

Public Document Pack



MEETING:	Planning Regulatory Board
DATE:	Tuesday, 22 November 2016
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

Planning Application(s) No: 2016/1050 and 2015/0895

Please meet at the Town Hall for immediate departure at 11.30 a.m.

Plan Number	Site	Approx Time of Arrival
2016/1050	Planning application for the erection of 1 no. bungalow at 4 Robin Lane, Royston.	11.50
2015/0895	Planning application for the erection of 5 no. detached and semi-detached residential dwellings (Amended Plans) at former garage site, Kirkcross Crescent/Pinfold Lane, Royston <i>Please note: Local Members are invited to attend in respect of those visits within their Ward.</i>	12.15

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 25th October 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. 4 Robin Lane, Royston - 2016/1050 - For Refusal (*Pages 9 - 18*)

Erection of 1 no. detached bungalow at 4 Robin Lane, Royston, Barnsley S71 4EA
5. Kirkcross Crescent/Pinfold Lane, Royston, Barnsley - 2015/0895 - For Approval (*Pages 19 - 30*)

Erection of 5 no. detached and semi-detached residential dwellings (Amended Plans) at former garage site at Kirk Cross Crescent/Pinfold Lane, Royston, Barnsley S71 4PJ
6. Bolton Hall Nursing Home, Carr Head Lane, Bolton on Dearne, Rotherham S63 8DA - 2016/0926 - For Approval (*Pages 31 - 46*)

Demolition of existing building and erection of 28 no. dwellings with associated external works at Bolton Hall Nursing Home, Carr Head Lane, Bolton upon Dearne, Rotherham S63 8DA
7. Land off Lowfield Road, Bolton on Dearne, Barnsley - 2015/0725 - For Refusal (*Pages 47 - 64*)

Erection of 97 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers at land off Lowfield Road, Lowfield Road, Bolton Upon Dearne, Barnsley.
8. Leapings Lane, Rockside, Thurlstone, Sheffield - 2016/1074 - For Approval (*Pages 65 - 72*)

Change of use of unused agricultural storage building to 2 no. dwelling houses with external alterations at Leapings Lane, Rockside, Thurlstone, Sheffield.
9. Land at Gunthwaite Lane, Gunthwaite, Penistone - 2016/0215 - For Approval (*Pages 73 - 82*)

Erection of detached agricultural workers dwelling (Resubmission) at land at Gunthwaite Lane, Gunthwaite, Penistone, Sheffield S36 7GE

Planning Appeals

10. Planning Appeals - 1st October to 31st October 2016 (*Pages 83 - 84*)

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
Andrew Burton, Group Leader (Inner Area), Development Management
Jason Field, Interim Senior Lawyer (Planning)

Parish Councils

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

Monday, 14 November 2016

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 25 October 2016
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present Councillors D. Birkinshaw (Chair), G. Carr, Franklin, Gollick, David Griffin, Grundy, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, Mitchell, Richardson, Riggs, Spence, Stowe, Wilson and R. Wraith

In attendance at site visit Councillors [add manually]

33. Declarations of Interest

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

34. Minutes

The minutes of the meeting held on 27th September 2016 were taken as read and signed by the Chair as a correct record.

35. Land off King Street, Elsecar - 2016/1105 - for Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1105** – Erection of 30 no. dwellings at Land off King Street, Elsecar

David Uhlar spoke in favour of the officer recommendation to grant the application.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to signing of Section 106 agreement.

36. Lairds Way, Penistone - 2016/0954 - for Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0954** – Erection of 36 no. dwellings and associated infrastructure (Reserved matters in connection with outline approval under appeal reference APP/R4408/A/13/2202969) at land adjacent to Lairds Way, Penistone.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to the addition of two extra conditions relating to removal of brick pillars and provision of crossing point together with amendment to Condition 15 to show compliance with the remediation statement and validation proposal. The scheme will also be subject to signing of a Section 106 agreement.

37. Land off Green Road, Dodworth - 2016/0268 - for Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0268** – Residential Development including means of access (outline) at land off Green Road, Dodworth.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to signing of Section 106 agreement.

38. Land off New Road/Lidgett Lane, Pilley - 2016/0952 - for Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0952** – Variation of condition 3 of outline planning application 2013/1007 (residential development of up to 41 dwellings including means of access) to increase the maximum number of residential properties to 56 units, details of which shall be submitted as part of a separate application for the approval of reserved matters at land off New Road/Lidgett Lane, Pilley.

Gareth Lloyd spoke in favour of the officer recommendation to grant the application.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to signing of Section 106 agreement together with an additional condition that there should be both on and off-site affordable housing provision.

39. Barnsley Markets and adjoining land, Cheapside, Barnsley - 2016/0924 - for Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0924** – Reserved matters application including details of access, appearance, landscaping, layout and scale in relation to the construction of a new public library (Phase 1) of outline application 2015/0549 at Barnsley Markets and adjoining land, Cheapside.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to amendment to condition 3.

40. Land at Priory Road, Bolton upon Dearne - 2016/0705 - for Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0705** – Erection of 3 no. detached dwellings at land at Priory Road, Bolton upon Dearne.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to signing of Section 106 agreement.

41. 4 Robin Lane, Royston, Barnsley - 2016/1050 - for Refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1050** – Erection of 1 no. detached bungalow at 4 Robin Lane, Royston.

Mr Simon Elliott spoke against the officer recommendation to refuse the application

RESOLVED that this item be deferred to enable a site visit to take place.

42. Land at Burntwood Cottages, Moor Land, Brierley - 2015/0416 - for Refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2015/0416** – Change of use of land to gypsy/traveller site (8 no. pitches) including associated buildings and infrastructure at land adjacent Burntwood Cottages, Moor Land, Brierley.

RESOLVED that Members support the Officer's recommendation to refuse when going forward with the relevant appeal.

43. Planning Appeals - 1st September to 30th September 2016

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

The report indicated that 2 appeals were received in September 2016: **Planning Application 2016/0714** – Erection of 1 no. detached dwelling (outline) at 66 Longfields Crescent, Hoyland, Barnsley and **Planning Application 2016/0769** – Formation of new access to residential property at Little Royd Farm, Halifax Road, Penistone, Sheffield S36 7GF

It was reported that no appeals were withdrawn in September 2016. One notification was received than an Appeal was submitted 'outside of the time limit' and will not be determined. Two appeals were decided in September 2016: **Planning Application 2016/0286** – outline application including details of access and layout for the development of 4 dwelling houses – 2 no. detached house and 2 no. semi-detached houses (resubmission) at 55 Woodstock Road, Barnsley and **Planning Application 2014/1449** – erection of boundary fence (retrospective) at 60 Wath Road, Elsecar, Barnsley. Both appeals were dismissed.

Nine appeals have been decided since 01 April 2016, seven of which (77.8%) have been dismissed and two of which (22.2%) have been allowed.

Chair

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Item 4

2016/1050

Applicant: Mr and Mrs D Allen C/o Simon Elliott

Description: Erection of 1 no. detached bungalow

Site Address: 4 Robin Lane, Royston, Barnsley, S71 4EA

Update

This application was deferred from the October Planning Board in order to allow Members the opportunity to visit the site.

Introduction

No objection letters received. Cllr Caroline Makinson has requested that it is referred to PRB.

Site Description

4 Robin Lane is an 'L' shaped detached bungalow constructed in the late 1980's. It was constructed alongside 2 Robin Lane, which sits to the West, as a mirror image pair. It sits within a large plot with gardens to the front, side and rear. Robin Lane is a single track which serves allotments to the North, a farmer's field to the East and the 2 aforementioned bungalows. The bungalows share a driveway which peels away from Robin Lane and runs parallel.

Site History

2011/0152 - Erection of 1 no. detached dwellinghouse – refused for the following reasons;

- 1 In the opinion of the Local Planning Authority the proposed dwelling would be contrary to Policy H8D of the Unitary Development Plan, the Council's Supplementary Planning Guidance Note 3 and the principles of PPS 1 and 3 in that its design (in terms of eaves height, roof design and fenestration) would be architecturally inconsistent with the character of the host and immediately adjacent properties, to the detriment of visual amenity.
- 2 In the opinion of the Local Planning Authority, the proposed development would be contrary to UDP Policy H8D and SPG 3, in that it would be an undesirable form of backland development, materially detrimental to the amenities of the host property by reason of disturbance from increased residential and vehicular activity.
- 3 The proposed development fails to provide sufficient and suitable accommodation within the site for the turning of emergency and refuse vehicles in order to enter and exit the site in a forward gear. Consequently, the proposal would not meet Building Regulation standards and reduce highway safety to an unreasonable degree, contrary to UDP Policy T2.

2011/0556 – Erection of detached bungalow (Resubmission of 2011/0152) – refused for the following reasons

- 1 In the opinion of the Local Planning Authority, the proposed development would be contrary to UDP Policy H8D, Core Strategy (submission version) policy CSP 29 and SPG 3, in that it would be an undesirable form of backland development, materially detrimental to the amenities of the host property by reason of disturbance from increased residential and vehicular activity.
- 2 The proposed development fails to provide a convenient vehicular access with sufficient and suitable accommodation within the site for the turning of emergency and refuse vehicles in order to enter and exit the site in a forward gear. Consequently, the proposal would not meet Building Regulation standards and would lead to servicing vehicles waiting in Polar Terrace for long periods reducing the free flow of traffic to an unreasonable degree, contrary to UDP Policy T2. In addition, the excessive man-carry distance from Poplar Terrace to the dwelling would be detrimental to the amenity of the occupants of the proposed dwelling, contrary to UDP policy H8A and policy CSP 29 in the submission version of the Core Strategy.

2013/0042 – Erection of 1.no detached bungalow – refused for the following reasons;

- 1 In the opinion of the Local Planning Authority, the proposed development would be contrary to saved UDP Policy H8D, Core Strategy policy CSP 29 and SPD 'Designing New Housing Development', in that it would be an undesirable form of backland development, materially detrimental to the amenities of the host property by reason of disturbance from increased residential and vehicular activity.
- 2 The proposed development fails to provide a convenient vehicular access with sufficient and suitable accommodation within the site for the turning of emergency and refuse vehicles in order to enter and exit the site in a forward gear. Consequently, the proposal would not meet Building Regulation standards and would lead to servicing vehicles waiting in Polar Terrace for long periods reducing the free flow of traffic to an unreasonable degree, contrary to saved UDP policy H8D, Core Strategy policies CSP 26 & 29 and SPD 'Designing New Housing Development'. In addition, the excessive man-carry distance from Poplar Terrace to the dwelling would be detrimental to the amenity of the occupants of the proposed dwelling, contrary to UDP policy H8A and policy CSP 29 of the Core Strategy.

