

Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 27 September 2016
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

Planning Application(s) No: 2016/0552 and 2016/0340

Please meet at the Town Hall for immediate departure at 10.30 a.m.

Plan Number	Site	Approx Time of Arrival
2016/0552	Planning application for the approval of reserved matters (appearance, landscaping, layout and scale), pursuant to outline planning application 2014/0807 at Land at Carrington Avenue comprising of 80 dwellings, associated car parking and landscaping and biodiversity mitigation and enhancement. Land at Carrington Avenue, Barnsley S75 1BW	10.35 a.m.
2016/0340	Outline application for residential development of up to 24 dwellings to include means of access and public open space. Land to the East of Cote Lane, Thurgoland, South Yorkshire, S35 7AB <i>Please note: Local Members are invited to attend in respect of those visits within their Ward.</i>	11.20 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 5 - 8*)

To receive the minutes of the meeting held on 6th September 2016.

Planning Applications

Any planning applications which are to be the subject of individual representation(s) at the meeting will be dealt with prior to any other applications.

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.

4. Land to the East of Cote Lane, Thurgoland, S35 7AB - 2016/0340 - For Approval (*Pages 9 - 22*)

Outline application for residential development of up to 24 dwellings to include means of access and public open space.

5. Land at Carrington Avenue, Barnsley, S75 1BW - 2016/0552 - For Approval (*Pages 23 - 34*)

Approval of reserved matters (appearance, landscaping, layout and scale), pursuant to outline planning application 2014/0807 at Land at Carrington Avenue comprising 80 dwellings, associated car parking and landscaping and biodiversity mitigation and enhancement.

6. The Peel Centre, Dryden Road, Barnsley, South Yorkshire S71 1JE - 2015/0987 and 2015/0988 - For Approval (*Pages 35 - 52*)

2015/0987: Variation of Condition 1 of planning permission B/05/1165/BA (which was previously varied by planning permission 2014/0663 to allow non-food retail use with up to 30% food retail use, of units 3C, 5 and 6) to allow additional retail goods to be sold at units 2, 3A, 3B and 3C, 4, 5, 6, 7 and 8.

2015/0988: Variation of condition 7 of B/88/0294/BA to allow additional retail goods to be sold at units 1A, 1B and 1C.

7. Unit 2A, The Peel Centre, Dryden Road, Barnsley, South Yorkshire S71 1JE - 2015/1028 - For Approval (*Pages 53 - 66*)

Erection of a retail unit on the existing site of The Range store.

8. River Mill Farm, Old Mill Lane, Thurgoland, Sheffield, S35 7EG - 2015/1285 - For Approval (*Pages 67 - 74*)

Erection of wooden stable block with concrete base and yard.

9. Land at Capitol Park, Capitol Close, Dodworth, Barnsley - 2016/0713 - For approval (*Pages 75 - 90*)

Outline planning application including means of access for general industrial (B2) use and storage and distribution (B8) use with ancillary office (B1) use

10. Land at Highroyd Lane, Shortwood Business Park, Hoyland, Barnsley, S74 9NW - 2016/0764 - For Approval (*Pages 91 - 104*)

Erection of a hospital for the provision of child and adolescent mental health services CAMHS (Outline) (Departure from UDP).

11. Ranah Stones Farm, Whams Road, Hazlehead, Sheffield, S36 4HT - 2015/1020 - For Approval (*Pages 105 - 110*)

Caravan storage on hardcore base (Retrospective).

Planning Appeals

12. Planning Appeals - 1 August 2016 to 31 August 2016 (*Pages 111 - 112*)

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, Spence, Stowe, Tattersall, 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, 19 September 2016

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 6 September 2016
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), G. Carr, M. Dyson, Franklin, Gollick, David Griffin, Hampson, Higginbottom, Leech, Makinson, Noble, Richardson, Riggs, Spence, Stowe, Tattersall, Unsworth and R. Wraith

14. Declarations of Interest

Councillors Makinson and Unsworth declared a Non-Pecuniary interest in **Planning Application No 2016/0685** – Demolition of existing terrace housing and erection of 6 No bungalows 1-37 Beaver Street, Goldthorpe, Rotherham as members of the Berneslai Homes Board.

15. Minutes

The minutes of the meeting held on the 26th July, 2016 were taken as read and signed by the Chair as a correct record.

16. Town and Country Planning Act 1990 - Part III Applications - Speakers

There were no speakers present.

17. Planning Application 2016/0685 - For Approval - 1 - 37 Beaver Street, Goldthorpe, Rotherham

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0685**, Demolition of existing terrace housing and erection of 6 No Bungalows at 1-37 Beaver Street, Goldthorpe, Rotherham S63 9HT

RESOLVED that the application be granted in accordance with the Officer recommendation subject to an amendment to Condition No. 10 in relation to drainage.

18. Planning Application 2016/0644 - For Approval - The Bungalow, Warren Lane, Staincross, Barnsley

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0644**, Demolition of existing Property and erection of 1 No. dwelling at The Bungalow, Warren Lane, Staincross, Barnsley S75 5BQ.

RESOLVED that the application be granted in accordance with the Officer recommendation subject to an additional condition with regard to the implementation of a landscaping scheme.

19. Planning Application 2016/0801 - For Approval - Land Adjacent to 16 Kendal Grove, Ardsley, Barnsley

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0801**, Residential development of 1 No. detached single storey dwelling (outline), on land adjacent to 16, Kendal Grove, Ardsley, Barnsley S71 5DW.

RESOLVED that the application be granted in accordance with the Officer recommendation.

20. Planning Application 2016/0582 - For Approval - Gilroyd and Dodworth Outreach Centre, Saville Road, Gilroyd, Barnsley

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0582**, Erection of single storey front and rear extensions to existing care premises at Gilroyd and Dodworth Outreach Centre, Saville Road, Gilroyd, Barnsley S75 3PJ.

RESOLVED that the application be granted in accordance with the Officer recommendation.

21. Planning Appeals - 1 July 2016 to 30 July 2016

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2016/17.

The report indicated that no appeals had been withdraw in July 2016 and one appeal had been dismissed. Since 1st April, 2016 7 appeals had been determined, 5 (71%) had been dismissed and 2 (29%) had been allowed.

The Head of Planning and Building Control also advised Members that an application by Barratt Homes, which had previously been considered by Members at the Planning Regulatory Board in January, 2016 had been refused by officers under delegated powers. This was on the basis that it had not been possible to reach agreement on the level of the financial contribution towards additional primary school places, off site public open space and off site affordable housing.

Arising out of the discussion reference was made to the following:

- The role of the District Valuer in the planning process and the assessment of land/building values
- The implications of the Housing and Planning Act 2016 on reporting Financial considerations.

It was suggested that further information on these issues should be issued to Members and it was further suggested that there was a need for an All Member Seminar to be provided particularly in relation to the Housing and Planning Act 2016.

RESOLVED that the report and additional information be noted.

Chair

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Item 4

2016/0340

Ms Rebecca Starks

Outline application for residential development of up to 24 dwellings to include means of access and public open space.

Land to the East of Cote Lane, Thurgoland, South Yorkshire, S35 7AB

Objections from 10 local residents, 2 Ward Councillors (Barnard and Wilson), Thurgoland Parish Council and the CPRE.

Site Description

The application site comprises a 1ha field that is approximately rectangular in shape on the eastern side of Cote Lane in Thurgoland.

The surroundings of the site are mixed. To the north of the site is a small housing estate (Springwood Close). To the east the site shares a boundary with an area of woodland. Adjacent the southern boundary is a group of 3 properties. The remaining half of the southern boundary is located adjacent to open land. Open countryside is located to the west of the site on the other side of Cote Lane.

The site is open and grassed and is not in use for any formal agricultural use at present. The site forms part of a hillside and is affected by topographical issues. This has the effect of land on the northern boundary being approximately 8m on average than land on the southern boundary and falls at a steep gradient. The differences are not as significant west to east with difference in levels being approximately 3m.

Proposed Development

The application is in outline form and proposes a development of up to 24 dwellings. All matters of detail are reserved apart from means of access which is proposed via a new 'T' junction with Cote Lane.

The application is accompanied by an indicative site layout plan showing a mixture of detached houses and small terraces up to three properties in length. Also indicated on the plans is provision of greenspace located either side of the entrance to the site and a SUDS balancing pond in the south west corner. The properties would front onto the new estate road which would be constructed as a cul-de-sac and include provision for turning at the end of the cul-de-sac.

History

No previous planning applications have been made on the land.

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'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

Saved UDP Policies

UDP notation: Safeguarded Land

GS10/WR11 'In areas shown as safeguarded land on the proposals map existing uses shall normally remain during the plan period and development will be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development of such land will only be granted following a review of the land in question'.

SPD's

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

Other

South Yorkshire Residential Design Guide

Publication version of the Draft Local Plan

Proposed allocation: Safeguarded Land

The supporting text states that safeguarded land can only be released in exceptional circumstances which may include a lack of five year land supply or a local need. Where there is a local need a safeguarded land site may be considered, for example, through a neighbourhood 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.

Consultations

Affordable Housing – Provision should be 25% of the overall number of dwellings. 80% of this number should be social rented and 20% intermediate tenure. Based upon current needs 2 bedroom properties would be sought.

Biodiversity Officer – Does not object subject to the imposition of conditions requiring the mitigation and enhancement measures recommended in the ecology report to be followed.

Contaminated Land – No objections subject to a condition.

CPRE – Object to the application based upon the following reasons:-

- The site is contrary to the Local Plan publication draft which does not propose to allocate any new sites in Thurgoland or nearby villages for housing development.
- Development on the site would be contrary to the spatial strategy contained in the Core Strategy and in the draft Local Plan.
- The site is Safeguarded Land in the UDP and Local Plan publication draft and so should not be considered for development until the end of the next plan period (sometime after 2033).
- The application is speculative and would reduce the number of Safeguarded Land sites at the Council's disposal resulting in a potential shortage and place pressure for additional land to be removed from the Green Belt.

Drainage – The application is not objected to subject to the imposition of the standard condition requiring full surface and foul water drainage details to be provided prior to the commencement of development.

Education – Comment that a contribution towards funding additional secondary school places would be required at Penistone Grammar School.

Highways – No objections subject to conditions.

Regulatory Services – No objections subject to standard conditions to limit the effects of noise and dust during the construction phase.

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

1. The proposal is contrary to the site specific UDP policy affecting the land – Safeguarded Land.
2. The proposal is contrary to the Council's intentions for the site in the emerging local plan which is to retain the Safeguarded Land designation affecting the site rather than allocate it for new housing development.
3. Prematurity - The Parish Council do not accept there is an argument to release the site for housing in advance of the local plan being considered for adoption.
4. Spatial Strategy/settlement hierarchy – It is identified that villages including Thurgoland are not intended for growth in the adopted spatial strategy and that development in villages will only be allowed if it is necessary for the viability of the settlement and to meet local needs. It is asserted that is not the case here.
5. Sustainability – It is asserted that the site should not be classed as a sustainable location taking into account of the poor bus service and the need to travel by car to reach places of employment.
6. Harm to biodiversity – It is asserted that the ecological report is too dismissive of the ecological value of the site and the impact of the development on the adjacent woodland.
7. Increasing flood risk off the site – Concerns are raised that the development would increase the risk of surface water flooding and by affecting local springs.

Tree Officer – Does not object subject to the imposition of conditions.

SYAS – Do not object subject to a condition requiring further detailed site investigation work to be carried out prior to the commencement of development.

SYMAS – The application is not objected to. However the response identifies that the site is potentially at risk from shallow coal workings and fugitive gases.

Ward Councillors – Councillors Barnard and Wilson have objected based upon the following reasons:-

- Safeguarded Land – The proposal is contrary to the Council’s existing and proposed future planning policy designation for the site.
- Surface water flooding – Concerns that the development would take away the ability of the site to absorb rainfall with subsequent effects to properties located further down Cote Lane. Concerns are also expressed that the development may disturb local springs and with the proposed pond within the development.
- Poor public transport accessibility – The applicant assertions that the site is well served by public transport is rejected.

Yorkshire Water – Do not object to the development subject to the imposition of conditions.

Representations

The application was advertised by neighbour notification letters, site and press notice. Objections were received from 10 residents based upon the following concerns:-

- Safeguarded Land – The proposal is contrary to the Council’s existing and proposed future planning policy designation for the site.
- 5 year housing land supply – The applicant’s assertions that the Council is unable to demonstrate a 5 year housing land supply as disagreed with based upon the Strategic Housing Land Availability Assessment document.
- Spatial Strategy/settlement hierarchy – It is asserted that the Council should direct development to the areas designated for growth rather than allowing development in rural villages.
- Harm to residential amenity – Overlooking, noise, disturbance and disputes associated with the heights of conifers.
- Surface water flooding – Concerns that existing problems will be made worse for residents/properties located further down Cote Lane.
- Sustainability – It is contended that Thurgoland is unsuitable to accommodate further housing growth because of the rural public transport provision and lack of local facilities.
- School capacity – Concerns that the school is already over prescribed and would need to be significantly expanded because of the development.
- Loss of land forming part of the countryside.
- Precedent – Concerns are raised that allowing the development would open for the door for more applications to be on Safeguarded Land sites.
- Overdevelopment of the village – Concerns that the village is already large enough and road, sewerage and surface water would not be able to cope with the demands placed.
- Highway safety – Concerns that the junction spacing with Springwood Close is inadequate and that the development would increase the amount of congestion using local roads leading to increased vehicle conflicts. Concerns that the speed survey was carried out at a time that is not representative.
- Concerns some of the documentation refers to 30-32 dwellings rather than the stated number of 24.
- Harm to village character.
- Poor internet connectivity which would hinder the ability of residents to work from home and lead to an increase in traffic on the roads.

- Loss of the role of the site providing a green buffer between older and newer development on the eastern side of Cote Lane.
- Housing need – It is asserted that there is a lack of demand for executive housing in the area as is evidenced by the number of unsold properties in the area.
- Prematurity – It is asserted that it would be premature to release a safeguarded land site so near to the local plan becoming adopted.
- Biodiversity – Concerns are raised that the development would lead to the loss of habitat which is populated by birds, bats and hedgehogs.
- Loss of view, although Councillors shall be aware that this is not a material planning consideration.
- Harm to the visitor economy with Thurgoland being a destination for horse riders, cyclists and walkers at present.
- Concerns that Thurgoland is becoming a dormitory village that is being lived in by commuters.

Assessment

Principle of Development

The site forms part of an area of Safeguarded Land within the Western Rural Community Area of the saved Unitary Development Plan policies. Councillors shall be aware of a number of examples of applications coming before the Board since the publication of the National Planning Policy Framework where Officers have conceded that the Safeguarded Land policy should be regarded as being out of date due to the UDP being adopted in the year 2000 and as the Council has been unable to demonstrate a 5 year housing land supply. In such circumstances the NPPF (para 14) instructs Local Planning Authority's to grant planning permission for new development 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 golden thread running through the NPPF is a presumption in favour of sustainable development. A pivotal consideration therefore is whether the site would be regarded as being sustainable or unsustainable. The applicant contends that the site is sustainable due to the amount of local services and facilities and public transport accessibility to and from the site. Local services and facilities include Thurgoland Church of England Primary School, a convenience store, 3 pubs, a hair and beauty salon, a Church, Village Hall, a car repair garage and sport and recreation facilities. Public transport includes a rural bus service to Penistone and Barnsley which uses and stops on Cote Lane. The nearest train stations are Penistone and Silkstone. The NPPF regards that there are three dimensions to sustainable development: economic, social and environmental.

In terms of strategic policy the site is located in a village in the western rural part of the Borough. Neither Thurgoland nor any of the villages in the Western Rural area of the Borough are intended to accommodate any significant amount of housing growth in the Core Strategy and the Publication version of the Local Plan whereby the spatial strategy for the Borough is aimed at accommodating the majority of new housing growth in Urban Barnsley and the Principal Towns. This is reflected in the proposals maps accompanying the Publication Version of the Local Plan, which does not propose any housing development allocations in any of the Western Rural villages, including the application site, which is proposed to remain Safeguarded Land through to the year 2033. The site has therefore been rejected as it is within a village location at the bottom of the settlement hierarchy, in a location that has sustainability issues.

The situation is therefore that allowing the site to be developed could be contrary to the aims of the spatial strategy for new housing development in the Borough in the adopted Core Strategy and the

emerging Local Plan. Weighed against this however is paragraph 49 of the NPPF which states that '*Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites*'. In addition the supporting text in draft policy GB6 'Safeguarded Land' does allow for safeguarded land sites to be released in exceptional circumstances.

A conclusion shall be arrived on these points following the assessment on the other considerations associated with the application.

Visual Amenity

The purpose of Safeguarded Land is to retain land on the edge of settlements which may be required for future development needs. This designation therefore is not visual amenity related and the site is not subject to any other form of landscape designation.

Regarding the proposed plans the application is in outline form with all matters of detail reserved for a future application with the exception of the proposed means of access to the development. An indicative layout plan has been submitted which shows a mixture of detached properties and a maximum of 3 properties grouped together. In addition 24 would be the maximum number of properties allowing for a smaller number to be applied for at that stage. At this density I would not envisage any problems with the future plans not being able to satisfy the spacing standards required by the Designing New Housing Development SPD as per the indicative plan which would not require substantial alterations.

In terms of other visual amenity considerations the majority of the site is relatively open and clear of features. Vegetation exists in and immediately outside of the boundaries including the woodland to the east of the site. The tree survey and impact assessment show that the majority of the trees can be retained with only some of those located on the roadside boundary requiring removal based on the indicative layout provided. Providing that the final layout does not differ in any significant way from the indicative proposal then there is no objection to this proposal from an arboricultural perspective. In order to ensure that the trees are safely retained then tree protection details will be required including barrier details a protection plan and an arboricultural method statement. As some trees will need to be removed to allow the construction of the access then replacement planting will be required. A landscaping scheme would therefore be required detailing the new tree planting.

Residential Amenity

Residential amenity considerations are arguably the most sensitive issue with the application overall given that existing dwellings are orientated to overlook the site at present in its open and green form. In addition the topography has the potential to increase the potential for overlooking and overshadowing. However Councillors shall be aware that loss of view is not a material planning consideration.

As layout and appearance are reserved for a future application it is not possible to carry out the detailed assessment of the proposed relationships as part of this application. The relationships between existing and new properties shown on the indicative plan would potentially be satisfactory in relation to the SPD. However more detailed information would be required within the reserved matters application including external dimensions of the proposed dwellings, elevational details including proposed window configurations and section plans because of the difference in levels between the existing and proposed dwellings. I would therefore determine that there would not be a reason for refusal at the outline stage relating to impact on the residential amenity for existing residents. Plans at the reserved matters stage would also have to be designed to meet the separation distance and minimum rear garden standards in the SPD to be considered acceptable.

The usual conditions would need to be imposed to limit the effects of noise and dust during the construction phase.

Highway Safety

The size of the development falls below the threshold where it would be necessary to submit an assessment of the traffic impacts. However the applicant has carried out speed surveys of the road and analysed the width and alignment of the existing roads and footpaths in order to prepare the proposed design of the access to the development. Highways require the first 10m of the access road to meet the highway at 90 degrees and visibility splays of 2.4m x 70m in either direction but have otherwise resolved not to object to the application in highway safety terms. However a further assessment would need to be carried out of the proposed design of the internal layout, proposed parking and turning arrangements with any future application for the approval of the reserved matters.

Other considerations

Drainage/Flood Risk

The site is located outside of flood zones 2 and 3 and therefore the part of policy CSP4 and national policy requiring developments to be steered towards areas of low flood risk is complied with. Residents and Councillors have raised concerns about surface water flooding in the area and the potential for the development to contribute towards the problems. Being as the site is greenfield it is already a requirement under policy CSP4 that the development would have to be designed with suitable systems such that surface water run off from the site would not exceed existing greenfield run off rates. An indicative drainage strategy has been submitted with the application and this proposes that surface water run off would be captured and stored within the site prior to being discharged into the public surface water sewer within Cote Lane. Yorkshire Water and the Council's drainage officer regard this proposal as acceptable in principle and have resolved not to object subject to the imposition of suitable conditions. Overall therefore the proposal is regarded as being acceptable with regards to flood risk and drainage considerations.

Ground Conditions

The preliminary ground investigation report has identified potential risks to the development from shallow coal workings, contamination and ground gas. It therefore concludes that an intrusive investigation would need to be carried out prior to the commencement of development to inform whether or not any mitigation would be required during the construction phase. These findings have been assessed by Regulatory Services and SYMAS who are both content with the assessment work carried out at this stage and who do not raise any objections subject to conditions being imposed to ensure that the recommendations are followed through.

Biodiversity

The ecological report has concluded that the site is species poor and common in the wider area and should not be seen as a constraint to development. However due to the proximity to woodland the report recommends that a bat activity survey is carried out to inform what level of enhancements should be provided as enhancements in the form of bat boxes. The site also potentially contains habitat for badger setts and therefore a survey would be needed nearer to time that development is being considered to rule this out. In addition to this the report makes the standard recommendation to carry out works affecting existing vegetation outside of nesting season. Also compensatory planting should take place in the form of new trees and hedges using native species. Bird nesting boxes should be provided as an enhancement measure. The Biodiversity Officer is sufficiently content with the assessment that no objections are raised on biodiversity grounds subject to conditions requiring the recommendations to be followed.

Archaeology

The site is located in an area where there are potential archaeological implications. Based upon that archaeological investigations were insisted upon by SY Archaeology Service. A magnetic survey of the site has been carried out which has identified anomalies in the ground indicating the presence of an old boundary. Three much larger signals could indicate the presence of kilns, although they could also relate to large iron objects buried in the soil. The other anomalies were a group of seven discrete features, possibly pits, although they could be geological in origin, and three parallel linear features, possibly indicating an old trackway. The standard archaeology condition would therefore be required requiring a written scheme of investigation prior to the commencement of development to enable recording to take place and the preservation in situ of identified features of importance.

S106 – Affordable housing, public open space, education and additional proposal

AH – Under policy CSP15 25% of the houses should be provided as affordable housing in this area of the Borough. However in this case the applicant is proposing that affordable housing provision is increased to 30% provision on site in order to increase the amount of benefits associated with the application.

Education – Education have identified that a contribution would be required to fund additional secondary school places at Penistone Grammar School. A contribution of £41,000 would be required.

Public open space – Green space provision would be required for the development in accordance with the Open Space Provision on New Housing Developments SPD. The applicant has sought to address the requirement within the outline application by showing an area of green space within the proposed development on the indicative layout plan. However due to its relatively small size policy have confirmed that provision would be instead be sought via a commuted sum for off site provision. The contribution proposed by the applicant is £43,000.

Additional commuted sum proposal – The applicant has proposed to provide an additional £66,000 of unallocated funding that would be paid to the Council via a S106 Agreement. The proposal is that this money would be made available for community projects to increase the amounts of benefits associated with the proposal.

Conclusion

The site is designated Safeguarded Land in the UDP which remains part of the development plan for the Borough at the current time. However due to the age of the policy it is classed to be out of date by the National Planning Policy Framework.

In such circumstances the NPPF instructs Local Planning Authority's to grant planning permission for new development 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 release of the site for housing would not directly correlate with the aims of the spatial strategy for the Borough that is contained within the Core Strategy, or the emerging Local Plan which aims to direct new housing growth to Urban Barnsley and the Principal Towns. This is reflected in the proposals maps accompanying the Publication Version of the Local Plan which does not propose any housing development allocations in any of the Western Rural villages, including the application site, which is proposed to remain Safeguarded Land through to the year 2033. It should be noted however that the Local Plan is not adopted at the current time and that it is still the case that only

limited weight can be afforded to it prior to examination by a Planning Inspector on behalf of the Secretary of State. In addition the Council is required to take into account of other contents of the NPPF including paragraph 49 which states that 'Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites' which is the current position that the Council finds itself in. It was therefore identified in the principle of development section of the report that a pivotal consideration is whether the site is regarded as being sustainable or unsustainable.

The NPPF regards sustainable development to have three dimensions: - economic, social and environmental. Key objectives that would contribute to the economic and social dimensions include boosting significantly the supply of housing (market and affordable), delivering a wide choice of high quality homes and the creation of sustainable, inclusive and mixed communities. Framework paragraph 6 says that the policies in paragraphs 18 to 219, taken as a whole constitute the Government's view on what sustainable development means for the planning system. Paragraph 7 identifies that there are 3 dimensions, to sustainable development; economic, social and environmental. Section 6 of the Framework deals with the delivery of housing. Key objectives that would contribute to the economic and social dimensions include boosting significantly the supply of housing (market and affordable), delivering a wide choice of high quality homes and the creation of sustainable, inclusive and mixed communities. These objectives include planning for a mix of housing based on, amongst other things, the needs of different groups.

- *Would the development boost the supply of market housing* - Local Planning Authority's are required to identify and update annually a supply of specific deliverable sites sufficient to provide 5-years worth of housing against their housing requirements. At the present time the Council does not have a five year land supply. Thus, the provision of up to 24 new dwellings would make a modest, but important contribution to the housing needs of the Borough.
- *Would the development deliver a wide choice of high quality homes*- The application is in outline form with matters reserved apart from means of access and so essentially this would be for a future application to determine. However the site is large enough to accommodate up to 24 dwellings and achieve the spacing standards and garden sizes required by the Designing New Housing Development SPD. As such there is nothing to suggest within the application that providing a choice of quality homes would be a problem.
- *Would the development deliver inclusive and mixed communities* –The proposal is for the development to provide a mixture of 70% market housing and 30% affordable housing and therefore I would regard this aim to be satisfied, particularly as the amount of affordable housing exceeds the existing policy. In addition the proposal to provide a commuted sum of £43,000 for the enhancement of existing greenspace located off the site and £66,000 of unallocated money for purposes within the local community would be beneficial from the perspective of integrating the development with the local community.

