

Public Document Pack



MEETING:	Planning Regulatory Board
DATE:	Tuesday, 26 July 2016
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

Planning Application(s) No: 2015/1157

Please meet at the Town Hall for immediate departure at 11.15 a.m.

Plan Number	Site	Approx Time of Arrival
2015/1157	Planning application for change of use of part (amounting to 222 square metres of total warehouse floor area) of existing warehouse to car dismantling workshop at Former Dairy Depot, Beever Street, Goldthorpe <i>Please note: Local Members are invited to attend in respect of those visits within their Ward.</i>	11.35 a.m.

The remainder of the agenda will be considered at 2.00 p.m. in the Council Chamber

2. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest from Members in respect of the under mentioned planning application/s which is/are subject of a site visit.

MEETING:

3. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 28th June 2016

4. Town and Country Planning Act 1990 - Part III Applications - Speakers/Site Visits

To consider applications whereby speakers have indicated a desire to address the Regulatory Board *(if any)*.

If you have any queries in respect of the planning applications included within this pack, or if you would like to register to speak at the meeting, please contact the Planning Department directly at developmentmanagement@barnsley.gov.uk or by telephoning (01226) 772593.

5. Town and Country Planning Act 1990 - Part III Applications *(Pages 7 - 80)*

The Head of Planning and Building Control will submit a report on applications received for consideration.

6. Public Footpath Diversions - Application to divert Dearne public footpath no. 18 south of Barnburgh Lane at Goldthorpe. *(Pages 81 - 88)*

The Service Director Environment and Transport will present a report seeking approval to divert Dearne public footpath no. 18 south of Barnburgh Lane at Goldthorpe.

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), G. Carr, Coates, M. Dyson, Franklin, Gollick, David Griffin, Grundy, Hampson, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, Mathers, Mitchell, Noble, Richardson, Riggs, Saunders, Spence, Stowe, Unsworth, Wilson and R. Wraith

Matt Gladstone, Executive Director Place
David Shepherd, Service Director Economic Regeneration
Paul Castle, Service Director Environment and Transport
Joe Jenkinson, Head of Planning and Building Control
Matthew Smith, Group Leader, Development Control
Steve Kirkham, Planning Officer Group Leader (Inner Area)
Jason Field, Interim Senior Lawyer (Planning)

Parish Councils

Please contact Elizabeth Barnard on (01226) 773420 or email governance@barnsley.gov.uk

Monday, 18 July 2016

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 28 June 2016
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), Coates, Franklin, Gollick, Hampson, Hand-Davis, Hayward, Higginbottom, Makinson, Markham, Mitchell, Noble, Richardson, Riggs, Saunders, Spence, Stowe, Wilson and R. Wraith together with Councillor Tattersall (at the invitation of the Chair).

In attendance at site visit

Councillors D. Birkinshaw, Hampson, Spence and R. Wraith together with Councillor Tattersall (at the invitation of the Chair).

5. Declarations of Interest

There were no declarations of Pecuniary/Non-Pecuniary interest in respect of any of the items on the agenda.

6. Minutes

The minutes of the meeting held on 31st May 2016 were taken as read and signed by the Chair as a correct record.

7. Town and Country Planning Act 1990 - Part III Applications - Speakers/Site Visits

Planning application 2016/0439 – Variation of Condition of application 2007/2148: Erection of four industrial units (B1, B2 and B8) each with 3 storey ancillary office accommodation, car parking, service yards and associated works; land off Wentworth Way, Wentworth Park Industrial Estate, Barnsley, S75 3DJ.

Mr Tony Plowman addressed the Board and spoke in favour of the officer recommendation to grant the application.

Mr Richard Garforth addressed the Board and spoke against the officer recommendation to grant the application.

RESOLVED that the application be granted in accordance with the officer recommendation and subject to additional condition for a Noise Management Plan, to include measures such as 'white noise' reversing on vehicles.

Planning application 2015/0380 – Residential Development of 30 no. 2, 3, and 4 bed dwellings (Reserved Matters to application 2013/0813).

Mr Patrick Herbert addressed the Board and spoke in favour of the officer recommendation to grant the application.

RESOLVED that the application be granted in accordance with the officer recommendation and subject to signing of S106 agreement.

Planning application 2015/1388 – Demolition of existing single storey workshop, erection of three storey apartments providing 7 no. flat studios, new reconfigured external works and car parking (outline) at land off School Street, Hemingfield

Ms Ann Vaughan addressed the Board and spoke against the officer recommendation to grant the application.

In accordance with the agreed protocol, a recorded vote was taken on this planning application with the amendment to refuse the application being:-

MOVED by Councillor Stowe and **SECONDED** by Councillor Makinson, with voting being recorded as follows:-

In favour of the amendment to refuse the application:- Councillors D. Birkinshaw, Coates, Gollick, Hampson, Hand-Davis, Hayward, Higginbottom, Makinson, Markham, Mitchell, Noble, Richardson, Riggs, Saunders, Spence, Stowe, R. Wraith and Wilson. The vote was unanimous in that no Councillors voted against the amendment to refuse the application and no Councillors abstained from the vote. All Councillors present at the time of the vote actually voted.

RESOLVED that the application be refused, contrary to office recommendation, on grounds of overbearing impact on neighbouring properties to the detriment of their residential amenities.

8. Town and Country Planning Act 1990 - Part III Applications

The Head of Planning and Building Control submitted a report on applications received for consideration together with an update regarding cumulative appeal totals.

Planning application 2015/1269 – Change of use of land to a private gypsy and traveller caravan site comprising of 11 no. pitches at Land to the south of Middlecliffe Lane, Little Houghton, Barnsley

The planning application was withdrawn by the applicant.

Planning application 2015/1157 – Change of use of part (amounting to 222sq m of total warehouse floor area) of existing warehouse to car dismantling workshop at Former Dairy Depot, Beaver Street, Goldthorpe

RESOLVED that the application be deferred for a site visit.

Planning application 2013/0373 – Removal of Condition 1 and Variation of Condition 3 of application 2007/0905 – Extension to Planning permission to allow permanent residential occupation of the site by the applicant for 2 no. touring caravans and 1 no. amenity building (part retrospective) at The Stables, Pleasant View Street, Barnsley

RESOLVED that the application be granted as per officer recommendation.

Planning application 2016/0288 – Outline application for residential development at land at Sandygate Lane, Stairfoot

RESOLVED that the application be granted as per officer recommendation.

Planning application 2016/0300 – Erection of two storey medical centre with integrated pharmacy and retail unit including associated parking and landscaping at Burleigh Street, Barnsley.

RESOLVED that the application be granted as per officer recommendation. and subject to agreement of additional condition relating to boundary treatment to car park and signing of Section 106 agreement.

Planning application 2015/0097 – Demolition of existing buildings and canopy and construction of development comprising 3 new retail units along with provision of associated access and car parking (amended plans) at Former Aldham Bridge Services, Wombwell Lane, Wombwell

RESOLVED that the application be granted as per officer recommendation.

Planning application 2016/0436 – Change of use from retail (Class A1) to a flexible use for a trampoline park (Class D2) or retail (Class A1) at Former MFI/Powerhouse Retail Unit, Twibell Street, Barnsley

RESOLVED that the application be granted as per officer recommendation. and with additional noise condition.

Planning application 2016/0567 – Proposed new school playground to rear and change existing playground to staff car park at Hoylandswaine Primary School, Haigh Lane, Hoylandswaine

RESOLVED that the application be granted as per officer recommendation.

Planning application 2016/0413 – Variation of Condition 2 (approved plans) of application 2015/0421 (erection of temporary mobile classroom to primary school for early learning and associated services connections) relocation of mobile classroom and erection of fencing at Hunningley Primary School, Hunningley Lane, Stairfoot.

RESOLVED that the application be granted as per officer recommendation.

Planning application 2016/0479 – Crown lift to 5m and remove epicormic growth from 5 sycamore trees T5, T6, T7, T8, and T11 and Lime Tree T9 within TPO 32/2008 at Barnsley Cemetery, Cemetery Road, Hoyle Mill

RESOLVED that the application be granted as per officer recommendation.

Planning application 2016/0541 – Crown Removal to 100% to reduce future hazards of T4 sycamore within TPO 8/1974 at Playing Field Perimeter/Public Open Space, Dodworth.

RESOLVED that the application be granted as per officer recommendation.

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2016/17. It was noted that one appeal (2016/0286) was received in May 2016. No appeals were withdrawn in May 2016. 3 appeals have been dismissed (100%) since 1st April 2016.

Chair

Item 5

Report Précis

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

Date: 26.07.2016

Subject

Applications under Town and Country Planning Legislation.

Purpose of Report

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

Access for the Disabled Implications

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

Financial Implications

None

Crime and Disorder Implications

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

Human Rights Act

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

Representations

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

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

Recommendation(s)

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

Background Papers

These are contained within the application files listed in the following schedule of planning applications. They are available for inspection at the Central Library, Wellington House, 36 Wellington Street, Barnsley, S70 1WA

INDEX

2015/1157 Approval**Page 9**

Change of use of part (amounting to 222 square metres of total warehouse floor area) of existing warehouse to car dismantling workshop
Former Dairy Depot, Beever Street, Goldthorpe, Rotherham, S63 9HT

2016/0259 Approval**Page 19**

Outline planning application for development of up to 36 dwellings with all matters reserved apart from means of access.
Land West of Smithy Wood Lane, Dodworth, Barnsley, S75 3NJ

2015/1134 Approval**Page 34**

Application for approval of reserved matters of outline planning permission 2012/0537 - Proposed development of 102 dwellings with associated access, parking and landscaping.
Willowgarth High School, Brierley Road, Grimethorpe, Barnsley, S72 7AJ

2016/0068 Approval**Page 43**

Variation of conditions 3 and 6 of app 2015/0823 - to permit revised access arrangements and to increase the number of HGV traffic movement
Former Carlton Colliery, Shaw Lane, Carlton, Barnsley, S71 3HU

2016/0396 Approval**Page 56**

Erection of extension to existing outbuilding to form garage and store and demolition of existing shed and outbuildings
35 High Bank, Thurlstone, Sheffield, S36 9QH

2016/0633 and 2016/0758 Approvals**Page 63**

Works within grounds of Cannon Hall including formation of 6. no. disabled parking spaces, reconfiguration of forecourt, reinstate pond, repair growing trees and footpaths, change use of Gardener's Cottage, remove cart sheds to form access between museum and walled garden, repair works to Stable Yard Cottage to create holiday let cottage, partly restore and repair North Range Glass House and improvements to cafe settings.
Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley, S75 4AT

Works within grounds of Cannon Hall including restoration of Deer Shelter, repairing and access works to Ice House, formation of hard standing amendments to forecourt, south terrace and footpaths, restoration and amendment to walled garden including new entrance, removal of cart sheds and wall section, amendment to Stable Yard and Gardener's Cottage, repairs to Pinery, alterations to paths and planting and recreate pond. (Listed Building Consent)
Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley, S75 4AT

2015/0578 Approval**Page 75**

Remove Elm tree T1 and Beech tree T2 within TPO: 6/1993
Public Open Space, Bowden Grove, Dodworth, Barnsley, S75 3TB

2015/1157

Applicant: Maxis Trading Ltd

Description: Change of use of part (amounting to 222 square metres of total warehouse floor area) of existing warehouse to car dismantling workshop

Site Address: Former Dairy Depot, Beaver Street, Goldthorpe, Rotherham, S63 9HT

5 individual objections and a petition with 154 signatures received

Background

This application was deferred from the June Planning Board in order to allow Members the opportunity to visit the site. The report below is as Members saw it previously apart from an additional condition relating to limiting the area of the car dismantling workshop to the 222 square metres applied for.

Site Description

Beaver Street is close to the centre of Goldthorpe and its junction with Doncaster Road is opposite where a new school is currently being constructed.

To the south of Doncaster Road there is a cluster of residential streets, (Cooperative Street and Victoria Street) which are closely knit and connected to Beaver Street by Cross Street

Whilst, the top end of Beaver Street contains predominantly terraced housing there are also some commercial uses including an auto repairs business. Beyond Cross Street Beaver Street takes on an industrial nature with GM Asquith Fabrications and open storage.

The site was a dairy depot but most recently has been used for the storage of second hand clothes.

Relevant Planning History

2013/1330

The adjacent land has an extant outline planning permission for an indicative number of 125 dwellings as specified within the application. This was a renewal of outline planning permission from 2006 and 2010 and was granted on 22 April 2014.

One condition states that there shall be no vehicular access from the site to Beaver Street other than for emergency vehicles.

Proposed Development

This application has been amended since its original submission. Originally the application sought permission to change the whole of the existing warehouse to a proposed scrap metal and motor salvage centre. However, the proposal has now been considerably scaled down so that the use change would be for just over a third of the warehouse floor area i.e. 222 square metres, compared to the overall building size of 700 square metres.

The applicants have clarified that this proposal is for about one third of the existing building only and that the existing clothes warehouse use would be retained in the remainder. The red line has

been amended to only include that part of the site where the dismantling is proposed. The remainder of the site is shown in blue as it is under the applicant's ownership. The amended plan also shows vehicular turning areas for both the existing and proposed use and 14 parking spaces (and overspill parking if required).

The proposal is car dismantling of end of life vehicles, which would be classed as sui generis in planning terms.

The applicants have supplied the following details in support of their application:

"The proposed motor salvage area will be open for business six days per week with opening hours Mon – Fri 9am – 5pm and Sat 9am -2pm. No work will take place on Sundays or bank holidays. The business will be closed for three weeks during December and for a further three weeks being the last week in July and the first two weeks in August. The above working hours are the same for the existing business.

One full time staff member and two part time staff members. If the application is approved the client will employ one further staff member on a full time basis. The first shutter door in the building will be used for the recovery vehicle. A new staff door that will have a shutter cover will be located facing Beaver Street.

The motor salvage area will house one hydraulic stand and only one car will be worked on at any one time. Work will be carried out using hand tools and no crushing machines will be used in the operation. Cars will not be kept outside of the workshop. The door to the workshop will be kept closed at all times except for the delivery of vehicles to the workshop/one vehicle per week.

Two parking spaces are proposed as per SPD parking guidelines.

Type/dimensions of Recovery truck would be a 2.43m x length 6m. Maxis Trading Ltd will purchase the truck, if application is successful, to deliver one vehicle per week for dismantling. The truck will be kept inside of the workshop for security reasons.

The recovery truck does not have to reverse on the public road. The recovery vehicle will enter the site in forward gear and reverse back into the motor salvage area. The car will be unloaded allowing the recovery vehicle to move forward and leave the site in forward gear.

The total length of the area available for turning is 24m with 10.5m stopping area available before reversing into the workshop and 10.2m stopping area available when moving forward in the direction of the gates to way out.

For the past three years the warehouse is used for the storage of recycling clothes. The clothing items are delivered to the site via Ford Transit van at the end of each working day. The delivery vans operate on the strict time table basis and leave the yard after unloading."

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.

Core Strategy

CSP19 Protecting Existing Employment Land
CSP26 New Development and Highway Improvement
CSP29 Design.
CSP40 Pollution Control and Protection

Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP)

Relevant to this application are:

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

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

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

Saved UDP Policies

The site is within an Employment Policy Area on the UDP.

SPDs/SPGs

Parking

Emerging Local Plan

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

The Publication Consultation Document of the Local Plan allocates the site as a large housing allocation.

NPPF

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

doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

The Framework does not contain specific waste policies, since national waste planning policy will be published as part of the National Waste Management Plan for England. Some useful paragraphs are:

Paragraph 120.

To prevent unacceptable risks from pollution and land instability, planning policies and decisions should ensure that new development is appropriate for its location. The effects (including cumulative effects) of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account. Where a site is affected by contamination or land stability issues, responsibility for securing a safe development rests with the developer and/or landowner.

Paragraph 122.

Local planning authorities should focus on whether the development itself is an acceptable use of the land, and the impact of the use, rather than the control of processes or emissions themselves where these are subject to approval under pollution control regimes. Local planning authorities should assume that these regimes will operate effectively. Equally, where a planning decision has been made on a particular development, the planning issues should not be revisited through the permitting regimes operated by pollution control authorities.

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

Building a strong, competitive economy.

The planning system should support sustainable economic growth.

Promoting sustainable transport

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

Conserving and enhancing the natural environment.

The planning system should contribute to and enhance the natural and local environment by (amongst other things), preventing new development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

Planning decisions should ensure that new development is appropriate for its location. The effects of pollution on general amenity should be taken into account.

Local planning authorities should assume that the control of processes or emissions where subject to approval under pollution control regimes will operate effectively.

Planning decisions should aim to avoid noise from giving rise to significant adverse impacts.
Planning Policy Statement 10 (PPS 10)

PPS 10: Planning for Sustainable Waste Management has not been superseded by the NPPF. The overall objective is to protect human health and the environment by producing less waste and by using it as a resource wherever possible.

The key aim of PPS 10 is to break the link between economic growth and the environmental impact of waste by moving the management of waste up the 'waste hierarchy' of prevention, preparing for reuse, recycling, other recovery, and only disposing as a last resort. Applicants for waste disposal facilities should be able to demonstrate that the envisaged facility will not undermine the waste planning strategy through prejudicing movement up the waste hierarchy. In considering planning applications, waste planning authorities (WPA) should consider the likely impact on the local environment and on amenity.

Waste Strategy for England 2007

The strategy builds on the Waste Strategy 2000 and reiterates the need to apply the waste hierarchy. Most products should be re-used or their materials recycled and encouragement is given to the waste management industry to invest in facilities to recycle and recover waste.

Consultations

Highways- No objection to the amended plan showing parking and turning areas.

Pollution Control- Confirm that they have no objections or further comments to make.

Highways drainage/YWA-No comments

Representations

The application was originally made with the whole warehouse being considered for a change of use. As a result 5 individual objections and a petition with 154 signatures received.

The matters raised are as follows

1. Poor Environment close to people's homes. The use would be unsightly.
2. The doors and windows of the building will be left open so the use will cause disturbance if dismantling takes place. Furthermore, scrap will be moved around the site.
3. Air pollution if burning takes place causing health problems
4. Noise nuisance will result from use and increase in traffic.
5. Contrary to efforts to regenerate the area including new school, new housing and demolition of older houses.
6. Will cause road safety and other hazards for school children.
7. Scrap yards already exists in the area but these are away from houses.
8. Will attract criminals and result in more crime in adjacent residential area. There will also be more anti-social behaviour.
9. Who will want to buy a house next to a scrap yard thereby putting proposed any new housing into question. The Ogden Group who own the housing land has objected
10. Only 2 jobs are created (the applicants state that there will be 5 jobs, which will not benefit local people.
11. Will attract vermin.

The applicant clarified the nature and extent of the use and the application was re-advertised on 8th March and this exercise has resulted in the following responses:

Two individual letters and an e-mail that included

1. The size of the area is irrelevant, we do not want a scrap yard.
2. The company will do as they like once permission is granted.
3. The applicants have already cut down trees and done other works.
4. Beever Street needs to be improved.
5. There are already too many scrapyards in the area.
6. There is a new school being built at the top of the street.
7. Commercial traffic is already causing major problems in this residential street.
8. More commercial traffic, noise and pollution result if this allowed and residents will suffer reduced quality of life.

Assessment

Principle of Development

The draft Local Plan designates the land for housing and planning permission exists for residential development on adjacent land. However, the UDP designates the site as being within an Employment Policy Area. The UDP is the adopted policy and the draft Local Plan carries little weight at present.

It is considered that the proposed uses are compatible within an existing industrial area and this site which is designated as an employment policy area. As such Core Strategy policy CSP19 on Protecting Existing Employment Land is met. Development would provide much needed jobs, albeit only 5 jobs are proposed.

The existing depot and the adjacent fabrication unit are precedents for many industrial or warehousing uses. However, a car dismantling use is outside of any planning use class (*sui generis*) so it could reasonably be argued that there is not a precedent for the proposed use.

Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP) states that the types of location where waste proposals may be acceptable in principle include existing waste sites and designated employment and industrial areas/sites.

This is an existing employment land is close to the centre of Goldthorpe and as such Core Strategy policies CSP8 Location of Growth and CSP25 New development and sustainable travel will also be met.

Car dismantling would be regarded as a small scale waste management facility contributing towards the aim of sustainable waste management in line with the waste hierarchy. As it is serving a local catchment area on an existing employment area, and being within the settlement boundary with good transport links it is considered to comply with relevant policies WCS1 and WCS4, SD1, GD1 and PPS 10 and the Waste Strategy for England 2007.

Residential Amenity

A major concern is the potential for noise and other nuisance resulting from the dismantling process, associated commercial traffic movements and general activity on the site. It is feared that the noise generated and disturbance could affect residents on nearby residential streets. Officers in Pollution Control have considered the submitted noise report, hours of operation and clarification on the nature of the use and advised that the proposed mitigation measures would overcome noise issues.

A noise report has been submitted that gives the distance to the nearest residential property as 30m. It is claimed that the noise generated by the adjacent fabrication plant is 100 dB but this reduces by 41 dB to 59 dB breakout from the building. It is assumed that the breakout noise from a

car dismantlers would be 37dB, which results in a noise estimate of 29 dB when measured at the nearest noise sensitive boundary.

Additional mitigation measures are proposed to allay the concerns about potential noise and other nuisance. There would be limited hours of opening (8.30 am to 5.00pm Monday to Friday and 9.00am to 2.00pm on a Saturday with no working outside these hours) and all dismantling and other works would be carried out within part of the building.

The type of vehicle to be used has also been clarified. Assurances have been given that a car transporter would not be used to visit this and other dismantling businesses in various locations in the area.

Reference is made by objectors to potential for air pollution from burning of tyres. This would be a matter that is prohibited and the business controlled by the Environment Agency. A Waste Management Licence will be required before the use can be brought into operation and the Environment Agency would monitor any breaches. Other concerns in terms of residential amenity would be similarly affected by the other existing employment uses adjacent to the site that could change hands without any need for a planning application.

Given the above measures to mitigate the specific noise and the fact that the site is within an existing employment designation no objections are raised in terms of compliance with policies CSP40 Pollution Control and Protection.

Visual Amenity

The site forms part of an established employment area where similar buildings with parking and storage at the front exist. There is open countryside and housing around these uses. A public footpath passes to the north of the site.

It is stated that all of the processes will take place in the building there will be no external storage. There is a parking plan that indicates that existing boundary treatments will be retained. Local residents have claimed that trees have been removed so replacement planting would be required.

If the assurances outlined above are conditioned the proposal would meet the requirements of Core Strategy policy CSP29 on Design.

Regeneration of Goldthorpe

There is concern expressed that this development would prejudice the development of adjacent land for housing. Planning permission has been granted in 2006 so has existed for a long time. This permission was obtained and has been renewed in the knowledge that this is an employment allocation in the UDP. Whilst, the land is allocated for residential development in the draft Local Plan this carries little weight and on the basis of current policy it would be difficult to defend the position that allowing this application would prevent an historic residential development taking place.

Highway Safety

Beever Street is predominantly residential and normally commercial/industrial use should not be served by a residential street. However, this is an existing unit which is being split to form a small workshop. The submission states that it will be a small scale operation with only one vehicle being dealt with at any one time, and that vehicle will be brought in by a recovery type vehicle or small flat back lorry. This is unlikely to be any worse than the vehicles which serve the existing unit, and a recommendation of refusal on highway grounds could not be sustained. In order to prevent multiple vehicles being brought in on much larger vehicles, which would be totally inappropriate for

a residential street with extensive on street parking, a condition preventing external storage would be appropriate.

The applicants were also required to show suitable parking and turning facilities for both the existing and proposed uses. This has been done and suitably amended plans have been received that meet highway requirements.

Conclusion

Whilst it is acknowledged that the scheme has generated a lot of public opposition, the proposal has been reduced since the original submission to ensure that the size of the area to be used allows only one car can be operated on at once. The opening times proposed are consistent with normal working hours and conditions can be imposed to ensure there is no external storage of vehicles or materials. The site is in an existing employment unit and will create employment opportunities. Whilst there are residential properties nearby, and potentially could be others built in the futures, the Council's Pollution Officer is satisfied that the scheme would not be of detriment to residential amenity. The proposal has also not met with any objections from the Highways Section. Given these circumstances it is not considered that there would be any significant detriments from the proposal to warrant refusal of the application. The scheme is therefore 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 plans CP1/AR/RevB and specifications as approved unless required by any other conditions in this permission.

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

- 3 The use hereby permitted shall be carried on only between the hours of 09.00 to 17.00 Mondays to Fridays, 09.00 to 14.00 on Saturdays and at no time on Sundays or Bank Holidays.

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

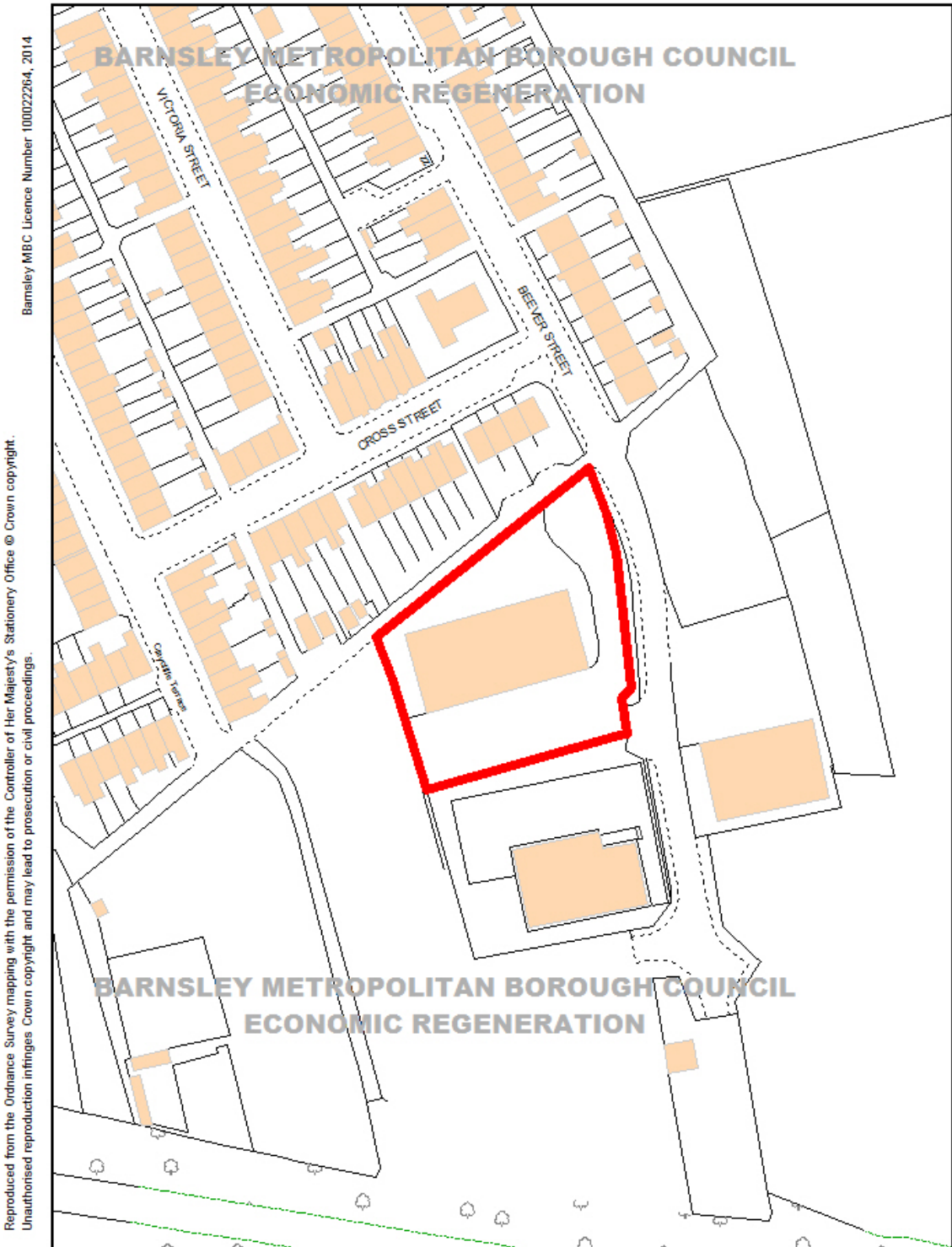
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works (boundary screening), including details of the species, positions and planted heights of proposed trees and shrubs; together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

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

- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 7 There shall be no external storage of vehicles or materials.
Reason: To ensure adequate on site parking/manoeuvring areas, discourage the use of larger delivery vehicles, in the interests of road safety and prevent visually intrusive clutter in the interest of the visual amenities of the area and in accordance with Core Strategy policies CSP26 New Development and Highway Improvement and CSP29 Design.
- 8 The change of use is limited to an area of 222 square metres of the existing warehouse as shown within the red edge area indicated on Car Parking Layout Plan Revision B.
Reason: In the interests of clarity and neighbouring amenity, as the application only relates to a change of use of part of the building, and to comply with CSP40.

PA reference :-

2015/1157



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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

2016/0259

Applicant: Trustees of the Wentworth Nominee Trust

Description: Outline planning application for development of up to 36 dwellings with all matters reserved apart from means of access.

Site Address: Land West of Smithy Wood Lane, Dodworth, Barnsley, S75 3NJ

11 letters of objection have been received from local residents.

Site Description

The site is a 1.1ha parcel of a field that is located to the west of Smithy Fold Lane in Gilroyd, Dodworth. The site is approximately triangular in shape and infills a gap located in between existing houses located on Intake Crescent to the west (two storey semi-detached houses) and Smithy Fold Lane and Calver Close to the north and east of the site (a mixture of two storey detached houses and bungalows).

The majority of the site is an open grass field. There is varied topography throughout the site whereby there is up to a 12m fall between the west and east boundary. The southern boundary of the site is unmarked at present adjoins open countryside.

The site has a public footpath spanning across the majority of its eastern and northern boundary whereby Smithy Wood Lane downgrades from a road to a public footpath. Barriers are in place to prevent use by motorised vehicles.

Proposed Development

The proposal is a development of up to 36 dwellings. The application is in outline form with all matters reserved apart from means of access.

The application is accompanied by an indicative layout plan which illustrates a potential development of 10 x 2 bed, 20 x 3 bed and 6 x 4 bed houses. However the applicant has explained that the plan has been submitted on an illustrative basis only and that the plan should not be relied upon to inform a future application for the approval of the reserved matters which it is stated could include fewer or a greater number of smaller homes.

The only matter of detail associated with the application therefore is the means of access proposal which is proposed via a single means of access from Smithy Wood Lane. This would link in with Smithy Wood Lane opposite the existing junction between Smithy Wood Lane and Bradwell Avenue. The plans also include a 5.5m landscape buffer on the (southern) boundary between the development and the open countryside.

History

There have been no previous planning applications on the site.

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 the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Local Development Framework Core Strategy

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

Saved UDP Policies

UDP notation: Safeguarded Land

SPD's

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

Other

South Yorkshire Residential Design Guide

Draft Local Plan

Proposed allocation: Housing Proposal

NPPF

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

Consultations

Biodiversity Officer – Does not object subject to conditions being imposed.

Coal Authority – Do not object to the development. However the response identifies that the site would be at risk from shallow coal workings. Therefore they consider that it would be necessary to impose a condition requiring intrusive site investigations prior to the commencement of development in order to identify any necessary remediation works.

Contaminated Land – States that a condition would be necessary requiring an intrusive site investigation to be carried out prior to the commencement of development to inform any necessary mitigation measures.

Drainage – No objections subject to conditions.

Highways – Do not object submit to conditions.

Regulatory Services – Do not object to the application. However conditions would be required in the form of a noise assessment to inform any necessary mitigation measures and a construction method statement.

Tree Officer – No objections subject to conditions requiring details including tree protective barrier details, a protection plan and a method statement prior to the commencement of development.

SYMAS – State that the site is located in a Coal Mining Referral Area and is potentially at risk from shallow coal workings. As such it would be necessary to impose a condition requiring intrusive site investigations to be carried out prior to the commencement of development to inform any necessary mitigation measures.

Yorkshire Water – No objections subject to a condition preventing piped discharge of surface water run off from the development into the public sewer network.

Representations

The application was advertised by neighbour notification to 69 properties, 2 site notices and a press notice. 11 objections have been received from local residents based upon the following concerns:-

Harm to the living conditions of existing properties – Loss of open views across the open countryside. Overlooking of existing properties, particularly the existing properties on Calver Close which are positioned on a lower land level. Loss of rural ambience having a detrimental impact on quality of life and health. Loss of daylight, particularly during winter months. Increase in noise and disturbance. Concerns with the location of the proposed access being located adjacent to existing house.

Impact on local services – Concerns that the development would further overburden the single bus service, doctors surgery and the congested road network serving this area of Dodworth/Gilroyd. In addition it is also queried about what extra resources would be available for district wide facilities such as the hospital as a result of all of the new proposed housing developments.

Water ingress affecting existing dwellings/groundwater flooding – Concerns that the development would lead to an increase in surface water run off from the site in the direction of the existing houses located near to the site on a lower land level. In addition concerns are raised that the development would exacerbate existing problems with poor drainage/ground water flooding on the

Calver Close estate which would harm living conditions as a result of gardens being unusable for a longer period of the year.

Other drainage issues – Concerns are raised that the drainage assessment has not taken into account of a natural spring within the site which it is stated runs all year round and has caused inundation problems affecting houses on Calver Close. It is asserted that the existing tenant farmer has had to construct a drainage system in a field located further to the south to mitigate these problems. In addition it is stated that the proposal to drain surface water run off via Stainborough Dike would be unsuitable because this already floods Gilroyd Lane during periods of prolonged heavy rainfall. In addition it is asserted that the ditches are filled with debris.

Highway safety – Concerns about on street parking on the existing roads in the village leading to the site and that additional traffic on the roads would increase the risk of accidents to drivers, cyclists and pedestrian users. Concerns are raised about the following locations in particular: - The junction between Smithy Wood Lane, Intake Crescent and Saville Road, on street parking on Smithy Wood Lane, High Street and Keresforth Road, the junctions between Pilley Hill and High Street, Gilroyd Lane and Low Lane in Stainborough.

Concerns that the development would impede future maintenance of existing hedgerows located on the outside of the boundary between existing dwellings and the new development.

Statements included in the applicants supporting documents are disagreed with – Concerns are raised that the statements that the site is typical urban fringe, that the site has been the subject of camping and fires and therefore difficult to farm are grossly exaggerated. It is also felt that no weight should be afforded to local plan representations as not all residents may have been notified.

Impact on biodiversity – Loss of part of a field located in the open countryside that has previously seen activity from foxes, hares, buzzards, swallows, frogs, squirrels, partridge, pheasants, barn owls, the occasional heron, hedgehogs, many other varieties of birds, deer, rabbits, wood mice, stoat, weasel, and bats.

Conflict with users of the public bridleway.

Harm to village character as a result of all of the recent housing estate developments throughout Dodworth.

Settlement mergence - Concerns that the development would remove the green wedge separation which currently exists between the Gilroyd Estate, the Bradwell Venue, Calver Close Estate and the Intake Crescent.

The site is mistakenly referred to by some objectors as loss of Green Belt land and associated concerns are raised that previous assurances were provided that the land would be protected from development for generations. It is also queried why in particular this site is proposed for development.

It is stated that brownfield sites should be discounted first before further greenfield sites are released for development.

Loss of property values are raised by some objectors although Members shall be aware that this is not a material planning consideration.

Loss of agricultural land.

The flood risk categorisation of the land is queried.

Highway maintenance – It is queried whether the existing roads and footpaths in the area shall be resurfaced to accommodate the new development.

Concerns are raised that residents of the new development would use the strip of land at the side of No.51 Intake Crescent and land in the fields behind the development as a shortcut rather than the proposed access road.

Concerns that the plans represent overdevelopment impacting on design, drainage, highway safety, parking and increased noise and disturbance.

It is queried what types of houses would be constructed.

It is queried whether the barriers on the public footpath were only installed recently in anticipation of the application being submitted. The assertion is that the Council has only got round to installing the barriers because of that.

Assessment

Principle of Development

The proposal is to extend the existing development on to a vacant field located to the south of the site which is 'Safeguarded Land' on the UDP proposals map and is provisionally designated as a Housing Proposal in the Publication version of the Local Plan.

As has been explained in a number of previous reports to the Planning Board in recent years concerning applications to build on UDP Safeguarded Land the purpose of the designation in the UDP was not to protect the land from development in perpetuity, but rather to designate land on the edge of existing settlements that may have been required to meet longer term development needs without the need to alter existing Green Belt boundaries at the end of the UDP plan period. This policy is now classed as being out of date since the publication of the NPPF which seeks to grant permission for proposals unless:-

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

The development would deliver benefits in that the development would contribute towards housing growth targets being met in the Barnsley Sub Regional Town (Urban Barnsley) which is the main priority to accommodate housing growth (CSP8, 9 and 10). Furthermore, although it would have only limited weight, the site is allocated as a housing allocation in the Publication Consultation Document of the Local Plan which indicates the direction of travel towards housing at this site, and that this is considered to be a sustainable location for housing development.

The development would also contribute towards addressing the current deficiency in the 5 year housing land supply and reduce pressure on the need to find land elsewhere for new housing land which is not in the Green Belt in order to meet the identified targets. All of these points are significant considerations in favour. However, the other implications of the development are assessed below:-

Visual Amenity

The relevant local planning policies for assessing the plans are the Designing New Residential Development SPD, CSP29 'Design', CSP14 'Housing Mix and Efficient Use of Land'. However it

shall only be possible to carry out a partial assessment of the application under these policies given that layout, scale, appearance and landscaping are not for consideration under this application.

It can be said that the indicative plan demonstrates that the site could be developed by a mix of different property sizes. It is also indicated that ¼ of the houses would be affordable housing leading to a mixed tenure. The plan also indicates that the site could deliver near to the minimum density aimed for of 40 dwellings per hectare. However a better standard of layout design would be expected at the reserved matters stage in order to achieve the high standards of design aimed for by CSP29.

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

An issue is that the southern boundary is located adjacent to the Green Belt. However the plans include a landscaping buffer which would avoid closed boarded timber fences and walls being exposed to open countryside. This detail on the indicative plans would need to be conditioned therefore.

The difference in levels across the site is likely to cause some issues at the detailed design stage. However layout is a reserved matter and so there is flexibility to accommodate changes at the detailed design stage to ensure suitable relationships that comply with the SPD.

In summary, the majority of issues relating to the design of the proposed development are reserved for a future application for the approval of the reserved matters. However there is no reason why suitable layout and elevation plans cannot be designed for the site which satisfy the range of planning policies covering detailed design matters including the Designing New Residential Development SPD, CSP29 'Design', CSP14 'Housing Mix and Efficient Use of Land'.

Residential Amenity

The application is highly sensitive because it is an open field which is currently overlooked by a large number of existing properties. In addition the levels of the properties to the east and north east of the site are positioned on a lower land level. Assessing the proposed relationships between new and existing properties would be one of the most important issues to assess as part of a future application for the approval of the reserved matters. It is the case that some of the indicative plots are below the separation distances aimed for by the SPD and this would need to be addressed even if it meant that dwellings numbers fall below the maximum number of 36 which has been indicated. However the applicant has acknowledged that the indicative layout plan should not be relied upon to inform a future application for the approval of the reserved matters which it is stated could include fewer or a greater number of smaller homes. The way that the application has been presented therefore and the fact that layout is a reserved matters allows scope for this matter to be resolved at the reserved matters application stage. Members shall also be aware that loss of view is not a material planning application.