A subsequent appeal was dismissed (Ref: APP/R4408/A/13/2196520) for the following reason;

I conclude that the development would not provide a safe and convenient access and would therefore conflict with Policies CPS 26 and CPS 29 of the Core Strategy and the principles of the Supplementary Planning Document "Designing New Housing Development", March 2012, and the National Planning Policy Framework. Amongst other things these require developments to provide safe, secure and convenient access and to avoid the introduction of vehicular and pedestrian movements close to an existing garden or its boundary.

2014/1226 – Erection of detached bungalow – refused for the following reason;

- 1 In the opinion of the Local Planning Authority, the proposed development would be contrary to saved UDP Policy H8D, Core Strategy policy CSP 29 and SPD 'Designing New Housing Development', in that it would be an undesirable form of tandem/backland development, materially detrimental to the amenities of the host property and neighbouring property by reason of disturbance from increased residential and vehicular activity. Furthermore, the proposal would not integrate well within the immediate area to the detriment of the overall character and layout resulting in an 'ad-hoc' form of development.

A subsequent appeal was dismissed (Ref: APP/R4408/W/15/3130601) with the inspector concluding as follows;

I conclude that even though the driveway would serve only one additional dwelling, the noise and disturbance associated with its use, together with the associated parking and turning area, would cause significant harm to the living conditions of Nos. 2 and 4 Robin Lane. The proposals would conflict with Policies H8A & H8D of the Barnsley Unitary Development Plan (2000)(UDP) and the Council's Supplementary Planning Document 'Designing New Housing Development' March 2012 (SPD) which seek, amongst other things, to ensure that new residential development, including tandem development, does not harm the amenities of existing residents.

I conclude that the layout of the appeal proposal would have a harmful effect on the character and appearance of the area, and would therefore conflict with Policies CPS 29 of the Barnsley Local Development Framework Core Strategy 2011 and the SPD which seek to ensure that new residential development, amongst other things, takes account of local distinctiveness and has a suitable and convenient means of access.

Proposed Development

The applicant seeks permission to erect a detached, 2 bedroom (one en-suite) bungalow to the East of the existing bungalow. Access would be taken from the shared drive serving numbers 2 and 4 Robin Lane which in turn links to Robin Lane and Poplar Terrace beyond. The main entrance to the bungalow would be on the Western elevation with the main habitable room windows on the North and South elevations. The side and rear garden of number 4 would be divided to provide a long, relatively narrow plot for the proposed dwelling. A parking area would be provided to the North of the proposed dwelling.

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 4 'Flood Risk' The extent and impact of flooding will be reduced by expecting all development proposals on brownfield sites to reduce surface water run-off by at least 30%.

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

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

Saved UDP Policies

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

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

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

SPDs/SPGs

SPD 'Designing New Housing Development'

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

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

In respect of this application, the policies above are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings. They also reflect the advice in paragraph 58 (general design considerations) and paragraph 64, which states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'. Paragraph 53 also states that LPAs should consider the case for setting out policies to resist inappropriate development of residential gardens.

Consultations

Yorkshire Water Services Limited – No comments

Highways DC – No objections

Drainage – No objections subject to conditions

Cllr Tim Cheetham – No objections

Representations

None

Assessment

Principle of Development

Saved UDP policies H8A and H8D and Core Strategy policies CSP 26 and 29 provide the policy framework for assessing infill developments, they are reinforced further by guidance provided within Supplementary Planning Guidance Document 'Designing New Housing Development', which states 'Dwellings should be orientated to have a frontage to the existing public highway', 'The space between the proposed dwelling and adjacent dwellings should reflect the prevailing character of the street.' & 'The siting of the dwelling should reflect the building line of the dwellings on the same side of the street'. The National Planning Policy Framework also has many parallels to above policies and states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Infill developments can represent an 'ad-hoc' form of development, which can fundamentally undermine the proper (comprehensive) planning of an area. To allow such proposals can indicate a departure from the long established local pattern of development, this can also make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area's character.

There have been several refusals and appeals dismissed for detached bungalows on the site, however, the previous proposals have been for backland or tandem development with the proposed dwelling to the rear of the existing dwelling.

Residential Amenity

The proposed dwelling would be positioned in close proximity with number 4 Robin Lane and its north elevation would project beyond the neighbouring properties front elevation. However, given the orientation and the amount of projection it would not significantly increase overshadowing to an unreasonable degree or result in an overbearing feature.

The proposed driveway serving the dwelling would run to the front of numbers 2 and 4 Robin Lane and could potentially increase noise and disturbance as a result of additional vehicle and pedestrian movements within close proximity to their front elevations. This could potentially be disturbing to the existing residents and reduce residential amenity levels.

In terms of the amenity of the future occupants, the internal spacing generally accords with the technical guidance set out within the South Yorkshire Residential Design Guide (SYRDG) and the external spacing exceeds the requirements of the SYRDG and the SPD.

Visual Amenity

The site is at the end of a private drive shared by 2no. bungalows, numbers 2 and 4 Robin Lane. The existing bungalows are 'L' shaped, sited on large plots and are separate from the more dense, terraced dwellings to the West. There is a relatively open aspect around the bungalows with allotments to the North and open fields to the East and South East.

The proposed dwelling would be situated between the East elevation of number 4 and the existing hedge separating the curtilage of number 4 from the fields beyond. The resultant plot would be approximately 10m wide compared to the existing widths of the plots serving numbers 2 and 4 Robin Lane which are approximately 27m and 30m respectively. As such, the dwelling would be contrary to the existing development pattern of the area, appearing 'shoehorned' into the site, cramped and 'ad-hoc', contrary to SPD 'Designing New Housing Development' which states 'The space between the proposed dwelling and adjacent dwellings should reflect the prevailing character of the street'.

Furthermore, the two existing bungalows are wider than they are deep and front the access drive. The proposed dwelling would be deeper than it is wide and would have the main entrance facing the side elevation of number 4, not towards the driveway or Robin Lane. As such it would appear at right angles to the neighbouring dwellings and again not reflect the development pattern of the area, contrary to the SPD.

The SPD also states that 'the siting of the dwelling should reflect the building line of the dwellings on the same side of the street'. The existing bungalows, given their 'L' shape, have a projection to the front on part of the front elevation, however, the proposed dwelling would project approximately 4m beyond that, contrary to the SPD.

In terms of the proposed parking layout, the spaces would be to the front of the proposed dwelling, separated from the North elevation by a lawn which is in contrast to the neighbouring dwellings. Although the parking for numbers 2 and 4 are to the front of the properties, they are located adjacent to the internal angle of the 'L' shape so do not significantly project beyond the projecting front elevation. This is contrary to the SPD which states 'Parking provision should be accommodated in a similar manner to how it is accommodated elsewhere on the street'.

In summary, the proposal would not integrate well within the immediate area to the detriment of the overall character and layout resulting in an 'ad-hoc' form of development. To allow such proposals can indicate a departure from the long established local pattern of development and could make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area's character.

Highway Safety

The proposal would provide off road parking in accordance with SPD 'Parking'. There are concerns regarding the distance of the property from the adopted highway in terms of man carry distance for bins, however, impact on highway safety would not be significant and a refusal on those ground could not be sustained.

Manoeuvring out of the proposed parking spaces could also be compromised, especially if the parking spaces to the front of number 4 are occupied, however, again the impact would not be significant enough to raise objection from Highways Officers.