The other effects of the development on the existing community have been considered. The development has the potential to be harmful to the amenity of existing residents. However, provided that the SPD standards are adhered to the relationships between existing and new dwellings would be no different to other developments in the Borough. In addition there is no objection from Education provided that a contribution is paid to the Council to fund additional school places at Penistone Grammar School.

Environmental considerations associated with the application include the ground conditions, the effects on vegetation, biodiversity and flood risk. The assessments carried out in relation to these matters have not identified any impacts that would be likely to result from the development.

Consideration has been afforded as to whether the site is locally unsustainable due to its location within a village in the Core Strategy as opposed to a site located within Urban Barnsley or a

Principal Town. When considering this point I have afforded consideration to the conclusions arrived at by the Planning Inspector who determined the recent appeal to determine whether or not to allow the construction of 4 dwellings to be constructed off Huthwaite Lane which is in close proximity to the site. When allowing the associated appeal the Inspector afforded weight to the fact that the site is located in a designated Core Strategy village and that associated policies do not preclude new housing development where some development is envisaged (up to 1000 dwellings). In the view of the Inspector a sufficient variety of services exists within the area to provide for the day to day needs of residents. He is also felt that the bus service would run at times and provide sufficient opportunity to access employment and other services in Barnsley and Penistone by means other than the private car and that there was a reasonable level of access to Penistone and Silkstone train stations. Therefore despite the site being rejected as a Local Plan housing allocation due to its village location being at the bottom of the settlement hierarchy, overall and on balance I am minded to conclude that the development would not be classed as unsustainable when measured against the Government's definition of sustainable development in the NPPF.

Sites are not proposed to be allocated for housing within villages in the emerging local plan because they are considered less sustainable than site allocations within the Principal Towns and/or are below the 0.4ha threshold used. This is not to say that an individual site within a village could not be considered sustainable, just that it is not as sustainable as the other sites proposed within the emerging Local Plan. Within the sustainability appraisal that accompanies the Local Plan the Council is required to demonstrate that the proposed strategy is more sustainable than the various alternatives. It would therefore be perverse to have allocated this site within the emerging Local Plan when there are clearly more sustainable sites available. However the emerging Local Plan does recognise that some safeguarded land may have to come forward for housing within villages where the Council cannot demonstrate a deliverable 5 year housing land supply. Accordingly, although the site was rejected as an allocation on sustainability grounds this was a relative decision rather than an absolute judgement on the sustainability credential of the site and the decision to recommend approval does not therefore contradict the emerging local plan.

In addition no impacts have been identified which would outweigh the benefits associated with the development which would include a commuted sum of £66,000 that would be available for projects within the local community. Therefore in accordance with the advice contained within paragraph 14 of the NPPF I recommend that outline planning permission is granted for the proposed development. It may also be judged that the benefits associated with the development and the absence of a 5 year housing land supply amount to the exceptional circumstances required to release Safeguarded Land envisaged by policy GB6 of the emerging local plan.

Recommendation

Grant outline planning permission with conditions

Grant subject to:-

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

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

- 2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 3 The access for the development shall be constructed in accordance with the details shown on approved plan reference 2467.002A for the first 10m from the site entrance.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 4 The development hereby approved shall not exceed a maximum of 24 residential dwellings, the details of which shall be submitted under an application for the approval of the reserved matters.
Reason: To ensure the development conforms with the outline planning permission and stays within the maximum assessed level of development.
- 5 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.
- 6 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 7 Visibility splays, having the dimensions 2.4m x 70m, shall be safeguarded at the junction of the access road with Cote 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.
- 8 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- a. Provision of a 2m wide footway along the site frontage;
 - b. Relocation of the street lighting column;
 - c. Provision of /any necessary alterations to street lighting;
 - d. Provision of/any necessary alterations to highway drainage;
 - e. Resurfacing/reconstruction as necessary.

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

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

- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 10 No development shall take place until full foul and surface water drainage details, including a scheme to limit surface water run off to a maximum of 5 litres per second and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented 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.**
- 11 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
- 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.
- 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.**
- 12 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey (Brooks Ecological report ref R-2524-01), 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.**

13 No development, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:

- The programme and method of site investigation and recording.
- The requirement to seek preservation in situ of identified features of importance.
- The programme for post-investigation assessment.
- The provision to be made for analysis and reporting.
- The provision to be made for publication and dissemination of the results.
- The provision to be made for deposition of the archive created.
- Nomination of a competent person/persons or organisation to undertake the works.
- The timetable for completion of all site investigation and post-investigation works.

Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

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

- (i) a survey of the extent, scale and nature of contamination;
- (ii) an assessment of the potential risks to:

- human health,
- property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
- adjoining land,
- groundwaters and surface waters,
- ecological systems,
- archeological sites and ancient monuments;

(iii) an appraisal of remedial options, and proposal of the preferred option(s).

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

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

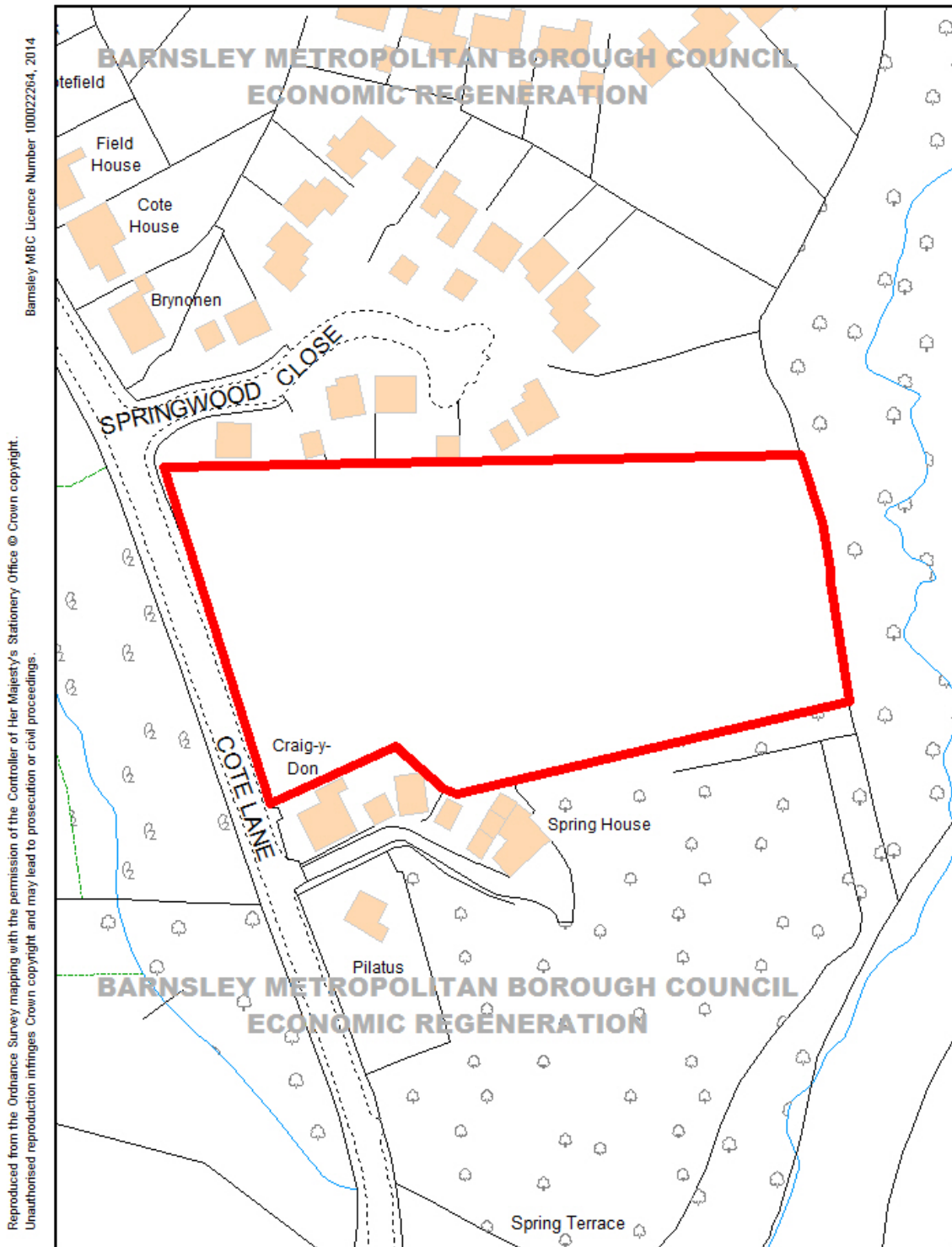
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours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

15 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.


PA reference :-

2016/0340



BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
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Scale 1:1250

Item 5

2016/0552

Mr Mark Bray

Approval of reserved matters (appearance, landscaping, layout and scale), pursuant to outline planning application 2014/0807 at Land at Carrington Avenue comprising of 80 dwellings, associated car parking and landscaping and biodiversity mitigation and enhancement
Land at Carrington Avenue, Barnsley S75 1BW

6 individual letters of objection have been received from local residents.

Site Location and Description

The Carrington Avenue site is located within the suburb of Honeywell, an established residential area located approximately 1 km north of Barnsley Town Centre. The site is rectangular in shape and covers an area of approximately 2.6ha. At present it supports two football pitches, these are used in connection with sports provided at the Colleges Honeywell Campus.

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

The site is not publically accessible, a palisade fence defines the boundary and access is taken via secure gate onto Carrington Avenue. The properties located along Carrington Avenue and Honeywell Lane includes two storey semi-detached as well as detached bungalows.

Proposed Development

The application follows on from the approval of the outline application under reference number 2014/0807, this permission also secured a package of offsite compensation to address the loss of the playing fields. The details of this have been included within a section 106 agreement. The matters reserved for this application are scale, appearance, siting and landscaping.

The Outline permission permitted a maximum threshold of up to 85 dwellings, the details submitted as part of the Reserved Matter's is for a residential development of 80 (30no.3 bed & 50no.4 bed) dwellings, that would comprise of detached, semi-detached and small runs of terraces, the height of the dwellings would be as follows:

51no. 2 storey dwellings
17no. 2.5 storey dwellings
12no. 3 storey dwellings

The access point has been approved, this would be taken from a priority junction onto Honeywell Lane, the internal layout and parking provision is however, for consideration.

In addition to the above, the development includes a centralised area of public open space, landscape buffers to the Carrington Avenue and Railway boundaries, and commitment to the delivery of a LEAP located offsite on Honeywell Lane.

The application has been accompanied by a range of technical documents/reports. Prior to the submission, the applicant also undertook a community consultation exercise whereby local residents and Ward Members were consulted directly in writing. A summary of the comments have been included within the planning statement.

History

2014/0807 – Outline application including details of access for a residential development of up to 85 dwellings. Members Resolved to grant at the Committee meeting held on the 25/09/2015. The decision was subject to 22 conditions and the completion of a section 106 agreement that secured offsite formal recreation improvements as well as the payment of a commuted sum of £250k.

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.

Core Strategy

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

NPPF

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

In respect of this application, relevant policies include:

Para 9 Sustainable Development – positive improvements

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

Saved UDP Policies

The site is allocated as an existing community facility of the saved UDP map.
H8a Existing residential areas

SPDs/SPGs

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

Emerging Local Plan (Publication Draft 2016)

Identifies the site as School Grounds.

Consultations

Biodiversity Officer: No objections subject to comments/conditions addressed at the outline application being met.

Civic Trust: No objections identify merits in the location of the central Greenspace and landscape buffers to boundaries. Note that locally traffic may increase.

Contaminated Land: No objections, site investigation conditioned on the outline approval.

Design: No objection, amendments have been submitted to address previous comments and this reflects on a more successful housing layout.

Drainage: No objections, drainage details previously conditioned.

Forestry: The loss of some trees to the sites entrance whilst unfortunate is nonetheless necessary. The site commits to good overall mix/balance of tree planting, whilst tree protection measures have been submitted further information should be requested by condition to cover exact arboricultural implications.

Greenspace: The outline planning permission secured a green space compensation package that which included playing field improvement works at the Fleets and a playing pitch contribution of £250k to be invested at the Dorothy Hyman Sports Centre. The proposals include the provision of informal open space within the scheme as well as a LEAP standard Children's Play Area on land directly opposite the development. To meet off-site contributions to formal recreation (based on a unit split of 50 x 3 bed and 30 x 4 bed) a commuted sum of £79,273 is required.

Highways: No objections, identify that the internal access arrangements are acceptable and are supportive of the Hierarchy of roads. Parking has been provided in line with the recommendation of the SPD.

Network Rail: No objection in principle to the development but advise on working practices that must be followed when working close to the railway boundary (machinery, lighting, vibration etc..)

Regulatory Services: - NO objections, supportive of the mitigation identified for dwelling to address railway noise.

SYPALO: No objections provide general advice on SBD initiatives

Waste Management: No objections

Yorkshire Water: No objections, drainage details previously conditioned on the outline approval.

Representations

The application has been advertised by way of a press and site notices, in addition properties along Honeywell Lane, Carrington Avenue and Smithies Lane have been consulted in writing. 6 letters of representation have been received the comments/concerns can be summarised as follows:

- If this development goes ahead I will lose the lovely open views from my home that I have always enjoyed. Instead I will be overlooked by several properties and suffer the loss of my privacy and the enjoyment of my home and garden. I have lived in this house for 48 years and it has always been a quiet, peaceful area. This development will completely change that and I personally will find that extremely stressful.
- Loss of light to properties on Honeywell Lane due to overlooking that will occur.
- Properties on Honeywell Lane occupy a lower elevation so will be directly overlooked.
- Loss of privacy
- Congestion on local roads resulting from additional traffic.
- The site should have a second point of access.
- Off-site traffic calming measures are required.
- Safety of students is being compromised, Honeywell is already gridlocked with parking.
- There needs to be a robust boundary treatment to Carrington Avenue to stop children climbing up the embankment from the development directly onto the road.
- Overdevelopment of the site, will create unacceptable levels of noise and pollution and will be detrimental to the character of the locality.
- Local residents will not benefit from the proposed compensation package.
- There is a fault running through the site, when construction starts existing properties may be adversely affected from vibration.
- The access road requires the removal of mature trees.
- Antisocial Behaviour associated with the LEAP.

The application has been amended, this resulted in the loss of 1 unit and minor a changes to a number of house types, this included a change of house type at plot 3 to improve the relationship to Honeywell Lane properties. It was not deemed necessary to re-consult residents as a result of these changes as they are deemed not to be material.

Assessment

Principle of Development

Members will recall the granting of outline permission under reference 2014/0807 for residential development of up to 85 dwellings at the site, this also included detail of access being taken from the Honeywell Lane. The outline application established a comprehensive mitigation package to address the loss of the playing fields, this has been secured within a section 106 agreement that is tied to the permission.

This application seeks to approve details of the remaining Reserved Matters (appearance, landscaping, layout and scale), it is these matters that are the sole consideration for the application.

Accordingly there are no land uses planning policy considerations with this application.

Design, Scale and Layout

This Reserved Matters application focusses on whether the design details of the proposed plans is sufficient to enable the development to be permitted. The relevant local planning policies for assessing the design credentials are; Designing New Residential Development SPD, CSP29 'Design' and CSP14 'Housing Mix and Efficient Use of Land'.

With regard to policy CSP14, the proposed mix would be made up of predominately 3 bedroom detached houses, in addition to a smaller number of 4 bedroom properties. The majority of the dwellings would be two storeys in height, larger dwellings would be at key nodes to provide variation to streetscapes.

The proposals have endorsed the concept of a Master-Planned approach, that was indicated on the concept layout submitted with the outline approval. The main changes include the loss of 5 units from within the development, relocation of the informal POS to a central 'green' area, and all properties being accessed from the internal network, previously it was suggested that the number of properties would take direct access from Carrington Avenue.

The layout demonstrates a clear hierarchy of properties along defined streets, these are set around a central spine road that extends from the entrance onto Honeywell Lane. A number of small cul-de-sacs are also provided which lead into private drives. On the whole dwellings are orientated so as to engage actively with the street scenes. The layout has also been designed to reflect the standards of relevant separation distances and as a rule minimum garden sizes are achieved.

There would be a housing mix comprising of 9 different house types which would create visual interest. The elevations are traditional in appearance, in the main they would be constructed from brick, details are provided to elevations in the form of soldier coursing and stone cills, as a rule all properties located on corner plots are dual aspect, and several would also have render added as a feature to their gables. Overall there is considered to be sufficient variety within the housing stock, the design and choice of materials is also considered to be of a desirable quality.

Scale is a matter under consideration as part of the application. The development would constitute a density of approximately 34uph, this is considered to be an efficient use of the land and it would not be desirable to see this increased given that any additional numbers would be at a loss to landscaping. The properties would be predominately 2 storey in height with a smaller proportion of 2.5 and 3 storey houses. Condition 6 of the Outline consent, states, that no properties fronting Carrington Avenue shall be more than 2 storeys in height. This condition was applied on a presumption that some of the properties within the site would have taken a direct frontage onto Carrington Avenue and there being a desire to achieve parity in scale with the existing housing stock. Plots 59-62 do face the Highway, and would be 2.5 storey in height, their access is however, taken from a cul-de-sac within the development and as such do not have a frontage to the highway (Carrington Avenue), the change levels means that these properties would be sited approximately 2.5m below Carrington Avenue, therefore not having a domineering appearance from the street scene. Overall it is considered the scale of the development, both in terms of their numbers and heights is appropriate to the local context.

With regard to parking arrangements the layout does not appear to be car dominated, whilst parking areas are provided to frontages their dominance/impact is offset by soft landing within front gardens as well as communal planting areas. All of the properties are served with front to rear access which will allow for the storage of bins outside of the public domain.

Having full consideration to the design merits of the proposal and the layout of the scheme it is considered that the development would deliver an attractive residential environment which would enhance the existing area. The scale and density of the development is reflective to that which was afforded consideration at Outline Stage, overall it is considered that the design and layout should successfully assimilate with the existing housing stock, whilst providing good quality family housing. It is therefore, considered that the proposal adheres to the objectives of CSP policies 14 and 29 which stress the importance of achieving high quality design.

Residential Amenity

The site only bounds 11 residential properties. These are generally located across the southern boundary and front Honeywell Lane, they have rear gardens that extend to the site. Representations have raised amenity concerns with overlooking, disturbance and loss of outlook being the principle issues. It is proposed that plots 3-7 would abut the rear boundary of no.s 50-64 Honeywell Lane, these dwellings (a detached and 2 pairs of semi's) would all be of a standard 2 storey construction.

Levels do fall in the southern corner by approximately 2.5m to the rear gardens which make the development of this area more sensitive. To compensate for the change in levels the 21m recommended back to back spacing distance has been extended from a minimum 24m to 33m. In addition to this, when considering the impacts of overlooking, it should also be noted that the properties would not be orientated directly 'square' to one another but at an acute angle looking away from the existing properties. Existing semi-mature trees located along the boundary would be retained, and these would be supplemented with additional planting and secondary screen fencing. Given that the properties are located due north, they would not result in a material loss of light. Overall the relationship to existing properties would be policy compliant and as such is deemed to acceptable.

With regard to the residential amenity of the future occupants of the site, the layout generally achieves the separation distances set out in Supplementary Planning Document 'Designing New Housing Development'. In addition, the properties themselves comply with the technical requirements of the South Yorkshire Residential Design Guide. At the request of the Pollution Control Officer, properties located along the eastern boundary (to the railway line) would have a higher specification of glazing, this would ensure internal noise levels to these properties are well within recommended WHO guidelines.

The design and layout has been informed from comments raised by local residents to the applicants as a result of the consultation undertaken prior to the applications submission. Parking difficulties, and properties being accessed from Carrington Avenue was a principle concern, this has been addressed by all properties now being accessed from the sites internal road.

Disturbance arising during the construction phase was raised within the representations. To address these concerns relevant conditions can be employed restricting working hours. Best practice guidelines to working practices can also be secured within a construction method statement, this would control noise and dust across the site. It also requested that a phasing plan is submitted so that the full extent of the works can be properly assessed.

Highway Safety

Details of the access location and junction design were approved as part of the detail submitted with the outline application which included a detailed Transport Assessment. As such, it falls outside the scope of the Reserved Matters that are being considered under this application.

The Outline consent secured a number of highway improvements; these were detailed in condition no.13 and included:

- Provision of a 2m wide footway on the Carrington Avenue frontage;
- Measures to prevent parking at the junction of the access road with Honeywell Lane;
- Measures to prevent parking on the southern side of Honeywell Lane;
- Provision of a pedestrian facility at Honeywell Tunnel;

The absence of any properties taking direct frontage to Carrington Avenue has deleted the requirement for a footway to Carrington Avenue, all other aspects will however, be addressed as originally proposed. The lack of direct access to any properties from Carrington Avenue is considered to be especially favourable to ensuring that disturbance to existing properties is minimised. It will also reduce any further demands being placed for on street parking.

The main consideration from a highway safety perspective is therefore the plans for the internal road/footpath layout and parking. The design of the road layout has been assessed by Highways to be acceptable from a design guidance perspective, essentially there is a clear hierarchy to the internal access arrangement, this would be achieved by a central spine road serves a number of cul-de-sacs and private drives, turning heads for refuse/fire appliances are accommodated where appropriate. Each property would have off road parking in accordance with SPD 'Parking' and adequate pedestrian intervisibility splays would be achieved at entrances.

The location of the site is highly sustainable given the links which it forges with the town centre and the relevant services it supports. Pedestrian, transport and cycling links are all on hand which would promote sustainable modes of travel, thus reducing impact upon the highway network. The Highways Authority have been fully supportive to the proposals which are considered to meet the requirements of Policy CSP26.

Section 106 Considerations – Public Open Space, Education and Affordable Housing

Open space provision – The S106 Agreement signed at the outline approval included compensatory greenspace to offset the loss of the sites playing pitches. This package was agreed in conjunction with consultations undertaken with Sport England. The agreement secured playing pitch improvements to the fleets (Two under 8 mini pitches and modifications to existing playfields to improve capacity), a commuted sum of £250,000 to reinstate a full sized artificial pitch at the Dorothy Hyman Centre and provision of a LEAP standard play area.

The proposals include a central open 'green' as well as more marginalised landscaped areas to meet informal POS requirements. The LEAP standard play area would be provided on land directly opposite the site off Honeywell Lane, this will serve a catchment that extends beyond residents of the new development. To meet formal offsite recreation requirements a commuted sum of £79,273 is required, this would be met through an additional section 106.

Education – It was established at the outline stage that a contribution towards primary school places would be required. The development would generate a requirement for 16 primary places, this equates to the payment of £112,384.

Affordable housing – The viability of an affordable housing contribution was tested at outline stage, this was undertaken by NPS on behalf of the Council. The appraisal identified that there

would not be sufficient value in the site and as such there is no provision for affordable housing within the development.

Trees/vegetation & biodiversity

A small number of mature trees on the Honeywell Lane boundary will be removed to facilitate the sites entrance, these details had been previously approved on the outline permission. The hedgerow, trees and semi-improved grassland along the eastern boundary of the site to the railway line will be retained within a 5 m 'no build zone', this will ultimately ensure that these habitats are not damaged, and the semi-improved grassland will be kept separate from neighbouring gardens. Scattered trees along the western boundary to Carrington Avenue would also be retained.

The landscaping proposals include a good degree of native tree and hedge planting to the sites boundaries and the central green. The details of the planting schedule will ultimately be determined by way of a condition, but the proposals are considered to create an attractive environment that would not prejudice the recommendations, and objectives of the ecology survey that were conditioned on the outline permission. Accordingly there are no objections raised.

Responsibility to the future maintenance of all soft and hard landscaped areas would be transferred to a private management company, this would also include the LEAP that is proposed at Honeywell Lane.

Drainage/Flood Risk

The flood risk assessment submitted with the outline application established that the site is not at risk of flooding. However, it is necessary to prevent the development from increasing flood risk downstream via the inclusion of sufficient attenuation measures to reduce surface water run off to existing greenfield rates. Percolation tests have identified that the site is unsuited to the use of soakaways, the presence of the railway line also discounts these. The proposals are to attenuate surface water on site before it is released to a nearby combined drain. A condition on the outline permission prevents development until drainage design details have been approved for each phase of development, this will include liaising with the relevant drainage authorities to gain appropriate approval.

Conclusion

In summary, this application seeks approval for the details of the layout, scale, appearance and landscaping of the Carrington playing fields site. The principle of allowing the site to be development for residential purposes, and the location of the means of access having been established by the decision to grant outline planning permission on application 2014/0807.

Following an assessment against the Council's Designing Residential Development, Public Open Space and Parking SPD's and Core Strategy policies CSP29 'Design' and CSP14 'Housing Mix and Efficient Use of Land' the plans for the Reserved Matters are judged acceptable with regards to visual, residential amenity and highway considerations.

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

It is considered that there are no other material considerations to indicate that a decision should be made at variance to the above policies, other than where new conditions are recommended. As such there are no significant or demonstrable adverse impacts associated with the development

and the application has successfully demonstrated that the Reserved Matters have been successfully addressed.

Therefore it is recommended to the Board that the application is granted Reserved Matters approval subject to the identified conditions.

Recommendation

Grant Reserved Matters Approval subject to conditions and completion of a Section 106 Agreement securing commuted sums towards Education and formal Recreation.