It is also the case that the development would need to provide an adequate standard of amenity for future residents. This would mean that the separation distances between the new properties themselves and private rear gardens shall also be expected to comply with the minimum standards in the SPD. However again this is a consideration for the detailed design stage given that layout, scale and appearance are reserved matters.

Highway Safety

The application has been accompanied by a Transport Assessment which has considered the potential implications of the development on the local highway network.

The accompanying report advises that the proposed development would have the potential to generate up to 25 movements in the morning peak times and 20 in the afternoon. The report asserts that this level of trip generation could be absorbed by the local transport network, including the junction between the B6099 Stainborough Road priority junction without any adverse impacts. In addition the nearest bus stop is within the minimum recommended walking distance. Highways have considered the Transport Assessment and these findings and have commented as follows:

“The main access to the site is via High Street/Keresforth Road, leading onto Stainborough Road and then changes its name to Smithy Wood Lane, and the site is located at the end of Smithy Wood Lane. There are other means of access to the site but these are more tortuous, through the estate, the more direct route is that specified above. The junction of Stainborough Road with High Street/Keresforth Road is oblique and on the outside of a severe change in horizontal alignment. A right turning lane provides a refuge on the bend for right turning traffic and also improves visibility for oncoming traffic. Stainborough Road has narrow footways and is the subject of extensive on street parking at certain times of the day, which for some reason has not been supported by the parking survey.

The proposed development is described as being up to 36 dwellings. The application is outline in nature with the means of access to be determined at this stage. The Transport Statement demonstrates that there is no significant adverse impact on the existing highway network. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The approach to the site is not ideal in vehicular and pedestrian terms, however, there is very little opportunity to secure any improvements, and they would be difficult to justify for this level of development. Consequently, there are no objections to the proposed development in a highway context based on a development of up to 36 dwellings and subject to the appropriate conditions being included in any subsequent planning consent.”

The indicative layout plan has been designed to include the number of car parking spaces that would comply with the SPD. This solution has been achieved via the use of integral garages on 14 of the plots which is potentially a concern in design terms. Again however the fact that layout and appearance are reserved matters and the fact that the plans are illustrative and not to be relied upon would allow for this issue to be resolved at the reserved matters stage. Overall therefore the proposal is judged acceptable on highways grounds taking into account the NPPF and policies CSP25 and CSP26.

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

Open space provision –New green space provision is required to be provided as part of the development in accordance with SPD: Open Space Provision on New Housing Developments. The initial greenspace needs assessment has indicated that provision would be sought via a commuted sum to for enhancing existing facilities located off the site. However as the detail of the number and mix of dwellings is proposed to be saved for the reserved matters securing provision by way of a condition would be appropriate in this case.

Affordable housing – The site is an area where affordable housing provision should be equivalent to 15% of the overall number of dwellings. The applicant has indicated that they intend to comply with the policy. However again a condition would be appropriate to secure this for the same reasons as the above.

Education – The Head of Organisation and Governance has advised that there are issues with the capacity of local primary schools to accommodate children from the development. The figure would need to be calculated based upon the final number of dwellings which are proposed at the reserved matters stage. Again therefore a condition would be sufficient.

Other considerations

Drainage/Flood Risk

The site is located outside of flood zones 2 and 3 and is not in or adjacent to an area identified to be at risk from surface water flooding. Therefore the part of policy CSP4 and national policy requiring developments to be steered towards areas of low flood risk is complied with. The main drainage issues therefore relate to the management of surface water whereby it is a requirement that the development is constructed with suitable systems to ensure that surface water run off rates do not exceed the existing greenfield run off rate. The proposed drainage strategy for the development is to connect to a ditch to the south of the site via a pipe along the western side of Smithy Wood Lane. In addition the development would be constructed with drainage pipes and underground storage to ensure that surface water run off rates would not exceed the greenfield run off rate of 6.2l/s. Drainage Officers are content to recommend to determine that the final details relating to surface and foul water drainage are dealt with via the imposition of a condition. It should be noted that as the layout and scale are reserved matters there is little to scope to insist that further information is provided at this stage.

Ground conditions

The ground investigation report has correctly identified that the site is at risk from shallow coal workings. However the Coal Authority and SYMAS are content not to object to the application provided that a condition is imposed requiring intrusive site investigation work to be carried out prior to the commencement of development to inform any necessary mitigation work. This would also need to be case to establish whether any of the land within the site contains any land with elevated contamination levels. The relevant consultees have confirmed that conditions would be appropriate.

Biodiversity

The ecological assessment submitted with the application has concluded that the habitats on site are of low ecological value within a local and regional context. No notable or protected floral species were noted within the site boundary which consisted largely of an arable field with a species poor hedgerow on two sides. The main ecological value therefore with the site is the trees and hedgerows located around the edges of the site with regards to breeding birds. The main recommendation therefore that any construction work in close proximity to these is carried out outside of nesting season. In addition the report recommends that native trees and bird boxes for species such as Barn Owl, House Sparrow and Swallow should be provided as part of the development. The Biodiversity Officer has considered the report and has raised no objections at the outline application stage subject to conditions requiring the details of the biodiversity mitigation and enhancement schemes to be provided at the reserved matters stage, including ensuring the provision of the new hedgerow on the site boundary with the Green Belt.

Trees

The centre of this site is clear with only trees and hedgerows present on or just outside the boundaries of the site. The proposed access requires the removal of a relatively short section of low quality open hedge. Given its condition the removal of this short section is not considered an issue providing suitable mitigation is provided as part of the landscaping. Plans for the reserved matters stage should be designed with the aim of not conflicting with the remainder of trees and

hedges around the site boundaries. However assessment of the proposed implications would need to be an issue for an application for the approval of the reserved matters rather than this application.

Conclusion

In summary, the proposed housing development would be built upon land which is designated as Safeguarded Land in the UDP. However, this designation was only made on sites that were genuinely capable of development when needed and the relevant policy is classed to be out of date by the National Planning Policy Framework. As such paragraph 14 of the NPPF would indicate that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted. My assessment concludes that the impacts of the proposed development would not be at a level to be considered significant and adverse so to outweigh the benefits taking into account the planning policy and other material considerations set out in the above report. This is summarised as follows:-

- The site is located in the Barnsley sub regional town and is therefore the main priority location for growth which is expected to yield 9800 dwellings over the plan period to contribute towards the overall aim of delivering 21500 new dwellings before 2026 in accordance with the adopted Core Strategy.
- Having regard to the definition of sustainable development in the NPPF the proposal would deliver a number of positive economic and social benefits in that the development would provide up to 36 dwellings in an area designated to accommodate housing growth contributing towards addressing the deficiency in the five year housing land supply. In addition it has been judged that the development would not give rise to any significant or adverse environmental impacts.
- The majority of issues relating to the detail of the proposed development are reserved for a future application for the approval of the reserved matters. However there is no reason why plans cannot be designed for the site which satisfy the aims and contents of the Designing New Residential Development SPD, CSP29 'Design', CSP14 'Housing Mix and Efficient Use of Land'.
- The information provided in relation to other material considerations including biodiversity, flood risk, drainage, land stability, contaminated land, trees is considered satisfactory at the outline planning application stage.
- The proposed access to the site is judged acceptable having regard to highway design standards and capacity. The size of the development is not sufficient to result in severe residual cumulative impact on the highway network.

Therefore it is recommended to the Board that the application is granted outline planning permission, subject to the conditions listed below which would include the need for the development to include provision of affordable housing and public open space and education enhancements.

Recommendation

Grant outline planning permission subject to conditions

- 1 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) the layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) landscaping

Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.
- 2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 3 The access for the development shall be constructed in accordance with the details shown on drawing 04 rev A.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 4 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 5 A visibility splay, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access road with Smithy Wood Lane, such that there is no obstruction to visibility and forming part of the adopted highway.

Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 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 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 9 No development shall take place 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.
- 10 No development shall commence until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- The scheme shall then proceed in accordance with the approved details. The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.

- 11 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 12 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).
- The above 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 thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".
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.
- 13 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 14 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework (NPPF) or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of the overall number of dwellings;
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;

- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

- 15 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with the Open Space Provision on New Developments Supplementary Planning Document. The provision or enhancement of the off site open space shall be provided prior to completion of the development in accordance with the approved scheme.

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

- 16 The development shall not begin until a scheme until an assessment of the need for primary school places has been undertaken. The assessment shall be undertaken at the submission of Reserved Matters stage. If the site does generate a need for school places, no dwellings on the site shall be occupied until a scheme to provide a contribution to meet the needs of the development in accordance with Planning Advice Note 33 'Financial Contributions to School Places or an equivalent replacement policy has been submitted to and approved by the Local Planning Authority. The scheme shall include a timetable for the provision to be completed within a reasonable timescale and shall be carried out in accordance with the approved details.

Reason: In order to comply with Planning Advice Note 33 'Financial Contributions to School Places'.

- 17 Plans at the reserved matters stage shall include a landscaping buffer on the southern boundary of the application site of an equivalent length and depth to the buffer indicated on indicative site layout plan ref 05 rev A as a minimum.

Reason: In order to protect the visual amenity of the Green Belt and to enhance biodiversity in accordance with Core Strategy Policy CSP 36.

- 18 No development shall take place until an intrusive site investigation and the results to assess the risk of land instability arising from historical coal mining activity have been submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat areas of shallow mine workings, further details shall be provided to the Local Planning Authority for approval that shall require implementation prior to the commencement of the approved development.

Reason: In order to ensure safety and stability of the proposed development in accordance with CSP39.

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

- Measures to regularise the access to the bridleway and form the new vehicular access to the site;
- Provision of signing/lining;
- Provision of/any necessary alterations to street lighting;

- Provision of/any necessary alterations to highway drainage;
- Any necessary resurfacing/reconstruction.

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

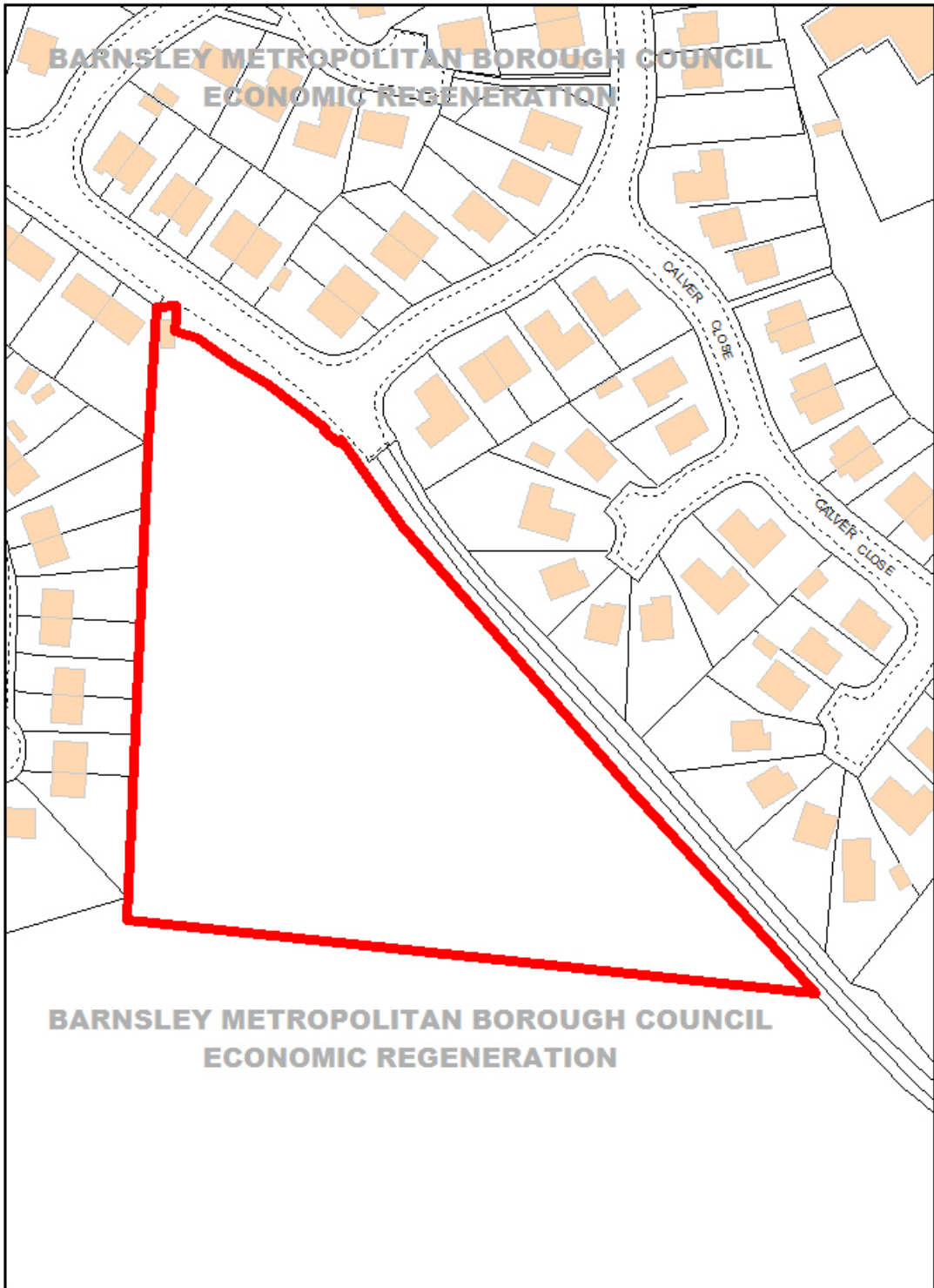
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

PA reference :-

2016/0259

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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

2015/1134

Applicant: Mr John Saul

Description: Application for approval of reserved matters of outline planning permission 2012/0537 - Proposed development of 102 dwellings with associated access, parking and landscaping.

Site Address: Willowgarth High School, Brierley Road, Grimethorpe, Barnsley, S72 7AJ

Site Location/Description

Willowgarth School is located at the northern end of Grimethorpe (between Grimethorpe and Brierley). The application site excludes the former playing fields, which were immediately adjacent to open countryside.

There are no longer any buildings on the former School site, which was cleared prior to the outline planning application. The School, dating from the 1960s was mostly 3-storey with flat roofs and courtyard areas between. The associated playing fields do not fall within the boundary of the proposed redevelopment, however, an area of open land owned by the Council to the south of the site is included, albeit shown on the submitted plans as to remain undeveloped.

The centre of Grimethorpe and its local amenities are located approximately 1km from the site. The nearest convenience store is approximately 800 metres away. The main routes (pedestrian and vehicular) to the centre from the site will be retained and improved. There is a bus stop on Brierley Road immediately outside the entrance to the site.

Proposed Development

Outline planning permission was granted on 9th September 2013. This established the principle of housing development at the site although all other matters were reserved for future consideration.

This application has therefore been submitted to consider the following aspects:

- a) Layout of development
- b) Scale of building(s)
- c) The design and external appearance of the proposed development
- d) Means of access
- e) Landscaping

When this application was originally submitted, the original layout was for 102 dwellings, the same number as provided on the indicative plan at the outline stage. However, during the course of the application the numbers have been reduced to leave a scheme for 97 dwellings that is before Members. The development is generally proposed on the areas that made up the former school buildings and its associated hard surface areas.

The scheme is at a density of approximately 17 dwellings per hectare with the scale of the properties being as follows:

5 bungalows
87 two storey properties
5 two and a half storey dwellings

The properties are predominantly detached, with some semi-detached dwellings. The scheme provides a mix of red brick and buff brick houses to break up the streetscenes. Ten of the properties on site are affordable houses.

There is a single access point from Brierley Road leading to a loop road. This serves cul-de-sacs, which have been arranged to give distinct character areas and this helps to add interest to the layout.

Public open space is on retained green belt land to the south, which has historically been accessed from Windmill Avenue and used by local residents. Part of the he proposed open space would also contain a balancing pond for surface water drainage, although this area is not intended to be accessible to the public. Pedestrian access to the public open space is maintained via a tree lined route and some of the proposed houses have been turned to overlook the public open space to provide natural surveillance. An area has been indicated within the open space for formal play facilities.

In terms of other landscaping features, a landscaped buffer strip is proposed to the northern and eastern boundaries of the site bordering on to the Green Belt. Furthermore, tree and vegetation planting is proposed throughout the development

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

Core Strategy

CSP1 Climate Change
CSP2 Sustainable construction.
CSP3 SuDS.
CSP5 Renewable energy.
CSP8 Location of Growth.
CSP14 Efficient use of land
CSP15 Affordable housing
CSP25 New development and sustainable.
CSP26 New Development and Highway Improvement
CSP29 Design.
CSP34 Green Belts
CSP35 Green Space.
CSP42 Infrastructure and Planning Obligations.

Saved UDP Policies

The site is shown as an existing community facility within the green belt on the UDP.

SPDs/SPGs/PAN

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

Publication Consultation Document of the Local Plan

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

The site is shown allocated for Housing on the Local Plan.

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.

Paragraph 89 includes exceptions to inappropriate development that include:

- the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

Consultations

Highways- No objections subject to conditions

Pollution Control- No objections subject to conditions

Trees- No objections subject to conditions

Affordable Housing-No objections.

Highways drainage/YWA-No objections subject to conditions.

SYMAS/Coal Authority- No objections.

Representations

The application was advertised by a press notice, site notices, and neighbour notification letters. No written representations have been received to these notifications.

Assessment

Principle of Development

As this is Green Belt site policy CSP34 is applicable. This indicates that the Green Belt will be safeguarded and the NPPF sets out what is to be considered appropriate development in the

Green Belt and this includes previously developed sites such as a former School. Development on such sites is acceptable if it preserves openness.

Outline planning permission has been granted to redevelop this site for residential purposes and as such the principle of development has been established. The main concerns relates to whether the proposed development accords with the principles of development established in that decision.

The former school buildings were high blocks and therefore dominant features in the locality. The scheme for the proposed houses, although covering a wider area, is of a lower scale. Furthermore, as stated previously the development is to be at a low density (97 dwellings is about 17 dwellings per hectare) and the impact of the buildings on site is therefore not considered to be any greater than the impact of the former school buildings. Therefore, in terms of openness this will not be reduced and the proposal accords with the NPPF and policy CSP34.

There were conditions on the outline regarding various contributions required these included:

Open Space

In accordance with CSP35, CSP42 and the SPD Open Space Provision on New Housing Developments, all residential developments over 20 units are expected to provide green space. The proposal includes upgrade to existing informal open space within the development site and a LEAP standard children's play area. This satisfies the requirement for informal open space and children's play. An off- site contribution is however required for formal recreation; based on the proposed unit split the figure is £95,441.86.

In the case of the informal open space to the south of the site, local residents have in the past expressed desires to retain this area as informal open space and indicated that it is a valued community resource. The current layout proposes retention and improvement of this area: the improvements will meet part of the requirement for new green space associated with new housing developments.

A section 106 will be required to deal with the off-site contribution.

Affordable Housing

The outline permission contains a condition that seeks 15% affordable housing units, unless a viability assessment indicates that this cannot be achieved and a lower number would need to be put forward. The applicant has, offered 10 on site units (including 2 bungalows) which roughly equates to 10%. Through information provided by the applicant, the Council's affordable housing officer has been able to carry out an appraisal of the scheme in order to determine what level of affordable housing would be reasonable to expect in order that the site could be developed. Taking into account the site is within a weaker submarket, and having consideration of sales, build and other development costs, and comparisons with other sites in the borough, the Affordable Housing Officer is of the opinion that the 10 dwellings offered is the extent of affordable housing contribution the development could be reasonably expected to contribute. On this basis the scheme is considered to be in compliance with Core Strategy Policy CSP15. A Section 106 would be required to secure the affordable housing provision.

Residential Amenity

None of the existing houses surrounding the site will be significantly affected. The open land to the south has been excluded from the development area and will be used for informal open space. The nearest houses are on a private street to the south west of the development site but the corner of the closest of these is about 34m from the rear wall of the closest proposed dwelling and

is also at angle to this property. The development therefore exceeds the separation distances between the proposed dwellings and existing properties.