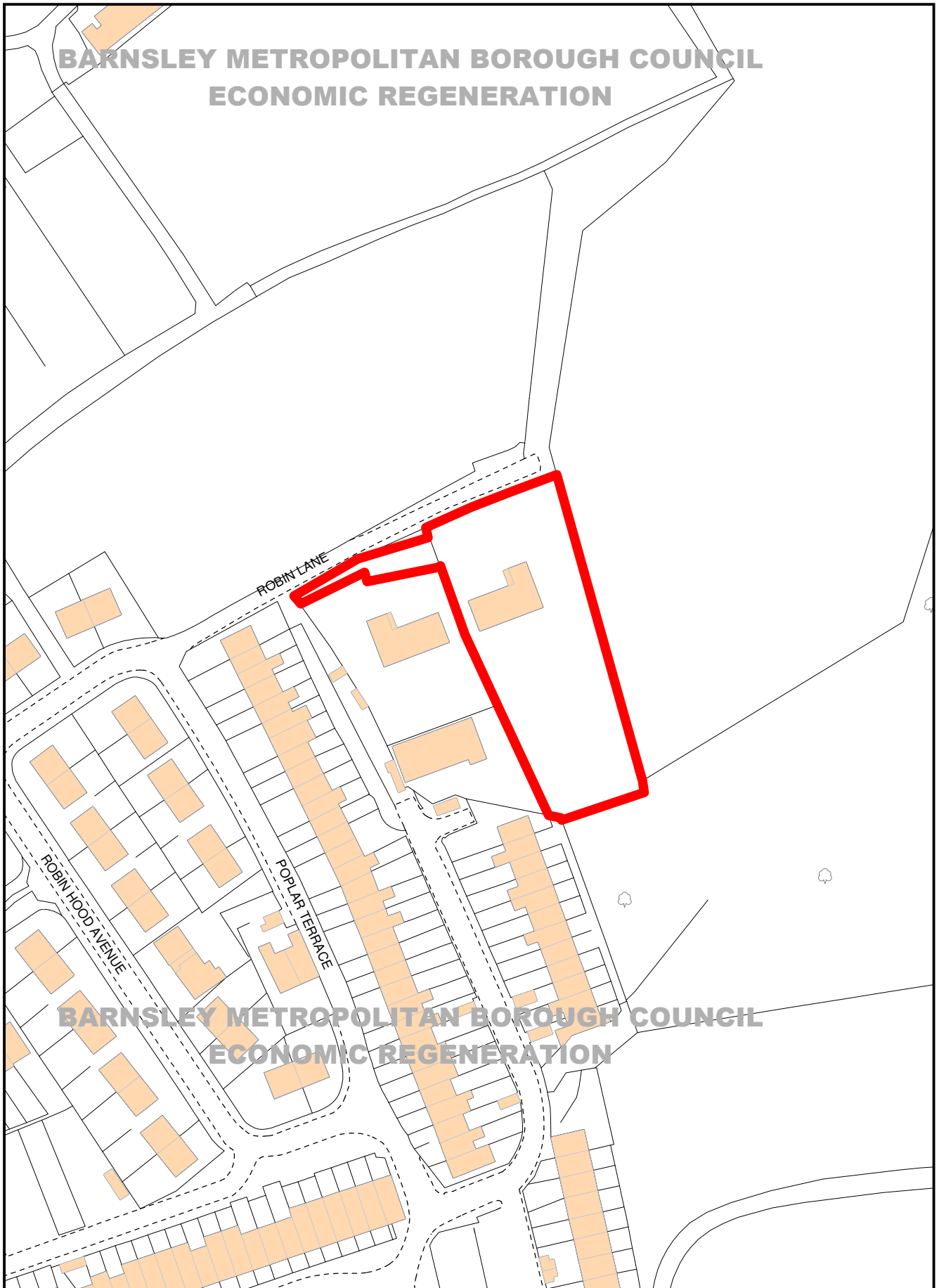
Summary

The proposal would not integrate well within the immediate area to the detriment of the overall character and layout resulting in an 'ad-hoc' form of development, contrary to SPD 'Designing New Housing Development'. To allow such proposals can indicate a departure from the long established local pattern of development and could make it harder for the Council to resist further (similar) proposals in future which in turn can progressively erode the area's character.

Recommendation

Refuse

- 1 In the opinion of the Local Planning Authority, the proposal dwelling would not reflect the development pattern of the area and would not integrate well within the immediate surroundings, to the detriment of the overall character and layout, resulting in a cramped 'ad-hoc' form of development. As such, the proposed development would be contrary to saved UDP Policy H8D, Core Strategy policy CSP 29 and SPD 'Designing New Housing Development' and the NPPF, in that it would be an undesirable form of infill development that represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.



BARNLSLEY MBC - Economic Regeneration

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Item 5

2016/0895

Applicant: Mr W Cooke, C/o Reshape Architecture and Design Ltd

Description: Erection of 5 no. detached and semi-detached residential dwellings (Amended Plans)

Site Address: Former Garage Site at Kirk Cross Crescent/Pinfold Lane, Royston, Barnsley, S71 4PJ

5 letters of objection received. Cllr Clements requests the application to go to PRB

Site Location & Description

The application relates to a Triangular shaped garage site, measuring approximately 0.27ha, which sits to the rear of several semi-detached properties fronting Kirk Cross Crescent and West Pinfold. The site is largely vacant and generally laid to grass, apart from a gravel access track serving a small number of access points to the rear amenity spaces of the neighbouring dwellings. The site is accessed from the Southern point via a relatively narrow unadopted tarmac roadway/footpath. It serves a small number of properties along Pinfold Lane and forms part of the 'Safe Route to School' programme which gives access to Carlton Community College from West Royston.

Residential properties boarder the site to the North and East and a row of trees/hedges separate the site from Pinfold Lane to the South West. Beyond Pinfold Lane are open fields designated as Green Belt.

Proposed Development

The applicant seeks permission to erect 5no. dwellings (3no. detached- 2no. with 4 bedrooms and 1no. with 3 bedrooms, and 2no. 3 bed semi-detached). The three detached properties would have integral garages plus 1no. off road parking space each and the pair of semis would have 2no. in curtilage parking spaces each. 1no. visitor space is also proposed adjacent to plot 5.

Access would be taken from Kirkcross Crescent adjacent to number 52 over an area of Green Space. The access would be a private drive.

There is an existing area of vegetation to the South West of the site which separates it from Pinfold Lane; this would be retained as part of the proposal.

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.

The Core Strategy

CSP1 Climate Change
CSP2 Sustainable Construction
CSP3 Sustainable Drainage Systems
CSP 4 Flood Risk
CSP5 Including Renewable Energy in Developments.
CSP8 The Location of Growth
CSP9 The Number of New Homes
CSP10 The Distribution of New Homes
CSP14 Housing Mix and Efficient Use of Land
CSP15 Affordable Housing
CSP25 New Development and Sustainable Travel
CSP26 New Development and Highway Improvement
CSP29 Design
CSP35 Green Space
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations
CSP43 Educational Facilities and Community Uses

Unitary Development Plan

The UDP designation is Housing Policy Area

Saved UDP Policies

UDP notation: Housing Policy Area

Policy H8 – Areas defined on the proposals map as Housing Policy Areas will remain predominantly in residential use. Other uses will only be permitted where they are compatible with a residential area and other policies of the plan.

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

Relevant Supplementary Planning Documents and Advice Notes

SPD Designing New Housing
SPD Parking

NPPF

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

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

Paragraphs of particular relevance to this application include:

Para 32: 'Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe'

Para 49: 'Housing applications should be considered in the context of the presumption in favour of sustainable development.'

Para's 58 & 60: Design considerations

Consultations

Drainage – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

Highways DC – No objections to revised plan

Waste Management- No comments

Public Rights of Way – No objections

Ward Councillors – Cllr Clements requested the application goes to Board

Tree Officer – No objection subject to conditions and further details

Representations

The applications have been advertised by way of site and press notices. Properties which share a boundary to the site have been consulted in writing. Neighbours were also re-consulted following an amendment of the access from Pinfold Lane to the new driveway off Kirk Cross Crescent.

As a result of the consultations, 5 letters of objection were received. The main points of concern are;

- Increase in noise and disturbance
- Loss of privacy/overlooking
- Overbearing
- Overshadowing
- Reduced enjoyment of home & garden
- Access issues
- Pressure on drainage
- Historic flooding issues
- Reduced highway safety

Assessment

Principle of Development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps. All new dwellings proposed within existing residential areas must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, infill development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

It should be noted that the site is on the Green Space register and also allocated as Green Space on the Publication Draft of the Local Plans Maps. However, its size and location it is considered that its loss would not affect the existing and potential green space needs of the borough, especially as the majority of the site previously functioned as a garage site. As a result, the proposal would be in accordance policy CSP35 'Green Space, subject to a compensation contribution being paid.

Furthermore, it is also important to note that the Council cannot demonstrate a deliverable five year supply of housing land and as such the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) applies. This means that permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits.

Highway Safety

Originally the applicant proposed access to the site along Pinfold Lane which is where the garage site currently takes access. However, Pinfold Lane has in recent years been resurfaced and used as a 'Safer Route to School' linking Royston to the North with the Carlton Academy School to the South East. As such, there would likely be a conflict between vehicles and pedestrians.

As a result, and, as the Council were selling the garage site and also owned the triangular Green Space to the South east, between Pinfold Lane and Kirk Cross Crescent, it was considered a better option to separate the access from Pinfold Lane and create a new one off Kirk Cross Crescent, along the side boundary of number 52. As such, the proposed access would only adjoin Pinfold Lane at the entrance to the former garage and minimise conflict between the two, in accordance with CSP 26.

Councillors and residents did raise concern with regards to the potential of vehicles deviating from the access drive over the neighbouring Green Space or using the drive as a shortcut to Pinfold Lane. To address these concerns the applicant has agreed to a physical barrier along the length of the access road to prevent this from happening. Details of the barrier will be requested as a condition.

The Council's Highways Section have been consulted on the revised access and have raised no objections and are satisfied that adequate visibility exists at the junction of the new access and Kirk Cross Crescent. Furthermore, within the site itself the properties would be allocated 2no. parking space each in accordance with SPD 'Parking'. There would also be a visitor parking space adjacent to the site entrance.

The proposed access road would serve as a private drive which is acceptable given it would serve 5no. properties, in accordance with the South Yorkshire Residential Design Guide. The first few metres of the access would be 4.5m wide to allow vehicles to pass and also avoid

vehicles waiting on the highway to turn into the site. Turning facilities are also provided with the site adjacent to plot 1 so that vehicles which enter the site could exist in a forward gear.

As the drive would be private refuse vehicles would not enter the site, however, the applicant has proposed a bin collection area adjacent to Kirk Cross Crescent so that on collection days the bins could be collected from adjacent to the adopted highway but no cause an obstruction to the footpath or the access road.

Residential Amenity

The proposed development would obviously result in noise and disturbance associated with residential activity. However, it is a relatively low density development and is adjoining a predominantly residential area. Furthermore, the site was previously used as a garage site for the surrounding dwellings and could have generated noise and disturbance through vehicular movements and the opening and shutting of doors.

Plots 4 and 5 are located closest to the neighbouring dwellings and plot 5 would have a side gable within relatively close proximity to the rear boundary of 46 and 48 Kirk Cross Crescent. The proposed dwellings would also be built on a higher level than the existing dwellings. However, the properties would be orientated to the West and there would be a separation distance of approximately 14m, which is in excess of the 12m recommended in SPD 'Designing New Housing Development'. As such, plots 4 and 5 would not increase overshadowing to an unreasonable degree or result in overbearing features.

There are windows proposed on the side elevation of plot 5 facing the rear elevations and rear amenity spaces of the neighbouring properties, however, they serve non-habitable rooms and it is recommended that these be conditioned to be obscure glazed. As such it is not considered that it would reduce privacy levels to an unreasonable degree.

Plots 2 and 3 would be in excess of 20m from the boundaries with the existing neighbouring amenity space and over 35m from neighbouring rear elevations. As such, the recommended separation distances set out in the SPD are significantly exceeded and residential amenity levels would be maintained to a reasonable degree.

The rear elevation of plot 1 would fall short of the 10m separation distance from part of the rear amenity space serving no's 3 and 5 West Pinfold. However, the proposed ground floor windows would have limited views given the boundary treatment and there is only 1 habitable room window at first floor level which is set in from the neighbouring boundary, as such, overlooking would not be unreasonable. It should also be noted that the proposed side elevation of plot 1 would be in excess of 12m from the neighbouring rear elevation.

It is acknowledged that the new access road would run along the side and rear boundary of number 52. The owners of number 52 were concerned with loss of privacy and increased noise and disturbance, however, they did outline that if the applicant provided them with a new 1.8m brick wall adjacent to the access road it would address their concerns. The applicant has agreed to this and has shown it on the plans.