Grant subject to:-

- 1 The development hereby permitted shall be begun before the expiration of 2 years from the date of this approval of reserved matters.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:-

811121.02- Site Location Plan- April 2016
811121.01 - Planning Layout (Black and White) Rev E
811121.04 - Street Scenes Rev A
811121.05 - Cross Sections Rev B
811121.06 - Boundary Treatment Layout 811121.06 Rev B
811121.10 - Planning Layout 811121.10 Rev E
811121.11 - Indicative Finished Floor Levels Plan Rev E
22 January 2016 House Type Booklet Rev A
2371-102 - Landscape Layout Rev F
Drain/01 Indicative Drainage -
2371-103 - Tree Retention, Removal and Protection Rev C
81121-12 - Acoustic Mitigation Measures Rev B
Design and Access Statement September 2016 Issue 4
2371-501A - Landscape Management Strategy
Biodiversity Mitigation and Enhancement Measures Ecus Report May 2016
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 full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

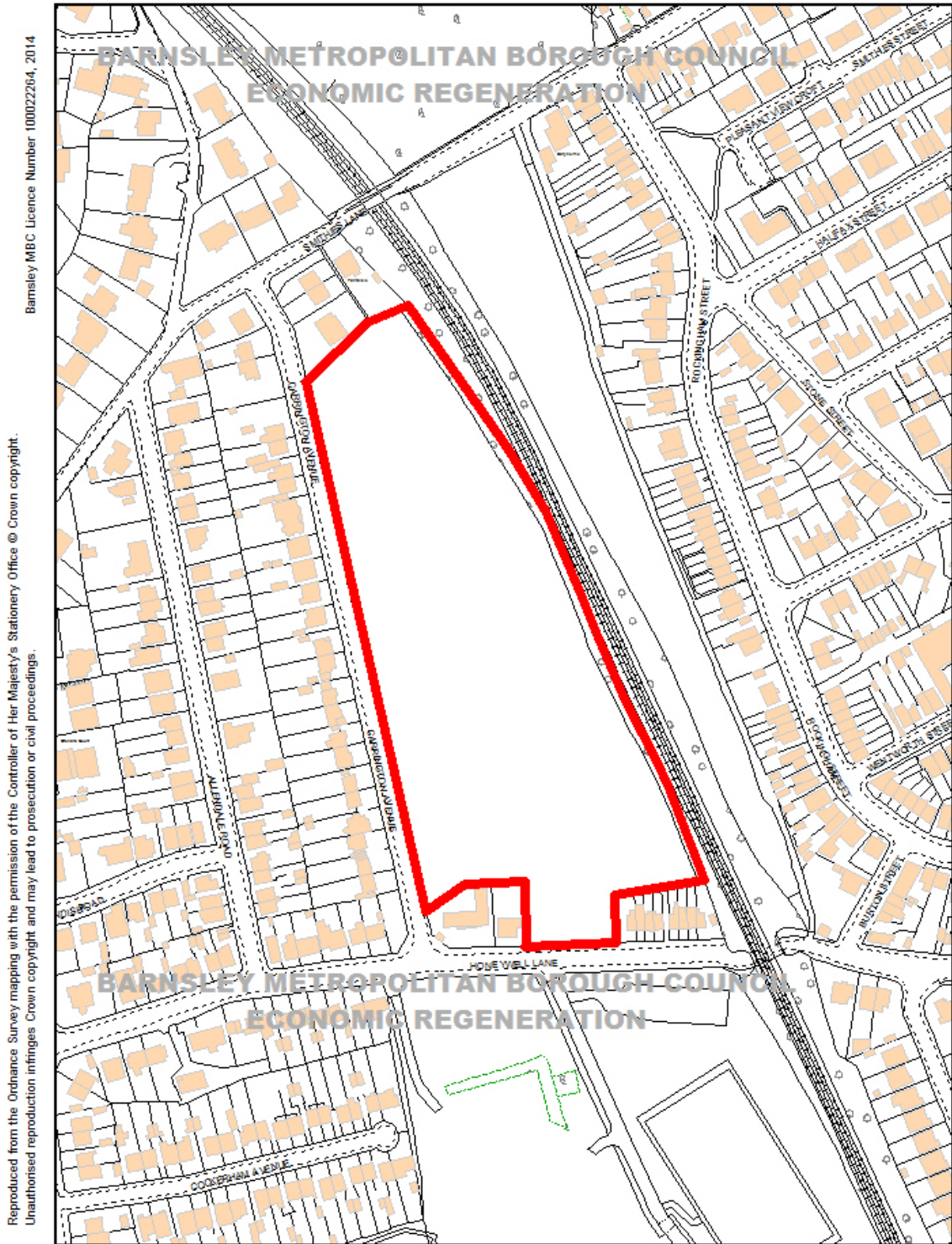
- 4 The boundary treatment indicated on plan ref 811121.06 Rev B 'Boundary Treatment layout' shall be completed prior to the occupation of the individual dwellings.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.

- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.

- 6 The development shall be carried out strictly in accordance with the noise mitigation measures detailed on Acoustic Mitigation Measures Plan Ref 811121 dwg no.12 Rev B.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 7 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 8 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.
- 9 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 10 Prior to the commencement of development full details of the LEAP standard play area including, management responsibilities and maintenance schedules and a programme for installation shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable for installation.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy CSP 35 of the Core Strategy.
- 11 The development shall be carried out in strict accordance with the Biodiversity mitigation and Enhancement Measures report Prepared by Ecus (May 2016). The Local Planning Authority shall be notified in writing when these works have been completed.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 12 Prior to the commencement of the first dwelling 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 shall be submitted for approval in writing to the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s) and the soft landscaping within a timetable to be agreed.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

PA reference :-


2016/0552



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BARNESLEY MBC - Economic Regeneration

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Item 6

2015/0987 & 2015/0988

(Amended report published 26/9/16)

Peel Property (Investments) Ltd

Description 1: 2015/0987: Variation of condition 1 of planning permission B/05/1165/BA (which was previously varied by planning permission 2014/0663 to allow non-food retail use with upto 30% food retail use, of units 3C, 5 and 6) to allow additional retail goods to be sold at units 2, 3A, 3B and 3C, 4, 5, 6, 7 and 8.

Description 2: 2015/0988: Variation of condition 7 of B/88/0294/BA to allow additional retail goods to be sold at units 1A, 1B and 1C.

The Peel Centre, Dryden Road, Barnsley, S71 1JE

One Objection Received

Site Description

The Peel Centre is located on Dryden Road to the east of and close to, Barnsley town centre. It is a retail park with the units arranged in an 'L' shape with a central, hard surfaced car park. It is situated in a well established wider retail and commercial area, and forms part of Barnsley's overall retail offer. It is by some distance the closest retail park to the town centre.

At ground floor level, it currently comprises approximately 12,399sq. m of retail and leisure floorspace, arranged over 11 units. There are a mixture of occupants within the site including national names such as Halfords, Bathstore, The Range, Pets at Home, Maplins, Argos, DW Sports, Currys and Pizza Hut.

The Retail Park is accessed via a signalised gyratory junction with Harborough Hill Road (the A61). From the Gyratory, routes such as Old Mill Lane connect the town centre with the site. The site lies approximately 0.5km from Barnsley railway station.

To the north of the site is partly vacant retail warehousing, which along with other adjoining land, is currently subject to an application, also by Peel, for a new foodstore development. To the north west, on the island created by the gyratory, is a B&M Bargains store, surrounded by Old Mill Lane and Harborough Hill Road and to the north west of this is the Asda Superstore.

To the west beyond Harborough Hill Road is a large residential area and to the south and east are large areas of open space and agricultural land.

Planning History

The most relevant planning history is outlined below:

- Outline Permission was granted on 3 April 1999 for the refurbishment, redevelopment and extension of the Peel Centre (ref. B/98/0641/BA). Three of the conditions (4, 5 and 11) limited the categories of retail goods permitted to be sold.
- On 11 March 2004 permission was granted to vary Condition 5 (retail use) of the 1998/99 outline permission to 'reverse' the wording of the condition from listing those goods which could be sold, to instead list goods which could not be sold (ref. B/03/2180/BA).
- This condition was then further varied on 5 August 2005 under permission reference 05/1165/BA to enable the sale of pet products. It is this amended condition that now controls the use of the majority of the units. It states:

'(1) Other than Unit 7, no unit shall be used for the retail sale (other than related to the principal use of the premises) of food, alcoholic drink, tobacco, watches or clocks, books, newspapers or magazines, clothing or footwear, fashion accessories, jewellery, toys, perfume and toiletries, music, records, audio or video tapes, pharmaceutical goods or sports goods except where such goods are sold for use for animals'

- A further variation was granted in 2009 to allow Argos to trade from Unit 4.
- An application, relating to units 3C, 5 and 6, was approved on 08/09/2014 for 'variation of condition 1 of 05/1165/BA to allow any non-food retail and maximum of 30% of net sales area to be used for sale of food' (Ref: 2014/0663)

Proposed Development

The applicant seeks permission to vary condition 1 of application B/05/1165/BA which states;

'Notwithstanding the Town and Country Planning (use classes) Order 1987, or in any provision equivalent to that class in any statutory instrument revoking and re-enacting that Order with or without modification) other than unit 7[to be occupied as a leisure facility and sports goods retail premises] no unit shall be used for the retail sale [other than related to the principle use of the premises] of food; alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion; accessories; jewellery; toys; perfume and toiletries; music, records or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority except where such goods are sold for use of animals.'

The condition was further varied by application 2014/0663 which states:

'Notwithstanding the Town and Country Planning (Use Classes) Order 1987, or any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification, with the exception of:

- (1) unit 7 (to be occupied as a leisure facility and sports goods retail premises); and*
- (2) units 3C, 5 and 6 (which may be used for any non-food retail purpose and for the sale of food from a maximum of 30% of the net sales area of any of these individual units);*

no unit shall be used for the retail sale (other than related to the principal use of the premises) of food; alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority except where such goods are sold for use for animals'.

Reason: To ensure that the use of the premises is in compliance with saved policies S3 & S5 of the Council's Unitary Development Plan.

By varying those conditions it would allow the units subject to these applications to sell a wider range of goods. However, in response to concerns regarding the potential impact on planned investment (the Better Barnsley town centre redevelopment scheme), the applicant is offering a condition which would prevent sale of the wider range of goods sought for 5 years but review clauses linked to progress on the Better Barnsley scheme.

It should be noted that these applications are being considered concurrently with a further application (2015/1028) for the erection of a retail unit located immediately east of the Range store and measuring around 977 sq. m.

An application has also recently been approved to provide a new garden centre at the western side of The Range unit (ref. 2015/0552). The relocated garden centre provides an opportunity to develop a logical infill to the existing units on the current garden centre site. The new unit would be subject to the same retail use.

Policy Context

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

The Council has produced 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.

Saved UDP Policies

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

S5 (Retail Development Outside Defined Shopping Centres) outlines that all retail development which would create a new shopping unit or units in excess of 930 m² outside of the central and principle shopping centres will be subject to planning conditions which control the range and type of goods to be sold and the maximum or minimum unit size as measures by the gross floor area.

Core Strategy

Policy CSP8 'The Location of Growth' relates to the preferred locations for growth and states:

'Priority will be given to development in the following locations:

- Urban Barnsley*
- Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (Dearne Towns), Penistone and Royston*

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town to accord with its place in the settlement hierarchy...'

Policy CSP31 'Town Centres' relates to centres. It states:

'Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfill its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.

The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres. The Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of Planning Policy Statement 4’.

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 these applications, relevant paragraphs include:

Paragraph 7 – 12 Core Planning Principles

Paragraph 19 - Significant weight should be placed on the need to support economic growth.

Paragraph 24 – Sequential test

Paragraph 26 – Impact Assessment

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

Paragraph 72 - The Government’s objectives include to promote the vitality and viability of town centres and meet the needs of consumers for high quality and accessible retail services.

Paragraph 77 - Local planning authorities should apply a sequential approach to planning applications for retail and leisure uses that are not in an existing centre and are not in accordance with an up to date Local Plan.

Paragraph 78 - Local planning authorities should prefer applications for retail and leisure uses to be located in town centres where practical, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Paragraphs 95 -99 – Low carbon future, adaptation to climate change.

National Planning Practice Guidance – ‘Ensuring the Vitality of Town Centres’

This provides guidance in relation to the sequential test and in respect of assessing the retail impact. It also provides guidance on how to consider impact on planned investment, which is a significant consideration in this instance given the Better Barnsley scheme. It states that:

Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

- The policy status of the investment (i.e. whether it is outlined in the Development Plan)
- The progress made towards securing the investment (for example if contracts are established)

- The extent to which an application is likely to undermine planned developments or investments based on the effects on current/ forecast turnovers, operator demand and investor confidence.

In assessing retail impact, a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.

Retail Caselaw

Tesco Stores Ltd v Dundee City Council (2012)

The Supreme Court in *Tesco Stores Ltd v Dundee City Council* ([2012] UKSC 13, 21 March 2012) considered how the sequential test should be applied, concluding that ‘it is the proposal for which the developer seeks permission that has to be considered when the question is asked whether no suitable site is available within or on the edge of the town centre.’ The Supreme Court was clear that a developer or retailer should not be required to fundamentally change their proposed development so as to operate in some artificial world. Lord Reed states at paragraph 38 of the transcript:

‘The whole exercise is directed to what the developer is proposing, not some other proposal which the planning authority might seek to substitute for it which is for something less than that sought by the developer... ‘But these (sequential assessment) criteria are designed for use in the real world in which developers wish to operate, not some artificial world in which they have no interest doing so.’

Therefore in terms of flexibility, the applicant should not be expected to significantly alter the size of the proposed development so that it can be accommodated on an alternative smaller site, especially where the retailer has confirmed that the application site is the most suitable available site in terms of size and location.

Relevant Appeal Decision – Cortonwood Retail Park (ref. APP/P4415/A/13/2197947)

In the Cortonwood appeal decision, the Inspector applied the Dundee judgment to conclude at paragraph 22:

‘In this case there is no prospect of the retail units being developed, in full or in part, at any other location. The proposal is wholly specific to the appeal site as a means of redeveloping a partially used warehouse for a more commercially viable return.’

Peel argue that their proposals are a means of securing the re-letting of existing vacant retail warehouse space which cannot be met by either the construction of new retail warehousing, or the relaxation of restrictions on existing retail warehousing, anywhere else. They suggest that to expect or require the proposals to be located elsewhere would be to enter the ‘artificial world’ which the Dundee ruling guards against.

Zurich vs North Lincs and Simons Developments (2012)

The High Court’s decision in *Gunness* (Scunthorpe) confirms that *Dundee* applies in England.

It also confirms, with the following wording, that if a decision maker is not convinced the sequential test has been satisfied, a balancing exercise is still required of positive and negative factors: *‘The applicant having failed to persuade the officer that the sequential test is passed, the officer performs the exercise which he must perform to see whether the presumption of refusal....is*

outweighed by other material considerations’ and ‘to determine whether the presumption is displaced, the extent and consequences of the breach of sequential provisions may be relevant.’

In other words, in such cases, the local planning authority is not required to automatically refuse permission, notwithstanding the wording of the NPPF.

Aldergate Properties Ltd vs Mansfield District Council

The case concerned a challenge by Aldergate Properties Limited to the decision of Mansfield District Council to grant planning permission for a 1,925 sq.m foodstore at an out-of-centre sites approximately 3.5 miles from Mansfield Town Centre. Aldergate Properties Limited own a site within Mansfield Town Centre with planning permission for a mixed use development, including a minimum of 4,000 sq.m of unrestricted retail floorspace.

Aldergate contended that the proposed development would have a significant effect on the ability of its town centre site to attract investment, to which policy required a convenience store, such as that proposed, to be directed. The challenge was made on the following grounds:

- i. The District Council erred in its approach to the sequential test by ignoring sites in Mansfield Town Centre because Aldi would not locate there in view of the nearby location of other existing or permitted Aldi stores;
- ii. The District Council imposed a condition personal to Aldi without considering relevant planning policy objections to such a condition;
- iii. The District Council failed to consider whether the proposal accorded with the Development Plan, and policy R6 in particular, also failing to consider the adverse impact which the proposal could have on the viability and vitality of Mansfield Town Centre, including future investment there; and
- iv. Failed to consider the Claimant’s contentions about the extent of the store’s catchment area.

The potential implications for the Peel proposals primarily focus on the application of the sequential test and, in the Mansfield case, the judgement found that the sequential test had been misapplied as it excluded sites in Mansfield Town Centre, as they were not suitable to meet the requirements of Aldi. However, the judgement found that the identity of the applicant or proposed occupier is largely irrelevant for the purposes of the application of the sequential test. The judge interpreted ‘suitable’ and ‘available’ to generally mean ‘suitable’ and ‘available’ for the broad type of development which is proposed by the applicant by approximate size, type and range of goods. This approach incorporates the requirement for flexibility in Paragraph 24 of the NPPF and excludes, generally, the identity and personal or corporate attitudes of an individual retailer.

The application for the Peel Centre is accompanied by a sequential site assessment which assesses the ability of a number of sites within the town centre to accommodate the broad type of development proposed (i.e. a multi-unit retail warehouse scheme of at least six units totalling at least 9,325 sq.m with associated car parking and servicing) and no case was advanced based on specific operator requirements. It has previously been accepted that the proposals satisfy the requirements of the sequential test and it is not considered that the Mansfield case would in any way alter these conclusions.

Consultations

England & Lyle (Retail Consultants) – The proposal will not have a significantly adverse impact on the town centre or on planned investment within the town centre.

Highways – No objections

Air Quality Officer – Mitigation required to offset the impact on the adjacent AQMA.

Legal Officer – No objections

Representations

One representation has been received. This was from BMO Real Estate Partners, who own the Alhambra Centre. The issues raised are as follows:

Sequential Assessment

BMO consider that the sequential test has not been passed. They base this on the same availability argument as Queensbury and reiterate the point that granting permission would conflict with the town centre first policies in both the NPPF and the adopted development plan.

Retail Impact

BMO suggest that the current health of the town centre can be considered vulnerable to negative impacts from new or amended out-of-town retail provision such as that proposed. Accordingly they consider that any increase in town centre vacancy rates would have a significantly detrimental impact on the vibrancy and vitality of the town centre.

They also consider that existing linked trips between the Peel Centre and the Town Centre only existing because of the bulky goods restrictions placed on the Peel Centre and that there is a realistic prospect that linked trips would cease if there was a sufficient critical mass of unrestricted A1 uses with a diminished town centre offer. Should this happen they suggest that the impact on the town centre would be greater than currently forecast.

They then argue that there are serious shortcomings in the methodology used by the applicant in calculating turnover and resulting trade impact so as to dilute the magnitude of the impact on the town centre. Furthermore, they argue that due consideration has not been given to the cumulative impact of these proposals and the previously allowed relaxation that Peel secured (2014/0663).

Queensbury

Queensbury, who are the Council's appointed Retail & Leisure Development Management Organisation in relation to Better Barnsley Phase 2 scheme, initially had reservations in relation to the potential impact of the application on the delivery of Better Barnsley. However, following additional information from the applicant and advice from England and Lyle they are satisfied that the applications would not have a significantly adverse impact, subject to conditions restricting the timescale of delivery.

A summary of Queensbury's initial concerns are outlined below for information;

Sequential Assessment

Raise significant concerns regarding the sequential assessment and argue that the sequential test is not passed because the Better Barnsley site is available within a reasonable timescale and is sequential preferable. They therefore consider that circumstances are materially different to when the Cortonwood appeal was allowed.

Ultimately they argue that the variations seek to allow traditional high street retail on a bulky goods retail warehouse site. They therefore consider that the applicant should demonstrate more flexibility over car parking provision because traditional high street retail has less need for proximity parking as it doesn't require bulky goods to be carried long distances. They therefore

consider that some sequentially preferable sites should not have been discounted on the grounds of suitability.

Impact on Planned Investment

Queensbury point out that the Better Barnsley scheme is more advanced than when the Cortonwood appeal was allowed and a number of significant milestones have been passed. The scheme is now at its most critical stage when it is necessary to secure pre-lets, particularly for the large A1 units, which the Peel Centre site would compete with.

Economic Benefits of the Peel Scheme

Queensbury contend that the economic benefits associated with the Peel scheme are deadweight given that existing units are already occupied and could readily be re-occupied.

Assessment

Principle of Development

Saved Policy S5 stipulates that all retail development which would create a new shopping unit or units in excess of 930 sq. m outside of the central and principal shopping centres will be subject to planning conditions which control the range and type of goods to be sold, and the maximum or minimum unit size as measured by the gross floor area. This policy therefore provided the rationale for imposing the conditions originally.

Policy S3 is also saved, and relates to retail development outside the Central Shopping Area of Barnsley town centre and the defined Principal Shopping and Commercial Centres. It states that all new retail development outside of the centres will only be permitted:

- On a site allocated for that purpose in the plan
- Where there is not a suitable site available within the defined centre or where there is no available allocated site, then on a site at the edge of a defined centre; or
- Where there is no suitable site available either within any of the centres defined above or in accordance with the requirements of (a) or (b), then an out-of-centre site in a location accessible by a choice of means of transport.

In relation to the first criterion, the site is allocated for large scale retailing of comparison goods (rather than an allocation for unrestricted retail) so the proposals represent a departure from policy S3. However, it is now necessary to assess the proposal against the more recent Core Strategy policy CSP31 and national policies and guidance.

In order to enable a robust assessment to be carried out, the applications have been supported by a Retail Impact Assessment and Transport Assessment. The Council has commissioned independent experts in these fields, namely England and Lyle and AECOM, to assess the information submitted and provide technical advice and recommendations. The findings and conclusions are explored under the headings below;

Sequential Test

Paragraphs 24 and 26 of the NPPF explain that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and are not in accordance with an up-to-date Local Plan. In this case, the proposal is not for new development, it is for a relaxation of controls on existing units which are located on a site specifically allocated for large scale comparison goods retailing in accordance with policies which were saved at a time when National Policy for retail development were not materially different to those now in force under NPPF.

The sequential test undertaken concluded that none of the units identified as being available and over the set threshold are suitable and viable for the proposed development. The majority of the units that are located within wider sites allocated for either mixed-use or retail development are insufficient in size to accommodate the proposal or would be economically unviable to undertake the required alterations to ensure the units are suitable for retail purposes. These findings are consistent with those of the planning inspector who allowed the appeal at Cortonwood. Accordingly, on the face of it, none of the units are available, suitable and viable for the proposed development.

However, this permission cannot be implemented straight away. If it could, the applications would almost certainly have been recommended for refusal on the basis of the impact on the Planned Investment in the Better Barnsley scheme. For the reasons explained under the heading 'Impact on Planned Investment', the Units will only become available gradually and it is therefore reasonable to assume that circumstances will change over this period. As such, there is a prospect that large units will become available through the delivery of the Better Barnsley scheme and that the positive impact this has on the viability of the town centre could help to bring forward proposals on currently unviable edge of centre sites.

In response to this point, the applicant has cited a decision referred to in their planning statement known as the "Rushden Lakes decision", This was made by the Secretary of State (SoS) after endorsing a Planning Inspector's report, confirmed how the sequential test should be applied. The Inspectors Report for that decision states at paragraph 8.55 that:

'In terms of availability, NPPF [24] simply asks whether town centre or edge of centre sites are "available". It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years.'

The applicant therefore argues that 'The SoS states at paragraph 15 agrees with the Inspectors overall conclusion on the sequential approach. It follows that the SoS endorses the specific individual conclusions drawn by the Inspector on the matters i.e. the way in which the test of 'availability' is applied as described above. Rushden Lakes is clear that for a site to be considered sequentially preferable it must be available. It is important to note that the scheme under consideration in Rushden Lakes was large scale and that it is the nature of such large schemes that they can only be delivered over a number of years, or what could alternatively be described a prolonged period. There is no suggestion in the Rushden Lakes decision that where a scheme would take a number of years to deliver, the sequential test should be applied on any basis other than that alternative sites should be available. This is all completely consistent with the confirmation by the Secretary of State (para 16 of the decision letter) in the same decision that disaggregation is no longer any part of policy'.

This has been referred this back to our appointed retail consultant (England & Lyle), who confirm that they are in agreement with the applicant's commentary in relation to the application of the sequential test. Accordingly, in view of recent case law, they remain of the opinion that it would be very difficult to sustain a reason for refusal on sequential grounds.

If we were minded to refuse the application on sequential grounds, we would be relying on an argument that the floorspace which the applications relate to should be disaggregated (i.e. subdivided into the individual units) and that we should assess future availability over several years rather than looking at what is currently available. Whilst there appears to be a justification for doing this on the basis that the units already exist (and so we wouldn't be entering into an artificial world by insisting on significant flexibility in the format and/or scale of the proposal and by considering what contribution more central sites are able to make individually and collectively i.e. disaggregation) and that we are relying on the scheme being implemented over a prolonged period in order to avoid a significant adverse impact on the Better Barnsley scheme, such an argument would be in direct conflict with the current wording and legal interpretation of the NPPF and associated guidance which focus on whether or not a site is available now.

Moreover, as explained under the heading 'Impact on Planned Investment', the condition offered by Peel would ensure that the units are only occupied for unrestricted A1 if 5 out of the 6 largest units in the Better Barnsley scheme have been pre-let (in which case they wouldn't be available for the purpose of the sequential test) or if insufficient progress has been made securing pre-lets (again meaning units would not be available). Accordingly, whilst there is some logic in saying that the sequential test shouldn't be on the basis of availability now, the condition does provide some comfort that sequentially preferable units in the Better Barnsley scheme would also be unavailable in the future. The condition doesn't cover the point that during this period other in centre or edge of centre sites might become available and be both suitable and viable but unlike the Better Barnsley scheme, they are not currently being brought forward for development. Consequently, given current case law, it is not considered that we can substantiate a reason for refusal on sequential grounds.