In terms of the internal layout, the development also accords with the SPD on distances between properties and adequate garden areas are provided to each of the properties.

Visual Amenity

This is the most significant impact in terms of the change in appearance to the land from a former school to houses. This is an edge of settlement site adjacent to the Green Belt and mitigation is needed. A landscape assessment was prepared at the outline stage to show the impact on long range views into the site. This has been used to inform negotiations that have resulted in an acceptable final layout.

The landscape statement established the need for buffer planting on the northern and eastern boundaries. This has been provided along with other structural planting within the development and the use of cul-de-sacs will add interest. There are pedestrian connections provided to the adjacent open space that is also overlooked.

The dwellings are predominantly two storey which fits in with the properties closest to the site. There are also a small number of bungalows and two and a half storey properties which, along with the use of both buff and red brick will provide some interest to the streetscenes.

The reserved matters have fully taken on board the adopted SPD Designing new housing development with appropriate separation distances including 10m rear gardens to all of the boundaries.

As a result of the above the proposed layout is acceptable in visual terms and conforms to Core Strategy policy CSP29 Design.

Highway Safety

The proposed development will generate less traffic at peak times than the previous school use, and will not result in on-street parking and manoeuvring, therefore, there will be no adverse impact on the highway network. The internal layout has been designed to accommodate traffic flows through the development and adequate off-street parking is provided for each of the properties. The Council's Highways Section is satisfied that the scheme has been adequately designed to ensure that highways safety is adequately maintained and they have raised no objections subject to conditions.

Other matters

Trees/Ecology

The landscape assessment prepared at the outline stage stipulated retention of existing trees. This was mainly so that they could be incorporated within the development. It is acknowledged that some tree removal take place after the outline application was granted. However, the trees were not considered worthy of tree preservation orders in their own right so whilst the trees were removed when ownership changed this is not a reason to object to the proposed development if suitable replacements are planted.

The final layout is acceptable, as new tree and hedge planting has been proposed to provide a buffer to the Green Belt to the north and further tree planting within the layout will help to soften and break up the built form.

The site was cleared of buildings and seeded before the outline permission was granted. The issues of ecology were considered prior to demolition and the outline permission contains no further ecology requirements.

Drainage

The submitted plans include details of drainage including provision of a balancing pond. The applicant has confirmed that they are proposing to restrict the discharge from the site through the use of a flow control device, with on site storage to cater for 1 in 100 year plus 30% storm events provided through the drainage system proposed. The size of the balancing pond itself has been designed to suit discharge rates of 42 l/s which has been agreed as acceptable by the Council's Drainage Section. The detailed design of the pond and drainage system still needs to be agreed upon but conditions were imposed on the outline consent to cover this, and these would still need to be adhered to.

Coal/Land Contamination

The Coal Authority considered at the outline stage that the submitted details were sufficient for the purposes of demonstrating that the application site is, or can be made, safe and stable for the proposed development. The Coal Authority therefore raised no objection to the proposed development.

The outline permission contains a condition regarding contaminated land to ensure that a report in ground contamination and remediation is submitted to and approved in writing by the Local Planning Authority prior to development works taking place.

Energy Efficiency

This was dealt with via appropriate planning conditions at the outline stage and the applicants have agreed to implement measures to ensure that the layout and house designs maximise opportunities for improving energy efficiency.

SYLTE

At outline stage the site scored 'Green' through an SYLTE LUTI assessment therefore proving that the site has access to an attractive public transport service. There is good access to public transport with strong connections to Barnsley Town Centre. SYLTE recommended that the developer links the development into adjacent walking and cycling routes, which has been achieved. The outline permission contains a condition requiring a Travel Plan.

Conclusions

The site has outline planning permission for residential development. The scheme put forward is considered to be acceptable in terms of its impact on highway safety, visual amenity, residential amenity, ecology, trees, and drainage. Adequate provision is made for open space and affordable housing requirements and the scheme is therefore considered to be in line with relevant local and national planning policies.

Recommendation

Grant subject to conditions and section 106 agreement regarding affordable housing and public open space.

1. The development hereby permitted shall be begun before the expiration of 2 years from the date of this permission
Reason: In order to comply with the associated outline planning permission, 2012/0537, and to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby approved shall be carried out strictly in accordance with the plans:
3SC8.P001RevAP100P101.RevW,P200,P201,P202,P203,P204,P205,P206,P207,P208,P209,P210,P211,P212,P300,P301,P302,P303,P304,P305,P306,P307,P308,P309,P310,P311,P312,P501
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. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

4. 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.

5. Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway, in the interest of road safety.
Reason: In the interests of road safety in accordance with CSP26.

6. Sight lines, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of Little Willow Court with Willowgarth Street, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway, in the interest of road safety.
Reason: In the interests of road safety in accordance with CSP26.

7. Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at all adoptable highway junctions within the site such that there is no obstruction to visibility and forming part of the adopted **highway**.
Reason: In the interests of road safety in accordance with CSP26.

8. All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway, in the interest of road safety
Reason: In the interest of road safety in accordance with CSP26.

9. 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.

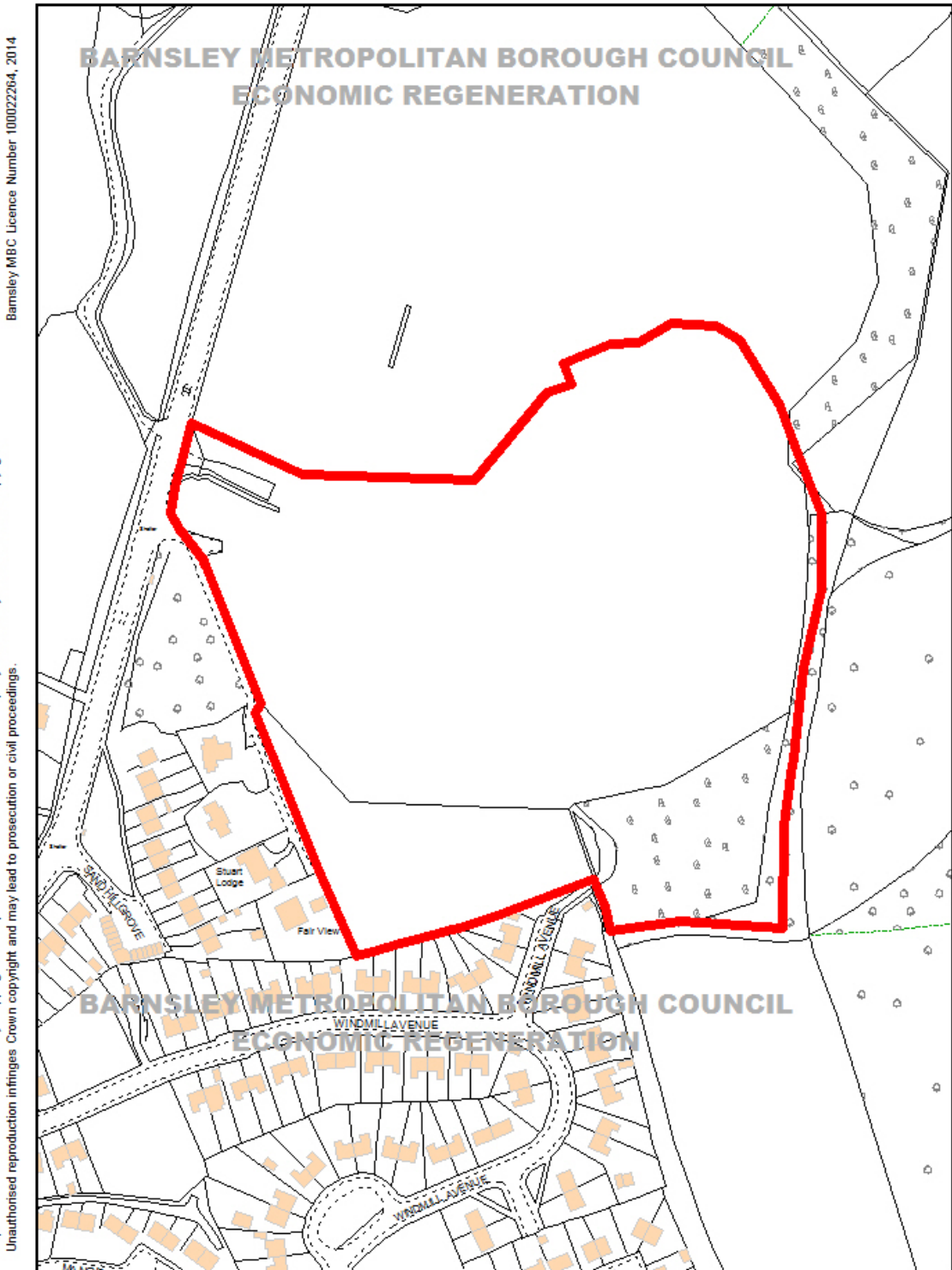
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

10. In connection with condition 15 of outline planning permission 2012/0537, a long term management plan for the proposed balancing pond and drainage system, management responsibilities and maintenance schedules shall be submitted to and approved by the Local Planning Authority prior to the occupation of any of the houses on the development. The management plan shall be carried out in accordance with the approved details.

Reason: To ensure proper drainage of the area in accordance with CSP40.

PA reference :-

2015/1134



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BARNESLEY MBC - Economic Regeneration

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



Scale 1:2500

2016/0068

Applicant: Portward Homes Ltd

Description: Variation of conditions 3 and 6 of app 2015/0823 - to permit revised access arrangements and to increase the number of HGV traffic movement

Site Address: Former Carlton Colliery, Shaw Lane, Carlton, Barnsley, S71 3HU

Background

Planning permission (reference 2007/1365) was granted on the 1 October 2008 for the 'Restoration of former colliery site by raising land using imported materials' for the former Carlton Colliery site off Shaw Lane, Carlton.

It was intended to reclaim the site for possible future development, through the removal (levelling) of heaped red shale/colliery spoil on the site and the importation of soil material (engineering fill) spread to a depth of 250mm to remove any undulations and level the site, before capping with imported clays to a depth of 1.3 metres to seal contaminated colliery spoil. The site was to be finished with 300mm of subsoil overlain with 150mm of topsoil to give an overall depth of 2 metres. As there was no top soil available on site, it was intended to mix nutrients such as compost to the clay based sub soil to create a 'top soil'.

During the first phase, a clay lined, landscaped pond was to be constructed in the north eastern corner of the site together with a 3 metre high bund to screen the development from the residential properties on Shaw Lane. An additional bund was proposed along the western boundary of the site.

The importation of materials was to amount to some 110,000 cubic metres and could in theory be completed within 12 months. However, owing to the availability of contracts and the period of activity on site, the applicant considered that the site would take up to 3 years to fill.

On completion of infilling, the site would be grass seeded and the periphery of the site tree planted (approximately 3.5 hectares). Any future development proposals would be the subject of a further planning application.

Whilst the development was commenced by the owner of the site at that time, it remained substantially incomplete and the permission expired on 26 May 2012.

On the 25 July 2013, planning permission was granted (reference 2011/1248) to vary condition 3 of planning permission 2007/1365 to extend the period of time to complete the reclamation work on the site. The permission was subject to 27 planning conditions including condition 1 which, with the exception of landscaping, and aftercare provided for a period of a further 2 years to complete the scheme. The permission expired on the 24 July 2015.

Three further temporary planning permissions were also granted for the site during the above periods:

- 2009/0025 - Formation of storage area for up to 36 skips - expired 4 June 2010;
- 2009/1353 - Removal off site of red shale/ash heap - expired 7 April 2011; and
- 2013/1339 – Submitted by the new owner of the site for the recovery of red shale and ash with ancillary activity – granted on the 17 December 2014, expiring on the 16 December 2015.

On the 2 November 2015, planning permission was granted (reference 2015/0823) for the variation of condition 1 of planning permission 2011/1248 to extend the time limit for a further 2 years in order to enable the work to be completed on the site. The reason why the reclamation works had not progressed was that the area from which the materials were being recovered under planning permission 2013/1339 was the phase 1 and 2 areas of the restoration scheme.

Site Location and Description

The application site is the former Carlton Colliery and coking works. The site of some 8 hectares is located to the south of Shaw Lane and adjacent to the Trans Pennine Trail (TPT) and a railway line/bridge which form the eastern boundary. To the west lies the site of Manor Bakeries, while to the south is woodland and agricultural land. Agricultural land is also present to the north of Shaw Lane.

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

The nearest residential properties lie off Shaw Lane, approximately 80 metres to the east of the site access road, and 125 metres to the north of the main site. A small former sewage works site lies close to the residential properties.

All of the red shale and most of the ash on the site have been excavated under the above planning permissions, with the ash washed to recover fuel. The pond required by the restoration scheme has also been formed within the northern part of the ash and red shale excavation area.

Proposed Development

The applicant is seeking to vary conditions 3 and 6 of planning permission 2015/0823.

Condition 3 lists the documents (plans and reports) which the development must be carried out in accordance with. Approved drawing 2007/1365/01 revision A, listed at (e) under condition 3, shows the single access/exit into/from the site. The applicant wishes to substitute the approved plan with a new drawing which would allow for the operation of a one way system for vehicular movements.

Originally a scheme had been put forward to control access through traffic signals but, after discussions with the Council's Highways Section, this has now been revised to a one way system that is before Members. The revised proposal dispenses with the traffic signals and pedestrian facility in favour of 'new road layout' signs and tactile pedestrian crossings.

Under both the original and revised proposals, a new access into the site would be created off Shaw Lane on the eastern edge of the site adjacent to the TPT and railway bridge. Vehicles would leave the site via the existing access which would become an exit only. The access would be constructed in such a way that, due to geometry, large vehicles could only turn right into the site and left out of the site. A management plan for the site would be prepared to reinforce the one way working of the access road.

As part of the proposals, the footway along the south side of Shaw Lane would be improved to the east side of the railway bridge to the junction into the existing industrial premises. Due to the narrow width under the railway bridge, it is not proposed to accommodate a formal footway.

The proposal is accompanied by a Transport Statement which suggested that the proposed access arrangements would allow scope for increased traffic movements without significant impact on the local highway network.

Condition 6 limits the number of HGVs entering the site per day to 20 (40 vehicular movements). An amendment to the condition is requested to allow for 60 vehicles to enter/leave the site per day.

The applicant states that the improved access arrangements and highway infrastructure improvements would allow for an increased number of HGV movements and shorten the timeframe for the completion of the reclamation works, thereby reducing the impact on local residents.

Policy Context

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

Barnsley Local Development Framework Adopted Core Strategy (CS):

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

CSP26 – New Development and Highway Improvement - states that new development will be expected to be designed and built to provide safe, secure and convenient access for all road users and refers to the need for developers to take mitigating action or to make a financial contribution to make sure that any necessary improvements go ahead.

CSP38 - Minerals - supports amongst other matters proposals for the recovery of material from mineral waste tips and land reclamation schemes and high quality and appropriate reclamation and afteruse within a reasonable timescale.

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

Barnsley, Doncaster and Rotherham Joint Waste Plan (JWP):

The JWP was adopted in March 2012. Relevant policies are:

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

Barnsley Unitary Development Plan adopted 2000 (UDP):

The site is currently allocated as a Site for Expansion of Existing Firm in the UDP.

There are no relevant saved policies.

Barnsley Local Plan – Public Consultation 2016:

The Plan establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such, increasing weight can be given to the

policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

The site is allocated as Land Proposed for Mixed Use in the Plan (including housing and employment). The policies relating to this proposed use are not relevant to this particular proposal.

National Planning Policy Framework (NPPF):

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

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

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

- The effects of pollution on health, the natural environment or general amenity, and the potential sensitivity of the area or proposed development to adverse effects from pollution, should be taken into account;
- Decisions should aim to mitigate and reduce to a minimum adverse impacts on health and quality of life arising from noise from new development, including through the use of conditions; and
- Local planning authorities should provide for restoration and aftercare (in respect of mineral sites) at the earliest opportunity to be carried out to high environmental standards, through the application of appropriate conditions, where necessary.

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

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

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

Consultations

Environment Agency – No comments.

BMBC Regulatory Services – No objections.

BMBC Highways – No objections subject to conditions

Representations

The proposal was advertised by way of a site notice, the local press and neighbour notification. The comments that have been received so far relate to the traffic signalised scheme although the majority of issues raised are still considered relevant to the amended scheme.

An e-mail has been received representing the three Cudworth Members supporting the erection of signs to ensure that HGVs correctly access the site and to enforce width and weight restrictions. These comments have been forwarded to the Council's Highways Section. Six individual representations have been received from residents of Shaw Lane and Weetshaw Lane, and fourteen signed standard letters from other residents of Shaw Lane, and residents of Wood Lane, Chapel Lane, Crookes Lane, and Carlton Road, Carlton, and Wrelton Close, Royston, commenting as follows:

- The increase in HGVs on Shaw Lane would have a large impact on Weetshaw Lane making crossing the road and exiting/entering my drive extremely difficult.
- The Transport Statement assumes that all HGVs will enter the site from the west and leave to the west. At present, some HGVs are entering/leaving the site from the east via Shaw Lane/Weetshaw Lane with drivers ignoring a 2m width limit. It is a bus route with poor footways and used by the police and paramedics. Between 30/12/2014 and 8/1/16, there have been at least 4 accidents and 7 cars written off and some serious personal injuries. If this is approved, I would suggest that a speed camera be installed on Weetshaw Lane or speed ramps to slow drivers down. Would there be a Construction Management Plan in force in order to control the route of HGVs? Would it be possible for temporary signs to be erected to direct traffic along the A628/West Green Way/Fishdam Lane to Shaw Lane?
- HGVs entering/exiting the site adjacent to my property (Long Row) cause thunderous noise and vibration as they drive along the rough surface despite the drivers being told to keep speeds down by the operator. The operator was going to surface the track with tarmac but this remains outstanding.
- The road sweeper would have to be deployed more often which would impede traffic flow and cause safety problems in traffic overtaking. The volume of traffic has not significantly decreased with the building of the by-pass and 60 additional vehicles would be added to the already heavy load. Too many HGVs already mount the kerb which is high risk for pedestrians. There is no need for an increase.
- The proposed traffic lights at the railway bridge would surely cause a further problem with traffic flow resulting in standing traffic queuing up to the houses on Shaw Lane, especially since the proposal includes a pedestrian facility. Traffic would also queue on the other side of the bridge up to and around the bend where the accesses are located to the scrap yards either side. Shaw Lane is a lane; not a main road.
- Additional problems are evident on Shaw Lane when the resident ladies football team practice and have matches. Vehicles parked on the lane opposite the recreation ground prevent two vehicles passing each other and there have been several accident near misses. Several extensions of time have already been granted and there is no guarantee that the proposals would shorten the duration of the remediation. There are also concerns about the height of the land being built up.
- Exiting residences on Shaw Lane is frequently difficult. Residents have to wait for a gap in fast approaching traffic from both directions. HGVs take up the whole of the width of their lane and have nowhere to go to avoid a collision. There are no warning signs of a concealed entrance or 30mph speed limit. Whilst indicating and waiting to enter the concealed entrance, a vehicle crashed into the ditch as the driver did not realise that I was stationary. The proposed additional vehicles would make things even more difficult. Shaw Lane is like a race track from early morning to late revellers returning home. The proposed traffic lights interrupting the increased flow of traffic would have to contend with streams of

traffic from the east when the lights are green for them and an increase in waiting or moving HGVs and other traffic travelling from the west.

- An extension of time would not be required if the proposals had been better planned. There is no need for the one way system. The existing access could be widened or more passing places installed.
- Walkers using the TPT would be put at risk from site traffic and debris. The entrance to Carlton Park is situated on Shaw Lane which is used by all ages and disabled members from the Handicap Centre.
- Air pollution would increase resulting in more dust causing breathing problems.
- Noise levels would increase for the current and new residents in the village and surrounding areas.