In terms of the proposed properties themselves, all the relevant separation distances would be met between each other and the internal and external space would exceed the requirements of the South Yorkshire Residential Design Guide and SPD 'Designing New Housing Development'.

Design & Visual Amenity

The site is in a relatively non-prominent position, surrounded on 2 of its 3 sides by residential properties. The existing mature vegetation to the South West of the site would also be retained which would limit views into the site from Pinfold Lane. The vegetation would also aid to soften the development and help it sit more comfortably within its surroundings.

In any case, the proposed dwellings are of an appropriate scale and design to harmonise with their surroundings and maintain visual amenity to a reasonable degree. The development is relatively modest at 5 dwellings but the dwellings are all different from each other which provide a housing mix and adds interest visually, in accordance with CSP 14, CSP 29 and H8D.

The parking spaces for the dwellings are predominantly to the front but there are adequate garden and landscaping areas to break the hardstanding up and not result in a car dominated streetscene, especially as the front projecting gables of the detached dwellings would partially hide the vehicles. Each property would also have pedestrian access to the rear so that bins could be stored in non-prominent locations.

The access road would cut across an area of Green Space but the majority of the Green Space would be maintained. Furthermore, the previously proposed access along Pinfold Lane required the removal of a mature tree. By repositioning the access the tree can remain which is an asset to visual amenity.

Footpath

There is an existing footpath which crosses the site from Pinfold Lane to West Pinfold which is currently blocked off physically but not legally. As the proposed dwellings would not interfere with the line of the footpath the applicant would have to apply through the Highways act, not the Planning Act, to stop up the right of way. The Footpath Officer has no objection to this given the footpath has not been used for a number of years, however, the applicant would need to go through the proper channels to achieve this.

Trees

The majority of the existing trees/hedges/vegetation on the site would be retained as shown on the proposed layout plan. This would be a benefit to visual amenity and also maintain a physical barrier between the development and Pinfold Lane.

As mentioned above, by repositioning the access from Pinfold Lane to Kirk Cross Crescent, a mature tree alongside Pinfold Lane can be retained as widening works are no longer necessary.

Green Space

As mentioned previously both the former garage site and the site of the proposed access are on the Green Space Register. The greenspace value of the site to the wider area has been assessed and it has been concluded that its loss would not affect the existing and potential green space needs of the borough, especially as the majority of the site previously functioned as a garage site. As a result, the proposal would be in accordance with policy CSP35 'Green Space, subject to a compensation contribution being paid. The contribution requested is £2k per plot, £10k in total, and would be subject to S106 agreement.

Conclusion

In conclusion it is considered that the proposal represents a sustainable development which accords with the objectives and principles of the UDP policies H8A, H8D, core strategy policies CSP 26 and 29 and SPD 'Designing New Housing Development' in that it will successfully integrate into the existing residential environment without harming the amenity of existing residents.

Recommendation

Approve with conditions subject to s106 agreement

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos. 15-Royston-2-F, 15-Royston-3-A, 15-Royston-4-A, 15-Royston-5-B & 15-Royston-6) 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 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 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 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 Core Strategy Policy CSP 29, Design.

- 6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of the highway barrier to run alongside the proposed access road running from Kirk Cross Crescent to the site.

The works shall be completed in accordance with the approved details and prior to the occupation of any dwelling hereby approved and thereafter retained as such.

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

- 7 The parking/manoeuvring facilities indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the dwellings being occupied, and shall be retained for that sole purpose at all times.

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

- 8 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.

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

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

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

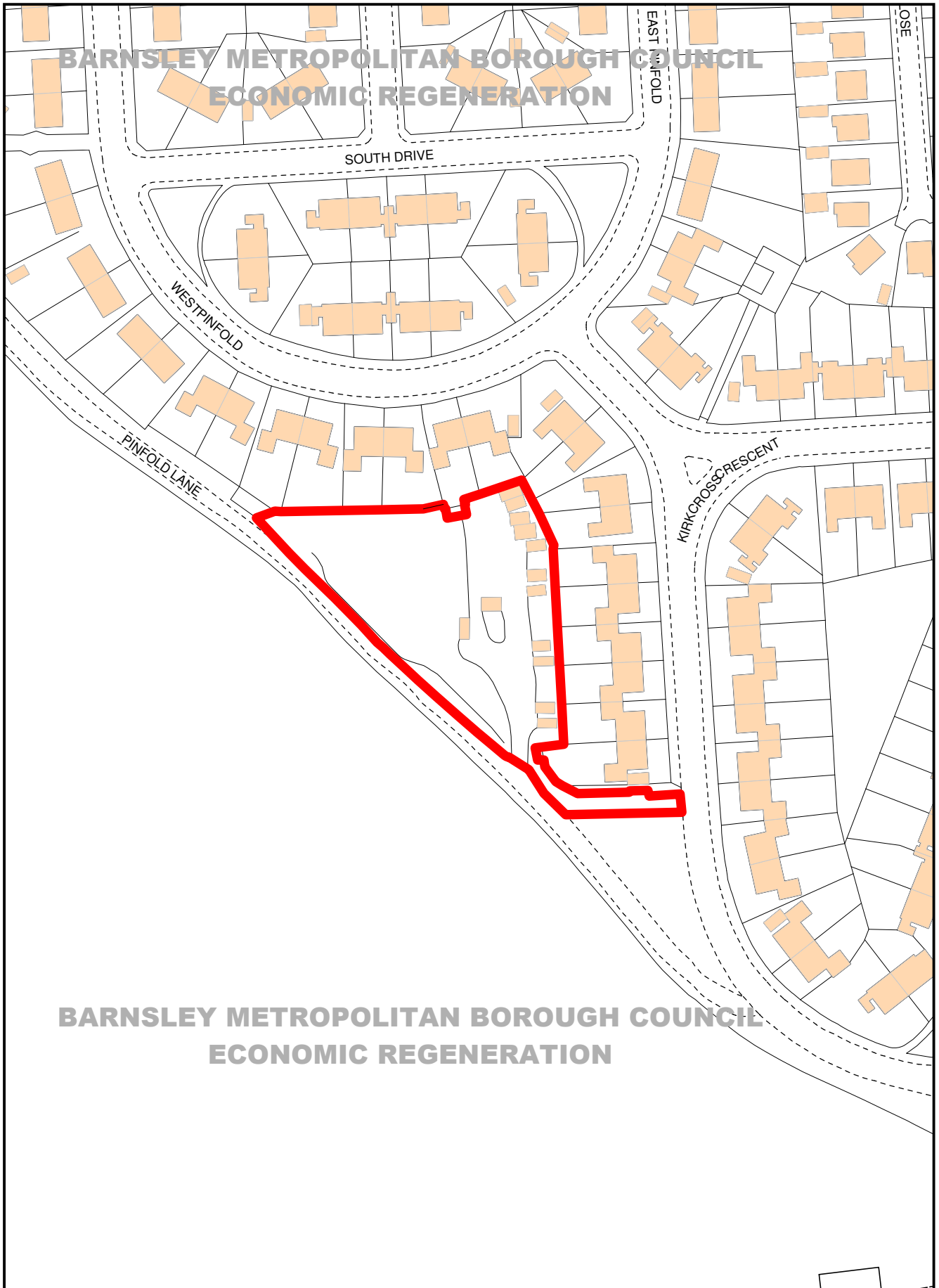
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 11 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 10 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

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

- 12 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.
- 13 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
Tree protection plan (TPP)
Arboricultural method statement (AMS)
Details of no-dig construction proposals for areas of car park and drive including cross-sections and plans showing relevant area.
- 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.
- 14 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 15 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity.
- 16 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.

- 17 The 1800mm high wall proposed along the Southern and Western boundaries of number 52 Kirk Cross Crescent shall be completed prior to the occupation of any dwelling hereby approved and thereafter retained as such.
Reason: In the interest of residential amenity in accordance with CSP29 and CSP40.
- 18 The first floor side windows on plot 5, facing No.46 Kirkcross Crescent, shall be obscure glazed and shall be retained as such thereafter.
Reason: In the interests of neighbouring amenities in accordance with CSP29.



BARNSELY MBC - Economic Regeneration

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2016/0926

Applicant: Mr Andrew Hall, C/o Mr DK Seddon

Description: Demolition of existing building and erection of 28 no. dwellings with associated external works.

Site Address: Bolton Hall Nursing Home, Carr Head Lane, Bolton upon Dearne, Rotherham, S63 8DA

1 representation received in writing from the occupants of a house located adjacent to the south of the site, although they have stated that they feel relatively comfortable following an amendment to the plans. Cllr Noble has raised the issue of a pedestrian route being provided to connect Carr Head Lane to the north of the site and Wath Road recreation ground located beyond the southern boundary.

Site Description

The disused Bolton Hall Care Home is located to the south of Carr Head Lane in Bolton-upon-Deerne. The site currently hosts a single two storey building which is located towards the southern part of the site and occupies a substantial footprint. The building has been the subject of heavy vandalism subsequent to the previous owner going into receivership part way through a project to renovate the care home, which was fully vacated prior to the works being commenced.

The site is located in a primarily residential area with existing properties located on Carr Head Lane, Beechfield Close, Pennyfields and Coronation Drive being located adjacent to the site on three sides. A recreational ground is located immediately to the south of the site. The care home occupies a large site which is 1.2ha in size.

A feature of the site is the large number of trees located in the grounds of the former care home building and either side of the access road. The majority of these trees are protected by a Tree Preservation Order.

Access to the site is located to the north of the building and connects with Carr Road Lane forming a 'T' junction. The site is used as a pedestrian thoroughfare connecting Carr Head Lane with Wath Road recreation ground to the rear with the two sites connecting in the south east corner of the site.

Proposed Development

The application is for full planning permission seeking the demolition of the former care home building and the construction of a development of 28 houses. The plans are for a development that would be made up of a mixture of detached and semi-detached houses which would be distributed across the site.

Access would be from the same location as the existing development on Carr Head Road. However the alignment and width of the road would alter to essentially mean that a new road would be constructed to serve the development.

The plans have been informed by a tree survey. This has meant that areas of the site would not be developed to safeguard trees. Some felling is proposed where the findings of the tree

survey have indicated that the trees do not possess the amenity value, or are sufficiently healthy to justify their retention.

A pedestrian link would be retained through the site from Carr Head Road to the north and Wath Road recreation ground located to the south via the footpaths provided in association with the new roads as part of the development.

