### **Proposed Development**

The applicant is seeking planning permission for the erection of a modular timber frame classroom at the north eastern end of the existing school buildings thereby continuing the linear arrangement.

The classroom is required to accommodate an expected increase in school pupil numbers from 240 currently to 310 in the next school year.

The new facility overall would be 11.465m x 11.587m x 5.092 to ridge and would be linked to existing classrooms via breaking through an existing store and flat roof section of the new build. In addition to a teaching area and resource classroom, the new building would incorporate storage, a cloakroom and a sink.

As the erection of the classroom would require excavation into an existing sloping grassed area and removal of soils off site to create a level platform, the proposals include the installation of a brick retaining wall on the north and east elevations.

Materials would be natural cedar boarding with rendered panels of a cherry red colour to match the school, interlocking slate smooth grey roof tiles and upvc windows and doors. The new retaining walls would have facing brick to match school facing brickwork.

## **Policy Context**

### Unitary Development Plan (UDP) :

Existing Community Facility.

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

CSP29 – Design – sets out the overarching design principles for the borough to ensure that development is appropriate to its context and states that high quality development will be expected.

CSP43 – Educational Facilities and Community Uses – states that we will support the provision of schools, educational facilities and other community facilities.

### Barnsley Unitary Development Plan adopted 2000 (UDP) (saved policies):

No relevant saved policies.

### National Policy Planning Framework:

Core planning principles relating to high quality design and delivering sufficient community and cultural facilities and services to meet local needs are considered particularly relevant.

Requiring good design.

- Good design is a key aspect of sustainable development.
- Planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, respond to local character and history and are visually attractive.

Promoting healthy communities.

- Local planning authorities should give great weight to the need to create, expand or alter schools

### Supplementary Planning Documents (SPD):

Residential Amenity and the Siting of Buildings – supplements CSP29 and sets out the design principles that will apply to the consideration of planning applications for non- residential buildings in proximity to existing residential properties.

Parking – sets out the parking standards that the Council will apply to all new development.

## **Consultations**

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

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

## **Representations**

The application has been advertised as being of Local Interest by way of site notice and neighbour notification. No representations have been received.

## **Assessment**

### Principle of development

Policy CSP43 makes it clear that the Council will support the provision of the facility in question and the NPPF promotes the expansion of schools.

Whilst the proposal would extend onto an existing playground area it is considered that there would be sufficient remaining play areas within the boundary of the site to accommodate the needs of the school children.

In accordance with the SPD – Residential Amenity and the Siting of Buildings, however, for a development to make a positive impact, it needs to be successfully integrated into the wider built environment in which it is located. New developments must fit in with their surroundings in terms of height, spacing, massing, landscaping and design (e.g. materials, position of windows etc.) and not cause undue loss of amenity to existing residents.

Similarly, policy CSP29 and the NPPF require development to be of high quality and appropriate to its context.

### Design/Residential amenity/Visual amenity

It is considered that the proposal essentially meets the criteria set out in the above policies, SPD and planning policy statements; in particular:

- The extension would successfully integrate/fit in with the existing mix of pitched and flat roof school buildings in terms of height, spacing, massing and design (other than materials);
- There would be no loss of outlook, residential amenity, privacy, daylight/sunlight or any overbearing/overshadowing effect as the extension would be single storey and the curtilage of the nearest residential property would be some 24m away off Blackburn Lane. Windows on the building would mainly face within the site to the north-west (towards the junction of Pogmoor Road, Greenfoot Lane and Gawber Road) and south east (towards the school playing fields). Views from those on the side elevation facing towards Blackburn Lane would be severely restricted by site levels; the school fence and mature boundary landscaping.
- The proposed extension would have no significant impact on visual amenity, being of an attractive modern design and in any event, not being readily viewed from public areas.

Whilst the proposed extension would not match the existing school buildings in terms of materials, the inclusion of natural cedar boarding and rendered panels to at least match the school Cherry Red, would provide a fresh modern element and add interest with a mixture of materials and textures.