In reaching a conclusion on the sequential test it is important to note that local and national planning policy still contain a town centre first approach to unrestricted retail uses. As such, the condition imposed on the original permission still remains up to date. The proposal therefore represents a departure from saved UDP policy S3. Nevertheless, given the wording of the National Planning Policy Framework and recent case law, it is considered that the sequential test has been passed.

Retail Impact

The impact of the proposal on Barnsley Town Centre and particularly the Better Barnsley scheme is a key consideration and has resulted in officers insisting on additional information being requested from the applicant in order to substantiate their claims that the proposal will not have a significant adverse impact on either the town centre or on planned investment.

Before assessing this in detail it is important to recognise that there is a significant leakage of expenditure from Barnsley to retail destinations outside the borough. The applicant asserts that because of the proximity of the Peel Centre to the Town Centre and associated evidence on linked trips between the two, relaxing restrictions on the type of good that can be sold will help clawback a significant level of existing comparison goods expenditure leakage. This is acknowledged by England & Lyle but the fact the permission can only be implemented over time dilutes the applicant's assertion that to relax restriction will help the town to immediately claw back retail spending on comparison goods that currently goes outside the borough to destinations such as Cortonwood, Parkgate and Meadowhall. Furthermore, we cannot be certain that these linked trips will remain if the Peel Centre becomes occupied by more high street type retailers. Having said this, we do recognise that the Peel Centre is limited in scale and format such that it is likely to retain a reasonable quantum of bulky goods retailers and over the longer term, it is recognised that because of its connectivity to Barnsley town centre, it would be preferable to have a fully occupied Peel Centre with an attractive offer that can successfully compete with more remote out of town destinations.

Overall, the evidence presented on retail impact suggests that the effect on the town centre will be just 1.7 to 1.8%, which the applicant asserts is not deemed significantly adverse. This evidence has been independently assessed by England & Lyle and their conclusion is that the figures presented are realistic. Accordingly, whilst the town centre is considered vulnerable to further unrestricted out-of-centre retail floorspace, the proposal is not considered have a significantly adverse impact on Barnsley Town Centre as a whole. In addition, when looking at the cumulative impact associated with the previous planning permission, the proposal would still not have a significantly adverse impact.

Impact on Planned Investment

Planning permission was granted for the Better Barnsley scheme in July 2015. The redevelopment of the town centre and associated markets has been a long term objective of the

Council, it being a critical scheme from a Barnsley economic and regeneration perspective. Accordingly, when assessing the impact on planned investment against the first criterion in the NPPG (policy status of the investment), it is clear that there is compelling support, both corporately and in respect of planning policies, for the proposal.

There has also been good progress made towards securing the investment, £50 million already committed, and works are currently being undertaken on site (demolition of central offices and creation of the surface car park on the former CEAG site). Milestones have also been established for submission of the reserved matters application and for the finalising of the terms of the remaining investment. The resultant timetable therefore envisages completion of the scheme in April 2019.

In this regard, given that the scheme is progressing and that the Council is committed to funding approximately half of its total cost, it could be argued that the proposals at the Peel Centre pose little threat to the delivery of the Better Barnsley scheme.

However, when assessing the extent to which an application is likely to undermine planned developments or investments (based on the effects on current/ forecast turnovers, operator demand and investor confidence), it is important to note that a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact. Given that the Better Barnsley scheme has been in the offing for over a decade it is reasonable to be cautious about the impact of these proposals on the ability to secure the additional investment necessary to complete the Better Barnsley scheme.

England and Lyle identified that there would be some overlap in the type of goods to be sold from the existing and proposed units at the Peel Centre and the type of goods that would be sold from the consented retail floorspace within the Better Barnsley scheme. The expansion of the comparison goods offer at the application site therefore theoretically increases competition which could potentially make it more difficult to secure sufficient tenants for the Better Barnsley scheme.

However, the impact on the Better Barnsley scheme needs to be viewed in the context of the speed at which Peel would be able to utilise the proposed relaxation of goods controls. There are 12 trading units currently on the park with another one leased to Carpetright but not currently occupied. When assessing the leases, there will only be three that come up for renewal during the timescale for delivery of the Better Barnsley scheme. Peel point out that there are some very important general points to note about the expiry of leases such as those on the Peel Centre. Firstly as a matter of course tenants have a legal right to a new lease when their existing lease expires. Under the Landlord & Tenant Act, there are only very limited and specific grounds on which Peel can attempt to oppose such renewal. A wish to replace the tenant with a different occupier is not such a ground. This point has been verified by colleagues in Legal Services and it is therefore accepted that units are unlikely to become available before the expiry of leases unless there is business failure.

Peel also assert that it is not in their interests to wish tenants to leave at expiry of leases, the usual approach being to negotiate a new lease, especially where the incumbent tenant is a National retailer with good covenant strength. This information has been verified by England & Lyle who agree that a whole new tenant line up could not be achieved overnight. As such, even if there was an overlap between prospective tenants, given the scale of the Better Barnsley scheme and the piecemeal nature of any changes to the tenant line-up at the Peel Centre, any impact could only reasonably be classed as modest or minor.

They accepted the information provided by Savills in that regard and, on the basis of the additional justification provided, they consider that it would be difficult to sustain a reason for refusal citing a significant adverse impact on planned investment in the town centre, particularly in view of the

conclusions drawn in the Cortonwood appeal and the need to stem the leakage of comparison goods expenditure to destinations outside the Borough.

Given that Peel has other landholdings close by they could theoretically incentivise existing bulky goods retailers to move elsewhere in order to secure a higher value high street retailer at the Peel Centre. Whilst Peel maintains that this is not realistic, they have offered a condition which would prevent existing units being occupied for unrestricted A1 for a period of five years. This is something that officers have pushed for because a shorter period of say three years would mean their units would be available at roughly the same time as the Better Barnsley scheme is scheduled for completion.

In a scenario where the condition only applied for three years, retailers would have the choice between being guaranteed a unit on an existing retail park or agreeing a pre-let within a town centre scheme which is still to be delivered. The latter therefore represents a greater risk and could detract some retailers who are looking for a new unit within the next 3-4 years. The condition would therefore force some retailers to wait longer for a unit at the Peel Centre, which would give the Council more time to secure pre-lets and offer greater certainty to retailers who might otherwise consider taking a unit at the Peel Centre.

In agreeing to five years Peel have suggested that there should be break clauses so that the condition no longer applies once Queensbury have secured pre-lets of 5 out of the 6 largest A1 retail units. The rationale for this is that it is only the larger units that Peel would compete with because their planning permission prevents units being sub-divided. Moreover, the success of phase 2 of the Better Barnsley scheme mainly hinges on securing tenants for the larger A1 units as experience shows that smaller units will be taken up once tenants have been secured for the larger units.

Peel have also requested that the condition ceases to apply if Queensbury fail to make reasonable progress securing pre-lets for the larger units. They base this on what happened with the previous 1249 scheme, which wasn't delivered and argue that they should not be prevented from implementing their proposals if the planned investment isn't forthcoming.

Having considered the matter in detail, officers consider that the suggested condition is sufficient to address concerns regarding impact on planned investment and whilst Queensbury would rather the application be refused, they have reviewed the terms of the unilateral undertaking and also accept that it represents a reasonable compromise given the independent advice from England & Lyle.

Highways

The Peel Centre is accessed via a signalised junction onto Harborough Hill Road, which, in this locality, is of dual carriageway standard. The access road is called Dryden Road providing access to the retail park car parks and beyond to the service yards.

The Peel Centre junction sits at the southern corner of Harborough Hill gyratory, which provides a junction between the A61 and A635, before the A61 crosses over the River Dearne at Old Mill Lane.

The gyratory is a multiple lane arrangement with three signalised entries for A61 and A635 approaches. The A61 approach from the south incorporates Dryden Road (access to Peel Centre) into the signals arrangement. The A61 signals arrangement from the north incorporates a bus gate. There are a number of priority controlled access points within the gyratory, namely Twibell Street, Meadow Street, Canal Way, and lastly access to B&M Bargains on the island in the centre of the gyratory. There are several controlled pedestrian crossing points, including at the Peel Centre Dryden Road junction.

There are currently 524 standard spaces (including parent & child) within Peel Centre. This equates to 1 space per 23.7 m² GFA at present and 1 per 25.6 m² with the proposals both of which complies with the maximum permitted (1 space per 20m²) through Barnsley's Local Development Framework Supplementary Planning Document on Parking (adopted March 2012).

The location of the site is considered to have a good level of non-car accessibility, particularly given its location near a major bus corridor and within acceptable walking distance of Barnsley Interchange. This is borne out by the evidence provided by the exit survey, which shows that approximately one in six visitors to the park travel by non-car modes.

As part of a previous application in connection with the Twibell Street retail site, Peel instructed full traffic counts at the gyratory which tracked movements around the whole gyratory (June 2014).

The peak periods for consideration in respect of highway impact are the weekday PM and Saturday afternoon periods. The peak hours for the retail park and the gyratory as a whole coincide. They are 1600 – 1700 hours on the Friday and 1345 to 1445 hours on the Saturday.

The supporting assessments demonstrate that the worst case development impact is clearly the Saturday peak as tested. This Saturday peak hour impact is just 113 additional movements (this accounts for the 2no. applications which are running concurrently with this one) on the gyratory (an average of less than one in/out per minute), and which incidentally is less than the background traffic growth considered.

The impact of development cannot reasonably or credibly be considered to have a 'severe' impact on the operation of the highway. Therefore, the proposal is in accordance with the NPPF which states in Paragraph 32 that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Furthermore, the Transport Assessment and additional requested technical notes have been fully assessed by the Councils Highways Officers along with independent assessments from AECOM. Following on from these assessments they concluded that the impact would not be severe and have raised no objections.

Summary

The applicant has demonstrated that there are no sequentially preferable sites currently available to accommodate the proposed development and that subject to the suggested condition, the proposal will not have a significant adverse impact on the Town Centre or the planned investment in the Better Barnsley scheme. Accordingly, each of the applications are recommended for approval.

Recommendation for Planning application 2015 0987

Grant planning permission subject to the following conditions:

- 1 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or any equivalent provisions in any statutory instrument amending revoking and/or re-enacting either or both of those Orders:

- Unit 7 shall be occupied as a leisure facility and sports good retail premises.

(A) Until the earlier of (a) the expiry of a period of 5 years from the date of this permission or (b) the date of the occurrence of that one of the circumstances mentioned in (C)(1) and (2) below as is first to occur:

(1) Unit 4 shall only be used by a catalogue showroom retailer for sale and display of items listed within their catalogue. The following exceptions to the items that can be sold from the catalogue shall apply: pharmaceuticals, hot or cold food, groceries, sweets, alcoholic and non- alcoholic drinks, tobacco, magazines and newspapers, for which there shall be no sales permitted whatsoever;

(2) Units 3C, 5 and 6 may be used for any non-food retail purpose and for the sale of food from a maximum of 30% of the net sales area of any of these individual units;

(3) Not more than 1,394 sq.m. of net sales area in total, across all of Units 1A, 1B and 1C, 2, 2A, 3A, 3B and 3C, 4, 5, 6 and 8, may be used for the retail sale of food and drink (in relation to Units 3C, 5 and 6 that being (if applicable) in addition to any area permitted by A(3) above, which shall not be taken into account in calculating the net sales area permitted by this paragraph).

(B)

Until the earlier of (a) the expiry of a period of 5 years from the date of this permission or (b) the date of the occurrence of that one of the circumstances mentioned in (C)(1) and (2) below as is first to occur, after which any non-food retail purpose is permitted and for the sale of food and drink, subject to the limitations within A(3) above, none of the Units 1A, 1B, 1C, 2, 3A, 3B and 8 shall be used for the retail sale (other than related to the principal use of the premises) of food (except where permitted in A(4) above) or for the sale of any of alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority except where such goods are sold for use for animals, except;

By an existing tenant, defined as a retailer who is in occupation of one of these units at the date of this permission, in which case that retailer may use that unit for any non-food retail purpose (with the exception of fashion retail - clothes, shoes & jewellery, where a maximum of 10% of the net sales area of each unit would be allowed).

(C)

The circumstances referred to in (A) and (B) above are:

(1) an agreement for lease or leases have been entered into in relation to five of the six anchor / MSU retail units on the proposed Better Barnsley redevelopment scheme (unit references A1, MSU 1, 2, 4, 5 and SU16 as shown on IBI drawing reference SP_00_001); or

(2) a period of 2 years having expired since the date of this permission, without agreements for lease having been exchanged, or leases entered into, relating to two or more of those six units referred to in C(1) above;

(D)

The references to numbered units within this condition are references to the units so numbered on drawing number MH877-03.

Reason: In order to offer protection to the Better Barnsley Scheme and in accordance with saved UDP policy S3.

- 2 No outside storage shall at any time take place on the site, except within such purpose designed enclosures.
Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy Policies CSP 29 and CSP 40.
- 3 No surface water shall be discharged through the petrol/oil interceptor.
Reason: To ensure the proper drainage of the site.
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and any subsequent amendments the retail units shall not be subdivided without the prior written approval of the Local Planning Authority.
Reason: Support will be given to maintaining and enhancing the vitality and viability of Barnsley Town Centre in accordance with CSP31 'Town Centres' and saved UDP policy S3.

Recommendation for Planning Application 2015 0988

- 1 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or any equivalent provisions in any statutory instrument amending revoking and/or re-enacting either or both of those Orders:
- (A) Until the earlier of (a) the expiry of a period of 5 years from the date of this permission or (b) the date of the occurrence of that one of the circumstances mentioned in (C)(1) and (2) below as is first to occur:
- (1) Not more than 1,394 sq.m. of net sales area in total, across all of Units 1A, 1B and 1C, 2, 2A, 3A, 3B and 3C, 4, 5, 6 and 8, may be used for the retail sale of food and drink (in relation to Units 3C, 5 and 6 that being (if applicable) in addition to the 30% of the net sales area of the individual units previously approved), which shall not be taken into account in calculating the net sales area permitted by this paragraph).
- (B)
 Until the earlier of (a) the expiry of a period of 5 years from the date of this permission or (b) the date of the occurrence of that one of the circumstances mentioned in (C)(1) and (2) below as is first to occur, none of the Units 1A, 1B & 1C shall be used for the retail sale (other than related to the principal use of the premises) of food (except where permitted above in A (1) above) or for the sale of any of alcoholic drink; tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods without the prior written consent of the Local Planning Authority except where such goods are sold for use for animals.
- By an existing tenant, defined as a retailer who is in occupation of one of these units at the date of this permission, in which case that retailer may use that unit for any non-food retail purpose (with the exception of fashion retail - clothes, shoes & jewellery, where a maximum of 10% of the net sales area of each unit would be allowed).
- (C)
 The circumstances referred to in (A) and (B) above are:
- (1) an agreement for lease or leases have been entered into in relation to five of the six anchor / MSU retail units on the proposed Better Barnsley redevelopment scheme (unit references A1, MSU 1, 2, 4, 5 and SU16 as shown on IBI drawing reference SP_00_001);
 or

(2) a period of 2 years having expired since the date of this permission, without agreements for lease having been exchanged, or leases entered into, relating to two or more of those six units referred to in C(1) above;

(D)

The references to numbered units within this condition are references to the units so numbered on drawing number MH877-03.

Reason: In order to offer protection to the Better Barnsley Scheme and in accordance with saved UDP policy S3.

2 No outside storage shall at any time take place on the site, except within such purpose designed enclosures.

Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy Policies CSP 29 and CSP 40.

3 No surface water shall be discharged through the petrol/oil interceptor.

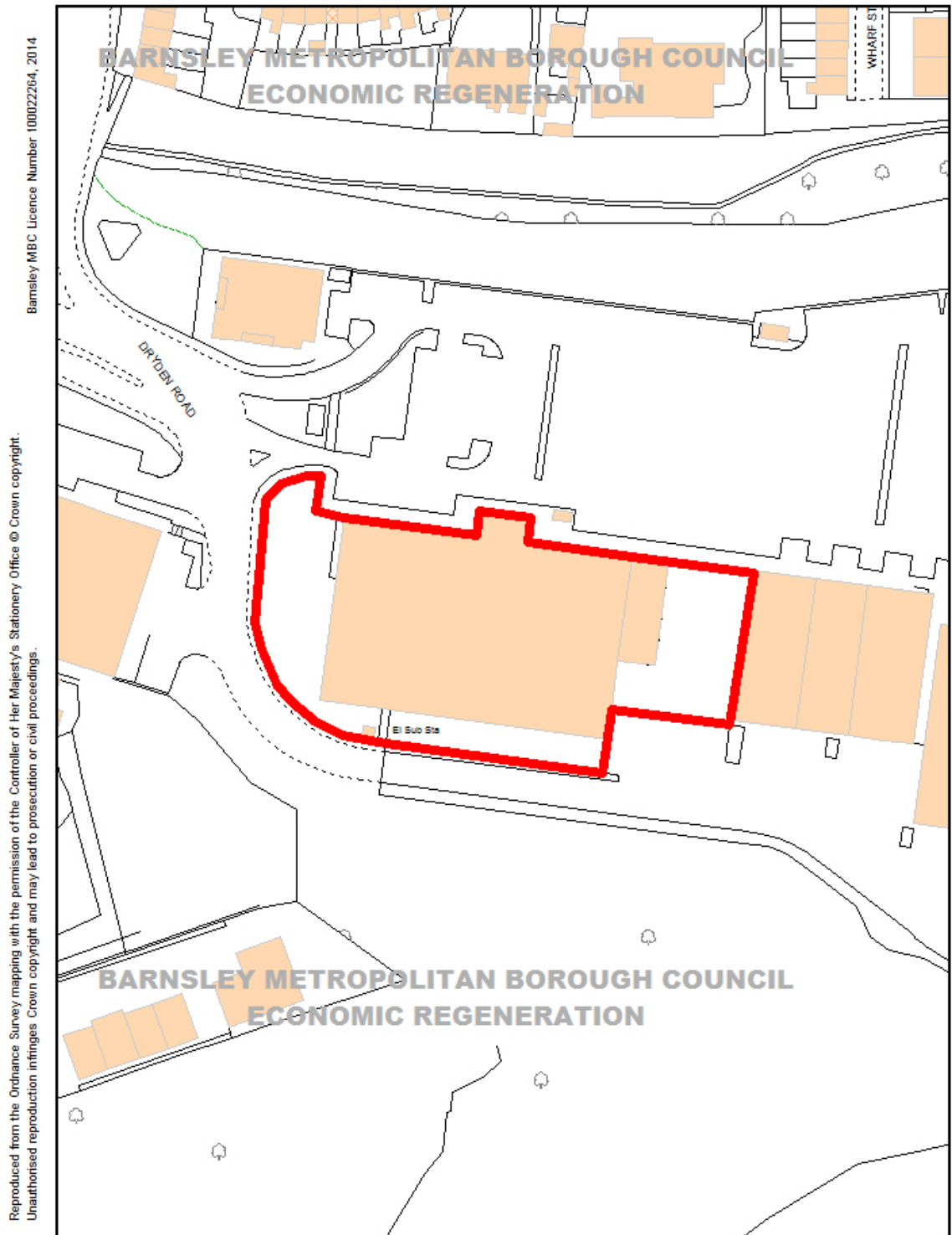
Reason: To ensure the proper drainage of the site.

4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 and any subsequent amendments the retail units shall not be subdivided without the prior written approval of the Local Planning Authority.

Reason: Support will be given to maintaining and enhancing the vitality and viability of Barnsley Town Centre in accordance with CSP31 'Town Centres' and saved UDP policy S3.

PA reference :-

2015/0987



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BARNESLEY MBC - Economic Regeneration

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Item 7

2015/1028

Peel Property (Investments) Limited

Erection of a retail unit on the existing site of The Range store.

Unit 2A, The Peel Centre, Dryden Road, Barnsley, South Yorkshire, S71 1JE

One objection received.

Site Description

The Peel Centre is located on Dryden Road to the east of and close to, Barnsley town centre. It is a retail park with the units arranged in an 'L' shape with a central, hard surfaced car park. It is situated in a well-established wider retail and commercial area, and forms part of Barnsley's overall retail offer. It is by some distance the closest retail park to the town centre.

At ground floor level, it currently comprises approximately 12,399sq. m of retail and leisure floorspace, arranged over 11 units. There are a mixture of occupants within the site including national names such as Halfords, Bathstore, The Range, Pets at Home, Maplins, Argos, DW Sports, Currys and Pizza Hut.

This application specifically relates to the area between units 2 and 3a which is currently used as an outdoor sales/garden centre area for The Range. The Range was recently granted permission to move the sales/garden centre from the East side of the Building to the West which freed up the application site.

The Retail Park is accessed via a signalised gyratory junction with Harborough Hill Road (the A61). From the Gyratory, routes such as Old Mill Lane connect the town centre with the site. The site lies approximately 0.5km from Barnsley railway station.

To the north of the site is partly vacant retail warehousing, which along with other adjoining land, is currently subject to an application, also by Peel, for a new foodstore development. To the North West, on the island created by the gyratory, is a B&M Bargains store, surrounded by Old Mill Lane and Harborough Hill Road and to the north west of this is the Asda Superstore.

To the west beyond Harborough Hill Road is a large residential area and to the south and east are large areas of open space and agricultural land.

Planning History

The most relevant planning history is outlined below:

2015/0552 – Creation of outside display/sales area including alterations to the buildings existing gables, erection of replacement canopy and new boundary fences/walls to perimeter – Approved

Proposed Development

The applicant seeks permission to provide a new retail unit circa 930m² GIFA, following the relocation of Unit 2's external display and sales area to the Western elevation of unit 2. The unit would provide unrestricted retail sales.

This new unit would be accessed by customers from the existing car park and would be serviced from the rear of the property off Dryden Road, as per the arrangements of existing units.

The elevation treatment and materials would match the site's existing units and consist of flat composite cladding, colour Sirius to the front and profiled cladding to the gable and rear elevations, colour Albatross, all above a facing brick plinth.

The front elevation would also incorporate the Unit's glazed entrance feature in addition to glazed side panels surrounded by terracotta feature tile surrounds. The glazing would be green within silver aluminium frames and the tiles powder blue to match existing.

The form of the roof would be hipped and dual pitch, hidden behind a relatively tall parapet to lessen its impact to match existing.

The gap between this new unit and its neighbour, the existing Unit 3a, would be closed off to the front elevation by paladin fencing and gated to the rear to allow maintenance access. This would match the details of other units.

The external lighting arrangements to the car park and service road would remain as existing, generally lit from lighting columns at the same level of luminance as the existing provision.

It should be noted that this application is being considered concurrently with 2no. further applications for the site. These are;

2015/0987 – Variation of condition 1 of 05/1165 to allow a wider range of goods to be sold. This application relates to units 2, 3a, 3b, 4 and 8.

2015/0988 – Variation of condition 7 of B/88/0294/BA (Erection of car accessories store, including MOT testing, repairs, cleaning etc.) to allow a wider range of goods to be sold.

An application has recently been approved to provide a new garden centre at the western side of The Range unit (ref. 2015/0552). The relocated garden centre provides an opportunity to develop a logical infill to the existing units on the current garden centre site. The new unit would be subject to the same retail use.

Policy Context

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

The Council has produced 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.

Saved UDP Policies

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

S5 (Retail Development Outside Defined Shopping Centres) outlines that all retail development which would create a new shopping unit or units in excess of 930 m² outside of the central and principle shopping centres will be subject to planning conditions which control the range and type of goods to be sold and the maximum or minimum unit size as measures by the gross floor area.

Core Strategy

Policy CSP8 'The Location of Growth' relates to the preferred locations for growth and states:

'Priority will be given to development in the following locations:

- Urban Barnsley*
- Principal Towns of Cudworth, Wombwell, Hoyland, Goldthorpe (Dearne Towns), Penistone and Royston*

Urban Barnsley will be expected to accommodate significantly more growth than any individual Principal Town to accord with its place in the settlement hierarchy...'

Policy CSP 29 'Design' – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley.

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

Policy CSP31 'Town Centres' relates to centres. It states:

'Barnsley Town Centre is the dominant town centre in the borough. To ensure it continues to fulfil its sub regional role the majority of new retail and town centre development will be directed to Barnsley Town Centre.

The District Centres have an important role serving localised catchments and meeting more local needs. To ensure they fulfil this role and continue to complement and support the role of Barnsley Town Centre new retail and town centre development will also be directed to the District Centres. The Local Centres serve smaller catchments and development here will be expected to meet the needs of the local area and not adversely impact on the vitality or viability of other nearby centres.

All retail and town centre developments will be expected to be appropriate to the scale, role, function and character of the centres in which they are proposed.

A sequential approach will be used to assess proposals for new retail and town centre development. This will help to achieve the spatial strategy for the borough and will focus development on identified centres in the first instance. Edge of centre and out of centre development will only be allowed where it meets the requirements of [CSP 40].

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 paragraphs include:

Paragraph 7 – 12 Core Planning Principles

Paragraph 19 - Significant weight should be placed on the need to support economic growth.

Paragraph 24 – Sequential test

Paragraph 26 – Impact Assessment

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

Paragraph 72 - The Government's objectives include to promote the vitality and viability of town centres and meet the needs of consumers for high quality and accessible retail services.

Paragraph 77 - Local planning authorities should apply a sequential approach to planning applications for retail and leisure uses that are not in an existing centre and are not in accordance with an up to date Local Plan.