History

Previous planning applications at the site comprise:-

B/78/2391/DE - Erection of 25 dwellings and formation of estate road. Refused 21/09/1978.

B/88/1683/DE - Erection of residential care home. Planning permission granted with conditions 16/03/1989.

2009/1392 - Erection of a single storey rear extension to residential & nursing home and formation of rear decking area. Planning permission granted with conditions 21/12/2009.

2014/0497 - Erection of single storey front extension to form entrance and rear conservatory extension to building. Planning permission granted with conditions 16/06/2014.

2014/1482 - Erection of 5 no. residential care bungalows. Planning permission granted with conditions 23/03/2015.

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'
CSP17 'Housing Regeneration Areas'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP36 'Biodiversity and Geodiversity'

CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP43 'Education Facilities and Community Facilities'

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: Urban Fabric

NPPF

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

Consultations

Affordable Housing – No objections having reviewed the information contained within the viability report, and having consideration towards the wider community and regeneration benefits that the redevelopment of the former Bolton Hall Nursing Home would bring.

Biodiversity Officer – Agrees with the findings of the ecology report that the development would potentially have implications for bats and nesting birds.

- Accepts that the roof space of the existing building has low potential to support bat roosts and agrees that the proposed mitigation measures in the report would be suitable. However he would wish to see a further report containing the results of the findings prior to demolition work commencing.

- He would also wish to see bat roost surveys prior to the felling of any mature trees located on the site.
- He also considers that any planning permission requires the felling of any trees approved for removal in sections where possible, with felled wood being left on the ground for at least 24 hours to allow any bats that have survived to be able to escape.
- The recommendations in section 10 of the ecology survey are accepted and planning permission, if gained, should refer to this section. Details of the external lighting scheme should be submitted to the Council's satisfaction.

Contaminated Land – No objections subject to a condition requiring intrusive site investigations to be carried out prior to the commencement of development to inform any necessary mitigation measures.

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 – No objections as it has been assessed that there would be adequate capacity within local primary and secondary schools to accommodate children from the development.

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.

Tree Officer – No objections subject to conditions.

SYAS – Do not object subject to the imposition of an appropriate condition.

SYMAS – No objections as the site is located outside of a mining referral area.

Ward Councillors – Cllr Noble has raised the issue of a pedestrian route being provided to connect Carr Head Lane to the north of the site and Wath Road recreation ground located beyond the southern boundary

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. Written representations were initially received from the occupants of 9 Beechfield Close about the potential for plot 28 to result in a loss of natural light affecting the rear of the property and its garden. However following plot 28 being moved 2m further away from the boundary and information in relation to the height of the building the occupants have indicated that they feel suitably reassured so as to not object to the plans. They also state that they have no other concerns with the development and that it would considerably improve the area.

Assessment

Principle of Development

The site is located in a Housing Policy Area in the Unitary Development Plan. In addition the site is located in a Principal Town which is a priority area to accommodate new housing growth and a regeneration area where new housing developments will be encouraged. Furthermore the development would contribute towards the policy aim of delivering between 55 and 60% of new homes on previously developed land. Essentially therefore there is strong support for concluding that the proposed development is acceptable in principle. No representations have been received to contend that the site should be retained as a care home or an alternative community use with reference to policy CSP43 'Education Facilities and Community Facilities'.

Visual Amenity

One of the most important visual amenity considerations associated with the development is its effect on the existing trees located across the site, the majority of which are protected by a Tree Preservation Order.

The Arboricultural Report proposes that 22 individuals and 2 groups of 'moderate' and 'low quality' trees are removed to accommodate the development. 13 of these (including 2 of the protected trees) have previously been authorised for removal by the Council under extant planning and TPO approvals 2014/1482 and 2014/1155. The remaining 9 individuals and 2 groups are recent ornamental plantings associated with the care home which it is asserted would not affect the integrity of the TPO. New planting is proposed within the development to compensate for those which would be lost.

All of the 'high quality' trees, 7 individual and 3 groups of 'moderate quality' trees, 1 individual and 4 groups of 'low quality' trees and all of the boundary hedges would be retained and protected during the demolition and construction works in accordance with current best practice. The report also sets out that construction works are proposed within Root Protection Areas but are achievable, without significant conflicts, using tried and tested mitigation methods. Furthermore pruning of 10 retained individual trees and 5 groups is proposed in order to enhance the quality of the outdoor amenity space without detracting from the trees' long-term health or visual qualities. The Council's Arboricultural Officer has assessed the proposals and has resolved not to object to the felling of any of the trees proposed to be felled in the tree report. However he has raised an issue that 2 Turkey Oak trees have been proposed for retention despite them being identified for removal within one of the previous planning applications. This is due to decay issues which are significant enough to reduce their safe retention life span. In his opinion these particular trees should be removed and replaced as an alternative which the applicant has agreed to.

The existing care home building has become a local eyesore and a blight on the local area. This is not because of the design characteristics of the building itself but because it has become a magnet for vandalism since work was suspended during the course of it being renovated when the company responsible went into liquidation. The building is relatively modern having been built some time after 1988 and was in the process of being modernised. However based upon its current state there is no doubt that its demolition would significantly benefit the local area.

The developable areas of the site are reduced by the need to protect all of the most important trees on the site. The layout has been designed taking into account the spacing between building and minimum private rear garden standards in the SPD. There would be no obvious way to increase the density of the development without introducing terraced

houses or apartments in place of some of the proposed detached and semi-detached houses. This could be considered to be counter productive given that the site is located in a weaker housing sub market and regeneration area and as the most recent Strategic Housing Market Needs Assessment update concluded that there is a shortage of all types of housing around the Borough. I am therefore content to support the plans based upon housing delivery/density issues taking into account of policy CSP14. The site may also be regarded as a windfall site in that it would unexpectedly boost housing growth.

In terms of the plans for the house types themselves it is considered that they would lead to a development would add value to the area. The architectural features, fenestration details and proposed use of stone are all positive attributes of the development. A more subjective point is that the development would include 4 x 2 ½ and 5 x 3 storey dwellings. However the locations of these house types have been carefully selected so that they have been kept away from the most visually sensitive areas of the site, including the first 4 houses which would form the entrance to the site which would all be two storeys. A range of parking solutions exist and there would be a good mix balance between the amount of hard standings necessary to provide the roads and parking areas for the development and the amount of soft landscaping that would be retained. Overall the proposals are considered acceptable with regards to visual amenity considerations having regard to the Designing Residential Development SPD and policies CSP29 and CSP26 of the Core Strategy.

Residential Amenity

The site shares a boundary with existing houses located on Carr Head Lane, Beechfield Close, Pennyfields and Coronation Drive. However few of these properties benefit from an open outlook across the site at present because of the amount of vegetation located around the boundaries and within the site. The plans have been designed with the aim of adhering to the spacing standards regarding the separation distances which should be safeguarded between existing and new properties in the SPD. As such it is considered that there would not be any significant overlooking, or overshadowing considerations. Also the amount of tree cover that would be retained in the eastern and western areas of the site would also help safeguard mutual privacy. Plots 1 and 2 are located side on immediately next to the boundary with No.17 Carr Head Lane. However the dwellings have been designed with no first floor side windows to prevent overlooking.

Most houses would have a private rear garden that would easily comply with the sizes aimed for by the SPD with the exception of plot 1 which is in a narrower part of the site adjacent to the entrance road. The private garden area to this plot would still be sufficient but given its smaller size it is recommended that permitted development rights would need to be removed for the property. The usual conditions would need to be imposed to limit the effects of noise and dust during the construction phase.

Highway Safety

The assertions made in the Transport Assessment submitted with the application are as follows:-

- A swept path analysis has been undertaken to demonstrate that the appropriate service vehicles can be safely within the development site.
- The highway accident data has been reviewed for the most recently available five year road safety record for the area surrounding the site. The data demonstrates that there are no existing patterns of incidents that would be impacted by the development proposals.
- The accessibility of the site for non-car modes of travel has been assessed and it is considered that the site benefits from good access by walk, cycle and public

transport for residents living at the site when travelling to work and also for access to leisure and shopping amenities.

- A TRICS assessment of the proposed residential development has been undertaken to determine the anticipated vehicle movements that could be generated from the development in the peak hours. The estimated peak hour movements of the development results in an average of one additional trips every four minutes in the AM and PM peaks, which would not be considered to lead to any detrimental impact on the local highway network.

Highways have not identified any issues to contradict the findings given the size of the scheme and the location of the site in a built up area with a well established road network. In addition the design of the road and the provision of 2 parking spaces per dwelling means that highway design and parking standards would be satisfied. Overall the proposal is considered acceptable in relation to policy CSP26 'New Development and Highway Improvement'.

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. An outline drainage strategy has been provided. This indicates that sub-soil conditions are unlikely to support the use of soakaways and the nearest watercourse is remote from the site. As such the initial proposal is that surface water run off would be captured and stored within the site prior to being discharged into the public surface water sewer network at a restricted run off rate. This must have a minimum of 30% reduction given that the site is previously developed. Yorkshire Water and the Council's drainage officer regard this proposal as acceptable subject to the imposition of suitable conditions. Overall the proposal is therefore regarded as being acceptable with regards to flood risk and drainage considerations.

Ground Conditions

The preliminary ground investigation report has identified potential contaminated land risks to the development from historical land uses. It therefore concludes that an intrusive investigation would need to be carried out prior to the commencement of development. This would inform whether or not any mitigation would be required during the construction phase. These findings have been assessed by Regulatory Services who do not raise any objections subject to conditions being imposed to ensure that the recommendations are followed through.

Biodiversity

The ecology reports submitted with the application identify that the site provides habitat suitable for bird nesting and foraging. In addition the site provides foraging habitat for roosting bats. The report also identifies that the roof crevices of the existing building have the potential to host bat roosts. The main mitigation recommendations are therefore as follows:-

- As a precautionary measure it is proposed that the roof tiles above the soffit are removed under the supervision of a bat licenced ecologist followed by an inspection of the loft spaces.

- In the event that bats are discovered work would cease and a full survey undertaken to establish species and how bats are using the building. A European Protected Mitigation Licence would need to be applied for should any roosts be affected.
- Ensuring that external lighting proposals meet bat conservation design guidelines.
- Undertaking the vegetation clearance works identified within the application outside of nesting season.