To safeguard residential amenity during the construction period, the Council's Regulatory Services have requested that a condition be imposed on any grant of planning permission in respect of working days/hours.

### Highway Safety

The Council's SPD – Parking requires one car parking space to be provided per three teaching/non-teaching staff. The number of staff employed at the school including teachers, assistants, office staff, cleaners etc. is currently 55 and from the next school year will be 57

resulting in a parking requirement of 19 spaces. As noted above, the school already has 22 marked spaces.

In the circumstances, the Council's Highways Section has no objections subject to the imposition of conditions relating to the retention of the parking spaces and the submission of a construction method statement.

### Conclusion

The planning policy background supports the provision and expansion of educational facilities subject to design and there being no adverse impact on residential amenity. The proposed classroom extension substantially complies with the policy requirements and the school has sufficient parking to accommodate the small expansion in staff numbers.

### **Recommendation**

#### **Grant subject to conditions:-**

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

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

- 2 The development hereby permitted shall only be carried out in accordance with the following documents:
  - a) Untitled drawing, numbered NPS-DR-A-(90)-011 Rev P1 showing the planning application red line boundary;
  - b) Drawing titled 'Classroom Extension and Internal Alterations - Location Plan', numbered 17-16-1-1026 010 and dated 16 April 2015;
  - c) Drawing titled 'Classroom Extension and Internal Alterations - Existing Floor Plan', numbered 17-16-1-1026 001 and dated 16 April 2015;
  - d) Drawing titled 'Classroom Extension and Internal Alterations - Existing and Proposed Elevations', numbered 17-16-1-1026 0100 and dated 16 April 2015, except as superseded by drawings below;
  - e) Drawing titled 'Proposed Elevations', numbered NPS-DR-A-(21)-100 Rev P2 and dated 28 May 2015;
  - f) Drawing titled 'Proposed Elevations', numbered NPS-DR-A-(21)-101 Rev P2 and dated 28 May 2015;
  - g) Drawing titled 'Proposed Plan', numbered NPS-DR-A-(21)-002 Rev P2 and dated 28 May 2015;
  - h) Drawing titled 'Car Parking Layout - Existing', numbered NPS-DR-A-(90)-030 Rev P1; and
  - i) The submitted Design and Access Statement.

Reason: For the avoidance of doubt and to accord with CS policy CSP29, the relevant planning policy statements in the NPPF relating to requiring good design and SPD - Residential Amenity and the Siting of Buildings.

- 3 The parking/manoeuvring facilities indicated on the submitted plan, shall be retained for that sole purpose at all times.

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

- 4 No development shall commence, 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:

- a) The parking of vehicles of site operatives and visitors;
- b) Means of access for construction traffic;
- c) Loading and unloading of plant and materials;
- d) Storage of plant and materials used in constructing the development;
- e) Measures to prevent mud/debris being deposited on the public highway; and
- f) Timing of deliveries and construction traffic movements to avoid school start and finish times.