Assessment

Material Considerations

Principle of Development

Highway Safety

Residential Amenity

Principle of Development

The policy background in relation to this application, despite the adoption of the CS and the JWP and the introduction of the NPPF and NPPW remains much the same as at the time when planning permission 2007/1365 was granted in October 2008 for the restoration of the site using imported materials.

The Planning Regulatory Board at its meeting of 27 October 2015 supported an extension of time for a further two years to complete the reclamation works in the granting of planning application 2015/0823. As such, the principle of the operations on site has therefore already been established. The main issues for consideration are therefore, whether the applicant should be permitted to install an additional site access to enable a one way system for vehicular movements and increase the number of vehicles entering the site per day from 20 to 60.

Highway Safety and Residential Amenity

The Transport Statement accompanying the planning application considers the site access and traffic impact associated with the development and notes that given the restricted width of the existing access road, there are some sections which do not allow for simultaneous two way HGV traffic flow, resulting in reversing manoeuvres, which can be detrimental to safety.

The report also notes that Shaw Lane, despite a number of restrictions, is in a relatively good condition and appears to be suitable for day to day use. It connects with the B6132 which is a local distributor and provides suitable access to the principal and primary route network and subsequently links to the motorway network.

Following a two way traffic count and applying growth rates, and assuming that the proposed 120 vehicular movements (60 in, 60 out) would be spread evenly over the working day (13 vehicular movements per hour) and taking into account staff trips, the applicant states that the results demonstrate that the development can easily be accommodated on the highway network with significant spare capacity.

The original scheme proposed traffic signals to manage vehicular movements into and out of the site. However, the Council's Highways and Traffic Sections, along with South Yorkshire Police, would not support the installation of traffic signals at this location due to significant concerns over road safety and that it is unlikely to meet with the design manual requirements. Pedestrian use is

too low to warrant the installation of signals and would result in red light violation, excessive vehicle queues and rear end shunts.

After discussions between the applicant and the Council, revised plans have been submitted and the traffic signals have been removed from the scheme to allow a one way system to be adopted that has the following features:

- The installation of signage indicating 'New Road Layout Ahead'.
- The installation of tactile crossings at the access and egress to the site.
- The setting back of at least 10m of any gates from the highway boundary.
- The installation of signing and lining to control the one way system.

The revised proposals have been assessed by the Highways Section who have advised that there are now no objections to the proposed development in a highway context. The Traffic and Road Safety Section consider that the increase in vehicular movements and creation of a new access are adequately mitigated. As such the proposal is considered acceptable from a highway safety perspective.

Residential Amenity

Representations have been received in respect of the potential for increased noise levels from both vehicular movements and plant on site. Regulatory Services, in noting the potential trebling of vehicular movements, and presumed increase in plant operation, requested a revised noise assessment. The assessment concludes that:

- There is no change in the predicted overall sound levels from the site as a result of the proposed access revisions. There is predicted to be an increase in sound caused by HGVs alone but this would remain secondary to that from other existing plant items at the site.
- The requirements of the technical guidance to the NPPF in respect of noise levels would be met at all dwellings except 101-111, Shaw Lane and at Highgrove Court on Saturdays only. The exceedance is predicted to occur when the mobile plant items are working at the north boundary. Operating times could be restricted or an earth bund erected to shield the dwellings. There is no change in the predictions caused by the proposed access alterations.

Having examined the report, Regulatory Services has no objections to the proposals. Conditions in respect of operating hours, noise and the construction of bunds are already in place.

Representations have also been received in respect of drivers ignoring width and speed limits and issues resulting from on-street parking. Any traffic offences are matters for the police. Claims that there is no need for a one way system and increase in the number of vehicles cannot be examined as each application must be considered on its own merits. Any adverse impact on Weetshaw Lane and Shaw Lane in respect of residents being able to exit/enter their drives is unlikely to be significant bearing in mind the number of vehicular movements per hour, and short term nature of this application. It is also considered that there would be no significant increase in risk to the users of the TPT.

Conclusion

The proposed variations to the conditions are not considered to result in any significant detriment to highway safety or residential amenity and are ancillary works to operations that already benefit from planning permission. The application is therefore recommended for approval subject to conditions

Recommendation

Planning Permission be granted subject to the following conditions and informatives:

- 1 With the exception of landscaping and aftercare, the development hereby permitted shall have a duration of 2 years from the 2 November 2015.
Reason: To ensure that the development is carried out in an appropriate timescale in accordance with CS policy CSP38 and JWP policy WCS4.
- 2 The applicant shall be responsible for ensuring that, a copy of this permission, including all plans and documents hereby approved and any plans or documents subsequently approved in accordance with the permission, shall always be available at the site for inspection by the Waste Planning Authority (WPA) during normal working hours.
Reason: To ensure that the development is carried out in accordance with the approved details.
- 3 The development hereby permitted shall only be carried out in accordance with the following documents approved under planning permission 2007/1365 and consolidated under planning permissions 2011/1248 and 2015/0823, unless amendments are made pursuant to the other conditions below:
 - a) Drawing number DTS/CC/2006/REST 03 - Restoration Scheme - showing the red line application boundary - dated August 2006, and received by the WPA on 21 December 2007;
 - b) Drawing number DTS/CC/2006 01A - Former Carlton Colliery - Topographical Survey Showing Pond Areas - dated March 2008, and received by the WPA on 3 March 2008;
 - c) Drawing number DTS/CC/2006/DUST 01 - Remediation Strategy - Dust Plan - dated August 2006, and received by the WPA on 6 September 2007;
 - d) Drawing number DTS/CC/2006/SC 02 - Remediation Strategy - Spontaneous Combustion Plan - dated August 2006, and received by the WPA on 19 September 2007;
 - e) Drawing number DTS/CC/2007 02B as amended by 2007/1365/01 Rev A - Remediation Strategy - Site Office and Parking Locations and Pass-by Positions - dated November 2008, and received by the WPA on 7 January 2009, subject to the limitations expressed in the Council's letters of 22 January and 5 March 2009;
 - f) Drawing number DTS/CC/2007 02C - Remediation Strategy - Noise Monitoring Positions - dated November 2006, and received by the WPA on 6 September 2007;
 - g) Drawing number DTS/CC/2007/REST 03B - Remediation Strategy - Restoration Scheme - dated March 2008, and received by the WPA on 3 March 2008;
 - h) Drawing number DTS/CC/2006/REST 04 - Remediation Strategy - Restoration Phasing Plan - dated November 2006, and received by the WPA on 6 September 2007;
 - i) Drawing number DTS/CC/2006/REST 06 - Remediation Strategy - Restoration Cross Sections - dated November 2006, and received by the WPA on 15 June 2007;
 - j) Drawing number DTS/CC/2006/REST/07 - Remediation Strategy - Restoration Cross Sections - dated November 2006, and received by the WPA on 15 June 2007;
 - k) Drawing number DTS/CC/2007/REST/08 - Remediation Strategy - Screening Bund Construction - dated May 2007, and received by the WPA on 19 September 2007;
 - l) Drawing number DTS/CC/2007 11 - Proposed Restoration - Proposed Passbye Position - dated September 2007, and received by the WPA on 19 September 2007;
 - m) Statement To Accompany A Planning Application For The Remediation Of The Former Carlton Colliery, produced by Fennell, Green & Bates and dated August 2007, received by the WPA on 19 September 2007;
 - n) Restoration Landscaping Proposals, produced by Fennell, Green & Bates and dated

August 2007, received by the WPA on 6 September 2007;
 o) Drawing number DTS/B/292/1b - Landscape Details - dated May 2010, and received by the WPA on 28 June 2010;
 p) Drawing number 2007/1365/02 - Drainage Pond Details - dated December 2008;
 q) Spontaneous Combustion Report For the Site Known As Carlton Colliery, prepared by Cromwell Wood Estate Company Limited and dated August 2007, received by the WPA on 6 September 2007;
 r) Dust Report for the Site Known as Carlton Colliery, prepared by Cromwell Wood Estate Company Limited and dated March 2006;
 s) Dust Action Plan, November 2008, Revision A - April 2009;
 t) Assessment of Environmental Noise for DTS by Vibrock Limited, report number R07.5216/1/PC dated 22 October 2007;
 u) Noise Monitoring Procedure Scheme by Vibrock Limited, scheme number SCH09.5921/1/TJW, dated 01.05.09;
 v) Site Investigation report prepared by Cromwell Wood Estate Company and dated April 2006; and
 w) Letter dated 6 May 2009 from Mr J Carlon to Mr J Scott and attached Remediation Strategy for Former Carlton Colliery, Revision 3 - April 2009.

Reason: For the avoidance of doubt and in the interests of local amenity.

- 4 Working operations within the site including vehicle haulage movements and maintenance shall be limited to the hours between 0800 hours and 1800 hours on Monday to Friday and 0800 hours and 1300 hours on Saturdays, and not at all on Sundays, Bank and Public Holidays.

Reason: In the interests of local amenity.

- 5 The maximum amount of inert materials accepted at the site shall not exceed 110,000 cubic metres less the volume of material imported and retained under planning permissions 2007/1365 , 2011/1248 and 2015/0823. A written record shall be kept by the operator of the amounts and type of material accepted on a daily basis. These records shall be made available to the WPA for inspection on request and all such records shall be retained for at least 2 years.

Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and JWP policy WCS6.

- 6 The number of HGV vehicles entering the site shall not exceed 20 vehicles per day. A record shall be kept by the operator of the number of HGV movements into the site on a daily basis. These records shall be made available to the WPA for inspection on request and all such records shall be retained for at least 2 years.

Reason: To minimise potential impacts arising from the operation of the site and to protect the amenity of nearby occupiers and to accord with CS policy CSP40 and JWP policy WCS6.

- 7 On-site vehicular areas shall be hard surfaced and drained in accordance with approved plan 2007/1365 - 04 and retained for the duration of the development.

Reason: To prevent mud/debris from being deposited on the public highway in the interests of highway safety and to accord with CS policy CSP40 and JWP policy WCS6.

- 8 The parking and manoeuvring facilities and passing bay shown on the approved plan 2007/1365/01 RevA - Remediation Strategy - Site Office and Parking Locations and Pass-by Positions, shall be retained for that sole purpose at all times.

Reason: In the interests of highway safety.

- 9 Vehicle wheel cleaning facilities as specified on drawing number 2007/1365/03 approved under planning permission 2007/1365 shall be provided and maintained in the approved position for the duration of the development and shall be used by all vehicles prior to exiting the site. Notwithstanding such arrangements, should any material nevertheless be accidentally deposited on the public highway, the operator shall immediately remove such material.
Reason: In the interests of highway safety and to accord with CS policy CSP40 and JWP policy WCS6.
- 10 Operations associated with the development, excluding topsoil and subsoil stripping, shall be controlled such that the free field equivalent continuous noise level (L_{aeq} 1hr) shall not exceed 55dB(A) or 10dB(A) (L_{aeq} 1hr) above the background noise levels whichever is lower, as recorded at the boundary of any inhabited property.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
- 11 Any topsoil and subsoil stripping shall not exceed 70dB(A) (L_{aeq} 1hr) as recorded at the boundary of any inhabited property, and be limited to a period not exceeding 8 weeks at any property.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
- 12 All vehicles used on site shall not exceed a sound pressure level of 80dB(A) as measured at a distance of 10 metres, 1.2 metres above ground level, under free field conditions or comply with the standards in BS 5228 Noise on Construction and Open Sites Part 1 1984, whichever level is lower.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
- 13 The monitoring of mobile plant shall be undertaken in accordance with the approved scheme, number SCH09.5921/1/TJW prepared by Vibrock Limited. Any mobile plant that does not meet with the specified noise limit shall be suspended from use on site until the specified noise limit can be shown to be achieved.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
- 14 All mobile plant shall be fitted with white noise vehicle reversing alarms.
Reason: To protect the amenity of the area with regard to noise and to accord with CS policy CSP40 and JWP policy WCS6.
- 15 All operations on site shall be carried out in complete accordance with the approved Dust Action Plan, November 2008, Revision A - April 2009. When, due to site conditions the prevention of undue dust impact is considered to be impracticable by the WPA, operations shall cease until such time as conditions improve such as to permit a resumption.
Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and JWP policy WCS6.
- 16 Any equipment used to monitor dust shall be installed, used and maintained for the duration of the development. Dust monitoring and meteorology records shall be made available to the WPA for inspection on request.
Reason: To protect the amenity of the area with regard to dust and to accord with CS policy CSP40 and JWP policy WCS6.

- 17 Measures shall be employed to ensure that dust emissions from the site are controlled and fugitive dust prevented from leaving the site. These measures shall include but not necessarily be limited to the following:
- a) The use of adequate and working water suppression (hoses/sprinklers/water bowsers etc.) which shall be available for use, and utilised at all times when dust generating materials are being handled on site. Any materials likely to cause dust shall be effectively dampened prior to being handled;
 - b) All vehicles transporting waste materials entering and leaving the site shall be securely sheeted;
 - c) The effective maintenance of the access road;
 - d) Any vehicles permanently stationed at the site shall be equipped with upward pointing exhausts; and
 - e) The suspension of the movement of the subsoil materials during adverse dry windy conditions.
- Reason: To protect local amenity, and to safeguard the occupants of nearby dwellings from the effects of dust and to accord with CS policy CSP40 and JWP policy WCS6.**
- 18 Deposited material shall be compacted in layers not greater than 200mm.
- Reason: To allow for a high level of air exclusion in the interests of reducing the risk of underground fires.**
- 19 The screening bunds shown on approved drawings (numbers DTS/CC/2007/REST 08 - Screening Bund Construction and DTS/CC/2007/REST/03B - Restoration Scheme), shall not exceed 3 metres in height and the slopes shall be no greater than 1 in 3.
- Reason: In the interests of visual amenity and maintenance of the bunds.**
- 20 Any soakaways or lagoons constructed as a means of storm/surface water disposal or storage shall not be constructed within 10 metres of the railway boundary or at any point which could adversely affect the stability of railway infrastructure.
- Reason: To maintain the integrity of the existing drainage systems and prevent flooding of railway infrastructure or land.**
- 21 Any cranes and jibbed machines, used in connection with the development, shall be so positioned that the jib or suspended load does not swing over railway infrastructure or within 3 metres of the nearest rail track if the boundary is closer than 3 metres.
- Reason: In the interests of maintaining the safety of railway operations.**
- 22 By no later than the 1 November 2016, details of the composition of the top soil to be used in the reclamation of the site shall be submitted to, and approved in writing by, the WPA. Top soiling shall thereafter be carried out in accordance with the approved details.
- Reason: In the interests of the proper reclamation of the site.**
- 23 The development shall be carried out in full accordance with the approved Remediation Strategy, Revision 3 - April 2009. Interim validation reports shall be submitted to, and approved in writing by, the WPA on a 6 monthly basis. The reports shall include but not be limited to, information on the type of material imported, its origin, sample analyses (as indicated in level 2 compliance point 8.13 of the approved Remediation Strategy) and WAC analyses to categorise the waste.
- Reason: To protect the environment and ensure that the site is remediated suitable for the proposed use and in accordance with CS policy CSP39.**

24 Landscaping of the site shall be carried out in accordance with the approved plan number DTS/B/292/1b. All planting and seeding as approved shall be carried out in the first available planting and seeding season. Any trees or shrubs planted as part of the scheme which are removed or, in the opinion of the WPA, become severely damaged or are found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with trees or shrubs of a similar size and species to the satisfaction of the WPA.

Reason : For the avoidance of doubt and to ensure that landscaping is implemented and maintained in the interests of visual amenity and to accord with CS policy CSP38 and JWP policy WCS6.

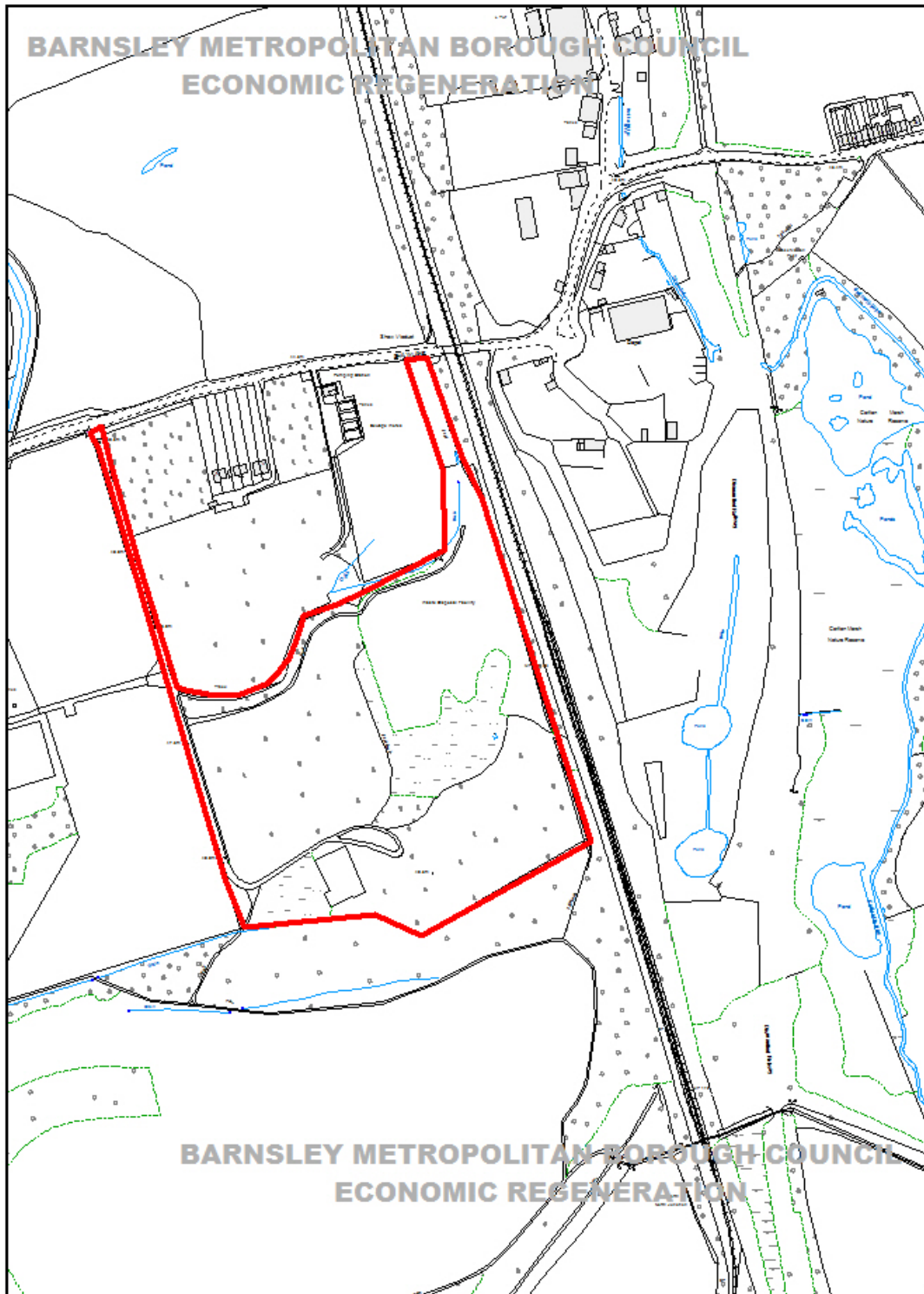
25 In the event of any failure to achieve the approved restoration levels within the timescale pursuant to condition number 1 above, within 3 months of the date of the expiry of the permission, an amended scheme of reclamation shall be submitted to, and approved in writing by the WPA. The scheme shall include, but not be limited to:

- a) Details of final levels;
- b) Surface treatment;
- c) Drainage;
- d) Landscaping including maintenance for a period of 5 years; and
- e) The timescale for implementation.

Once approved the scheme shall be fully completed in accordance with the approved details, including timescale.

Reason: In the interest of the proper reclamation of the site and to accord with CS policy CSP38 and JWP policy WCS6.