The Biodiversity Officer accepts the majority of the findings. However he would wish to see a further report containing the results of the roof survey the findings prior to demolition work commencing. In addition he would also wish to see additional survey work being carried out in the form of bat roost surveys prior to the proposed tree felling works being carried out. Furthermore additional mitigation would be required in the form of felled wood being left on the ground for at least 24 hours to allow any bats that have survived to be able to escape. Subject to additional conditions therefore the development would not be viewed as being contrary to CSP36 'Biodiversity and Geodiversity'.

Archaeology

The site has potential archaeological implications as the site forms part of the grounds associated with the former Bolton Hall. This was a large elite residence dating from at least the first half of the 19th century. The South Yorkshire Sites & Monuments Record also contains information relating to human remains being discovered during the digging of foundations for Bolton Hall. The information is contained within William Whites Trade Directory of 1838. Unfortunately, no further information is known about the discoveries making it difficult to assess the character or extent of any further remains. As such, a scheme of archaeological work would be required to ensure any remains present on this site are investigated further and, if warranted, recorded as mitigation. Given that some disturbance has already occurred from modern development, SYAS recommends that the necessary archaeological investigation can be secured by attaching a condition. Suitable further investigation would comprise archival research in the first instance followed by a programme of trial trenching.

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

Education – The consultation response from Education advises that it has predicted that there would be adequate capacity within local primary and secondary schools to accommodate children from the development. No contribution is sought on that basis.

Public open space – Green space provision would be required for the development in accordance with the Open Space Provision on New Housing Developments SPD. Due to the relatively small size of the development the SPD would seek a contribution towards enhancing existing facilities located off the site rather than on site provision. Using the formula in the SPD the commuted sum being sought by the Council is £56,367.64. This would require a S106 Agreement to be entered into with the applicant.

AH – Under policy CSP15 15% of the houses should be provided as affordable housing in this area of the Borough. However the applicant is seeking to invoke the vacant building credit part of national planning policy which potentially allows for a financial credit to be applied equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. The development is proposed to provide 3,299m² of residential accommodation. The floorspace of the existing building is 2,104m², a difference of 1,195m² against which the 15% policy should be applied against. The applicant therefore considers that the maximum provision requirement should be 1.5 dwellings (5% affordable housing), or a financial figure

of approximately £77,358. The viability appraisal submitted with the application contends that the effect of paying the sum would prejudice the viability of the development as forecasted developer profit margin is significantly below accepted benchmark levels already. Given that the site is located in one of the weaker housing submarkets in the Borough and the other benefits associated with the proposed development I do not consider this matter to be worthy of resisting the application in this case. This position also takes into account advice from the Housing Growth team who have reviewed the information in the viability report and considered the regeneration benefits to the wider community and resolved not to object to the application.

Conclusion

In summary the proposed development is regarded as acceptable in land use planning policy terms given that it is located in a UDP Housing Policy Area. In addition the site is located in the Core Strategy Goldthorpe Principal Town which is a priority to accommodate new housing growth. The site is also located near to the local centre of Bolton-upon-Deerne would be an infill form of development that would be compatible with surrounding land uses, the majority of which are residential. Furthermore large parts are previously developed. In all aspects therefore the site is regarded as being in a sustainable location.

All other matters associated with the plans and the proposed development have been assessed. The most important protected trees on the site would be retained as part of the development. A number of moderate and lower value trees would be lost. However as a whole the plans have been designed to protect the most important trees. Because of this need also it is agreed that the site should be developed at a density below that aimed for by policy CSP14. This particular consideration is not as important with this being a windfall site.

The layout and elevation plans are considered to achieve a high standard of design which complies with the standards aimed for by our Designing New Residential Development SPD and Core Strategy policies CSP29 and CSP26 in that space between buildings and private rear garden standards would be achieved. Also the architectural designs and use of high quality materials and the amount of trees coverage on the site would create a development with a high standard of appearance. A more subjective point is that the development would include 4 x 2 1/2 and 5 x 3 storey dwellings. However the locations of these house types have been carefully selected so that they have been kept away from the most visually sensitive areas of the site.

Residential amenity issues have been considered. The new houses would be located at distances away from existing properties which comply with the SPD so as to not result in overlooking or overshadowing.

In addition the effects of the development on the highway network have been judged to be modest. The design of the access road and parking provision complies with policy CSP26 and the Parking SPD. The plans also make provision for a continued pedestrian route through the site from Carr Head Lane to the north to the open space to the south.

The development potentially raises implications for biodiversity, archaeology and contaminated land. However initial investigations have been carried out to identify the risks and the additional investigations prior to the commencement of development to inform any necessary mitigation measures. These do not provide reasons to prevent the development subject to conditions being imposed.

The application commits to providing a commuted sum of £56,367.64 for off site open space provision which would enable the application to satisfy the requirements of the SPD. The development would not cause problems with education capacity in the area. In addition it

has been determined that no affordable housing provision could be insisted upon in this case due to amount that would be discounted as a result of the national vacant building credit planning policy and that sufficient evidence has been provided to demonstrate that it would prejudice the viability of the development.

In the opinion of the Local Planning Authority there are no other material considerations which would indicate a decision should be made at variance to the above. Overall it is considered that the presumption in favour of sustainable development exists in this case and that planning permission should be granted accordingly.

Recommendation

Grant outline planning permission with conditions and S106 Agreement (for off site open space provision)

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

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

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

Drawing 201 rev K 'Proposed layout'

Drawing 12,387/104 'Location Plan'

Drawing 202 rev D 'Floor Plans'

Drawing 203 rev B 'Proposed Elevations (1 of 2)'

Drawing 204 rev B 'Proposed Elevations (2 of 2)'

The plant room drawing PR/16/HC03/GA/01

Amended Cheshire Woodlands Arboricultural Statement received 20/11/2016

Tryer Partnership Extended Phase 1 Habitat Survey

LK Consult Limited Flood Risk Assessment and Outline Drainage Strategy

LK Consult Limited Phase 1 Preliminary Risk Assessment

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

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

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

- 4 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

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

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 8 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 9 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.

- 10 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 11 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.
- 12 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 10 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 13 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
Tree protection plan
Arboricultural method statement
- The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.
- 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.

- 15 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.
- 16 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.
- 17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 1 and 5 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.
- 18 Prior to commencement of development, including demolition work of the existing building full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

19 The trees approved to be removed as part of the development shall be subjected to detailed surveys by an experienced and suitably qualified bat ecologist prior to any works taking place to the affected trees. A method statement outlining the details of the survey/s shall be submitted to and approved in writing by the Local Planning Authority prior to any felling works being carried out. In the event that bat/s is/are located during surveys then the ecologist will provide a suitable mitigation scheme that will be submitted to and approved in writing by the Local Planning Authority; furthermore it should be noted that where bat/s or a bat roost will be affected by the tree felling then a European Protected Species Mitigation Licence will be required. In addition a bat activity survey shall be carried out at the post demolition and tree felling stage to inform the level of enhancement measures required. All works shall be carried out in accordance with the approved method statements and mitigation measures.

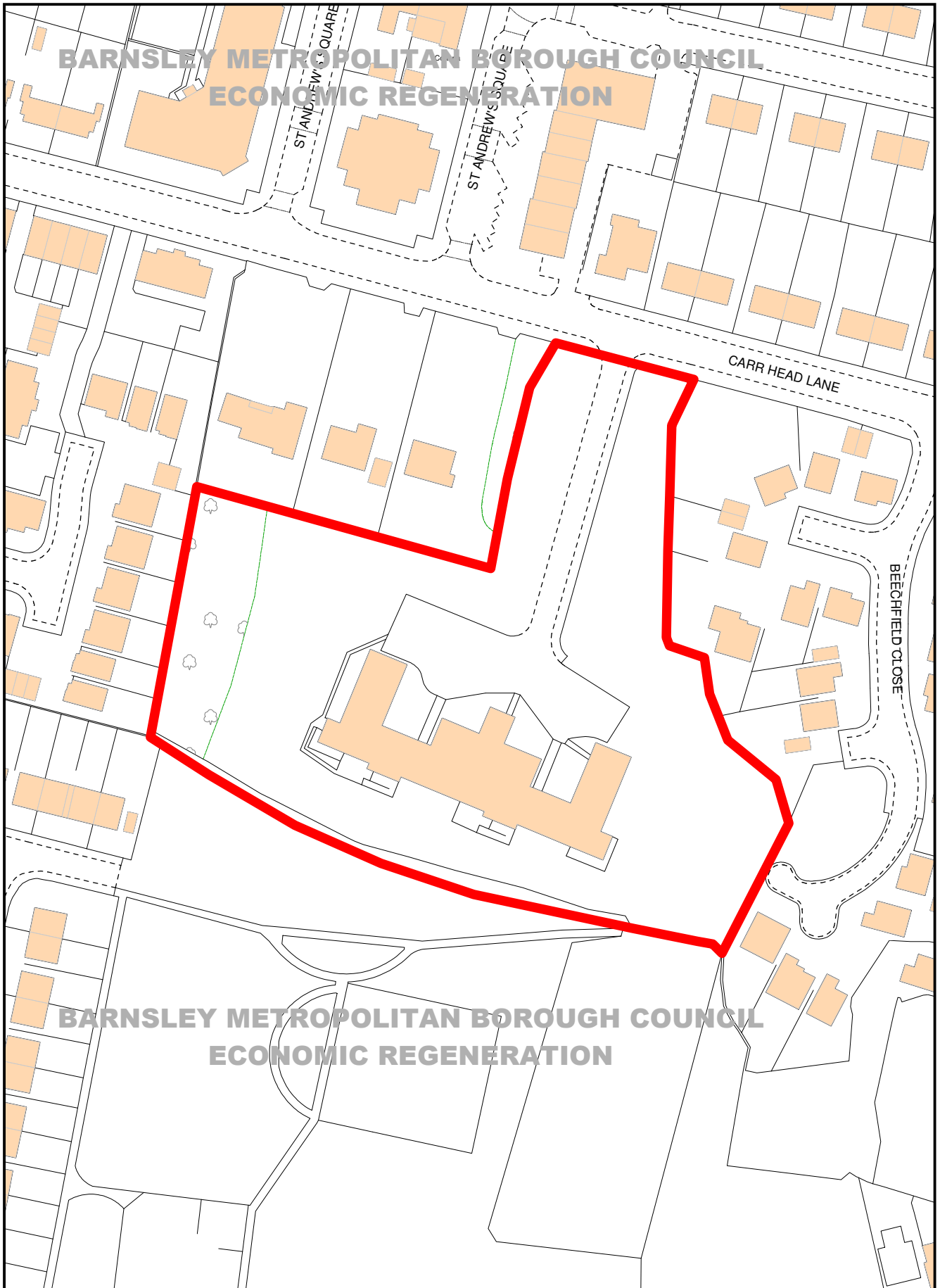
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

20 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.