Paragraph 78 - Local planning authorities should prefer applications for retail and leisure uses to be located in town centres where practical, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered.

Paragraphs 95 -99 – Low carbon future, adaptation to climate change.

National Planning Practice Guidance – 'Ensuring the Vitality of Town Centres'

This provides guidance in relation to the sequential test and in respect of assessing the retail impact. It also provides guidance on how to consider impact on planned investment, which is a significant consideration in this instance given the Better Barnsley scheme. It states that:

Where wider town centre developments or investments are in progress, it will also be appropriate to assess the impact of relevant applications on that investment. Key considerations will include:

- The policy status of the investment (i.e. whether it is outlined in the Development Plan)
- The progress made towards securing the investment (for example if contracts are established)
- The extent to which an application is likely to undermine planned developments or investments based on the effects on current/ forecast turnovers, operator demand and investor confidence.

In assessing retail impact, a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact.

Consultations

Highways – No objections

SYMAS – Require condition for investigations

Design – No objection

The Coal Authority – recommend further investigations undertaken

Ecology – No objections

Waste Management – No Objections

Drainage – No objection subject to conditions

England & Lyle – Were appointed as an independent consultant to review the application, they raised no objections within their assessment.

Representations

One representation has been received. This was from BMO Real Estate Partners, who own the Alhambra Centre. The issues raised are as follows:

Sequential Assessment

BMO consider that the sequential test has not been passed. They base this on the same availability argument as Queensbury and reiterate the point that granting permission would conflict with the town centre first policies in both the NPPF and the adopted development plan.

Retail Impact

BMO suggest that the current health of the town centre can be considered vulnerable to negative impacts from new or amended out-of-town retail provision such as that proposed. Accordingly they consider that any increase in town centre vacancy rates would have a significantly detrimental impact on the vibrancy and vitality of the town centre.

They also consider that existing linked trips between the Peel Centre and the Town Centre only existing because of the bulky goods restrictions placed on the Peel Centre and that there is a realistic prospect that linked trips would cease if there was a sufficient critical mass of unrestricted A1 uses with a diminished town centre offer. Should this happen they suggest that the impact on the town centre would be greater than currently forecast.

They then argue that there are serious shortcomings in the methodology used by the applicant in calculating turnover and resulting trade impact so as to dilute the magnitude of the impact on the town centre. Furthermore, they argue that due consideration has not been given to the cumulative impact of these proposals and the previously allowed relaxation that Peel secured (2014/0663).

Queensbury

Queensbury, who are the Council's appointed Retail & Leisure Development Management Organisation in relation to Better Barnsley Phase 2 scheme, initially had reservations in relation to the potential impact of the application on the delivery of Better Barnsley. However, following additional information from the applicant and advice from England and Lyle they are satisfied that the applications would not have a significantly adverse impact, subject to conditions restricting the timescale of delivery.

A summary of Queensbury's initial concerns are outlined below for information;

Sequential Assessment

Raise significant concerns regarding the sequential assessment and argue that the sequential test is not passed because the Better Barnsley site is available within a reasonable timescale and is sequential preferable. They therefore consider that circumstances are materially different to when the Cortonwood appeal was allowed.

Ultimately they argue that the variations seek to allow traditional high street retail on a bulky goods retail warehouse site. They therefore consider that the applicant should demonstrate more flexibility over car parking provision because traditional high street retail has less need for proximity parking as it doesn't require bulky goods to be carried long distances. They therefore consider that some sequentially preferable sites should not have been discounted on the grounds of suitability.

New Build Unit

Queensbury consider that the new build unit should be assessed separately to the relaxations because it is a proposal for unrestricted A1 and not commercial asset management of the retail park.

Impact on Planned Investment

Queensbury point out that the Better Barnsley scheme is more advanced than when the Cortonwood appeal was allowed and a number of significant milestones have been passed. The scheme is now at its most critical stage when it is necessary to secure pre-lets, particularly for the large A1 units, which the Peel Centre site would compete with.

Economic Benefits of the Peel Scheme

Queensbury contend that the economic benefits associated with the Peel scheme are deadweight given that existing units are already occupied and could readily be re-occupied.

Assessment

Principle of Development

Saved Policy S5 stipulates that all retail development which would create a new shopping unit or units in excess of 930 sq. m outside of the central and principal shopping centres will be subject to planning conditions which control the range and type of goods to be sold, and the maximum or minimum unit size as measured by the gross floor area.

Policy S3 is also saved, and relates to retail development outside the Central Shopping Area of Barnsley town centre and the defined Principal Shopping and Commercial Centres. It states that all new retail development outside of the centres will only be permitted:

- On a site allocated for that purpose in the plan
- Where there is not a suitable site available within the defined centre or where there is no available allocated site, then on a site at the edge of a defined centre; or
- Where there is no suitable site available either within any of the centres defined above or in accordance with the requirements of (a) or (b), then an out-of-centre site in a location accessible by a choice of means of transport.

In relation to the first criterion, the site is allocated for large scale retailing of comparison goods (rather than an allocation for unrestricted retail) so the proposals for a new unrestricted unit represent a departure from policy S3. However, it is now necessary to assess the proposal against the more recent Core Strategy policy CSP31 and national policies and guidance.

In order to enable a robust assessment to be carried out, the application has been supported by a Retail Impact Assessment and Transport Assessment. The Council has commissioned independent experts in these fields, namely England and Lyle and AECOM, to assess the information submitted and provide technical advice and recommendations. The findings and conclusions are explored under the headings below;

Sequential Test

Paragraphs 24 and 26 of the NPPF explain that local planning authorities should apply a sequential test to planning applications for main town centre uses that are not in an existing centre, and are not in accordance with an up-to-date Local Plan.

The sequential test undertaken concluded that none of the units identified as being available are suitable and viable for the proposed development. The majority of the units are located within

wider sites allocated for either mixed-use or retail development are insufficient in size to accommodate the proposal or would be economically unviable to undertake the required alterations to ensure the units are suitable for retail purposes. These findings are consistent with those of the Planning Inspector who allowed the appeal at Cortonwood. Accordingly, on the face of it, none of the units are available, suitable and viable for the proposed development and Officers are content that the sequential test has been passed.

However, the unrestricted retail element of the proposed new unit cannot be implemented straight away. If it could, the application would almost certainly have been recommended for refusal on the basis of the impact on the Planned Investment in the Better Barnsley scheme. For the reasons explained under the heading 'Impact on Planned Investment', the unrestricted element of the unit will only become available gradually and it is therefore reasonable to assume that circumstances will change over this period. As such, there is a prospect that large units will become available through the delivery of the Better Barnsley scheme and that the positive impact this has on the viability of the town centre could help to bring forward proposals on currently unviable edge of centre sites.

In response to this point, the applicant has cited a decision referred to in their planning statement known as the "Rushden Lakes decision". This was made by the Secretary of State (SoS) after endorsing a Planning Inspector's report, confirmed how the sequential test should be applied. The Inspectors Report for that decision states at paragraph 8.55 that:

'In terms of availability, NPPF [24] simply asks whether town centre or edge of centre sites are "available". It does not ask whether such sites are likely to become available during the remainder of the plan period or over a period of some years.'

The applicant therefore argues that 'The SoS states at paragraph 15 agrees with the Inspectors overall conclusion on the sequential approach. It follows that the SoS endorses the specific individual conclusions drawn by the Inspector on the matters i.e. the way in which the test of 'availability' is applied as described above. Rushden Lakes is clear that for a site to be considered sequentially preferable it must be available. It is important to note that the scheme under consideration in Rushden Lakes was large scale and that it is the nature of such large schemes that they can only be delivered over a number of years, or what could alternatively be described a prolonged period. There is no suggestion in the Rushden Lakes decision that where a scheme would take a number of years to deliver, the sequential test should be applied on any basis other than that alternative sites should be available. This is all completely consistent with the confirmation by the Secretary of State (para 16 of the decision letter) in the same decision that disaggregation is no longer any part of policy'.

This has been referred back to our appointed retail consultant (England & Lyle), who confirm that they are in agreement with the applicant's commentary in relation to the application of the sequential test. Accordingly, in view of recent case law, they remain of the opinion that it would be very difficult to sustain a reason for refusal on sequential grounds.

As explained under the heading 'Impact on Planned Investment', a condition has been offered by Peel which is felt would ensure that the unit is only occupied for unrestricted A1 if 5 out of the 6 largest units in the Better Barnsley scheme have been pre-let (in which case they wouldn't be available for the purpose of the sequential test) or if insufficient progress has been made securing pre-lets (again meaning units would not be available). Accordingly, whilst there is some logic in saying that the sequential test shouldn't be on the basis of availability now, the condition does provide some comfort that sequentially preferable units in the Better Barnsley scheme would also be unavailable in the future. The condition doesn't cover the point that during this period other in centre or edge of centre sites might become available and be both suitable and viable but unlike the Better Barnsley scheme, they are not currently being brought forward for development. Consequently, given current case law, it is not considered that we can substantiate a reason for refusal on sequential grounds.

Retail Impact

As outlined above there are currently 2no. applications being considered concurrently (2015/0987 & 2015/0988) with this application, where conditions restricting goods to be sold would be amended. The applicants require this unit to operate with the same freedom, as such; potential retail impact is a consideration, both in terms of the application itself and the overall cumulative impact.

The impact of the proposal on Barnsley Town Centre and particularly the Better Barnsley scheme is a key consideration and has resulted in officers insisting on additional information being requested from the applicant in order to substantiate their claims that the proposal will not have a significant adverse impact on either the town centre or on planned investment.

Before assessing this in detail it is important to recognise that there is a significant leakage of expenditure from Barnsley to retail destinations outside the borough. The applicant asserts, that because of the proximity of the Peel Centre to the Town Centre and associated evidence on linked trips between the two, relaxing restrictions on the type of good that can be sold will help clawback a significant level of existing comparison goods expenditure leakage. This is fully acknowledged by England & Lyle and helps to partly offset trade draw on the town centre as and when each of the units becomes occupied by an alternative tenant.

Notwithstanding the evidence of a significant outflow of comparison expenditure, the NPPF advocates a *'town centres first'* policy and, as acknowledged by Savills, the first choice location for development that improves the town's retail offer should be the town centre.

It is suggested that the connectivity between the Peel Centre and Barnsley town centre means that the proposals could help support town centre vitality and viability through the retention of retail spending in Barnsley and, as a consequence, help the Barnsley Markets scheme to be developed.

Impact on Planned Investment

Planning permission was granted for the Better Barnsley scheme in July 2015. The redevelopment of the town centre and associated markets has been a long term objective of the Council, it being a critical scheme from a Barnsley economic and regeneration perspective. Accordingly, when assessing the impact on planned investment against the first criterion in the NPPG (policy status of the investment), it is clear that there is compelling support, both corporately and in respect of planning policies, for the proposal.

There has also been good progress made towards securing the investment, £50 million already committed, and works are currently being undertaken on site (demolition of central offices and creation of the surface car park on the former CEAG site). Milestones have also been established for submission of the reserved matters application and for the finalising of the terms of the remaining investment. The resultant timetable therefore envisages completion of the scheme in April 2019.

In this regard, given that the scheme is progressing and that the Council is committed to funding approximately half of its total cost, it could be argued that the proposals at the Peel Centre pose little threat to the delivery of the Better Barnsley scheme.

However, when assessing the extent to which an application is likely to undermine planned developments or investments (based on the effects on current/ forecast turnovers, operator demand and investor confidence), it is important to note that a judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact. Given that the Better Barnsley scheme has been in the offing for over a decade it is reasonable to be cautious about the

impact of these proposals on the ability to secure the additional investment necessary to complete the Better Barnsley scheme.

England and Lyle identified that there would be some overlap in the type of goods to be sold from the existing and proposed units at the Peel Centre and the type of goods that would be sold from the consented retail floorspace within the Better Barnsley scheme. The expansion of the comparison goods offer at the application site therefore theoretically increases competition which could potentially make it more difficult to secure sufficient tenants for the Better Barnsley scheme.

Despite the above, England & Lyle consider that it would be difficult to sustain a reason for refusal citing a significant adverse impact on planned investment in the town centre, particularly in view of the conclusions drawn in the Cortonwood appeal and the need to stem the leakage of comparison goods expenditure to destinations outside the Borough.

To further safeguard the Better Barnsley scheme, Peel have offered a condition which would prevent the proposed unit being occupied for unrestricted A1 for a period of five years. This is something that officers have pushed for because a shorter period of say three years would mean the proposed units would be available at roughly the same time as the Better Barnsley scheme is scheduled for completion.

In a scenario where the condition only applied for three years, retailers would have the choice between being guaranteed a unit on an existing retail park or agreeing a pre-let within a town centre scheme which is still to be delivered. The latter therefore represents a greater risk and could detract some retailers who are looking for a new unit within the next 3-4 years. The condition would therefore force some retailers to wait longer for a unit at the Peel Centre, which would give the Council more time to secure pre-lets and offer greater certainty to retailers who might otherwise consider taking the proposed unit at the Peel Centre.

In agreeing to five years Peel have suggested that there should be break clauses so that the condition no longer applies once Queensbury have secured pre-lets of 5 out of the 6 largest A1 retail units. The rationale for this is that it is only the larger units that Peel would compete with because their planning permission prevents units being sub-divided. Moreover, the success of phase 2 of the Better Barnsley scheme mainly hinges on securing tenants for the larger A1 units as experience shows that smaller units will be taken up once tenants have been secured for the larger units.

Peel have also requested that the condition ceases to apply if Queensbury fail to make reasonable progress securing pre-lets for the larger units. They base this on what happened with the previous 1249 scheme, which wasn't delivered and so Peel argue that they should not be prevented from implementing their proposals if the planned investment isn't forthcoming.

Having considered the matter in detail, officers consider that the suggested condition is sufficient to address concerns regarding impact on planned investment and whilst Queensbury would rather the application be refused; they have reviewed the terms of the condition and also accept that it represents a reasonable compromise given the independent advice from England & Lyle. The condition means the unit can be built and occupied for certain/restricted A1 sales, including bulky goods, prior to the restrictions being removed in line with trigger points.

Residential Amenity

The proposed unit would be located between two existing units and within an existing retail park, as such; the proposed retail use would be compatible with the neighbouring uses and the park as a whole.

The closest residential properties to the site are a significant 60m away with no significant impact expected, especially, given the opening hours of the store.

Visual Amenity

The proposed unit would be located in between two existing units on an area currently used as an external display/sales area. The elevation treatment and materials will match the site's existing units and will consist of flat composite cladding, colour Sirius to the front and profiled cladding to the gable and rear elevations, colour Albatross, all above a facing brick plinth.

The front elevation also incorporates the Unit's glazed entrance feature in addition to glazed side panels surrounded by terracotta feature tile surrounds. The glazing is green within silver aluminium frames and the tiles are powder blue to all to match existing.

The form of the roof is hipped and dual pitch, hidden behind a relatively tall parapet to lessen its impact and form a secret gutter and to match existing.

As such, the proposed unit would harmonise with the adjoining units and the retail park as a whole, therefore, retaining visual amenity to a reasonable degree, in accordance with CSP 29.

Highways

This new unit will be accessed by customers from the existing car park and will be serviced from the rear of the property off Dryden Road.

The Peel Centre is accessed via a signalised junction onto Harborough Hill Road, which, in this locality, is of dual carriageway standard. The access road is called Dryden Road providing access to the retail park car parks and beyond to the service yards.

The Peel Centre junction sits at the southern corner of Harborough Hill gyratory, which provides a junction between the A61 and A635, before the A61 crosses over the River Dearne at Old Mill Lane.

The gyratory is a multiple lane arrangement with three signalised entries for A61 and A635 approaches. The A61 approach from the south incorporates Dryden Road (access to Peel Centre) into the signals arrangement. The A61 signals arrangement from the north incorporates a bus gate. There are a number of priority controlled access points within the gyratory, namely Twibell Street, Meadow Street, Canal Way, and lastly access to B&M Bargains on the island in the centre of the gyratory. There are several controlled pedestrian crossing points, including at the Peel Centre Dryden Road junction.

There are currently 524 standard spaces (including parent & child) within Peel Centre. This equates to 1 space per 23.7 m² GFA at present and 1 per 25.6 m² with the proposals both of which complies with the maximum permitted (1 space per 20m²) through Barnsley's Local Development Framework Supplementary Planning Document on Parking (adopted March 2012).

The location of the site is considered to have a good level of non-car accessibility, particularly given its location near a major bus corridor and within acceptable walking distance of Barnsley Interchange. This is borne out by the evidence provided by the exit survey, which shows that approximately one in six visitors to the park travel by non-car modes.

As part of a previous application in connection with the Twibell Street retail site, Peel instructed full traffic counts at the gyratory which tracked movements around the whole gyratory (June 2014).

The peak periods for consideration in respect of highway impact are the weekday PM and Saturday afternoon periods. The peak hours for the retail park and the gyratory as a whole coincide. They are 1600 – 1700 hours on the Friday and 1345 to 1445 hours on the Saturday.

The supporting assessments demonstrate that the worst case development impact is clearly the Saturday peak as tested. This Saturday peak hour impact is just 113 additional movements (this accounts for the 2no. applications which are running concurrently with this one) on the gyratory (an average of less than one in/out per minute), and which incidentally is less than the background traffic growth considered.

The impact of development cannot reasonably or credibly be considered to have a 'severe' impact on the operation of the highway. Therefore, the proposal is in accordance with the NPPF which states in Paragraph 32 that 'development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

Furthermore, the Transport Assessment and additional requested technical notes have been fully assessed by the Councils Highways Officers along with independent assessments from AECOM. Following on from these assessments they concluded that the impact would not be severe and have raised no objections.

Summary

The applicant has demonstrated that there are no sequentially preferable sites currently available to accommodate the proposed development and that subject to the suggested condition, the proposal will not have a significant adverse impact on the Town Centre or the planned investment in the Better Barnsley scheme. Accordingly, the application is recommended for approval.

Recommendation

Grant planning permission 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 external materials shall match those used in the neighbouring units as set out in the Design and Access Statement.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 3 The development hereby approved shall be carried out strictly in accordance with the plans (Nos. MH877-04 - Rev. A & MH-877-05 - Rev. A) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 4 No development shall take place until:
 - (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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

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

- 5 Prior to the commencement of development a site investigation must be undertaken to fully investigate potential mining legacy risks. The investigation should be carried out in compliance with CIRIA publication 32 'Construction Over Abandoned Mine Workings', a report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details.

Reason: In the interest of land stability and in accordance with NPPF paragraphs 120 & 121.

- 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 and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.

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

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

- 8 Prior to commencement of development, details of proposals to mitigate the air quality impact of the development shall be submitted to and approved in writing to the Local Planning Authority. The development shall be undertaken in accordance with the approved details unless otherwise agreed in writing with the Local Planning Authority. These proposals are currently detailed within paragraph 7.5 of the air quality assessment, submitted in support of the planning application. Specifically, these are the preparation and implementation of a Travel Plan to reduce the reliance on the private car and improve awareness and usage of alternative travel; the installation of two electric vehicle charging points; and, the installation of at least five new cycle parking spaces.

Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Core Strategy policies CSP 40 and CSP 41.

- 9 Notwithstanding the provisions of the Town and Country Planning (Use Classes) Order 1987, and the Town and Country Planning (General Permitted Development) Order 1995, or any equivalent provisions in any statutory instrument amending revoking and/or re-enacting either or both of those Orders:

Until the earlier of (a) the expiry of a period of 5 years from the date of this permission or (b) the date of the occurrence of that one of the circumstances mentioned in (A)(1) and (2) below as is first to occur Unit 2A may be used for non-food retail purpose, with the exception of; any alcoholic drink (unless as part of the food and drink allowance below); tobacco; watches or clocks; books; newspapers or magazines; clothing or footwear; fashion accessories; jewellery; toys; perfume and toiletries; music, records, audio or video tapes; pharmaceutical goods or sports goods (except where such goods are sold for use for animals) (in the case of fashion retail - clothes, shoes & jewellery, a maximum of 10% of the net sales area of the unit will be permitted).

Not more than 1,394 sq.m. of net sales area in total, across all of Units 1A, 1B, and 1 C, 2, 2A, 3A, 3B and 3C, 4, 5, 6 and 8, may be used for the retail sale of food and drink (in relation to Units 3C, 5 and 6 that being (if applicable) in addition to the 30% of the net sales area of the individual units previously approved, which shall not be taken into account in calculating the net sales area permitted by this paragraph)

(A)

The circumstances referred to above are:

(1) an agreement for lease or leases have been entered into in relation to five of the six anchor / MSU retail units on the proposed Better Barnsley redevelopment scheme (unit references A1, MSU 1, 2, 4, 5 and SU16 as shown on IBI drawing reference SP_00_001); or

(2) a period of 2 years having expired since the date of this permission, without agreements for lease have been exchanged, or leases entered into, relating to two or more of those six units referred to in C(1) above.

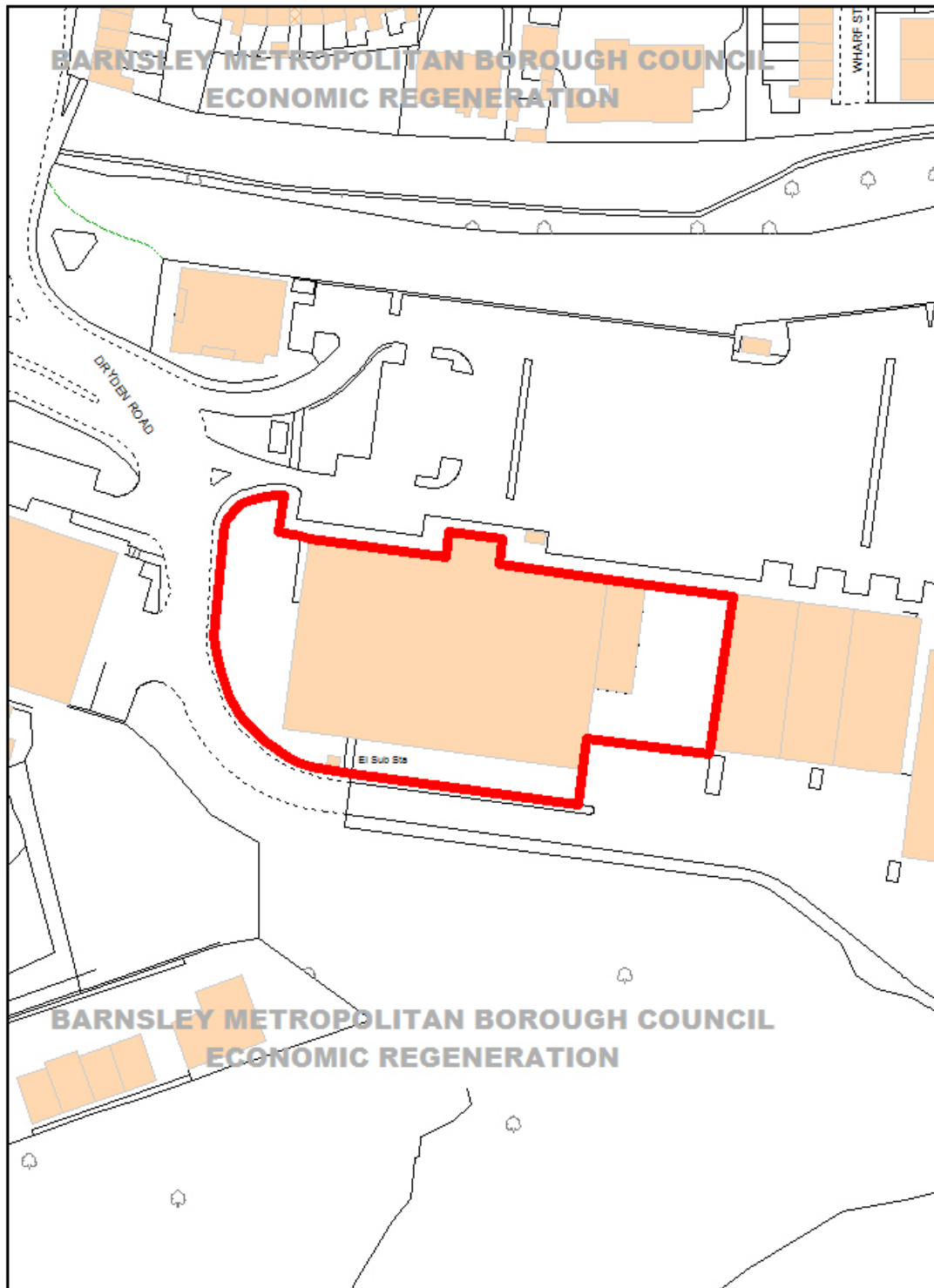
Reason: In order to offer protection to the Better Barnsley Scheme and in accordance with saved UDP Policy S3.

PA reference :-

2015/1028


Barnsley MBC Licence Number 100022264, 2014

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BARNESLEY MBC - Economic Regeneration

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Scale 1:1250

Item 8

2015/1285

Mr and Mrs Jagger

Erection of wooden stable block with concrete base and yard

River Mill Farm, Old Mill Lane, Thurgoland, Sheffield, S35 7EG

Thurgoland Parish Council have commented on the proposal

6 objections have been received

3 emails of support have been received

Description

The area of land which is the subject of this application is approximately 1.3 acres in area and is set to the north east of the converted properties at River Mill Farm. The former Wire Works which is set within the complex of buildings is Grade II Listed.

The land slopes from north to south towards the River Don. A well used Public Right of Way runs through the site along a north to south alignment. The site is bounded by low dry stone walls and is accessed through an existing field gate off the driveway shared with the other dwellings within the complex. Garages to the Old Wire Mill are set along the southern boundary.