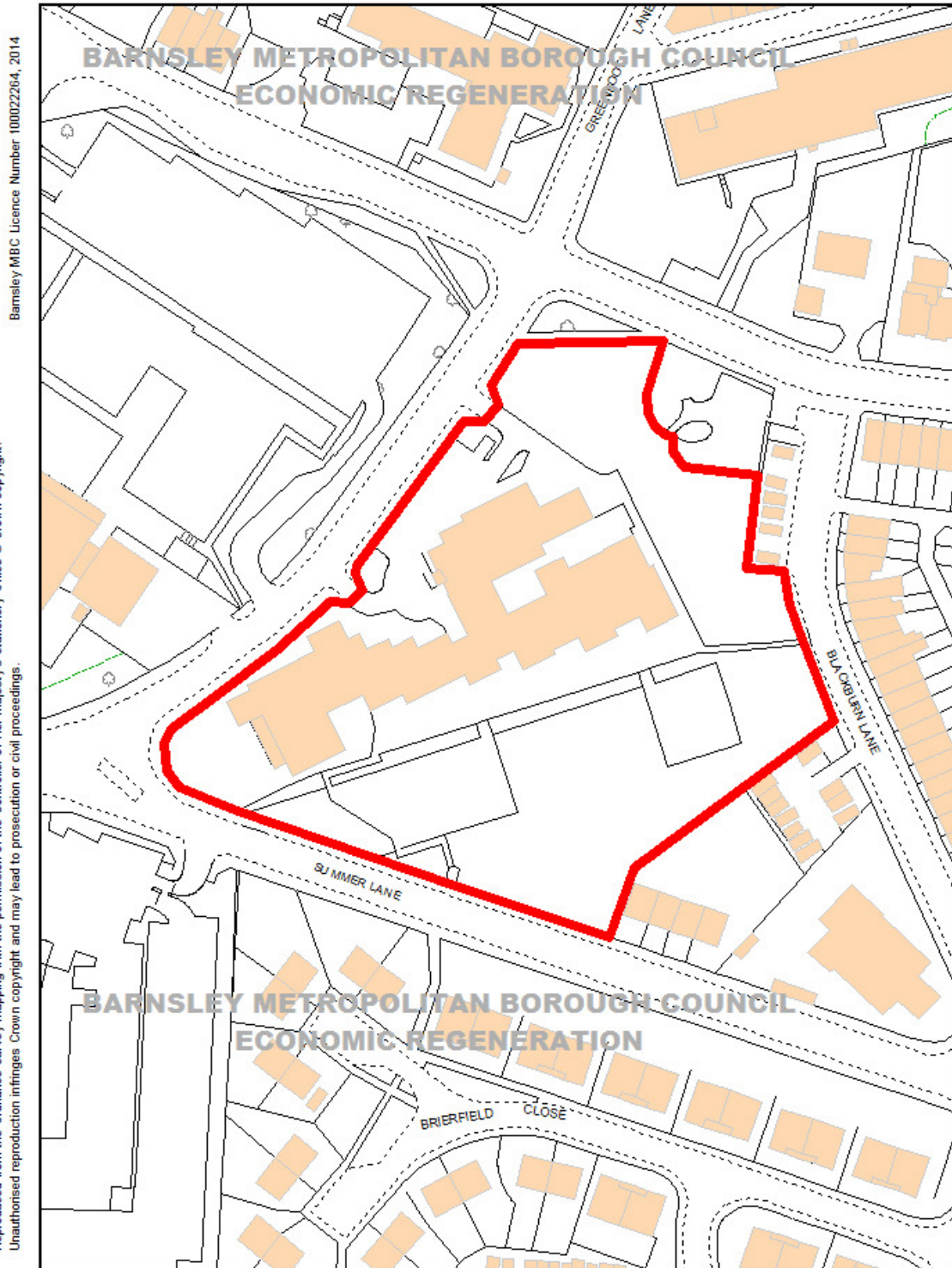
Reason: In the interests of highway safety in accordance with CSP26.

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

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

PA reference :-

2015/0479



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Scale 1:1250



**BARNSLEY METROPOLITAN BOROUGH COUNCIL**

**PLANNING APPEALS**

**01 May - 31 May 2015**

**APPEALS RECEIVED**

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/Delegated</u></b>
2014/0257	Erection of store building to bakery (Retrospective)  Whites Bakery, Charles Street, Worsbrough Bridge, Barnsley, S70 5AF	Written Representation	Delegated

**APPEALS WITHDRAWN**

No appeals were withdrawn in May 2015.

**APPEALS DECIDED**

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Decision</u></b>	<b><u>Committee/Delegated</u></b>
2014/0315	Formation of car park (Retrospective)  Land at Old Mill Lane, Barnsley	Written Representation	Dismissed	Committee
2014/1256	Erection of 1 no. detached dwelling and detached garage.  Land adjacent to 59 Weetshaw Close, Shafton, Barnsley, S72 8PZ	Written Representation	Dismissed	Delegated

**2015/2016 CUMULATIVE APPEAL TOTALS**

- 2 appeals decided since 01 April 2015;
- 2 appeals (100%) dismissed since 01 April 2015;
- No appeals (0%) allowed since 01 April 2015