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Item 7

2015/0725

Applicant: Gleeson Developments Ltd

Description: Erection of 97 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers.

Site Address: Land off Lowfield Road, Lowfield Road, Bolton Upon Dearne, Barnsley

241 objections from local residents, the majority of which are part of the Friends of Lowfield Road Action Group.

Site Description

The site is located on the field adjacent to the housing estate under construction by Gleeson Homes at Lowfield Road in Bolton-Upon-Deerne which is now known as Lowfield Park. Here planning permission was initially granted 8th December 2011 for a development of 60 houses (ref 2011/0963) on the former Rafahart factory site. More recently planning permission was granted in May 2015 to extend the estate by an additional 58 houses (ref 2013/0960). The application is therefore effectively for a 3rd phase of the development.

Unlike the previous two applications, the site for the proposed 3rd phase is a greenfield site. This currently comprises an open field which is used for horse grazing purposes and is 2.65ha in size. The development would extend the existing urban settlement to the south east where the site would adjoin further open countryside located to the east and south. To the north and west are located existing houses. The site is separated from the existing Gleeson development by a banking containing vegetation. Houses located on Lowfield Road and Lowfield Grove overlook the site. Located to the south west is Bolton Upon Dearne Waste Water Treatment works.

Councillors may recall that access to the development entrance on Lowfield Road is via a humpback bridge passing over the railway. Both this and concerns about surfacing, visibility and the narrow footpaths have been consistently raised as a concern by the residents group on the occasions when the previous applications have been considered by the Council.

Proposed Development

The application proposes a 3rd phase development of 97 houses. This would increase the size of the estate to 215 houses overall if all of the houses on each of the 3 phases were to be developed.

The houses would be two storeys in height and would be either detached or paired in semis which would be of a similar form and layout to the existing estate. Overall it would consist of 27no two bedroom, 60no three bedroom and 10no four bedroom properties.

Access would be via the roads built to serve phases 1 and 2 (Prior Croft). This road adjoins Lowfield Road in a location to the north west of the site via a 'T' shaped junction. Thereafter road and pedestrian traffic has to cross over the railway using a humpback bridge prior to the site connecting with the main road network via the junction between Lowfield Road and Station Road/Angel Street (the B6098).

History

No previous planning applications have been submitted on the land associated with this application. However the previous planning applications on the adjoining land being developed under phases 1 and 2 are:-

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

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

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

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

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

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

2013/0960 - Residential development of 58 dwellings with associated garages/parking spaces, roads and sewers. Granted planning permission with conditions subject to the terms of a S106 Agreement 01/05/2015.

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

2015/0720 - Variation of condition 4 of application 2013/0960 (Residential development of 58 dwellings) in relation to surfacing of parking/manoeuvring facilities. Refused by the Council 09/10/2015 for the following reason:-

In the opinion of the Local Planning Authority the deposition of loose gravel on the highway poses a hazard for users of the highway including vehicles, cycles, motor bikes, scooters,

wheelchair users, elderly people and people with pushchairs. In addition future highway maintenance problems would be caused due to the effects on gullies and the damage caused to road surfaces. Accordingly the proposal is considered to be contrary to Core Strategy Policy CSP 26 and S151 of the Highways Act 1980.

The decision was appealed by the applicant but the appeal withdrawn after the Planning Inspectorate determined that the appeal should be determined via the written representations process rather than following an informal hearing. Subsequent to the appeal being withdrawn the Council applied for a costs award against the applicant and were successful in obtaining a costs award for the majority of the work covered by the appeal. As the development was being built out in breach of the condition the Council served a breach of condition notice on the development. The applicant has now resubmitted a further application which again seeks to vary condition 4 which is underdetermined at the present time (ref 2016/1041).

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

Saved UDP Policies

UDP notation: Safeguarded Land

SPD's

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

Planning Advice Note's

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

Other

South Yorkshire Residential Design Guide

Publication version of the Draft Local Plan

Proposed allocation: Housing Proposal (AC26)

Indicative number of dwellings 86.

The development will be expected to:-

- Provide traffic signals at the railway bridge at Lowfield Road
- Provide an odour report and incorporate any appropriate mitigation measures including a landscaping buffer

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 Officer – Request that 15% of the overall number of dwellings are provided as affordable housing in accordance with CSP15.

Contaminated Land Officer – No objections.

Drainage – No objections subject to the condition that full foul and surface water drainage details are submitted prior to the commencement of development for approval by the Council and Yorkshire Water.

Education – No objections have been raised taking into account forecasts of the demands for places at local primary schools in the area through until the 2018/19 school year.

Highways – Consider that mitigation works would be required to the existing humpback railway bridge crossing the railway on Lowfield Road in the form of traffic signals and associated works, the projected costs of which would be £210,000. Within the development

Highways object to the specification of the proposed private drives and parking areas as the proposed specification is ineffective at preventing loose material from being deposited onto the public highway as evidenced by the applicants existing developments located elsewhere in the Borough which indicate a widespread and consistent problem. Concerns are raised on that basis that the loose stones would pose a safety hazard for users of the highway including vehicles, cycles, motor bikes, scooters, wheelchair users, elderly people and people with pushchairs.

Regulatory Services – Share Yorkshire Water’s concerns in relation to the majority of issues they have raised about the potential for the plots located nearest to the WWTW to be affected by odour nuisance and poor standards of amenity. As such they agree that a more up to date odour survey should have been carried out and with the suggested amendments regarding plot removals and the need for a substantial landscaping buffer.

Tree Officer – Does not object to the plans taking into account the effect of the development on existing trees. However consider that the development should be accompanied by a high quality soft landscaping scheme.

Yorkshire Water – Consider that the development would be in conflict with the National Planning Policy Framework (NPPF) which makes it clear that the planning system should prevent *“new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of land, air, water or noise pollution or land instability”* based upon the following concerns:-

- Proximity of plot numbers 203-210 to the Waste Water Treatment Works
- Proximity to a combined sewer overflow (CSO) located just outside the north east boundary of the WWTW and approximately 30m from the nearest proposed houses
- Concerns that amenity of plots 202-206 could be affected by a rising main that passes near to the gardens of those plots.
- YW also state that it is their intention to undertake a complete refurbishment of the WWTW and in all likelihood this will involve changing the technology that is used.
- Consequently they consider that a new odour assessment should have been carried out to inform the proposed position of the houses. They are also concerned that the odour assessment submitted with the application was carried out in 2012 and a new survey should have been carried out in any case.
- In the opinion of Yorkshire Water a substantial landscaping buffer located between the houses and the WWTW should form part of the plans.

Representations

The application was publicised by notices in the press, on site and by individual neighbour notification. 241 objections have been received from local residents, the majority of which have been submitted by residents who are a member of the Friends of Lowfield Road Action Group. In summary the main objections are summarised as follows:-

Numerous concerns are raised about the ability of Lowfield Road to safely accommodate the increase in traffic as a result of the development. Namely these are:-

- The humpback bridge: Its narrow width, poor forward visibility. It is also pointed out that the bridge has been identified to be a public safety risk by Network Rail.
- It is asserted that subsidence has occurred on Lowfield Road as a result of the existing amount of traffic using the road and that this will be made worse by the development.
- Concerns that the narrow width of Lowfield Road is such that drivers exiting the existing Gleeson development are unable to turn left without driving onto the other side of the road into oncoming traffic.

- It is also stated that the kerb to the south of the junction between the new development and Lowfield Road is still unfinished causing a safety concern due to it jutting out into the highway.
- Concerns that Lowfield Meadows, or the access serving Lowfield Lakes fishing lodge may be required to provide additional future accesses to serve the development and that both are unsuitable as they would increase the level of conflicts with cars leaving Lowfield Meadows and Lowfield Farm Close/Woodside View.
- Conflict with on street parking due to Lowfield Road containing a number of terraced houses. In addition it is stated that the number of vehicles parking on street on Lowfield Road has increased since the homes on the applicant's site started to become occupied, including vans. Concerns are also raised regarding conflict with visitor traffic to the nature reserve and recreation land to the east of Lowfield Road which includes many bird watchers and dog walkers.
- Concerns that the development shall lead to additional queuing at the junction between Station Road and Angel Street (B6098) causing a further inconvenience for existing residents.
- Concerns are again raised about the narrow width of footpaths on Lowfield Road and the difficulties for users with wheel and push chairs and that this will become more difficult to use with more people living in the area.

Residential amenity - It is stated that the development would lead to a reduction in the quality of life for existing residents due to loss of light, outlook and enjoyment of gardens.

Safeguarded land - Development of the site would be contrary to the relevant UDP policies which designate the site to be Safeguarded Land. Concerns are raised therefore that the release of the site for housing would be contrary to this designation and that other sites should come forward first.

Urban sprawl: Concerns that the development would result in the loss of countryside. In addition it is stated that the high amount of properties in the area for sale and for let in the area indicate a lack of demand for further housing in the area.

The supporting documents: Concerns that the number of traffic movements recorded in the transport assessment is improbable. Concerns are also raised that the supporting documents cut and paste text from the reports accompanying the previous application which is not relevant to the proposal. An example is that the site is referred to as being brownfield rather than greenfield.

Concerns that the applicant has attempted to scaremonger the local community into supporting the development by suggesting that the train station may be closed unless the development is allowed.

The applicants assertions that the site benefits from good access to public transport is disagreed with based upon the following points:-

- Trains to Leeds and Sheffield are only available on an hourly basis.
- There being no bus service to Doncaster
- There is no public transport service to Manvers
- The frequency of other bus services in the area is only once every half an hour

Flood risk – It is asserted that the site is located in a flood plain and that a number of properties on Lowfield Road have been evacuated in the past in flooding events.