The applicant has erected a small temporary stable at the top of the site adjacent to Old Mill Lane, in order to provide shelter for the horses on the land. The intention is that this will be removed should the application be approved.

Proposed Development

The application proposes the erection of a timber built building accommodating 3 stables, as well as a store/tack room. The proposed building is designed as an L-shape and measures approximately 11m by 11.5m and 3m in height to the ridge. The stables are to be cut into the land due to the slope of the site. Small concrete hardstanding areas are proposed to the front and rear of the building. Drainage details have been submitted on the attached plan. The existing muck heap is to be utilised, this is situated in the copse at the far side of the field.

The proposed building is set outside of the defined domestic curtilage of River Mill Farm and is located on an adjacent field. The stables are for the applicant's two horses. Access is taken from an existing field gate located on the western boundary that is shared with nearby housing.

The applicant states that the land has been used previously for grazing of horses. This is supported by two comments from neighbouring residents and one from the previous owners of the property.

The following justification has been submitted in support of the proposed stables adjacent to the property:-

- 'For the safety and welfare of our horses so that we can attend any injuries and box rest them if necessary. We have an injured horse at present and are unable to take him out of the field and away from flies getting in his wound. He has to be attended to every two hours to ensure that the wound remains clean. This would heal better if he was stabled and it would be safer for us to deal with rather than in a field.
- For storage of equipment and feed necessary for the welfare of the horses.
- For our own safety when dealing with the horses to be able to contain them rather than trying to deal with them in a field.

- In relation to having the horses at home we are able to do late night checks, change rugs if necessary for their comfort and are in control of the way the horses are looked after as opposed to being restricted by yard rules. We would never have bought the horses to keep them on a yard.
- At home we are not restricted by time constraints and do not have to compromise the welfare of our horses. We are able to feed them regularly, clean up the field daily, check for ragwort and other potential hazards and ensure that they have access to clean water and food and good general hygiene.'

Policy Context

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

The Council has produced 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.

Barnsley UDP Saved Policies

UDP Allocation – Green Belt

GS8 'Development within the Green Belt' states that the construction of new buildings will not be permitted unless it is for purposes including agriculture.

Core Strategy

CSP26 – New Development and Highway Improvement

CSP29 – Design

CSP34 – Green Belts

Emerging Development Sites and Places DPD

The land is allocated as Green Belt within the Emerging Development Sites and Places DPD.

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 core policies include:

3. Supporting a prosperous rural economy

9. Protecting Green Belt land

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

In particular paragraph 89 states:

A Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this are including the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

Consultations

Thurgoland Parish Council – Query the location of the stable block in relation to public footpath number 21 that runs between the River Don and Old Mill Lane. Comment that they thought it was possible to design the layout of the stable block and yard to avoid any footpath diversion. Provided the design and materials are sympathetic to the rural setting, and to the close proximity of the important listed building, the former wire works, the Parish Council does not wish to make any further comments.

Public Rights of Way – The revised plans show a less direct impact upon the PROW. Points raised with regard to the location of the water troughs and the horses passing over the PROW

Highways DC – No objections

Drainage – No objections

Conservation Officer – No objections

Representations

3 representations have been received from neighbouring residents and from a previous owner which state that the land has been used for equestrian activities previously.

4 objections have been received which raise the following concerns:-

- There is no existing functioning drainage on the private drive and this remains a constant problem for those whose properties located at the bottom of the drive and who receive rainwater and general debris on a regular basis).
- Unsuitable location of Stables adjacent to dwellings, increased disturbance
- Environmental Health concerns with regard to smells, manure, flies, mice, rats and other vermin. The location of a development of this nature should be remote from houses and especially when the gradient of the land will just deposit the sewage onto adjoining property.
- The proposal, car park and stables are located on Green Belt land should be kept as true agricultural.
- A right of way will be obstructed by the stables
- Drainage issues and possible contamination of River Don
- There is a loose stable on the site which is unauthorised

- The planned stable development is not sustainable i.e size appropriate. According to our measurements the land owned by Mr and Mrs Jagger is 0.5 of a hectare as opposed to 2 acres as detailed on the sale brochure for their property
- NPPF guidelines state that developments should be of a scale and nature that is appropriate to the character of the site. It states that there must be sufficient land available for supplementary grazing and turnout. It is recommended that each horse requires 0.5 of a hectare. If this is the case then the permitted stable development should be for one horse only.
- Light pollution
- The proposed stables should be moved elsewhere in the field away from neighbouring dwellings
- Legal covenants restrict the construction of temporary buildings

Assessment

Principle of Development

The applicant states that the field has been used previously for grazing horses. Whilst there have been two representations from neighbouring residents and one from the previous owner stating that there has been previous established equestrian uses on the site, no photographs or other supporting information has been received, therefore it is felt that there is insufficient information provided to show that there has been a continued equestrian use on the site. Due to this, the proposed use of the land for the grazing of horses and associated stables would require a change of use from agricultural land to equestrian, which is 'inappropriate development' and must be justified by very special circumstances.

The proposed stables are for the applicant's two horses and are set close to the applicant's dwelling. The stables are of an appropriate scale for the site. Small timber built stables, such as the ones proposed, are a feature of the countryside and the use of land within the Green Belt for the grazing of horses is typical within the area. In this instance this is a small area of agricultural land which is set close to dwellings, the stables are to be located immediately adjacent to the applicant's dwelling and for the applicants own personal use, added to the limited impact upon the visual amenity/openness of the Green Belt, it is regarded that the proposal is acceptable and should warrant a relaxation of Green Belt policy subject to other material considerations below.

Visual Amenity

The size and design of the stables are considered to be of a standard size and have been limited to what is necessary for stabling/shelter of the horses and storage of feed. In terms of visual impact, the stables have been positioned adjacent to an existing garage and at a lower level than Old Mill Lane, as such, the proposal is not considered to appear visually dominant, in accordance with CSP 29 and the openness of the Green Belt would be maintained to an acceptable degree.

An area of hardstanding is also proposed adjacent to the stables; this would limit mud within the stables themselves and also from it being deposited onto the adjacent highway. The hardstanding would be limited to what is necessary and views would be minimal given its position to the building. The amended proposal is therefore considered to be on balance acceptable and would not cause significant harm to the openness and visual amenity of the Green Belt in compliance with policy CSP 34. It is however considered pertinent to condition the use of the stables for personal use only.

Residential Amenity

The site is situated approx. 30m from the closest adjacent dwelling and is separated by a detached garage. The existing muck heap is to be utilised for the storage of manure which is situated in the copse at the far side of the field. The proposal is for a domestic use and should not cause significant detriment to these properties by way of any potential smells or disturbance.

Highway Safety

The highways section have no objections to the proposal. It is not felt that there will be any significant impact upon highway safety as there is sufficient parking and turning areas within the site which are served by an established access.

The proposal is for a private facility and as such it will not generate any significant increase in traffic or parking to local roads, with little impact on the free and safe flow of traffic and highway safety to roads in the surrounding area. A condition should be applied in order to prevent a commercial use of the site.

Impact on Public Right of Way

The location of the stables has been amended in order to prevent any possible obstruction to the Public Right of Way footpath 21. Concerns have been raised by the Public Rights of Way Officer with regard to the potential overflow of the water trough onto the Public Right of Way. The applicant has stated that they will be managing this on a daily basis to ensure that there are no overflow issues. There will be no physical obstruction to the Public Right of Way and access will remain open at all times.

Drainage

Objections have been raised within representations with regard to the impact of the proposal on the current drainage system and potential impact upon the River Don. The Council's Drainage Officer has been consulted and has no objections to the proposal put forward. The stables would not increase area of surface water run off significantly and the application proposes small domestic stables; therefore there should be no significant drainage issues.

Other Matters

Objections have been raised with regard to the size of the field and suitability for the grazing of 3 horses. The site measures approx. 1.3 acres and the applicant has stated that they currently have two horses. Guidance contained within the document 'Code of Practice for the Welfare of Horses, Ponies Donkey's and their Hybrids' By Defra states:-

'The area of pasture required per horse will depend on the type of grass, ground conditions, time of year, type of horse and degree of pasture management employed. As a general rule, each horse requires approximately 0.5 – 1.0 hectares (or 1.25 to 2.5 acres) of grazing of a suitable quality if no supplementary feeding is being provided. A smaller area may be adequate where a horse is principally housed and grazing areas are used only for occasional turnout.'

Objections have also been raised with regard to covenants restricting the construction of temporary buildings; however this is a private legal matter and could not be taken into account when assessing this planning application.

A small temporary field shelter has been erected on the site without the benefit of planning permission. It is recommended that a condition is applied to any planning permission securing the removal of this shelter following the construction of the stables.

Conclusion

The proposed stables are acceptable in terms of their design, scale, siting, access, impact on residential amenity and the Public Right of Way. Small timber built stables, such as the ones proposed, are a feature of the countryside and the use of land within the Green Belt for the grazing of horses is typical within the area. In this instance, the loss of this small area of agricultural land which is set close to dwellings is not considered to be detrimental, added to the limited impact upon the visual amenity/openness of the Green Belt, it is regarded that the proposal is acceptable and should warrant a relaxation of Green Belt policy in this instance.

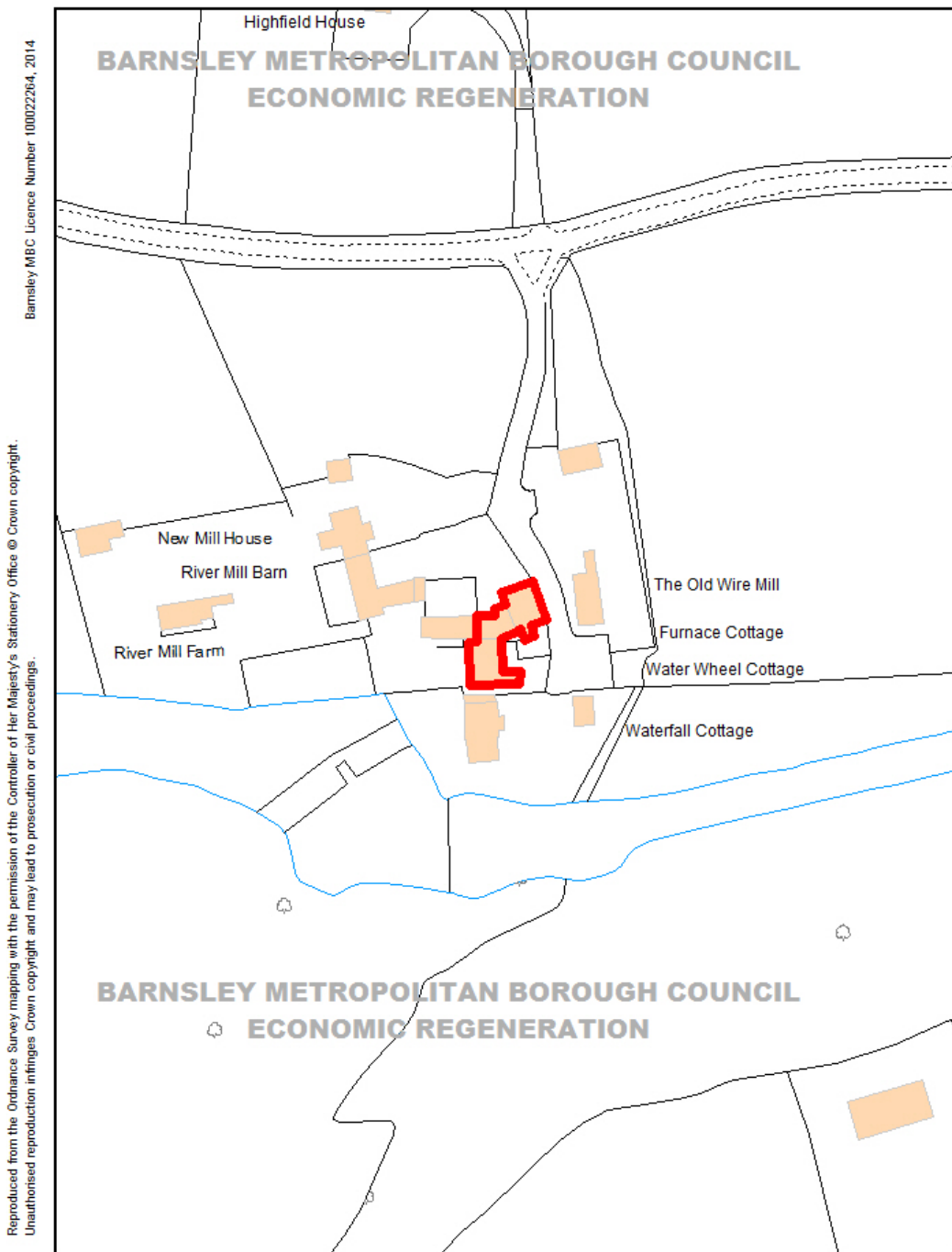
Recommendation

Grant subject to:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Received 17th May 2016) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 3 The stables shall only be used for domestic purposes and not in relation to any business or commercial activity which will require the separate express consent of the Planning Authority.
Reason: In the interests of the openness and visual amenity of the Green Belt and road traffic safety in accordance with CSP34 and CSP26.
- 4 The unauthorised field shelter shall be removed from the site within 6 months of the date of this permission or following the completion of the stables hereby approved, whichever is the sooner.
Reason: In the interests of the visual amenity of the Green Belt in accordance with policy CSP34 of the Core Strategy.

PA reference :-

2015/1285



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BARNESLEY MBC - Economic Regeneration

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2016/0713

Miss Miranda Steadman

Outline planning application including means of access for general industrial (B2) use and storage and distribution (B8) use with ancillary office (B1) use
Land at Capitol Park, Capitol Close, Dodworth, Barnsley

One letter of support has been received

Site Location and Description

The site lies within the Sheffield City Region Enterprise Zone.

The land lies off Capitol Close immediately to the west of the existing Capitol Park developments, close to Dodworth and Junction 37 of the M1 motorway. Of roughly triangular shape, it is bounded to the east by Higham Lane, Capitol Close with a level access to the land, and the A628 Whinby Road. The site is comprised of scrubby grass with some ephemeral wet areas laying at a slightly higher elevation than Whinby Road.

In total the red line application site boundary covers around 5.61 hectares (13.88 acres) of which 5.11 hectares (12.65 acres) is net developable. This is the area of Capitol Park which has remained undeveloped following planning approval reference B/04/1998/DO dated 23 February 2005.

The first phase of the Capitol Park development, comprising a hotel and pub/restaurant built out in 2006, is located to the east at the Whinby Road roundabout. Later phases of Capitol Park, comprising a mix of office and incubator units, are located to the north and east beyond Capitol Close which is the principal estate road. Higham Road marks the western boundary of the site beyond which there is a densely vegetated area and Whinby Road is located immediately to the south.

Planning History

B/04/1998/DO – Outline employment development proposal comprising B1, B2 and B8 uses, Hotel, Park and Ride site and associated work. With Environmental Impact Statement. Approved 23 February 2005.

B/04/2272/DO - Phase 1 employment development site – Reserved Matters details. Erection of Class B1/B2 hi-tech units, spine road, landscaping and levelling. Approved 23 February 2005.

2005/2073 – Erection of industrial unit with office space (Reserved Matters). Approved 23 April 2006.

2006/0334 – Variation of condition 1 of planning consent B/04/1998/DO relating to expiry dates for the Reserved Matters application. Approved 5 April 2006.

Proposed Development

The proposal is an outline planning application including means of access from Capitol Close for industrial development comprising general industrial (B2) use and storage and distribution (B8) use with ancillary office (B1) use). The precise schedule of development would be determined at Reserved Matters stage when details of scale, layout, appearance and landscaping will be submitted for approval. At the time of the application there were no committed occupiers. Despite this, an indicative masterplan has set out the anticipated development as being of four units of the following sizes:

Description	Use	Floor Area (Sq ft)	Floor Area (Sq m)	No. of Parking Spaces
Unit A	B2/B8	27,500	2,554	42
Unit B	B2/B8	30,000	2,787	63
Unit C	B2/B8	70,000	6,503	118
Unit D	B2/B8	50,000	4,655	74
TOTAL		177,500	16,499	297

Based on this amount of development, and excluding the ancillary B1(a) office element of the proposals, a development of 177,500 sq ft (16,499 sq m) could generate in the region of between 200 and 450 jobs, based on use for either B2 or B8 use. This figure is derived from employment density calculations undertaken using the HCA Employment Densities Calculations 2nd Edition 2010 which is accepted generally as a useful aid for calculating job densities in new speculative developments.

The application has been accompanied by a suite of documents to support the proposal including Air Quality assessment, D & A Statement, Ecological Appraisal, FRA and surface water drainage strategy, Geo-environmental desk top study, Planning supporting statement, Transport assessment and Travel Plan, Noise Assessment and Indicative landscape scheme.

The application has been screened under the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 as amended, and it has been determined that an Environmental Impact Assessment is not required.

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

The Council has produced 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.

Unitary Development Plan (UDP)

Employment Proposal DO3

Coal Authority Coal Mining Referral Area

Core Strategy (CS):

- CSP 1 – Climate Change
- CSP 8 - Location of growth
- CSP11 – Providing strategic employment locations
- CSP12 – Distribution of new employment sites
- CSP19 – Protecting Existing Employment Land
- CSP26 – New Development and Highway Improvement
- CSP29 – Design
- CSP40 – Pollution Control and Protection

Unitary Development Plan (UDP) (Saved policies):

ED4 – Economic Development and Residential Amenity.

National Planning Policy Framework (NPPF):

Core planning principles 3 and 4 state respectively that planning should proactively drive and support sustainable economic development and always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.

Building a strong, competitive economy:

- The planning system should do everything it can to support sustainable economic growth.
- Local planning authorities should plan proactively to meet the development needs of business

Requiring good design:

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

Emerging Local Plan

The site is allocated as Employment Allocation UB8 in the Emerging Local Plan. The site lies within the Sheffield City Region Enterprise Zone and development on this site will be expected to retain the woodland planting on the sites northern embankment and the section of hedgerow and associated mature trees running adjacent to Higham Lane.

Supplementary Planning Documents (SPD):

Residential Amenity and the Siting of Buildings

Parking

Consultations

Biodiversity – No objections subject to conditions and an informative

Coal Authority – No objections subject to more detailed considerations of ground conditions and/or foundation design may be required as part of any subsequent application.

Contaminated Land Officer – no objections subject to a condition requiring intrusive investigations

Design – No objections

Forestry Officer - No objections, a number of self-set trees will have to be removed from the site. More mature specimens are located along the sites boundaries and their long term retention should not be compromised.

Drainage – No objections subject to recommended planning conditions

Enterprising Barnsley – supports the proposals which would lead to substantial numbers of new jobs and private sector investment being secured, providing premises for potential inward investors and expanding local companies. There are virtually no industrial units of this size/quality in Barnsley and as such are much needed. Enterprising Barnsley is working with the developer and agent to bring forward this strategic site.

Highways DC – Recognise that the local highway network is subject to congestion at peak times. Following detailed modelling of the local highway network it is not considered that the development would have a severe impact upon the local highway network that would contribute significant to current issues, subject to conditions which limit/phase the release of floorspace.

Air Quality - No objection subject to a condition regarding mitigation controls for air quality

Highways England - No objections

Pollution Control – No objections in relation to noise subject to conditions

Public Health – No objections.

Superfast Broadband Manager – Considerations of broadband connectivity should be built into the design stage. Guidance notes are attached

SYAS – No comments received

SYMAS – No objections based on the information provided within the Geo-environmental desk top study

SY Police – Provides comments relating to security in design which would be of use in the reserved matters application.

SYPTE – No comments received

Waste Management – No objections

Yorkshire Water – No objections, public sewers cross the site and a suitable easement would have to be secured to allow access/maintenance as part of any Reserved Matters.

Ward Councillors – No comments received

Representations

The application was advertised by press notice, by 3 site notices and by neighbour notification letters to nearby properties.

On letter of support was received from a nearby commercial property of Capitol Close, who gives full support and requests that high speed broadband is rolled out.

Assessment

Material Considerations

Principle

Economic Impacts

Design and Visual Amenity

Residential Amenity

Landscape and Impact on Trees

Highway Safety

Air Quality

Biodiversity

Drainage and Flood Risk

Other

Principle

The site is designated as an employment proposal in the Barnsley Unitary Development Plan. A previous outline planning permission was granted under B/04/1998/DO in 1995. This permission has now lapsed, the site however, remains primed for employment development and this is supported by the UDP where it is allocated as a new employment proposal.

The Council recognises that there is at present a shortage in the supply/allocation of employment land within the Borough. This is recognised with in the emerging Local Plan which aims to allocate approximately 300ha of land for employment purposes to meet future industry and business needs.

The principle of employment use is accepted at this site, it complies with the sites land use allocation, adopted policy of the Core Strategy and the Principle of the NPPF. Consideration however, needs to be given to the aforementioned policy requirements and material planning considerations. These are discussed in more detail below.

Economic Impacts

This site lies within the Sheffield Enterprise Zone and occupies a favourable location close to Junction 37 of the M1 Motorway. The application states that it is expected to create between 200 and 450 jobs. The proposal would lead to private sector investment being secured, providing premises for potential inward investors and expanding local companies. There is a recognised demand for industrial units of this size/quality in Barnsley and as such are much needed. Enterprising Barnsley is working with the developer and agent to bring forward this strategic site. The proposals therefore represent a welcome opportunity to secure employment development at a strategic site within the Borough; this aligns with the Councils growth aspirations.

Highway Safety

This proposal is located near to Dodworth roundabout /Junction 37 of the M1 Motorway, which the Highway Authority note is at or close to capacity. Core Strategy policy CSP26 is clear that mitigation will be required if it can be demonstrated this proposal would create or add to highway safety problems or the efficiency of the highway. The NPPF is also clear, at paragraph 32, that where there are significant impacts from development, improvements can be undertaken within the transport network. It also states that 'where the residual cumulative impacts of development are severe' permission can be refused.

The application is supported by a Transport Assessment and Travel Plan. It is suggested that the development will likely consist of four industrial units, with a total gross floor area 16, 499 sqm. It is likely that there will be two smaller units with gross floor areas of 2554 and 2787 sqm and two larger units with 6503 and 4655 sqm. It should be borne in mind that this could vary at Reserved Matters stage, in terms of quantum of development and the configuration of the units.

Improvements works have recently been carried out at J37 under a "Pinch Point" funded project to improve capacity at the junction and reduce congestion. This required the construction of a VISSIM model to demonstrate the base conditions and the impact of the improvement works. VISSIM is a microscopic multi-modal traffic flow simulation software package, and is one of the most sophisticated tools available for simulating traffic movements and the impact of development. The model was built for BMBC in 2014 which is still fit for purpose, and has been updated by adding traffic growth to validate it for the present day and all committed development has been included.

Various scenarios have been tested for 2021 and 2026 am and pm peaks, namely traffic growth and committed development, and then again with the proposed development traffic added. Whilst the "Pinch Point" scheme has addressed some of the congestion on the gyratory, there are still

issues on Dodworth Road from J37 towards Barnsley at peak times. It is also a declared Air Quality Management Area (AQMA).

The modelling demonstrates that just with growth the network becomes progressively more congested in both the am and pm peaks in 2021 and 2026. The impact of the development on this base model could however, not be classed as severe as defined by the NPPF.

However, it is noted at present that the network is so congested at peak times that traffic cannot get onto the network. CSP 26 New Development and Highway Improvement states "New development will be expected to be designed and built to provide, secure and convenient access for all road users.

If a development is not suitably served by the existing highway, or would create or add to highway safety problems or the efficiency of the highway for all road users, the Council expects developers to take appropriate mitigating action or to make a financial contribution to make sure the necessary improvements go ahead. Any contributions will be secured through a planning obligation or planning condition. In these circumstances mitigation of the congestion by the proposed development would not be reasonable as it only contributes to an underlying problem by an extremely small amount. It is considered that the quantum of development to be brought forward prior to mitigation measures to deal with the larger congestion problem, should be controlled to limit the impact on congestion and air quality in the area.

The Highway Authority recommends that the site is developed in two phases and that the number of vehicular trips allowed onto the network is the subject of a condition which limits the amount of development prior to wider mitigation measures being undertaken in the area, and the total number of trips from the entire site. A Phase 1 of 11,844 sqm of development would result in 35 vehicles arriving in the am peak from the direction of Junction 37 and in the pm peak 34 vehicles would travel towards Junction 37. At the signal controlled crossroads on Dodworth Road east of the M1 there would be 17 additional trips in the am peak and 16 in the pm peak. This can only be considered an insignificant impact and would be well within any daily variations in traffic. With the implementation of such a condition, the development complies with CSP 26 and there are no objections from a Highways perspective.

Design and Visual Amenity

The current application seeks only to establish the principle of employment development including details of access. Details of design, scale, layout and landscaping would need to be submitted under a subsequent Reserved Matters application, should planning permission be approved.

The proposals have endorsed the concept of a Master-planned approach which would be enforced by the Parameters (landscaping) plan. Pivotal to this is the delivery of the access which would be taken from the northern boundary off Capitol Close. The submitted parameter plan shows a good balance between developed areas and soft landscaping. As stated above the layout would be subject to subsequent consideration, although in reality it is unlikely that this should differ significantly from that which has been indicated. In this regard it shows a clear hierarchy of four buildings, The two larger units would be located towards the western (Higham Lane) boundary and the entrance would be flanked by two smaller premises. Taken with a comprehensive landscaping scheme this would achieve an attractive development which actively engages with existing units within Capitol Park.