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BARNSELY MBC - Economic Regeneration



Scale 1: -----

2016/0396

Applicant: Mr Ross Beesley

Description: Erection of extension to existing outbuilding to form garage and store and demolition of existing shed and outbuildings

Site Address: 35 High Bank, Thurlstone, Sheffield, S36 9QH

The application is before Members as the applicant is employed at Transportation Services, Smithies Lane.

History

2014/1177 - Erection of a single storey side and rear extension to dwelling approved November 2014.

Description

The stone built semi-detached property occupies a large plot and is the last property set to the northern side of High Bank. Land to the west of the curtilage is also under the applicant's ownership and contains a number of trees forming a woodland area which is influential to the street scene.

The dwelling currently benefits from a single storey rear and side extension wrapping around the building. This was approved under application 2014/1177. Within the curtilage there is an existing wooden garage, shed to the rear of the garage, and a stone built open fronted outbuilding providing storage for wood and other domestic appliances. There is a woodland area surrounding the site with a number of trees to the rear of the proposal.

Proposed Development

The application seeks approval to extend the existing outbuilding to form a garage and store. The application also proposes to demolish the existing garage and shed to provide vehicular access to the garage. The proposed garage will measure 7.2m x 5.75m and a total height of 4.3m. The garage has been designed with a flat roof in galvanised steel corrugated sheets with translucent roof panels providing natural light to the interior. The extension will be constructed in natural sandstone up to 2.1m, matching the existing and above with concrete blockwork clad with tantalised timber close boarding

Consultations

Penistone Town Council – No objections
Highways DC – No objections subject to condition
Conservation Officer – No objections
Tree Officer – No objections subject to conditions

Representations

Letters were sent to neighbouring properties informing them of the proposal. No letters of objection have been received.

Policy Context

UDP – Green Belt and Thurlstone Village Conservation Area.

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.

Core Strategy Policy 29: Design Principles – sets out the overarching design principles for the borough to ensure that development is appropriate to its context. High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley, and contributes towards creating attractive, sustainable and successful neighbourhoods. The Council will seek to ensure that development improves what needs improving, whilst protecting what is good about what we have. Design that reflects the character of areas will help to strengthen their distinctiveness, identity and people’s sense of belonging to them. This policy is to be applied to new development and to the extension and conversion of existing buildings.

Core Strategy Policy 34: Protection of 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.

Core Strategy Policy 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.

Core Strategy Policy 30: The Historic Environment – Development which affects the historic environment and Barnsley’s heritage assets and their settings will be expected to protect or enhance the character and appearance.

Saved UDP Policy

Policy GS8A: The re-use & adaption of buildings in the Green Belt – In the Green Belt, the change of use and/or alteration and/or extension of an existing building will be permitted provided that the proposal will not have a greater impact than existing on the openness of the Green Belt; will not adversely affect the amenity of local residents, the local appearance and not lead to traffic problems; and the design and materials are architecturally consistent with the existing.

Policy GS8E: Replacement, alteration & extensions to dwelling in the Green Belt – Proposals to replace, extend or alter dwellings in the Green Belt will be permitted provided that: in the case of extensions the total size of the proposed and previous extensions does not exceed the size of the original dwelling and the original dwelling forms the dominant feature of the dwelling as extended; the construction is of a high standard of design; and local residents or the appearance of the locality will not be adversely affected.

Supplementary Planning Advice and Saved Supplementary Planning Guidance

Supplementary Planning Document: House Extensions, adopted March 2012 – sets out the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings and other domestic alterations. The general principles are that proposals should:

- be of a scale and design which harmonises with the existing building
- not adversely affect the amenity of neighbouring properties
- maintain the character of the street scene and
- not interfere with highway safety.

These policies 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.

Local Plan

The Council has produced the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

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:

Core Principle 7: Requiring good design - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Core Principle 9: Protecting Green Belt Land – The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

Assessment

Material Consideration

Principle of Development
Residential Amenity
Visual Amenity
Biodiversity
Highway Safety

Principle of Development

The Council will seek to ensure that development is appropriate to its context, and improves what needs improving, whilst protecting what is good about what we have.

The property is located within Green Belt where the extension of existing buildings is acceptable where the impacts are not materially greater than existing and any development in the Green Belt must preserve the openness of the Green Belt and not conflict with the purposes of including land in Green Belt.

The proposal seeks to extend an existing outbuilding which is located towards the rear of the site. The applicant's existing property has been extended under application 2014/1177. However, given the proposal involves demolition of another two existing outbuildings, it is not considered that the combination of this proposed extension to the outbuilding, along with those already added onto the dwelling, would result in disproportionate additions over and above the size of the original building. Furthermore, as the outbuilding to be extended is at the back of the site, with a backdrop of trees, and is located within the curtilage of the property within a built up area, it is not considered that the scheme would be of detriment to the openness or character of the Green Belt. It is therefore considered that the application is in accordance with the relevant Green Belt policies of the UDP, Core Strategy, and relevant policies in the NPPF.

Residential Amenity

The size and projection of acceptable extensions is dependent upon the orientation and position of the extension. Extensions will be considered on the basis of the extent of overshadowing, loss of privacy and loss of outlook.

With regard to the impact of the development upon the amenities currently enjoyed by neighbouring properties, the proposal raises no concerns. The proposed garage will be located away from the neighbouring property well within the applicants curtilage therefore the proposal is not expected to cause any disproportionate overshadowing, or overlooking which is consistent with the advice in the adopted SPD: House Extensions or the design principles in CSP29.

Visual Amenity

The adopted SPD: House Extensions identifies that it is important that extensions are designed so they are in keeping with the host property and the character of the surrounding neighbourhood. Domestic extensions will be assessed for their impact on both the character of the host property and effect on the street scene. Furthermore, the site is located just outside the Conservation Area so consideration has to be given to its impact on the setting of the Conservation Area.

The proposed garage is an extension of an existing building, fairly low profile with the façade of an agricultural outbuilding, stone built with timber cladding which will relate well to the surroundings whilst still in keeping with the existing property.

The proposal is located close to the property, and within the domestic curtilage of the site. The removal of the existing outbuildings will further reduce the massing of development, ensuring that the openness of the Green Belt is retained and the impact on the Conservation Area is minimised. The Council's Design and Conservation Officer is satisfied with the scale and design of the proposal commenting that it would be "fairly invisible until you get very close and then look like an agricultural outbuilding with timber cladding, stone, green profiled roof."

The proposal is considered acceptable in terms of visual amenity and would not harm the openness of the Green Belt or the Conservation Area in compliance with Core Strategy Policy CSP 29, CSP 30 and saved policy GS8E of the UDP.

Biodiversity

Development will be expected to conserve and enhance the biodiversity and geological features of the borough. The Council considers that trees and hedgerows enhance the quality of the

environment, including that of new developments, and should be retained and protected wherever possible. The trees mainly affected by the development are located to the rear of the proposed garage. Due to the position of the trees, careful, hand excavation on the banking next to the existing shelter will be required to ensure these trees are safely retained.

The development will clearly have an impact upon the trees, but with the use of proper techniques and methods the impact can be kept to a minimum. Full tree protection details will be required to ensure that the trees rooting area remain mostly unaffected and ensure every care is taken to avoid unnecessary mechanical root severance. The Council's Tree Officer is satisfied that with appropriate conditions the trees would not be detrimentally affected by the scheme.

Highway Safety

The existing vehicular access to the property will be retained and utilised, therefore there are no objections to the proposed development in terms of highway safety subject to the existing parking/manoeuvring facilities being retained.

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 (Proposed extension and outbuilding) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
3. The existing parking/manoeuvring facilities, indicated on the submitted plan, 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.
4. No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
 - Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement

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

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

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

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

6. No hedges or trees on the site or their branches or roots, shall be lopped, topped, felled, or severed unless agreed in writing with the Local Planning Authority. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.

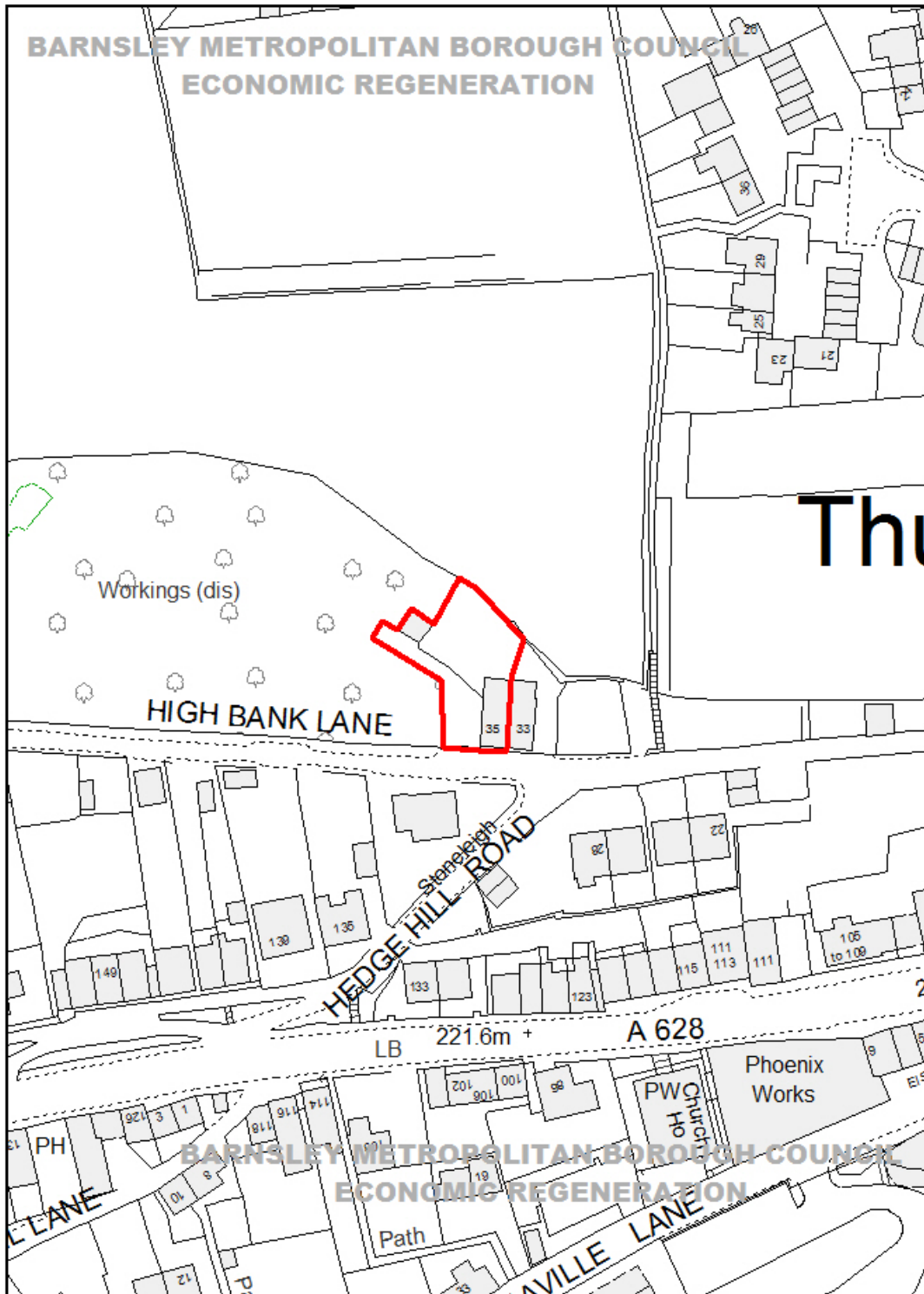
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of 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 shall be erected.

Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Core Strategy Policy CSP 34, Protection of Green Belt.

8. Prior to the development hereby approved being brought into use, the shed and outbuilding shown to be demolished on the approved plan shall have been demolished and removed from site.

Reason: In the interests of the openness and character of the Green Belt in accordance with CSP34.

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BARNSELY MBC - Economic Regeneration



Scale 1: -----

2016/0633 and 2016/0758

Applicant: Mrs Lynn Dunning

Description: Planning Application 2016/0633 - Works within grounds of Cannon Hall including formation of 6. no. parking spaces, reconfiguration of forecourt, reinstate pond, repair of growing areas and footpaths, change use of Gardener's Cottage, remove cart sheds to form access between museum and walled garden, repair works to Stable Yard Cottage to create holiday let cottages, partly restore and repair North Range Glass House and improvements to cafe settings

Description: Listed Building Consent 2016/0758 - Works within grounds of Cannon Hall including restoration of Deer Shelter, repairing and access works to Ice House, amendments to forecourt, south terrace and footpaths, restoration and amendment to walled garden including new entrance, removal of cart sheds and wall section, amendment to Stable Yard and Gardener's Cottage, repairs to Pinery, alterations to paths and planting and recreate pond.

Site Address: Cannon Hall Museum Park & Gardens Bark House Lane Cawthorne Barnsley S75 4AT

The application is put to Members as the Council is the applicant
4 Letters of objection have been received
Cawthorne Parish Council have no objections/observations

Description

Cannon Hall Museum sits in 70 acres of historic parkland looking towards the village of Cawthorne, to the west of Barnsley and within the Green Belt. Cannon Hall is a Grade II* Listed Building and the majority of the hall in its current form dates to the early eighteenth-century and has an association with two eminent architects of the time, John Etty and John Carr of York. It is listed at Grade II* in recognition of the high level of architectural and historic interest it possesses.

A home farm complex lies immediately north of the Hall and consists of a range of buildings including stables, a coach house, cottages and a farmhouse of late C18 date (all listed Grade II). The northern and part of the eastern sides of the courtyard are private residential accommodation.

Cannon Hall Museum shares its immediate setting with Cannon Hall Farm, and Cannon Hall Garden Centre, both of which are privately owned businesses. The park itself comprises of a mixture of formal landscapes, parkland, and structures that include a Grade II listed walled garden, a series of cascading lakes and a number of undesignated important heritage assets. The park boundaries comprise of mature trees to the northwest and south-west. The eastern boundary separates the park from Cannon Hall Farm and the southern boundary consists of meadow and small groups of mature trees. The main car park and cafe is set to the south western boundary, adjacent to the Garden Centre.

The Hall and Estate were sold to Barnsley Council in 1951 by the last member of the Spencer family, Elizabeth. Since then the Estate has been run by the council as a tourist attraction. It opened as a museum in 1957 and now hosts important collections of glassware, ceramics, paintings and period furniture. The site has approximately 450,000 visitors per year, with 150,000 people each year visiting the Museum itself and participating in a regular programme of visiting exhibitions, workshops and events.

Proposed Development

The Cannon Hall Parks for People project is being procured by Barnsley Metropolitan Borough Council. Cannon Hall Park and Gardens have been successful in securing funding from the Heritage Lottery Fund and Big Lottery Fund for the targeted and sustainable conservation of its buildings, surrounding parkland and lakes and to improve its offer as a major tourist and cultural attraction. The aim of the project is to restore significant heritage features, as well as enhance existing visitor facilities. These include the restoration of the lakes, repair to existing historic features in decline and re-discovering historic features that may be lost, through ongoing research and cataloguing of the heritage. This will allow the park to continue to attract increasing visitor numbers, and cater for a wider range of visitor needs. A core requirement of the funding is the gaining of planning consent.

The supporting documents with the application states that: 'The project will enable visitors to reconnect physically, intellectually and emotionally with the park's heritage and it will reveal lost secrets of an 18th Century and possibly earlier character of the designed landscape. New and improved footpaths will greatly improve access around the park. Wheelchair compliant footpaths and entrances will ensure everybody can use and enjoy the park. The project will also focus on improved visitor facilities including revenue generation and ensuring access for all. It will maintain and enhance Cannon Hall Park's appeal as both a family park and a heritage attraction, and continue to attract a wide ranging audience who value both its built and natural heritage.'

These applications relate to Planning Permission and Listed Building Consent for various works within the Grounds of Cannon Hall. Planning Application 2016/0633 and Listed Building Consent 2016/0758 includes the following detailed works:-

- Works to the Museum Forecourt, including the formation of 6 parking spaces, and reconfiguration of forecourt as a public space. There are currently 10 car parking bays and 3 disabled bays to the front of Cannon Hall Museum. The proposals are to relocate the existing car parking and provide 3 private parking bays to the proposed holiday lets and 3 disabled spaces in total. The vehicle access to and from the park is as existing. The bays to the car park will be surfaced in permeable reinforced grasscrete with granite setts dividing the spaces. A landscaped grass mound is proposed centrally with informal meadow planting with further ornamental planting proposed to define the footpaths. The large southern car park will not change.
- Reinstatement of a Georgian style pond and associated formal path layout.
- Removal of cart sheds in order to form an access between museum and walled garden.
- Repair works to Stable Yard Cottage to create two holiday let cottages.
- Change of use of Gardener's Cottage to create a hub and shop for the gardeners and Friends of Cannon Hall, and carry out minor alterations to create an accessible toilet, store and mess room, and to insert a new slot window into the south wall of the Friend's Shop. Internal alterations will be carried out in studwork, and will be reversible.
- Improvements to cafe setting including the re-surfacing of the external seating area and a feature retaining wall to allow for DDA compliant access from the existing path and car park.

The following repair works are covered under the Listed Building Consent:-

- Restoration of Deer Shelter including resurfacing and repair of stonework and the provision of new lighting.

- Repair and access works to the Ice House which includes improvements to surface material and steps to the Ice house door. It is proposed that the building is opened up and made accessible to visitors. This will involve excavating out and unblocking the entrance, fitting a secure railing door, and forming access steps down to the entrance. Internally a balustrade will be installed at the termination of the entrance passage, to prevent visitors from falling into the deep ice pit. The external domed roof will be recovered with earth, and surrounded by a new chestnut paling fence.
- Repairs to the Midden. An estate railing with a gate will be installed to the perimeter of the Midden to provide safe public access into the building.
- Restoration and repair of North Range Glass House. The North Range glass house will be reconfigured as a seating space with historic interpretation signage. For safety reasons, the glass frame structure will be dismantled, but the north brick structure will be retained and repaired. The two glasshouse 'bookends' will be replaced with planting beds constructed using a brick matching the historic wall. These will be planted with scented and hardy shrub planting. The central part of the greenhouse structure will be paved and furnished with benches.
- Amendments to the forecourt, south terrace and footpaths, restoration and amendment to walled garden including new entrance, and removal of cart sheds and wall section. The extent of the proposed courtyard will be repaved in a rustic riven textured York stone. It is envisaged that the new paved space between the service wing and the walled garden will accommodate educational activities, event days and a space for the friends to sell fresh produce to visitors. The proposals are to retain this area as a working kitchen garden, to repair the planting bed surrounds and install new wheelchair accessible planters. Existing planted bed surrounds to be replaced with terracotta edging to match the original and broken paving slabs replaced to match the proposed courtyard paving.
- Enlargement of door in the rear of the shop unit to provide a new principle public entrance from the parkland into the walled garden, with disabled access at front and rear doors. The new entrance will help to control access into the walled garden.
- Repairs to Pinery and repaving to form a feature seating area. A new resin bonded footpath will connect the ha-ha footbridge to the Pinery allowing visitors a direct route into the Pinery. New steps will be added to the front of the Pinery to improve access onto the surface.
- Existing path surface and edgings are to be repaired or replaced where necessary. Edgings will match existing terracotta and surface will be treated with red grit stone. New paths will be added to allow DDA compliant access to the Georgian and North Range Glass

The original scheme proposed a marquee hardstanding area but this has now been removed from the proposal. In addition, the proposed tree works are to be dealt with via a separate future Tree Preservation Order application.

In support of the application a detailed Design and Access statement and Heritage Statement have been submitted. A Bat Survey, Great Crested Newt Survey and an Extended Phase 1 Habitat Survey have been submitted with the application.

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 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 the Publication Consultation Document of the Local Plan. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although this is still limited by the need to consider any comments received during the consultation and with the knowledge that the Inspector can require changes to the plan.

Core Strategy

CSP20 - Promoting Tourism and encouraging Cultural Provision

CSP26 – New Development and Highway Improvement

CSP29 – Design

CSP 30 – The Historic Environment

CSP 34 - Green Belt

CSP36 - Biodiversity and Geodiversity

CSP40 – Pollution Control and Protection

Saved UDP Policy

GS8A – Re-use of existing buildings in the Green Belt

NPPF

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

In respect of this application, relevant policies include:

Paragraph 131: conserving and enhancing the historic environment. This states that in determining planning applications, local planning authorities should take account of:

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

Paragraph 134: Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

Consultations

Cawthorne Parish Council – No objections/observations

Conservation Officer – No objections subject to conditions

Historic England – Concerns raised with regard to proposed marquee base which has now been removed from the proposal. No objections have been raised to scheme.

Regulatory Services – No objections subject to conditions

Biodiversity Officer – Has raised no objections to the scheme and is satisfied with the ecological reports and assessments that have been made.

Highways DC – No objection subject to conditions

Tree Officer – No objections subject to conditions

Barnsley Civic Trust - Are supportive of the scheme in general and have made the following comments:

- An improved access created by the removal of the cart sheds, which were not original to the house, would eliminate the problems of circulation and connection for visitors and staff alike.
- Regrets the removal of the rectangular pond in the Walled Garden but accepts the necessity for increased activity space for events and welcomes the re-instatement of the Georgian Pond which was original to the hall.
- The dismantling of the North range Glasshouse is to be regretted the retention of the rear wall, however, will provide a welcome area for extra seating space.
- To employ the Stableyard Cottage as a holiday-let is to be commended for the forward thinking and potential financial return and create a base from which to explore both the hall and the locality. Also
- The retention and refurbishment of the Gardeners Cottage for use by staff and volunteers provides a sensible and practical solution for a permanent headquarters away from visitor intrusion.
- The restoration of existing Heritage features, the upgrading of visitor facilities and the recreation of the eighteenth century layout cannot fail to restore the Hall to its rightful place as a major draw for visitors and locals alike.

Representations

4 Letters of objections have been received:-

Concerns have been raised with regard to marquee base and potential disturbance from any activities associated with this; however this has now been removed from the proposal.

Concerns have also been raised with regard to the proposed holiday lets including:-

- Concerns regarding the occupation of these properties – would this be long term lets
- Potential for changing into other uses
- Who will manage these properties
- Potential noise and disturbance from future occupiers/cleaning teams/servicing/repairs etc
- Residents would walk past private bedroom windows to access the cottages/increased disturbance and a loss of privacy to these rooms
- Security may be affected to courtyard
- Where will the residents park

- Is the drainage adequate
- What are the refuse collection plans
- What is the estimate of increased traffic on the driveway
- The disabled bays are to be used as holiday cottage parking.
- Does the need for gas/oil/electricity/wi-fi have implications for other residents of the courtyard
- Access to the properties should be via the south side, which after all is the property of the Council

Other matters raised include:-

- The proposed car park resulting in 6 disabled bays would require works and alterations to the existing grass verge adjacent to Bark House Lane. This verge is owned by Cannon Hall Farm, and not Cannon Hall Museum.
- The visitor numbers declared in the planning document, which states that the farm received 70,000 visitors, is incorrect. The farm and surrounding amenities actually have around 600,000. The farm increased its toilet facilities to meet with the increased visitor numbers, considering the proposal to increase visitor numbers to Cannon Hall Museum and the gardens there is only one public toilet planned, is this adequate to fulfil the needs of the visiting public?
- Insufficient time given to comment and resolve any issues.

Assessment

Cannon Hall is set within the Green Belt and is a Grade II* listed building within a Grade II registered landscape, with several associated buildings and structures listed at Grade II. The application therefore needs to be assessed in principle against Core Strategy Policy CSP 30 and CSP 34 and Government advice in the NPPF.

Impact upon Heritage Assets and Visual Amenity

The *Parks for People* project proposes the repair, restoration and enhancement of a number of features of the Cannon Hall gardens and landscape. The proposals aim to improve the visitor experience and historic environment. Historic England and the Council's Conservation Officer have been consulted and have provided the following advice to the proposals:

Improvements to the forecourt north of the hall

Historic England are supportive of the proposals to re-landscape this area, using historic plans as a guide and consider that the existing layout of the area to the north of the hall is not the most sympathetic, and that the materials are not of a quality you might expect in such a sensitive location. Historic England particularly welcomes the removal of car parking from immediately adjacent to the hall to give the building some 'breathing space' and allow the architecture of the north elevation to be more fully appreciated.

The Conservation Officer considers that the proposed improvements will provide a new sympathetic but high quality setting to the Grade II* house which follows historic precedents. The intention is clearly to improve the setting here to one that better reflects the layout, materials and the architectural quality of Cannon Hall. This will be achieved with the use of natural Yorkstone surfacing that abuts the house, resin bound gravel and the construction of a gently raised (stone backed) seating area that will be a high quality focus. Overall parking in this area is to be vastly reduced which will enhance the setting of the building.

Demolition of the 'cart sheds'

Historic England consider that the contribution that the existing 'cart sheds' make to the setting and significance of the hall lies in their simple, utilitarian character and how they illustrate the service function of the east side of the hall. They provide a sense of enclosure to the narrow space

between the hall and the kitchen garden and also to the south-west corner of the kitchen garden. The arched openings provide some minor architectural interest and the structures potentially have some historic interest in demonstrating the need for more storage space and perhaps an expansion of activity related to the gardens.

The demolition of the sheds will cause some harm to the setting of the listed building through the loss of an element illustrating the development of the estate, and through the loss of the sense of enclosure along the service courtyard and at the south west corner of the kitchen garden. Opening up views to the kitchen garden is stated as being desirable for improving the visitor experience, but it is not necessarily compatible with the historic layout or function of the area. The two competing issues therefore need to be carefully weighed against each other. The Conservation Office considers that the proposal represents a degree of harm to historic fabric and potentially to the setting of the house. However it is felt that this is justified because it will allow the visitor a better appreciation of the historic and original relationship of the house, its service wing, and the historic walled garden. This in turn better reveals the significance of these individual elements that contribute to the overall significance of Cannon Hall. From a legibility and visitor flow perspective this change will also allow a better uninterrupted progress from the house to the garden. The additional new access from the south front into the garden further enhances and improves the appreciation of relationship with the parkland. This part of the proposal will be accompanied with the use of high quality, natural and traditional materials for the steps walls, landings and ramp that will compliment the setting.

Marquee hardstanding

Historic England raised some concerns with regard to the hardstanding area proposed for the marquee; however this aspect to the proposal has now been removed from the application and may be submitted separately at a later date.

Reconfiguration of garden

The reconfiguration of the garden is supported, including re-instatement of the Georgian pond. The various works to re-arrange and repair beds within the garden, the pond, and partial restoration and consolidation of the Northern glasshouse will retain and repair the historic elements of the glasshouse, whilst removing 20th century fabric which is rotten and currently detracts from the significance.

Conversion works to Gardeners Cottage/Stable Cottage

The sensitive proposals for the Gardeners cottage and courtyard cottages are minimal and welcome. External changes are very limited to the insertion of a single window at ground floor facing south into the garden in the Gardeners Cottage. This is to facilitate use of the space behind as a garden shop. Internally changes largely work within the existing arrangement and involve only minor changes or demolition of later partitions.

Works to area around café, deer shelter, ice house, Midden, Pinery, and footways

The works to these elements are considered to be minor improvements works which would benefit both the aesthetic values of the individual features and the overall grounds of Cannon Hall.

Overall, the Council's Conservation Officer is supportive and raises no objections to the proposal and states: 'The proposals will improve both understanding and appreciation of the heritage by improving the setting and directly repairing or bringing back into use a number of dilapidated or under used assets.' In determining the application the LPA should be satisfied that there is a clear and convincing justification for the harm that would be caused and then weigh the public benefits of the scheme against the harm, in accordance with paragraphs 132 and 134 of the National

Planning Policy Framework. The main area of concern would be the impact of the removal of the cart sheds. These changes will have a moderately harmful impact upon the current configuration, however these structures for removal are of a more recent intervention that have in themselves had a more harmful impact by losing the connection between the kitchens and the productive garden areas of the walled gardens. The public benefits of the works proposed are outweighed by any harm that would be caused from the removal of this building, in accordance with the NPPF and Core Strategy Policy CSP30.

Impact on Green Belt

The proposed works will allow for the improvement of the park, including improved footpaths, historic assets and redevelopment of the existing car park and café areas.

The proposed marquee hard standing has been removed from the proposal, so there are no new areas to be developed within the site.

The development also proposes the conversion of the former stable cottage into two new holiday lets. In principle, the conversion of existing buildings in the Green Belt to other uses is acceptable subject to the proposal complying with the relevant policies. The proposed development involves the change of use of an existing building within the Green Belt, therefore policy GS8A will apply.

The re-use of the building for two holiday lets will not have a materially greater impact on the openness of the Green Belt. The building, whilst it has not been occupied for residential purposes for some time, it has been used as a dwelling previously. The use of the building for holiday lets is in line with Policy GS8A in that tourism uses are encouraged over general residential uses and this proposed use would not significantly harm the openness of Green Belt in accordance with Core Strategy Policy CSP34.

Residential Amenity

Concerns have been raised from the residents of the private properties within the courtyard with regard to the proposed conversion of Stable Cottage into two holiday lets and potential noise and disturbance and a loss of privacy. Stable Cottage has previously been used for residential purposes and is currently accessed from the courtyard and a right of access exists over this land. Whilst it is appreciated that there will be an increase in residential activity, there should be no significant disturbance to the neighbouring properties in order to warrant a refusal of permission on this basis, given that the property has been previously used as a dwelling and that the Council's Regulatory Services Officers have no objection to the proposal.

Concerns have also been raised with regard to the previously proposed marquee hardstanding. This aspect has now been removed from this proposal.

Highway Safety

Highways DC have been consulted on the application and have no objections to the proposal subject to conditions. The holiday lets are to be allocated 3 spaces within the new forecourt area which is considered to be sufficient parking provision.

Various improvement works are proposed within the grounds which may result in increased visitor numbers, however it is not possible to attribute how many additional visitors would result from such works. In any event, it is unlikely that any additional traffic would be so considerable to have a significant adverse impact on the surrounding highway network in accordance with Core Strategy Policy CSP26. Highways have requested that a condition is applied with the requirement of a Construction Method Statement to be submitted prior to commencement, to ensure that there is no significant impact on car parking provision.

Trees

The proposed tree works have been removed from the proposal. No trees are required to be removed to permit the works that are subject to this planning application. Some of the trees within the park are protected by a Woodland Tree Preservation Order, which is set to the south of the lake. These works will need a separate Tree Preservation Order application to be submitted.

Biodiversity

Cannon Hall Park comprises a range of habitats that support local wildlife. A Bat Survey, Great Crested Newt Survey and an Extended Phase 1 Habitat Survey have been submitted with the application.

In July 2016 a Bat Emergence Survey by Brooks Ecological confirmed that there are 11 bat roosts within four buildings on site (buildings 2, 3, 5 and 13) and eight buildings (1, 4, 6, 7, 8, 9, 10 and 11) with moderate to high risk of bat roosts with only building 8 of potential for bat hibernation. The Ecological Consultants state that: "with one exception, all of these represent summer non-breeding roosts, occupied by low numbers of crevice dwellings bats; mostly common pipistrelle, with a single whiskered bat roost. Although legally protected, these roosts would be assessed as being of low conservation significance, works here will need to be carefully planned and designed to avoid impacts on roosting. The exception is a brown long eared maternity colony discovered within Building 13 (Deer Shed) using the interior roof structure of both the eastern and western rooms. Roosts of this nature are considered to be of greater conservation significance and works to this building will need to be carefully planned to ensure impacts to this sensitive roost are minimised and that bats continued use of the building is allowed." Works on buildings 4, 5, 10 and 13 will require a license from Natural England and will be subject to mitigation measures. The Biodiversity Officer has confirmed that Natural England would be likely to grant the relevant European Protected Species licence(s) on the basis of the report.

The great crested newt survey, June 2016 included eight waterbodies within Cannon Hall Park and five within 500m of the park boundary. The results show that there were no great crested newts present in waterbodies surveyed within the park and there were moderate populations of great crested newts in four waterbodies located within 430m of the park. Access Ecology concludes that "a European Protected Species License from Natural England to allow the proposed development to take place on the Cannon Hall Park site is not required." A method statement must be followed, including safe systems of working and good practice guidelines and in conclusion, the Council's Biodiversity Officer considers that Great Crested Newt report is acceptable. Overall the proposals should not cause any significant impact upon Biodiversity subject to mitigation measures outlined and Natural England Licences in accordance with Core Strategy Policy CSP36.

Conclusion

The proposals will improve the facilities at the park and will allow the park to continue to attract increasing visitor numbers, and cater for a wider range of visitor needs. The works are supported by Historic England and the Council's Conservation Officer and should have no significant impact upon the Grade II* Listed Building or the Grade II registered landscape in accordance with the NPPF and Core Strategy Policy CSP30.

Recommendations:

Grant and refer to the Secretary of State Government Office, subject to the following 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 amended plans
(Nos. CHP_PLI_S2_LC1_0220 (REV P02)
CHP_PLI_S2_DR_PLA_0110 (REV P03)
CHP_PLI_S2_DR_LC12_0227 (REV P02)
CHP_PLI_S2_DR_LC1_0221 (REV P01)
CHP_PLI_S2_DR_LC4_0221 (REV P01)
CHP_PLI_S2_DR_LC4_0222 (REV P01)
CHP_PLI_S2_DR_LC4_0223 (REV P01)
CHP_PLI_S2_DR_SW1_0152 (REV P02)
CHP_PLI_S2_DR_SW2_0120 (REV P01)
CHP_PLI_S2_DR_SW4_0310 (REV P02)
CHP_PLI_S2_DR_SW5_0810 (REV P02)
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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. Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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

5. No construction or repair work shall commence until a representative sample of any external material to be used has been submitted to, and approved in writing by, the Local Planning Authority, and the development shall proceed in strict accordance with these details as approved.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

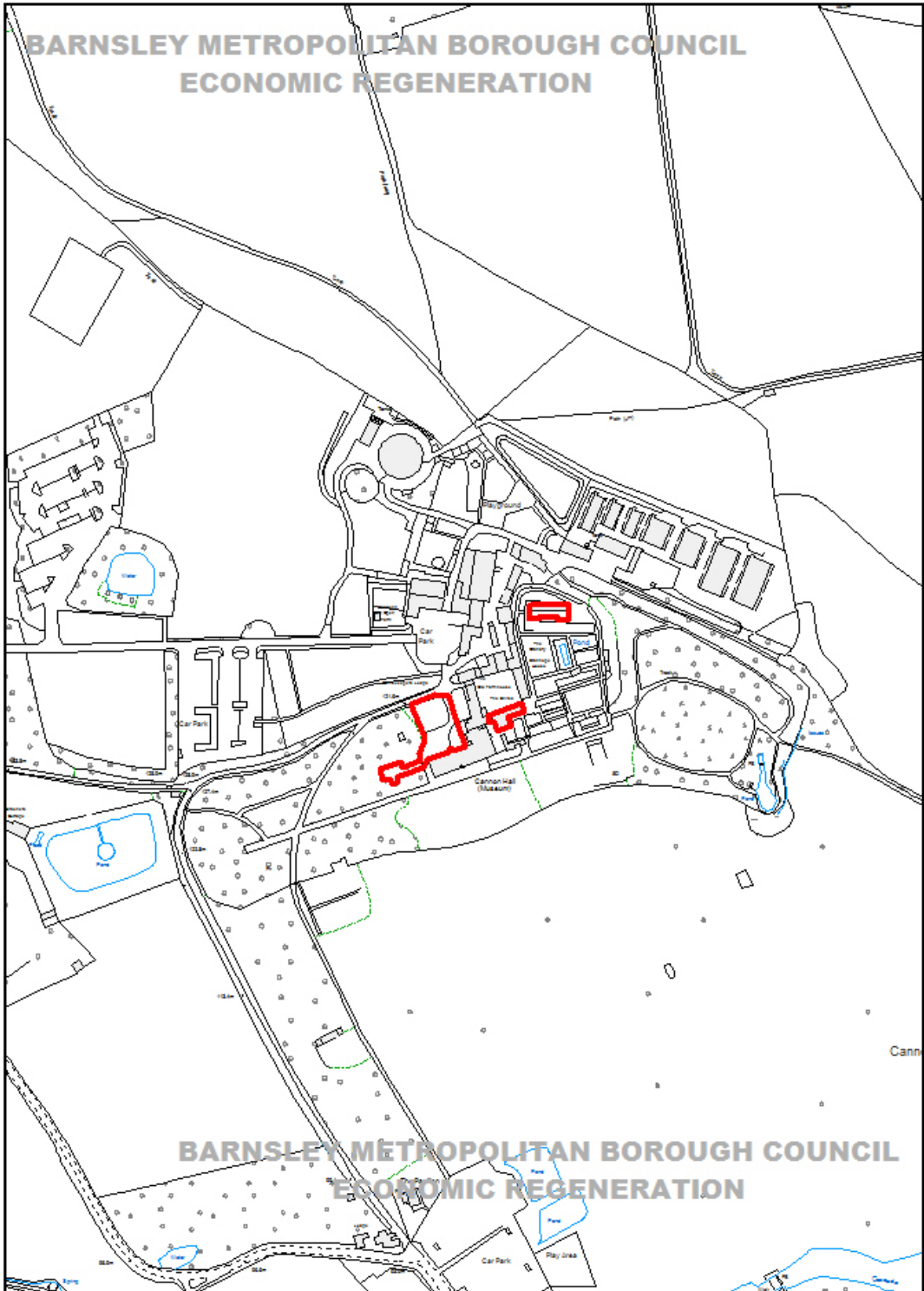
6. Pointing mix for new or repaired structures or sections of wall to be lime (NHL 3.5) : aggregate at a ratio of 1:3. Sand / aggregate should be well graded or river sand. Preparation of the joints will require careful removal of cement or other perished mortar by hand at a depth equal to twice that of the width. Pointing mix to be of the same colour or as close as possible to the original lime and to be finished slightly back from arms of surrounding stonework and brushed off or stippled to remove laitance, aid curing and expose aggregate to a depth of 2 or 3 mm.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
7. All new doors (e.g. entrance to walled garden) to be used in the course of alterations shall be constructed in timber with frames mounted in at least 75mm in the reveal. Full details of their design, construction and finish (including details of surrounds and furniture) shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
8. Windows shall be repaired in situ using traditional materials and techniques and retained with all original glazing where possible. Where any new windows (e.g. cottages) are proposed details of their design, construction and finish (including details of surrounds and furniture) to be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
9. All works shall proceed strictly in accordance with the recommendations, including mitigation measures set out in the Biodiversity Summary, Phase 1 Habitat survey, dated February 2016 and the Bat and Newt Survey Reports Prepared by Brooks Ecological and Access Ecology.
Reason: To ensure the works minimise impact on protected species in accordance with Policy CSP 36 of the Core Strategy.

PA Reference:-

2016/0633

2016/0758

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BARNESLEY MBC - Economic Regeneration



Scale 1: -----

2015/0578

Applicant: Andie Nixon

Description: Remove Elm tree T1 and Beech tree T2 within TPO: 6/1993

Site Address: Public Open Space, Bowden Grove, Dodworth, Barnsley, S75 3TB

5 letters of objection have been received

Description

The trees in question are located within a small wooded area of Greenspace between 43 – 47 Bowden Grove and Rosehill House Residential Care Home.

Proposed Development

The applicant seeks permission to remove 1no. Elm tree (T1) and 1no. Beech tree (T2) within TPO 6/1993.