The sites boundaries are defined by the highway (Whinby Road, Higham Lane and Capitol Close). The western and southern boundaries however, support established tree planting, these would be complemented by further landscaping which would also extend around the perimeter of the site. This would provide a soft edge to the overall appearance of the site from surrounding vistas where the units would be viewed against a backdrop of the existing buildings of Capitol Park. All the

landscaping would be subject to a maintenance agreement that would be addressed as part of the Reserved Matters.

In terms of existing features there are few constraints which could affect a comprehensive development such as proposed. The site has been primed for development for a significant time with the development platform and connections with relevant infrastructure being in place. There is little vegetation of any significant merit within the developable area and trees which do exist tend to be located towards the sites boundaries, whereby the future retention should not be compromised.

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

Residential Amenity

This site is part of a long established employment proposal in the approved Barnsley UDP with the benefit of previous permissions for employment use.

One consideration in examining the proposals is the relationship between the proposed new development and the adjacent residential properties. In this case there is one dwelling immediately to the north of the site which could potentially be affected by the service yard of indicative Industrial Unit D. Policy CSP 40 seeks to protect residents from the impact of new industrial and warehouse development and Regulatory Services have proposed conditions which will protect the amenity of the residents. Other properties in the vicinity are substantially divorced from the site by road, intervening landscaping and level changes and are not considered to be affected detrimentally. As such the proposal is considered to accord with CSP 40.

Landscape and Impact on Trees

The trees in the main are situated along the boundaries, can mostly be retained, this includes more substantial/prominent specimens located towards the southern and western boundaries.

An arboricultural impact assessment will be required at the reserved matters stage to clearly demonstrate tree retention and removal and to deal with any potential issues which may arise along with standard tree protection measures where appropriate. Landscaping would also secure mitigation and future enhancement. This meets the recommendations of the Biodiversity and Tree Officer.

Air Quality

An operational air quality assessment was undertaken in support of this application. Due to the impact of forecast increased in traffic (and hence emissions) as a result of the proposed development, a moderate impact due to vehicle emissions impact is expected year of completion of the development of 2021.

Dodworth Road between Barnsley town centre and junction 37 of the M1 motorway is an existing air quality management area (AQMA), due to exceedance of the UK annual average objective (and EU limit value) for the polluting gas nitrogen dioxide. This gas is strongly associated with traffic emissions.

Whilst mindful of the wider benefits this development will bring to the local economy, it is essential that there is suitable mitigation for this air quality impact, in order not to compromise the existing

Barnsley MBC Air Quality Action Plan for improving air quality in the Borough's air quality management areas.

Furthermore, should the proposed development be implemented in phases, in order to account for existing and future road capacity of the road network adjacent to the site, this also would assist in controlling transport related emissions. This would therefore be supported by Pollution Control, along with any future actions to improve traffic flow generally on the road network. As such, a condition is proposed to mitigate the impact of the proposed development on the air quality in an existing air quality management area.

Biodiversity

An Ecological Appraisal has been produced and found no statutory or non-statutory designated sites within 1km of the development and there are no non-statutory Local Wildlife within 1km of the site. There are no records of protected species for the site. The appraisal found that the proposed industrial units at the site are acceptable in accordance with ecological considerations and the NPPG. Mitigation recommendations are put forward as part of the Ecological Appraisal to include protection for existing species habitats where appropriate and enhancements including species rich grassland, pond creation, creation of refuges, tree and shrub planting, enhanced habitats for roosting bats and nesting birds.

The Biodiversity Officer is satisfied that the protection and enhancement proposals are acceptable and would require a maintenance and management plan. If planning permission is granted a condition is proposed to require the detailed mitigation scheme to be implemented, in accordance with CSP 36.

Drainage and Flood Risk

The development located within Flood Zone 1 which is identified as being suitable for all types of development and the risk of flooding from rivers etc. as low.

The site is currently semi vegetated cleared land, development that increases the amount of impermeable surfaces can result in an increase in surface water run-off, which in turn can result in increased flood risk both on site and elsewhere within the catchment.

Initial ground intrusive investigations have identified a gravelly clay over stiff clay conditions. This would result in poor infiltration rates within the site which is unsuited for soakaways. In light of this it is proposed that run-off associated from buildings roofs, associated hardstanding and service roads will discharge to existing tails within the nearby adopted drainage network.

The FRA has considered the potential for surface runoff rates, this includes a management (attenuation) strategy to accommodate the 12 month 1/30 and 1 in 100 year events, this would ensure that Green Field Run Off rates are achieved. Yorkshire Water have advised that the site is developed with separate foul and surface water drainage systems and that a public sewer crosses the site, accordingly they recommend that an easement is observed to not prejudice any future maintenance.

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

Other Matters

The applicant became aware late on in the assessment of this application that part of the land within the red line boundary was not in their ownership. As such, the applicant issued a notice to the landowner on 14th September 2016 giving statutory notification of the planning application. Under the Town and Country Planning (Development Management Procedure) Order 2015, a

Local Planning Authority cannot issue a decision within 21 days of serving such a notice. Whilst Members may be minded to grant permission therefore, a decision notice may not be issued until 5th October, once the 21 days statutory notice has expired.

Conclusions

The proposal is considered to comply with local and national planning policy in that it would support economic development on an allocated employment site. The proposals would bring into economic use to an underutilised site the investment in which would result in much needed job creation boosting the local economy.

The application has adequately demonstrated that the site is of an appropriate size to accommodate the scale of employment development proposed. Its location directly adjacent to the M1 Motorway means that it is ideally located in relation to the strategic highway network. The identified conditions mean that the site will be acceptable from a highways, amenity, drainage, and ecological perspective.

There are therefore no significant or demonstrable adverse impacts associated with the development and the application has successfully demonstrated that an adequate access can be achieved without compromising highway safety.

Recommendation

Approve subject to conditions, and subject to there being no objections to the statutory notice of application for planning permission.

Grant subject to:-

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

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

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

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

- 3 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:

14120-14 REV E Proposed Site Plan, Amended Plan received 14 September 2016

14120-002 REV A Location Plan

V14129 L01 Tree Retention & Removals Plan

V14120 L02 Strategic Landscape Masterplan

Ecological Survey and Assessment ERAP Ltd dated May 2016

Ecological Survey and Assessment ERAP Ltd dated July 2016(additional surveys)

Drainage and Flood Risk Assessment by JPG dated May 2016
Planning Supporting Statement dated June 2016
Noise Impact Assessment by ENS dated 2nd June 2016
Geo-Environmental Desk Study Report by JPG dated May 2016
Framework Travel Plan by AECOM dated June 2016
Transport Assessment by AECOM dated June 2016
Trip Generation Calculation Formula by AECOM, received 19 September 2016
Air Quality Assessment by AECOM dated June 2016
Air Quality Technical Note by AECOM dated 13 September 2016

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

- 4 No development shall take place of any phase of the development until full foul and surface water drainage details and a programme of works for implementation of that phase, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.

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

- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or over or within 5.0 (five) metres either side of the centre line of the 900mm and 1050mm sewers i.e. a protected strip width of 10 metres, that traverse the site. If the required stand-off distance is to be achieved via diversion or closure of the sewers, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.

Reason: In order to allow sufficient access for maintenance and repair work at all times and to ensure the proper drainage of the area in accordance with Core Strategy policy CSP4.

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

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

- 7 Prior to being discharged to any watercourse, surface water sewer or soakaway system, all surface water drainage from parking areas and hardstandings shall be passed through an oil interceptor installed in accordance with a scheme previously submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved scheme. Roof water shall not pass through the interceptor.

Reason: To prevent pollution of the water environment and in accordance with CSP 40 Pollution Control and Protection.

- 8 Details shall accompany each phase of the reserved matters of a scheme to reduce

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

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

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

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

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

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

- 11 A detailed scheme of ecological mitigation and enhancement and maintenance shall be submitted with the reserved matters application. The scheme shall broadly follow the measures set out in Section 5 of the ERAP Ecological Assessment and shall identify a timetable for implementation and maintenance for 5 years. The scheme shall be accompanied by a plan which clearly identifies what ecological features are proposed to be retained, mitigated and enhanced. Thereafter the development shall be carried out in accordance with the approved measures.

Reason: In the interests of biodiversity and in accordance with CSP 36.

- 12 The level of noise emitted from the site shall not exceed 51dB LAeq(15 mins) between 0700 and 2300, as measured at the boundary of the nearest neighbouring property.

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

- 13 The level of noise emitted from the site shall not exceed 46dB LAeq(15 mins) between 2300 and 0700, as measured at the boundary of the nearest neighbouring property.

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

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

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

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

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

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

- 15 Prior to occupation of the building, a noise and traffic management plan for the Service Yards shall be submitted to and approved in writing by the Local Planning Authority. This should consider noise generated from deliveries, loading/unloading activities, along with general service yard activities, and consideration of any mitigation measures required. The development shall be carried out in accordance with the approved details, which shall be retained and adhered to at all times.

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

- 16 Noise from any fixed plant, such as fans, extractors, air conditioning units shall operate at a level no higher than 46dBA Leq during the day and at night time at the nearest property.

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

- 17 The hours of construction and deliveries shall only take place between Mon-Fri 0800-1800 and Sat 0800-1300. No working 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.

- 18 Prior to any work commencing, the applicant shall submit to BMBC for their approval a dust management plan detailing how they will control dust during construction. Once approved the applicant shall adhere to the dust management plan at all times.

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

- 19 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 protect the environment and ensure the site is suitable for the proposed use, in accordance with CSP 39.

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

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

- 21 Prior to the occupation of the development full details of bin storage and recycling facilities shall be submitted to the Local Planning Authority for consideration. The facilities shall be provided in accordance with the approved details prior to the occupation of any of the units and retained as such thereafter.

Reason: In the interests of visual amenity and in accordance with Joint Waste Strategy Policy WCS7.

- 22 Prior to the occupation of each unit, details of appropriate mitigation controls shall be agreed in writing with the Local Planning Authority. The mitigation controls shall be in accordance with the requirements of the Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance, and shall be also incorporated into any Travel Plan where appropriate for the proposed development. Thereafter the controls shall be implemented in full for the duration of the development.

Reason: In the accordance adopted Core Strategy Policies CSP 40 (Pollution Control and Protection) and CSP 41 (Development in Air Quality Management Areas).

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

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

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

- 24 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.

- 25 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.

- 26 The final mix of development must not result in greater than 64 and 63 and two way vehicle trips in the weekday AM peak hour (0800 to 0900) and the weekday PM peak hour (1700 to 1800) respectively. The total number of trips will be calculated according to the formula set out in the AECOM Trip Generation Calculation Formula, dated received 19 September 2016. The development shall then be undertaken in accordance with the approved details.

Reason: To control the number of new vehicles on the highway network and prevent additional congestion in accordance with policy CSP26.

- 27 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (ie 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 are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.

- 28 Sight lines, having the dimensions 2.4m x 70m, shall be safeguarded at the junction of the access road with Capital Close, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.

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

- 29 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway

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

- 30 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 interests of Highway safety and in accordance with Core Strategy policy CSP 36.

- 31 Within six months of the site becoming operational, a detailed travel plan, including

monitoring and implementation, shall be submitted to the Local Planning Authority and once approved shall be fully implemented.

Reason: In the interests of sustainable development and in accordance with Core Strategy Policy CSP 25.

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

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

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

33 Details of measures to restrict the access to the car park to Unit A to an ingress only shall be submitted to and approved in writing by the Local Planning Authority, prior to the commencement of development and shall be retained at all times thereafter.

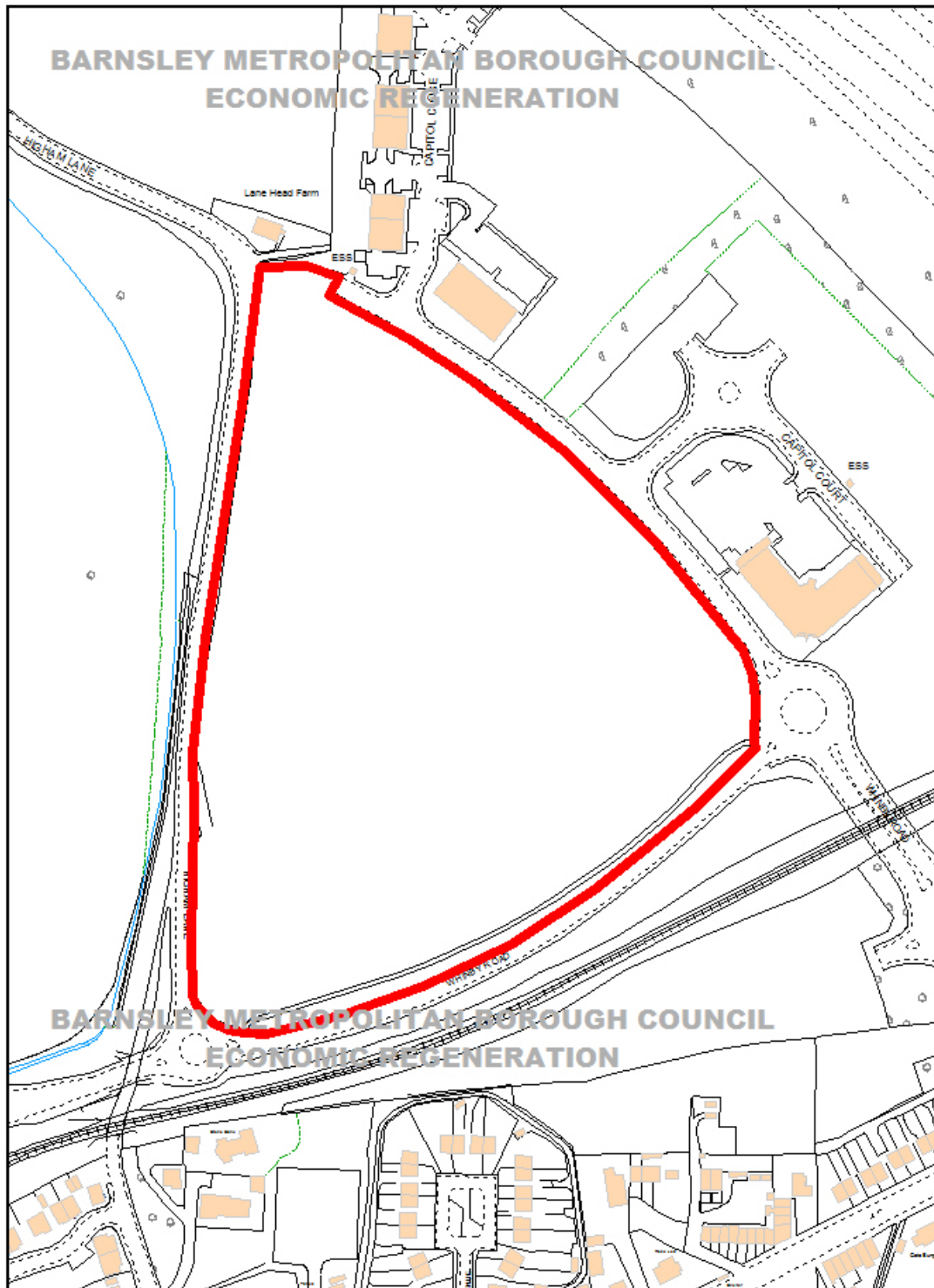
Reason: In the interests of road safety and in accordance with Core Strategy Policy CSP 26.

PA reference :-

2016/0713

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BARNLSLEY MBC - Economic Regeneration

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Scale 1:2500

2016/0764

Brookfield Consultant Ltd and New Dawn Healthcare Group Ltd
Erection of a hospital for the provision of child and adolescent mental health services CAMHS
(Outline) (Departure from UDP)
Land at Highroyd Lane, Shortwood Business Park, Hoyland, Barnsley, S74 9NW

4 Letters of objection received

Site Location and Description

The site forms the north eastern quarter of the Shortwood Business Park and extends approximately 4.25 hectares. It has frontages onto High Royd Lane to the east, Stockwith Lane to the south and Shortwood Way to the west. A dismantled railway line, which acts as a footpath, lies close to its northern boundary. The footpath is surrounded by trees.

Levels vary markedly across the site. They reduce from their highest point in the south - east to their lowest point in the north - east where the site borders the railway.

There is a residential complex to the east and properties (Shortwood Villas) to the west of the site, industrial/commercial buildings are located over the Southern boundary and open countryside to the north. The site is accessed, via a roundabout junction, off the Dearne Valley Parkway (A6159).

Background

Yorkshire and the surrounding area of Lincolnshire and North Nottinghamshire have a history of underinvestment in mental health provision across several specialist groups, but in particular Tier 4 CAMHS.

Therefore, there is a significant need and demand for additional specialist mental health services for children and young people in both Yorkshire and the East Midlands.

The function of the facilities to be provided at the proposed hospital is to accommodate children and adolescents with a mental illness including individuals with Autistic Spectrum Disorders who have specific difficulties with regard to communication, imagination and social skills. In recent years understanding of the nature of these problems has greatly increased, together with the potential for assisting those affected. At the same time, rates of diagnosis have increased tenfold between the 1970s and 1990s.

The proposed CAMHS Hospital meets a regional and national identified need for services for individuals across the country whose needs are complicated by additional learning, sensory or other disabilities. This supra-regional service is required because there is no existing service that can adequately meet the needs of this group, with the result that individuals are subject to regular moves between services, which only exacerbates their problems.

Site History

Outline planning permission was granted in July 2007 for the erection of an independent autism hospital (BMBC Ref: 2007/0760). All matters save for details of access were reserved. In April 2008 an application to agree the remaining reserved matters was approved (BMBC Ref: 2008/0157).

In September 2011 (BMBC Ref: 2011/0695) permission was granted to remove condition 19 of the outline permission in order to expand the remit of the hospital to provide Child and Adolescent Mental Health Services (CAMHS). The use of the hospital was limited to the provision of CAMHS with a legal agreement.

In December 2011 (BMBC Ref: 2011/1200) permission was granted to erect a hospital which had specifically been designed to provide CAMHS. The approved development comprises of six self-contained residential blocks, containing 104 bedrooms in total, arranged around an activity/resource hub and an office building. A visitor and staff car park is shown to the front of the site with an access off Shortwood Way. Directly behind this car park, but on a lower level, is a servicing and delivery area.

In 2012 (BMBC Ref: 2012/0710) permission was granted to erect an energy centre/plant building *within* the servicing and delivery area comprising of a plant room to house boilers and a gas fired combined heat and power system (CHP), along with a maintenance workshop.

In December 2012 (BMBC Ref: 2012/0776) Permission was granted for a minor material amendment to application 2011/1200 (Erection of a hospital for the provision of Child and Adolescent Mental Health Services (CAMHS)) including alterations to the site layout to facilitate the retention of trees and to the design of the buildings to allow the scheme to comply with the Building Regulations.

Proposal

The proposal is to provide generic acute mental health units for young people with conditions such as Depression, Bipolar Disorder, Psychosis, Eating Disorders, Complex PTSD / Severe Self-harm and complex neurodevelopmental presentations including ADHD (Attention Deficit Hyperactivity Disorder) and ASC (Autism Spectrum Condition).

The application is in outline form with access, appearance, layout and scale all to be considered, only landscaping would be a reserved matter. The proposal is identical to the last approval (Ref: 2012/0776) with 7no individual buildings arranged around a central activity hub. The total floorspace proposed is circa 6,500m².

The majority of the parking (95 spaces in total) would be provided to the South West of the site with vehicular access taken directly off Shortwood Way. An energy centre is also located within the area of the proposed car park.

Extensive landscaping would be retained or provided to the majority of the site boundaries.

Policy Context

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

The Council has produced 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

CSP 1 - Climate Change
CSP 2 - Sustainable Construction
CSP 3 - Sustainable Drainage Systems (SuDS)
CSP 4 - Flood Risk
CSP 19 - Protecting Existing Employment Land
CSP 25 - New Development and Sustainable Travel
CSP 26 - New Development and Highway Improvement
CSP 29 - Design
CSP 34 - Protection of Green Belt
CSP 36 - Biodiversity and Geodiversity
CSP 40 - Pollution Control and Protection
CSP43 - Educational Facilities and Community Uses

Saved UDP policies

ED4 – Economic Development and Residential Amenity

SPD

The SPD's entitled Parking and Residential Amenity and the Siting of buildings are relevant. The Parking SPD details the number of car parking spaces expected for different types of uses. The Residential Amenity SPD sets out the design principles that will apply to planning applications for non - residential buildings in proximity to existing residential properties including minimum separation standards.

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.

Chapter 7 of this document, paragraphs 63 and 64 are relevant. These state that weight should be given to developments which are of a high design quality.

Consultation responses

Enterprising Barnsley – support the scheme
Dearne and Dove I.D.B – No objections
Police ALO – No objections in principle subject to SBD principles & CCTV
Highway DC – No objections subject to conditions
Policy – No objection given site history
Contaminated Land Officer – No comments but no objection to previous scheme
Tree Officer – No objections subject to conditions
Ecology – Requested further info. but approval previously granted
Drainage – No objections subject to conditions

Representations

Occupiers of the dwellings and other buildings which surround the site were consulted on the application by letter and a site notice was erected on Shortwood Way. As a result of the consultation 4no. letters of objection have been received. The main points of concern are as follows;

- Quantity and quality of the landscaping
- Visual impact of the buildings
- Impact of external lighting during hours of darkness
- Increased traffic on surrounding road network
- Increased noise and disturbance
- Pressure on parking
- Increase in crime and reduced security
- Negative impact on wildlife

Assessment

Principle

The principle of the development was established by the decisions made on applications 2007/0760, 2011/0695 and 2012/0766 which are referenced above. The justifications for those permissions, which in effect allow a CAMHS use, on land allocated principally for B1, B2 and B8 use, are that there is a recognized need for the facility, that there are no other suitably sized sites for the development in the area and that the development will create in excess of 300 jobs.

As a consequence of this special justification, it is considered necessary to again limit the use of the hospital to the provision of CAMHS. The most appropriate vehicle for this is with a planning condition and accordingly such a condition would be attached to any future grant of planning permission.

It is noted however that since the original 2007 approval was made, proposals for new community facilities, such as hospitals, are now encouraged and supported by the NPPF and Barnsley Core Strategy Policy CSP 43. These policies lend further support to the principle of the scheme. Notwithstanding the above it is also necessary to assess whether the hospital proposed will continue to sit comfortably with the adjoining land uses, is acceptable in design terms and will not adversely affect highway safety. These issues are discussed below.

Residential Amenity

The various buildings which form the hospital will occupy a central position on the site. The buildings will be screened from view of the surrounding dwellings by the proposed/existing landscaped buffers and physically separated from them by highway. This combination of distance, screening and physical separation will help to ensure that the development does not give rise to any privacy issues or lead to any overbearing effects. These factors will also help to lessen any harm which may arise from the proposed use of the site, such as noise and disturbance associated with vehicles entering and leaving the site, glare from any internal/external lighting or noise from activities taking place within the hospital grounds. The proposal therefore complies with Policy ED2.

Regard should be had to the fact that the site forms part of larger area of land allocated for employment use. It is considered that the use proposed could have significantly less impact on the amenities of the occupiers of the surrounding dwellings than traditional employment uses, which generally fall within Classes B1, B2 and B8 of the Use Classes Order, as it will generate much less traffic and less noise.

There is concern due to the proximity of the site to the adjoining industrial developments and also the A6159, that the end users of the hospital may be affected by noise and disturbance from activities associated with the industrial developments and also from traffic. However, the noise assessments state that the fabric of the buildings and the boundary vegetation will ensure that noise within the hospital and its grounds will be within acceptable parameters.

It is noted that the majority of the proposed parking and manoeuvring areas would be located to the South West of the site at the furthest point from the residential properties. As such, noise and disturbance from vehicle movements would be kept to a minimum on the boundaries shared with the residential dwellings.

Design and Layout

There are no objections to either the design of the buildings or the general layout of the site, especially as the proposal is identical to the previous approval which was assessed under currently adopted policies. The proposal therefore complies with the NPPF and Core Strategy Policy CSP 29. The buildings are considered superior in design terms to conventional industrial buildings and those elsewhere on the existing business park. The proposed external materials, consisting principally of brick work and composite cladding, are considered sufficiently high quality.

The general layout of the site, as was previously the case, has to a large extent been dictated by the end use. It incorporates significant areas of landscaping comprising of woodland, amenity grass and wildflower meadow. The idea being that these will combined to create a safe and private environment, with clear physical boundaries as required by the end user group. It is considered that the scheme will achieve the desired end.

Although the car park will occupy a very prominent position towards the front of the site, the landscaping scheme will extend into this area and in particular along the site frontage, which will help to soften it and tie the whole of the site together.

Policy CSP 5 requires that all developments of a certain size incorporate decentralized, renewable or non-carbon energy sources in order to reduce their carbon footprints by at least 15%. The applicant is currently investigating ways to achieve this end and therefore full details of such provisions are requested by condition. Furthermore, there is an Energy Centre proposed to the South West of the site.

Visual Amenity

As the site is located on the edge of the Green Belt it is necessary to assess its visual impact on the landscape and in particular its impact on openness. Due to the current differences in levels across the site a significant amount of 'cut and fill' will be necessary to create a level platform on which the various buildings will sit. The changes to the site levels that will accrue from these works will help the development nestle into the landscape which in turn will help to reduce its overall prominence and therefore impact on the Green Belt. The developments impact will be further reduced by the extensive site landscaping and the relatively neutral palette of materials proposed. The proposal does not therefore conflict with Policy CSP 34.