Policy Context

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

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

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

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

Consultations

Tree Officer – approve subject to conditions

Representations

Neighbour notification letters were sent to surrounding residents. 5 letters of objection have been received raising the following points:

- the area supports wildlife and birds
- the Beech tree should be maintained rather than removed
- the Beech tree has been in this 'state' for 20 years and shows no signs of die back
- the Beech tree is not dangerous and
- the Beech trees' removal will impact on privacy.

Assessment

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

- (1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- (2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

The Elm tree is a large prominent specimen which is now largely dead and is showing no signs of coming into leaf. There are, as stated in the application document, large areas of peeling bark and much retained deadwood. Given the tree's location and current physical condition there is no option but to remove the tree.

The Beech tree is a significant specimen but not as large or prominent as the Elm tree but does provide significant amenity value. The tree currently has a vertical split on the south side of the main trunk which has allowed a soft rot to develop, which can ultimately affect the structural integrity of the tree and has the potential to cause damage to the surrounding area and properties. It is acknowledged that this split has been present for some time and that the crown of the tree appears healthy and shows no sign of die back, however this does not warrant the retention of a tree which is potentially dangerous.

It has been suggested that the tree is pruned rather than removed; however the pruning of the tree would not mitigate the large trunk wound and soft rot nor limit the trees potential danger. The concerns in relation to the loss of screening and the potential for increasing levels of overlooking from the care home to the south are valid, however, the majority of shrubs and trees within the wooded area are to be retained with the removed trees to be replaced with an Oak and a new Beech, which are also to be replanted as close to the current location of the removed trees as possible.

It is acknowledged that the removal of the trees will result in a gap until the new trees become established, however the rear elevation of the car home is located a sufficient distance, in excess of 21m, from the habitable room windows located on front elevation of the properties on Bowden Grove and as such it is considered that the removal of the trees would not increase levels of overlooking to an unreasonable level.

Recommendation

Approve with conditions

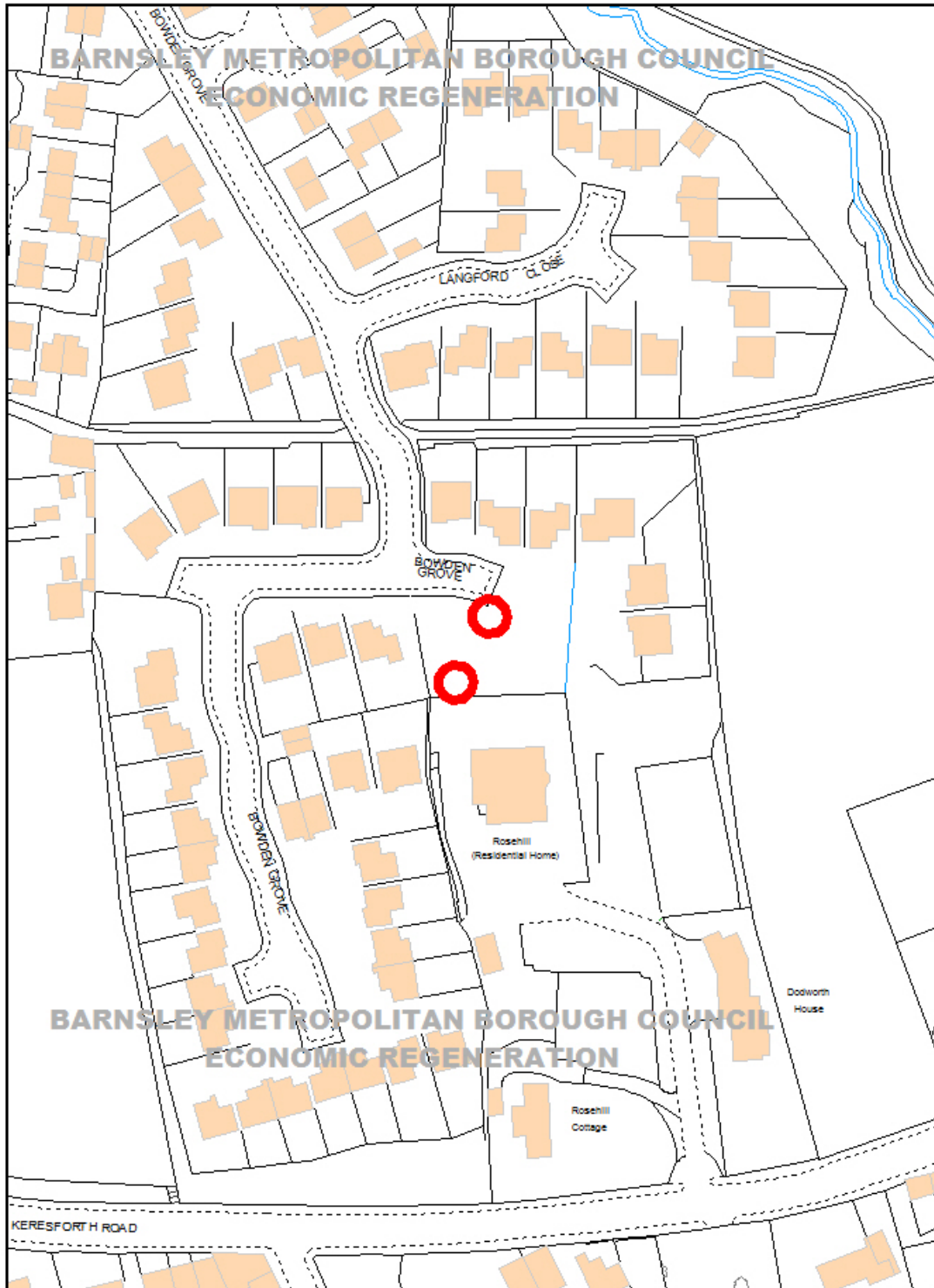
- 1 The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure that adequate notice is given for the works to be inspected and approved by the Local Planning Authority.
- 2 Not less than five working days notice of the date of the proposed work shall be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

- 3 Within the first planting season after removal, the Elm tree and Beech tree shall be replaced by a new Oak tree (*Quercus robur*) and new Beech tree (*Fagus sylvatica*). The new trees shall be planted as close to the current location of the tree to be removed as possible and shall be Heavy standard trees (stem girth 11-14cm), shall be planted and affixed (with flexible tree ties) to a tanalised tree stake (minimum diameter 75mm) at a height of no more than 1m above ground level. In order to aid establishment a suitable mulch shall be applied (e.g. semi-composted woodchip to a minimum depth of 75mm) around the tree to a radius of 1m. The tree shall be watered immediately after planting then whenever required to ensure successful establishment. Within two weeks of planting the Local Authority Tree officer shall be informed and invited to inspect the new tree. The new tree shall be subjected to a Tree Preservation Order in replacement of the felled tree. Any tree which fails to become established within 5 years from planting shall be replaced with another tree of the same original specification.

Reason: In the interests of the visual amenities of the locality.

PA reference :-

2016/0578



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BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 June 2016 to 30 June 2016

APPEALS RECEIVED

1 appeal was received in June 2016:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2015/0416	Change of use of land to gypsy/traveller site (8 no. pitches) including associated buildings and infrastructure. Land adjacent Burntwood Cottages, Moor Lane, Great Houghton, Barnsley	Written representation	Non Determination

APPEALS WITHDRAWN

No appeals were withdrawn in June 2016.

APPEALS DECIDED

1 appeal was decided in June 2016:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>	<u>Decision</u>
2015/0743	Partial change of use of premises from Public House(A4) to Hot Food Takeaway (A5) at The Acorn, Lindhurst Road, Athersley North, Barnsley	Written representation	Delegated	Allowed

2016/2017 Cumulative Appeal Totals

- 4 appeals have been decided since 01 April 2016
- 3 appeals (75%) have been dismissed since 01 April 2016
- 1 appeal (25%) have been allowed since 01 April 2016

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Item 6

BARNSLEY METROPOLITAN BOROUGH COUNCIL

**Report of Assistant Director,
Highways, Engineering and
Transportation to Planning
Regulatory Board on
26th July 2016**

Diversion of a public footpath at Goldthorpe.

1.0	<u>Purpose of Report</u>
1.1	To consider an application to divert Dearne public footpath no. 18 south of Barnburgh Lane at Goldthorpe.
2.0	<u>Recommendations</u>
2.1	That, in exercise of statutory powers, the Council makes Public Path Orders under the provisions of section 257 of the Town and Country Planning Act 1990 and section 119 of the Highways Act 1980 for the diversion of Dearne footpath no. 18, as shown on the plan attached to this report.
2.2	That the Director of Legal and Governance be authorised to publish the Orders and to confirm them himself in the event of there being no objections thereto.
2.3	In the event objections are received which cannot be resolved, the Director of Legal and Governance be authorised to submit the Orders to the Secretary of State for confirmation and to take all necessary steps to support the Orders at any public inquiry, informal hearing or written representation as necessary.
2.4	That the Director of Legal and Governance be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area.
3.0	<u>Background and Proposal</u>
3.1	Gleeson Homes has applied for planning permission for phase 2 of a new residential development south of Barnburgh Lane at Goldthorpe.
3.2	Dearne public footpath no. 18 runs across this site, directly through several of the proposed properties. To allow construction and provide a clear, defined route for the public, the developer has applied to divert the footpath through a 10 metre wide landscaped buffer zone around the boundary of the development. (NB: The Council can make a diversion

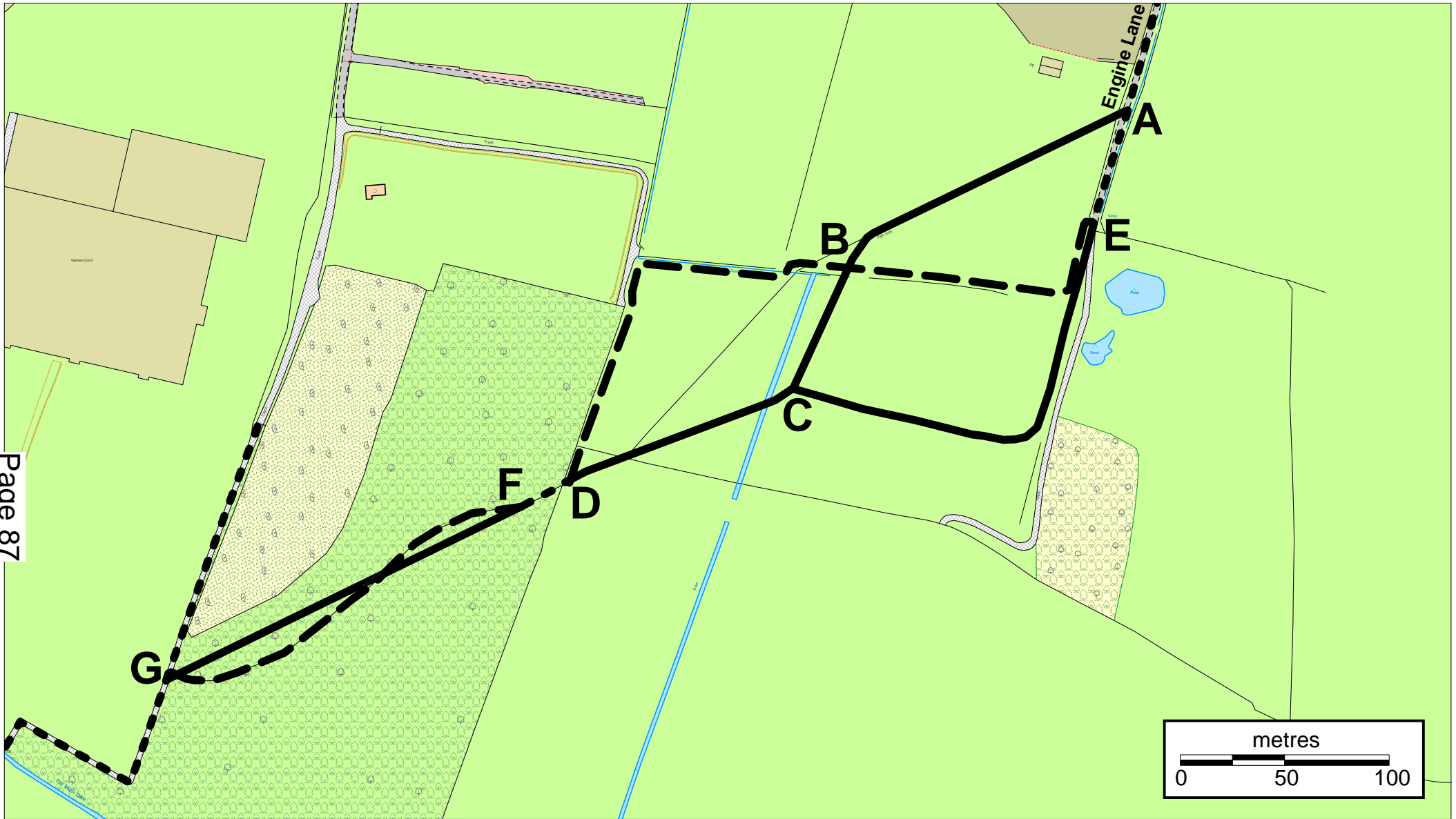
	order without planning permission, but permission must be granted before the order can be confirmed.)
3.3	The continuation of the path to the south of the development site is currently blocked by a large bog, ditch, fencing and crops. In order to create a clear, usable through route for the public, it is also proposed to divert this section of the footpath onto a new alignment under the Highways Act 1980.
3.4	At present the legal alignment of the footpath runs along Engine Lane then forks into 2 spurs which rejoin shortly afterwards in the adjacent field. There is no obvious reason why the path should split into 2, so it is considered appropriate to stop up both existing routes and identify a single good alternative path for the public to use.
3.5	Both parts of the forked path run across the centre of open fields after leaving Engine Lane. The legal lines of the routes are undefined and difficult to follow, run on boggy ground and are blocked by several obstructions. The path is part of the Barnsley Boundary Walk and provides a good link to the local countryside, and it appears that people are walking on a variety of informal routes through the fields to avoid the obstructions rather than sticking to a defined footpath.
3.6	The proposed diversion route leaves Engine Lane then runs through a 10 metre wide landscaped buffer zone around the development with a 2 metre width (between points E-B on the attached plan), before continuing around the field edge to the south of the development with a width of 1.5m (points B-D). It is also proposed to make a minor diversion of the path on Council land between points F-G to reflect the route that is available on the ground.
3.7	NB: As part of the proposed development Gleeson Homes intends to install new drainage, which should help resolve the existing problems with boggy ground.
3.8	The new route is approximately 410m long, which is longer than the current legal lines (340m and 395m). However as the new path would provide a clear, defined through route that the Council could sign, maintain and enforce it is considered to be significantly more convenient for the public than the existing route and the best available alternative.
3.9	Informal consultations have been carried out with user groups, ward councillors and utilities companies. No objections have been received.
3.10	South Yorkshire Police's Crime Prevention Officer made some comments about the planting in the buffer zone around the perimeter of the proposed new development, which have been passed onto the relevant planning officer. A minimum gap of 5 to 6 metres of planting between the path and the boundary of the properties is proposed.

4.0	<u>Statutory Criteria</u>
4.1	Section 257 of the Town and Country Planning Act 1990 (as amended) enables public rights of way to be extinguished or diverted where the Council, as Planning Authority, is satisfied that it is necessary to do so in order to enable development to take place.
4.2	The existing path runs across the proposed development site, directly through several of the proposed properties. Development is not possible unless the path is moved and therefore the statutory criteria are met.
4.3	DEFRA Rights of Way Circular 1/09 provides guidance for local authorities and is used by inspectors when considering objections to public path orders made under the Town and Country Planning Act. It states in paragraph 7.15; 'That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.'
4.4	The existing path through the development site is undefined and runs on boggy ground. The proposed new route is slightly longer but will provide a clear, easy to follow 2 metre wide path through a landscaped area around the perimeter of the development. These benefits are considered to offset any inconvenience caused by the additional length while allowing the proposed development to go ahead.
4.5	Section 119 of the Highways Act 1980 enables a path to be diverted where it is considered expedient to do so in the interests of the owner, lessee or occupier of the land crossed by the path or in the interests of the public. Before confirming such an order the Secretary of State or the Council, as the case may be, must be satisfied that the diversion is expedient and that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which – <ul style="list-style-type: none"> (i) the diversion would have on public enjoyment of the path or way as a whole, (ii) the coming into operation of the order would have as respects other land served by the existing public right of way, and (iii) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.

4.6	The Council also has to have regard to the likely impact of the diversion on agriculture, forestry and biodiversity.
4.7	The proposals are considered to benefit the public by providing a clear, defined through route which the Council would be able to sign, maintain and enforce. This would be a significant improvement on the current path and is considered particularly important as the route is part of the Barnsley Boundary Walk. It would also remove the existing path from a field in which livestock are kept and would avoid the need to reinstate the existing legal line of the path, which would be costly and difficult owing to the aforementioned problems on the route.
4.8	The diversion is also considered to have a positive effect on the land over which both the existing and proposed routes run by consolidating the 2 existing parallel routes running through the centre of adjacent fields into a single path. This would reduce the burden on the landowner by moving the path to a more manageable field edge route and would allow the field through which the path currently runs to be secured.
4.9	The proposed diversion is not considered to have any negative impact on agriculture, forestry and biodiversity.
5.0	<u>Options</u>
5.1	The Council makes the orders applied for. Officers are satisfied that the necessary statutory criteria are met and that the proposed alternative route is the best available.
5.2	The Council could decline to make the orders applied for, but as the relevant statutory criteria have been satisfied, it is not considered reasonable to do so. Furthermore, the Council would have to spend significant time and resources to enforce reinstatement of the existing legal line due to the large number of obstructions and problems with the current route.
6.0	<u>Local Area Implications</u>
6.1	There are no implications for the local area beyond minor changes to the rights of way network.
7.0	<u>Compatibility with European Convention on Human Rights</u>
7.1	These proposals are considered to be compatible with the Convention.
8.0	<u>Ensuring Social Inclusion</u>
8.1	The proposal will have no negative impact on social inclusion. The new path will have gradients, surfaces and widths that are similar to or more accessible than the existing footpath and will be much easier for the

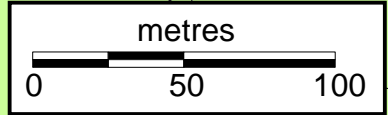
	public to follow.
9.0	<u>Reduction of Crime and Disorder</u>
9.1	The proposals are not considered to have any effect on crime and disorder. In response to consultations, South Yorkshire Police's Crime Reduction Officer raised no objections, while their comments on planting in the landscaped buffer zone have been passed onto the relevant planning officer for consideration.
10.0	<u>Financial Implications</u>
10.1	If the Orders are made and objections are received there will be additional costs to the Council that cannot be passed on to the applicant. This is especially the case if the matter has to be resolved at a public inquiry.
11.0	<u>Risk Assessment</u>
11.1	The Council has powers under the Town and Country Planning Act 1990 and the Highways Act 1980 to make the orders applied for. The statutory process provides an opportunity for objections which, if upheld, may result in the order not being confirmed by the Secretary of State.
11.2	Objections may be received to the diversion application. However, the Council is satisfied that no relevant grounds for objection have been raised during the consultation period, that the application meets all of the statutory criteria and that the best possible alternative route has been identified for the diversion orders.
12.0	<u>Consultations</u>
12.1	User groups (including the Barnsley Local Access Forum), ward councillors, other Council departments and utilities companies have been consulted on the application and notices have been placed on site.
12.2	No objections have been received.
13.0	<u>Proposal</u>
13.1	Councillors approve the recommendations in section 2.
14.0	<u>Glossary</u>
15.0	Appendices Appendix A – Dearne FP 18 diversion plan.
	Officer Contact: Rik Catling / Sarah Ford Tel: ext 2142
	Date: 26 th July 2016

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Proposed diversion of Dearne public footpath no. 18 off Engine Lane, Goldthorpe	
Drawn by BMBC	Scale 1 : 2500
Map 1	-

Footpath(s) to be created
Footpath(s) to be deleted
Unaffected rights of way



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