Furthermore, the building would not be seen in isolation as it would be viewed in the context of the immediately adjacent business units. As such, it would not result in an over dominant or visually intrusive feature on the landscape.

Highway Safety

Highways DC raise no objections to the proposal given the history of the site and the fact the layout is identical to the previous approval. They consider that a sufficient number of car, cycle and disability spaces will be provided within the boundaries of the site to serve the development.

Furthermore they agree with the conclusions contained in the Transport Statement which state that the development will not have any significant adverse effects on the local highway network on the basis the trips generated by the use will be staggered throughout the day. The proposal is therefore consistent with Policy CSP 26.

It is recognised that the site is not in a particularly sustainable location. It is not on a bus route or close to a train station. Nor is the cycling or walking infrastructure sufficiently developed or connected up to the adjoining residential areas. Therefore, to help reduce the number of trips which will be made to the site by car, in accordance with the NPPF and Policy CSP 26, the applicant has submitted a Travel Plan. Car sharing is supported and encouraged, along with cycling and walking. This approach is supported by Transportation and SYPTE.

A condition is recommended however which binds the applicant to the terms of the plan to ensure that the aims of Policy CSP 25 & 26 are achieved.

It should also be acknowledged that since the previous approvals there are works ongoing to improve and amend the roundabout serving junction 36 of the M1 which should improve traffic flow and waiting times at that point which will be of benefit to the site. There are also new units being built within walking distance of the site including a pub and restaurants which could serve the staff and users of the site.

Flood Risk

The site area exceeds 1 Ha, and therefore the applicant was required to produce a FRA in accordance with PPS25 and Barnsley LDF Core Strategy Policy CSP4 to ensure that the proposed development can be suitably drained and does not pose a flood risk to itself or to the surrounding landowners.

The FRA explains that as the site is located in Flood Zone 1, which has the lowest probability of flooding, the end use of the site is appropriate. The FRA concludes development of the site will be possible with careful consideration of the surface water and foul drainage issues and may successfully be able to incorporate SUDS as required by Policy CSP 3. A condition is recommended by the Councils Drainage Engineer requesting the appropriate details, this approach was previously supported by the EA.

Trees

Most of the existing vegetation, which includes some small, low quality trees, will be cleared from the site to facilitate the development. None of this vegetation or indeed the trees are significant and therefore there is no objection to their loss, especially given the layout is inline with the previous approval.

The Tree Officer is keen, however, to ensure that the trees which lie close to the northern boundary of the site and form the periphery of the railway woodland are not harmed by the development and accordingly requests that full details of measures to protect these trees are submitted prior to the commencement of any works on the site.

Employment

Whilst it is acknowledged that some specialist recruitment will need to take place outside the area, the proposal will generate several hundred jobs at all levels through to senior professional and managerial. There will be opportunities for new entrants to the sector to train and progress through a career structure. In the longer term, the facility will provide an opportunity for local training, the acquisition of specialist skills and will assist in the diversification of the local workforce.

It is suggested that the Company will develop links with Enterprising Barnsley to ensure the adoption of a coordinated approach to recruitment and training initiatives.

Contaminated Land

A contamination report has been submitted to support the application. Although this identifies that the risks posed by ground contamination are low, it does identify elevated mine gas levels on the site and accordingly recommends that gas protection measures are incorporated into the design of the development, and in particular the design of the foundations. The Contaminated Land Officer requests a condition which requires that full details of the proposed mine gas mitigation measures are submitted for approval prior to the commencement of development.

Security

This is quite a substantial development with a number of separate buildings within the site. The Police Architectural Liaison Officer has been consulted on the application and has recommended that the site be constructed using the secured by design principles and physical security recommendations.

The applicants are well versed with this type of facility with related projects across the country. As such, they are well placed to provide a secure facility for both patients, visitors and local residents/users.

The Landscape masterplan provided with the application shows that the site would be enclosed by a 2.4m high anti-climb weldmesh fence. In order to soften the fence, it would not be built on the site boundary but set in to allow existing perimeter vegetation to be maintained and new landscaping introduced. The access road through the site would also be secured by 2.4m high gates and has only one point of entry/exit. The main carpark would remain outside of the perimeter fence. Adjacent to the access route through the site and the car park vehicle crash barriers are also proposed to add further protection.

Conclusion

The development comprising a hospital providing CAMHS on allocated employment land is supported by historical permissions on the basis that it will meet an identified need and will create a significant number of jobs in the Borough. Furthermore it is not considered that the development will give rise to any residential amenity, visual amenity or highway safety concerns. Overall therefore the proposal complies with all the relevant local and national policies and is recommended for approval, subject to the imposition of appropriate planning conditions.

Recommendation

Grant subject to:-

- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.

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

(a) landscaping

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

3 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved (outlined below) unless required by any other conditions in this permission.

- (PL)01
- (PL)02
- (2-)02
- (2-)03
- (9-)04
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- L2.390.0

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

4 The premises shall be used as a hospital for the provision of Child and Adolescent Mental Health Services and no other purpose, including any other purposes within Use Class C2 of the Town and Country Planning Act Use Classes Order 1987 (as amended), or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: The site is allocated employment land and the proposal is only acceptable on the basis of the applicant's specific circumstances.

- 5 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- A) Reinstatement of junction markings on Stockwith Lane:
 - B) Provision of a signing strategy and all necessary signing and lining on the surrounding highway network
 - C) Tactile crossings at all accesses and on Stockwith Lane.
 - D) Provision of new street lighting schemes/ upgrading of existing street lighting scheme from A619 to access to site.
 - F) Making up of access road to adoptable standard.
 - G) Any necessary amendments to drainage.
- 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 Barnsley LDF Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 6 Prior to commencement of development 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. Within 28 days of completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developers expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
- Reason: In the interest of highway safety and in accordance with Barnsley LDF Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 7 Prior to the occupation of the development a draft Travel Plan (to expand on the submitted travel plan - Ref: 162D/June 2016) shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
- Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.**
- 8 No development shall take place 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
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
 - A scheme for recycling/disposing of waste resulting from demolition and construction works.
- Reason: In the interests of highway safety and residential amenity and in accordance with Barnsley LDF Core Strategy Policies CSP 40, Pollution Control and Protection and CSP 26, New Development and Highway Improvement.**

- 9 No development shall occur until a scheme, endorsed by a competent, professional person experienced in Building Surveying, showing the foundation design has been submitted to, and approved in writing by, the Local Planning Authority. Such scheme shall clearly demonstrate the gas protection measures through scaled technical drawings, the foundation design and provision of a measure to ensure that the development is not affected by the ingress of gas. The development shall thereafter be undertaken in complete accordance with the approved details.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, in accordance with Barnsley LDF Core Strategy Policy CSP 40, Pollution Control and Protection.
- 10 Prior to occupation of the building full details of any external lighting shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the location, orientation, angle and luminance of the lighting. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.
Reason: To protect the amenity of existing and future occupiers from glare and/or nuisance light, in accordance with Barnsley LDF Core Strategy Policy CSP 40, Pollution Control and Protection.
- 11 No development shall take place until full foul and surface water drainage details, including a scheme to retain existing Greenfield run-off rates, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area and in accordance with Barnsley LDF Core Strategy Policies CSP 3, Sustainable Drainage Systems and CSP 4, Flood Risk.
- 12 No building or other obstruction shall be located over or within 3.0 (three) metres either side of the centre line of the sewers, which cross the site.
Reason: In order to allow sufficient access for maintenance and repair work at all times.
- 13 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.
- 14 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 15 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the buildings.
Reason: In the interests of the visual amenities of the locality and in accordance with Barnsley LDF Core Strategy Policy CSP 29, Design.

- 16 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. The approved hard landscaping details shall be implemented prior to the occupation of the building.

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

- 17 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.

- 18 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved details.

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

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

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

- 20 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority:
- finished floor levels of all buildings and structures;
 - road levels;
 - existing and finished ground levels.

Thereafter the development shall proceed in accordance with the approved details.

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

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

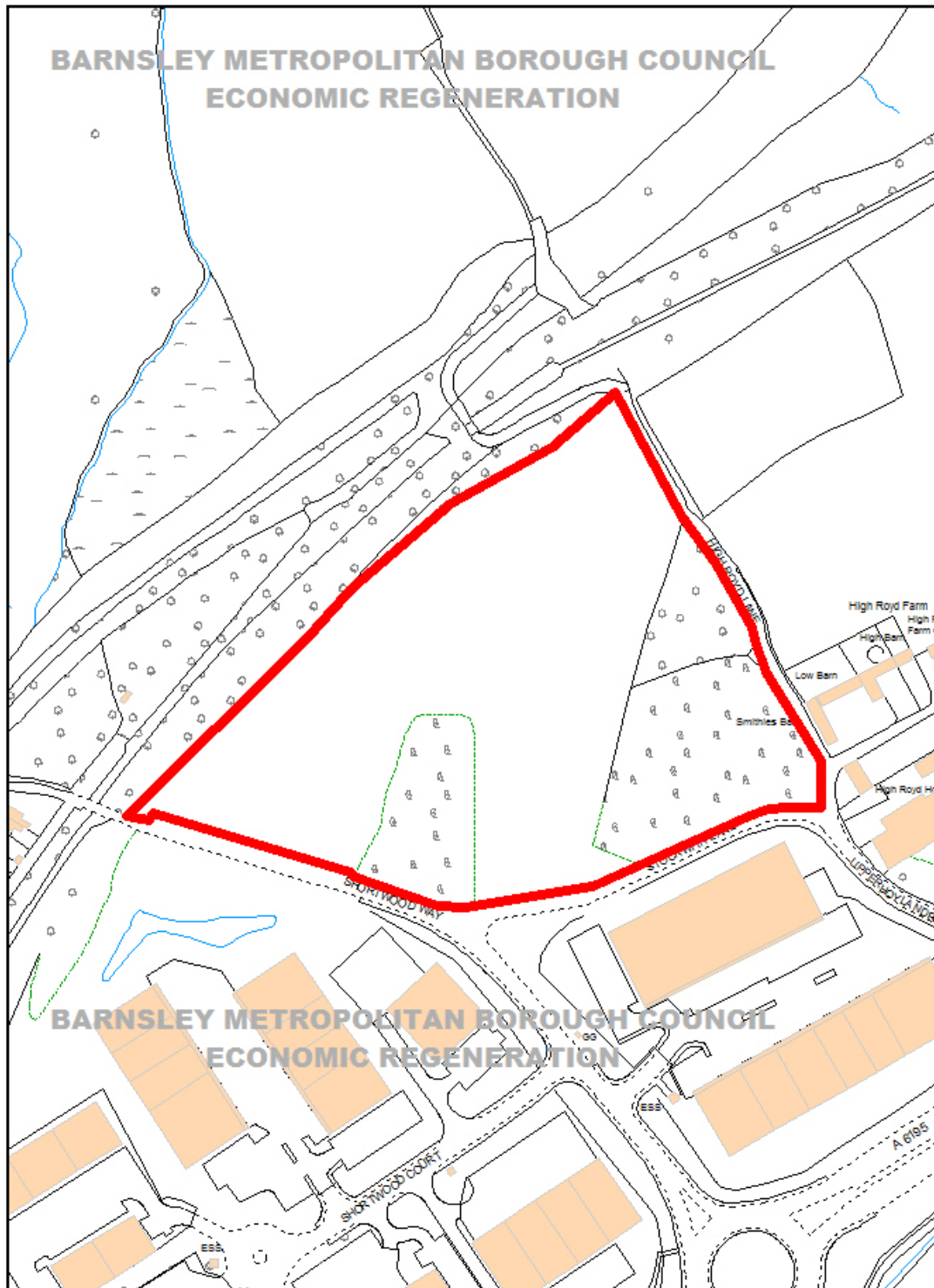
Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.

PA reference :-

2016/0764

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BARNESLEY MBC - Economic Regeneration

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Westgate Plaza One, Westgate,
Barnsley S70 9FD
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Item 11

2015/1020

Mr Edward Cockburn

Caravan storage on hardcore base (Retrospective)

Ranah Stones, Whams Road, Hazlehead, Sheffield, S36 4HT

Dunford Parish Council have not commented

Councillor Andrew Millner supports the proposal

11 Letters of support received

No objections received

Site Description

Ranah Stones Farm is a sheep and dairy farm situated in a rural area of the Green Belt which is located to the east of Whams Road, Hazelhead and overlooks the Peak District National Park. The surrounding land has been identified as an important 'core' site for breeding Lapwing within the Dark Peak region. The farm currently operates under the Higher Level Stewardship Scheme in order to improve the farm habitat for wildlife and breeding birds.

The site is accessed from a long track from Whams Road. The site consist of a L shaped farmhouse, this is accompanied by a number of agricultural buildings, and also includes an area of hardstanding set to the west of the main buildings which is used to store caravans. The caravan storage facility has been operating at the farm since September 2006. The facility has capacity for 48 caravans at any one time, the caravans are stored against the backdrop of the agricultural buildings. A hedge has been planted along the boundaries to screen the caravans from views from Whams Road and the surrounding area.

Proposed Development

The application is retrospective for the caravan storage and hardcore base at Ranah Stones Farm. No complaints have been received by the Council regarding the activity, however the applicant now wishes to regularise this use. As the site is set within the Green Belt the applicant has submitted very special circumstances in order to justify the need for the facility. These include:-

- The supplementary income the facility generates allows for less intensive farming to take place at the site. The farm has been identified as an important 'core' site for breeding Lapwing within the Dark Peak region. A Breeding Wader Survey by Waxwings Ornithology has been submitted by the applicant in support of this.
- The Countryside and Economy Advisor from the Peak District National Park Authority has stated that 'having a reduction in cattle numbers through compliance with the Higher Level Stewardship Scheme has meant a drop in the farm's productivity for livestock, but a great increase in its productivity fir Lapwing. Should the farm have to intensify its productivity it would likely have a detrimental impact upon the habitat.'
- There is no other facility of this type within the local area
- There is a national issue with caravan thefts from housing estates and insurance companies are demanding secure storage when not in use.
- Some property deeds do not allow storage of caravans
- Crime reduction
- The site is protected by its remote location which has a private access road, secure gates and CCTV.
- The site has operated informally for 10 years without complaint

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.

Barnsley UDP Saved Policies

UDP Allocation – Green Belt

GS8 'Development within the Green Belt' states that the construction of new buildings will not be permitted unless it is for purposes including agriculture.

GS30A 'Touring Caravan Storage' Proposals for the use of existing or proposed screened compounds or buildings for the storage of touring caravans will be considered on their merits, particularly with regard to Green Belt policies, visual intrusion, access and traffic factors, residential amenity and other planning policies.

Local Development Framework

Core Strategy

Policy CSP21 - Rural Economy

Policy CSP26 – New Development and Highway Improvement

Policy CSP34 - Protection of Green Belt

Policy CSP36 – Biodiversity and Geodiversity

NPPF

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

Paragraphs of particular relevance to this application include:

80. Green Belt serves five purposes:

- to check the unrestricted sprawl of large built-up areas;
- to prevent neighbouring towns merging into one another;
- to assist in safeguarding the countryside from encroachment;
- to preserve the setting and special character of historic towns; and

- to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

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

- Buildings for agriculture and forestry

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To enable this to happen plans should:-

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well designed new buildings

Consultations

Dunford Parish Council – No comments received

Highways – No objections subject to condition

Pollution Control – No objections

Ward Councillors – Cllr Andrew Millner supports the application

Representations

11 letters of support from local residents who use the facility have been received. The following comments have been made in support:-

- The applicants are committed to supporting ecosystems for habitats for endangered birdlife
- If the facility is closed it would cause distress and hardship for the people who use it
- Security issues with parking caravans at home
- There is good access to the facility
- No complaints have been received regarding the use
- Caravans cannot be kept at home due to restrictive covenants and the size of the caravans
- The only other storage sites have long waiting lists or have very limited access hours
- There are no spaces at the local sites
- The security afforded at the site is essential for insurance
- The site is screened by tree planting and the visible impact of the facility is very limited due to the distance from the road
- The applicants have spent money improving the site and provides a quality, secure storage facility for caravans

Assessment

Principle of Development

Saved UDP Policy GS30A states that 'Proposals for the use of existing or proposed screened compounds or buildings for the storage of touring caravans will be considered on their merits, particularly with regard to Green Belt policies, visual intrusion, access and traffic factors, residential amenity and other planning policies.'

The supporting text to UDP Policy also states 'the storage of caravans at individual houses can sometimes cause problems, especially if front gardens or driveways are used. The provision of properly located and designed caravan storage compounds and buildings will be encouraged. The use of camping sites will not normally be allowed as these are generally in the Green Belt or open

countryside and the use is not appropriate to a rural area. However, proposals for storage within redundant farm buildings, or farm yards, where the caravans can be screened and largely hidden from view, may be acceptable, but will be determined in accordance with Green Belt policies'.

The site is located within the Green Belt as allocated within the UDP proposals maps. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence. The use of land for the storage of caravans 'inappropriate development' within the Green Belt and is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The use has been operating for 10 years without the benefit of planning permission however, the applicant now wishes to regularise this use and has put forward a number of very special circumstances in support of the use. A number of letters of support have also been received from the users of the site.

From the justification put forward, it is considered the main issue is the importance of Ranah Stone Farm as a habitat and 'core' site for breeding Lapwing within the Dark Peak region. The applicant states that the supplementary income the facility generates allows for less intensive farming activity to take place at the site and financial figures have been submitted to support this. The applicant has reduced their cattle number to 1.25 livestock units per hectare, which has a significant impact upon the income that can be achieved through farming alone. The income from the caravan storage facility allows the applicant to reduce cattle numbers and improve the habitat for the birds. The Countryside and Economy Advisor from the Peak District National Park Authority has stated that 'having a reduction in cattle numbers through compliance with the Higher Level Stewardship Scheme has meant a drop in the farm's productivity for livestock, but a great increase in improving habitat for Lapwings. Should the farm have to intensify its productivity it would likely have a detrimental impact upon this habitat.'

The caravan storage facility is 'inappropriate development', and therefore harmful to the Green Belt, however the facility allows the farm to supplement its income without having any harmful effect on the breeding site for Lapwings. In addition to this, the site has been operating for 10 years without complaint, there are very few storage sites operating (a search indicates only two other facilities within the area) and the loss of this site would be detrimental to the users of this facility but also would result in the caravans potentially being parked on driveways instead. The planting and other improvements allows for the caravans to be screened from the main road and as a result there is limited impact upon visual amenity. It is considered that substantial weight should be given to this and that the applicant has provided the very special circumstances required in order to allow for a relaxation in Green Belt policy in this instance.

Visual Amenity

The storage of caravans within the Green Belt has some degree of impact upon the openness, however as the site is set adjacent to the complex of farm buildings, caravans in storage are seen against the backdrop of these structures and within a small pocket of development, the impact on openness is limited as the site is largely contained.

In terms of visual impact, significant tree planting along the boundaries successfully screens the caravans from view from the main Whams Road and surrounding areas. As these trees further establish the caravans will only be visible from close quarter or, from within the site. This is in line with saved UDP Policy GS30A which considers that proposals for storage within redundant farm buildings, or farm yards, where the caravans can be screened and largely hidden from view, may

be acceptable, as is the case here. In the interests of amenity it is however, considered pertinent to condition that the site is used for caravan or agricultural storage only and that any permission is personal to the applicant. Subject to these safeguards the impact upon visual amenity is not considered to be significant in this case and is therefore acceptable when measured against policy CSP34 of the Core Strategy.

Highway Safety

The caravan storage has a maximum limit of 48 caravans and highways have not raised any objections to the use. Given the nature of the use it is not considered that development generates any significant levels of traffic. The site is accessed from a long single lane private drive; therefore highways have requested a passing bay is provided which should be conditioned as part of any approval. The proposal is considered to be acceptable in terms of highway safety in accordance with policy CSP26 of the Core Strategy.

Conclusion

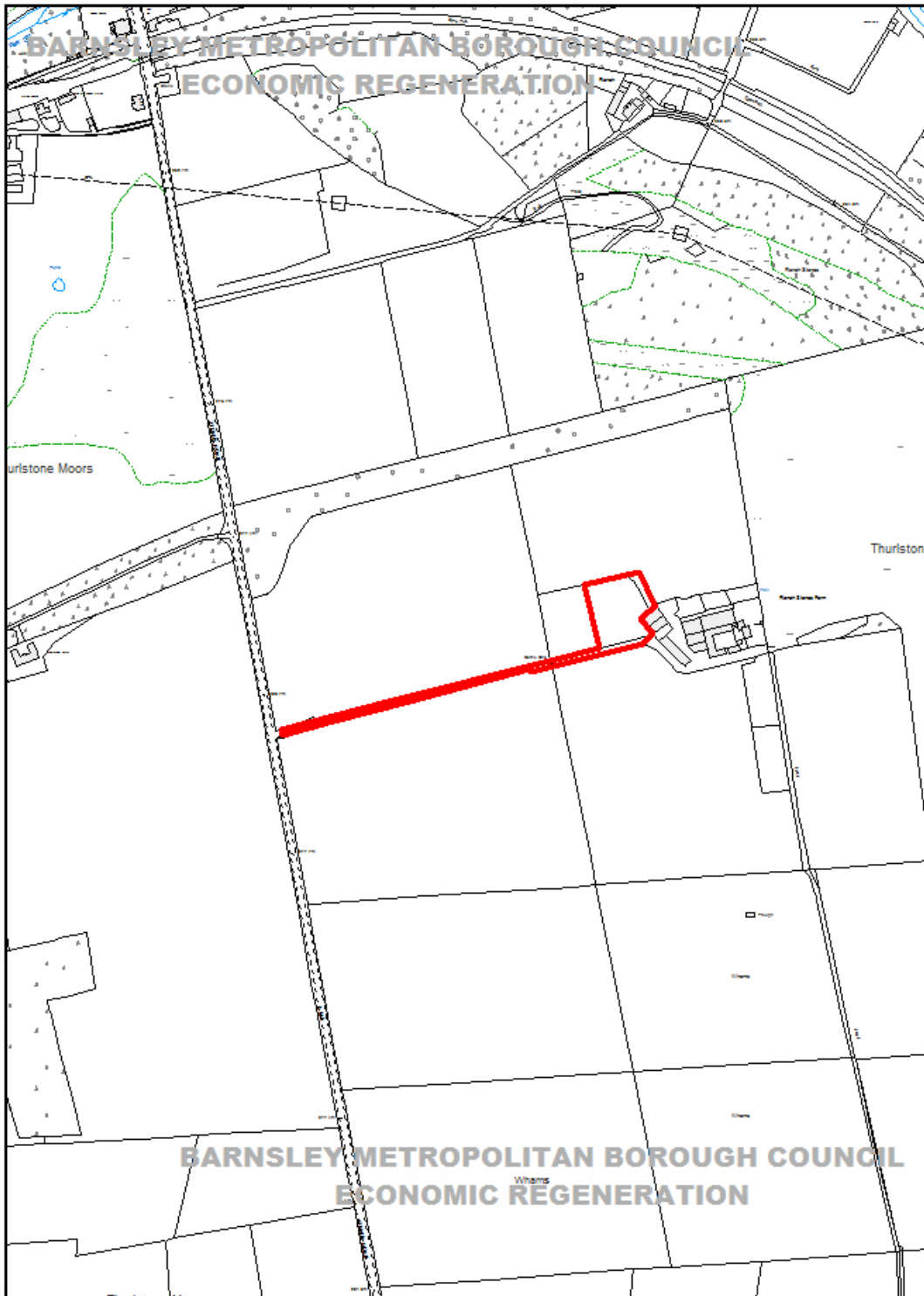
In summary the storage of caravans is judged to constitute a form of inappropriate development in the Green Belt. However, the harm to the openness of the Green Belt is limited due to the extensive planting along the boundaries. The very special circumstances put forward by the applicant should allow for a relaxation in Green Belt policy in this instance in compliance with saved UDP Policy GS30A.

Recommendation

Grant subject to:-

- 1 The development hereby approved shall be carried out strictly in accordance with the amended plans (Site access plan with passing space - received 15th October 2015) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 2 The passing space shall be provided within 3 months of the date of the permission and shall be retained for that sole purpose thereafter.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 3 The change of use hereby approved is personal to Ranah Stones Farm and shall be limited to the storage of caravans or agricultural equipment associated with the farm and for no other purpose (including any other purpose in Use Class B8 of the Schedule to the Town and Country Planning Use Classes Order).
Reason: To ensure that the use hereby approved remains as part of a scheme of farm diversification and to safeguard the openness of the Green Belt in accordance with policy CSP34 of the Core Strategy.

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BARNSLEY MBC - Economic Regeneration



Scale 1: _____

Item 12

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 August 2016 to 31 August 2016

APPEALS RECEIVED

3 appeals were received in August 2016:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2016/0404	Raising height of roof to form loft conversion and erection of single storey rear extension to dwelling 89 Rotherham Road, Monk Bretton, Barnsley	Written Representation	Delegated
2016/0345	Raising of roof level to existing garage to create additional accommodation 118 Smithies Lane, Smithies, Barnsley <i>Appeal not accepted out of time</i>	Written Representation	Delegated
2016/0513	Erection of detached garage 94 Barnsley Road, Brierley, Barnsley	Written Representation	Non Determination

APPEALS WITHDRAWN

No appeals were withdrawn in August 2016.

APPEALS DECIDED

0 appeals were decided in August 2016:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>	<u>Decision</u>

2016/2017 Cumulative Appeal Totals

- 7 appeals have been decided since 01 April 2016
- 5 appeals (71%) have been dismissed since 01 April 2016
- 2 appeal (29%) have been allowed since 01 April 2016

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