Harm to the Lowfield Lakes fishing business – Concerns are raised that the housing development would spoil the rural setting of the site. In addition concerns are raised that the

living conditions of the residents who live in the dwelling would be harmed as a result of proximity issues. The owners also question whether the development would affect the existing septic tanks and water tanks located in the field leading to pollution control issues.

Concerns about low water pressure/poor electricity supply and sewage disposal facilities due to existing outdated infrastructure not being brought up to date despite all of the development in the area over the last 30 years.

Loss of agricultural land and land used for equestrian purposes.

Harm to the open countryside landscape and views from Adwick on Dearne

Harm to biodiversity – Specific concerns are raised about the proximity of the site to an RSPB nature reserve.

Potential harm to broadband speeds for existing residents.

Proximity to a WW2 archaeology site.

Concerns that the residents of the houses would have a poor standard of amenity due to being affected by odour from the waste water treatment works.

It is stated that there are other sites around the Dearne Valley which would be better suited to accommodate a large housing development.

It is questioned whether the track located on the far eastern edge would be used as an emergency access.

Assessment

Principle of Development

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

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

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

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

The UDP notation on the land is Safeguarded Land. This term is derived from the former Planning Policy Guidance Note 2 'Green Belts' which was national planning policy prior to being cancelled by the NPPF. However, Safeguarded Land is a slightly misleading term because this designation actually represents "areas and sites which may be required to serve development needs in the longer term, i.e. well beyond the plan period. It should be genuinely capable of development when needed." (PPG2, Annex B, para B2).

The purpose of the Safeguarded Land designation in the UDP was therefore not to protect the land from development in perpetuity, but rather to designate land on the edge of existing settlements that may have been required to meet longer term development needs without the need to alter existing Green Belt boundaries at the end of the UDP plan period.

The Unitary Development Plan was adopted in 2000 and therefore the extent it can be relied upon in terms of current development needs is dated. Indeed the NPPF states that due weight should be given to relevant policies in existing plans according to their degree of consistency with the framework. Accordingly the overriding consideration is the NPPF. As such paragraph 14 of the NPPF would indicate that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

Draft policy H3 of the Local Plan is also relevant. This proposes that the site is allocated for development of approximately 86 houses. Within this policy development will be expected to:-

- Provide traffic signals at the railway bridge at Lowfield Road
- Provide an odour report and incorporate any appropriate mitigation measures including a landscaping buffer

Given the above it is therefore necessary to assess whether there are any adverse impacts that would significantly and demonstrably outweigh the benefits. Officers conclusions in relation to these considerations is set out in the conclusion section of this report.

Design/Visual Amenity

The purpose of Safeguarded Land is to retain land on the edge of settlements which may be required for long term development needs. This designation therefore is not visual amenity related. However characteristics of the site are that it is greenfield and is located adjacent to open countryside which is in the Green Belt.

The proposals are to build a development very similar to the two previous phases. However there are some differences:-

- The development would be located in closer proximity to the Yorkshire Water Waste Water Treatment Works (WWTW). In addition the plans do not commit to providing a landscaping buffer to act as a screen between the two sites.
- The plans have been amended during the course of the application being under consideration to propose that all shared and private driveways within the development are built out to the applicants preferred specification. Essentially this comprises the use of crushed gravel set behind a 1.5m tarmac apron.

The first point is considered in more detail in the section of the reports relating to residential amenity considerations. The second point is a matter of a current dispute between Officers and the applicant concerning the visual amenity and highway safety implications of the use of gravel driveways as a result of observations and evidence which has been gained from the applicants initial developments in the Borough. This has introduced problems relating to loose gravel being deposited on the roads and footpaths as a result of normal day to day usage which give the developments as untidy appearance overall. In addition the material lends itself to weeds growing through the surface. In the opinion of Officers this specification detracts from the appearance of the whole development and means that falls short of the minimum baseline standards expected by policy CSP29 and the Designing New Residential Development SPD. Councillors are advised that at the time of the phase 1 development the condition now used by Officers requiring driveways to be constructed in a solid/bound material was not in place. However as a result of the observations and evidence gathered

from the phase 1 development and others undertaken by the applicant in other locations in the Borough this condition was altered resulting in it being imposed on the phase 2 planning permission. Development carried out on phase 2 to date is being carried out at variance to the condition resulting in the Council serving a Breach of Condition Enforcement Notice on the applicants.

Apart from these considerations no other significant visual amenity concerns have been identified. The existing site is largely clear of vegetation. The trees of value identified on the tree survey are located outside of the site and would not be affected. The layout plan has been designed to comply with the space between building standards in the SPD. The house type plans are for the same type of houses as the previous two phases and comprise a modern form of conventional two storey housing which is an acceptable standard of external appearance.

The site is also located near to the deteriorating remains of a World War 2 anti aircraft battery which is a Scheduled Ancient Monument (SAM) located to the field to the east of the site as has been pointed out in the representations. However the access road serving Lowfield Lodge provides a barrier between the housing development and the field where the SAM is located. In addition the proposed houses would be no closer to the SAM than existing housing on Crane Well View. As such it is not considered that the development would have an significantly adverse impact on the setting of the SAM..

Residential Amenity

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

- The waste water treatment works and potential odour issues.
- The effect of the development of the living conditions of existing residents.
- Amenity standards for future residents in relation to the space between building and private rear garden sizes

The waste water treatment works and potential odour issues

An important consideration for the application is the relationship between the development and the Waste Water Treatment Works. This is nothing new as it was a consideration for the previous applications, phase 2 in particular. The application is accompanied by an odour assessment. However this is the same odour assessment that was submitted with the application for the phase 2 development which is of concern to Yorkshire Water given that it was carried out in 2012. Yorkshire Water contend that a more up to date assessment should be provided. They also state that it is their intention to complete refurbishment of the WWTW, in all likelihood altering the technology that is used.

Yorkshire Water's underlying concern is that the development would be located too close to the WWTW and would be affected by odours. In addition they are concerned that the plans do not make any provision for a soft landscaping screening barrier located between the development and the WWTW. Aside from the proximity of the WWTW there is also a combined sewer overflow (CSO) just outside the north east boundary of the WWTW and approximately 30m from the nearest proposed houses, that could in itself cause a loss of amenity for residents. Also there is a rising main passing in close proximity to the gardens of plots 202-206 which has the potential to lead to further amenity issues.

The approach that was applied to phase 2 was to allow houses to be built which did not encroach beyond a 5 OUE/m³ (European Odour Units) contour line which was marked on the plans for the site and was established by an odour assessment that was carried out over

an extended 12 month period prior to the application being submitted. In addition the dwellings were set back behind the contour line by a further 10m as a protection measure. In addition the plans for phase 1 were approved with a substantial landscaping buffer which would also act to provide screening for the phase 2 development.

The applicant has sought to apply the same principles to the phase 3 plan. However in doing so it means that the nearest plots would be located closer to the WWTW than any of the previous 2 phases. In addition there are the proximity issues to the CSO and the rising main. In addition the plans do not include provision of a landscaping buffer, unlike the plans for 1 and 2.

Officers have sought to be pragmatic by asking the applicant to remove plots 202-208 from the plans to deal with the areas of most acute concern raised by Yorkshire Water. However the applicant does not agree that this change is necessary forcing the Council to make a decision as to whether to support or refuse an application on that basis. In the opinion of Officers and Yorkshire Water the circumstances are materially different to phase 2 in that the houses would be located in closer proximity to the WWTW and because of the rising main. In addition the plans fail to make provision for a substantial landscaping buffer between the houses and the WWTW in contrast to the plans approved under phase 1, which would provide such a landscaping buffer for the first two phases. In addition the position of the houses has been informed by an odour assessment that was undertaken several years ago now back in 2012. It is therefore also felt that the applicant has failed to provide sufficient information to justify some of the houses being located closer to the waste processing facility.

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

The development would be sensitive from the perspective of removing outlook for the residents of a number of existing dwellings located on Lowfield Grove which overlook the site at present in its open and green form. Loss of view is not a material consideration however and the plans have been designed to achieve the separation distances between new and existing properties required by the SPD. I agree that the relationship between the dwelling positioned on the Lowfield Lodge site and the development would produce a tight relationship due to that dwelling being located very near to the boundary between the two sites. However the potential for overlooking would be reduced if a 1.8m fence was to be erected on that particular boundary as would be expected and could be done using permitted development rights. Also the new houses would be set at an angle to the Lowfield Lodge dwelling and be set more than 10m away from the boundary with the amenity area to the front of the property to comply with the SPD. Plot 188 is an exception in part due to the boundary line altering half way across the width of the garden of the plot. However with the addition of a fence I would not expect overlooking to occur to the rooms to the front of the dwelling due to the tight angle that would exist.

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

Within the development the separation distances between existing buildings and the private rear garden sizes would meet the standards required by the SPD in the majority of cases. Where this would not be the case on some corner plots the removal of permitted development rights would be appropriate.

Highway Safety

As with the previous applications it is recognised that traffic generation considerations are one of the most contentious parts of the application which is reflected in the majority of objections to the application. Primarily the concerns relate to the existing humpback bridge

over the railway on Lowfield Road which suffers from a lack of forward visibility. In addition residents have raised concerns about the existing difficulties exiting the junction between Station Road and the B6098, Angel Street due to the high volumes of traffic using the road and the vehicle speeds.

The situation is that phase 2 was approved requiring highway works to mitigate the effects of the development. In scenario 'A' the applicant would have paid a commuted sum to the Council of £75,000 towards the costs of traffic signals which were due to be constructed on the bridge by Network Rail. Scenario 'B' was that the following mitigation works judged to be required in the event of non delivery of the traffic signals by Network Rail:-

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

The current position is that the Council is under the presumption that the Network Rail are not intending to construct the traffic signals within the necessary timescales required to provide mitigation for phase 2 houses, which are in the process of being built and occupied at present. Given that this is happening currently with no mitigation works being in place the present situation is unsatisfactory. Discussions with the applicant on the application proposal have yielded an offer from the applicant to pay £210,000 to the Council towards the cost of signalisation costs on the bridge to enable the scheme that would mitigate the effects of both the phase 2 and 3 developments. This sum would be sufficient to pay for the costs of the signalisation costs. In principle this would be sufficient for Highways not to object to the development on highway safety grounds. However Highways also view the proposed gravel driveway specification to be unacceptable because of the loose gravel issue which they view as having the potential to pose a hazard for users of the highway including vehicles, cycles, motor bikes, scooters, wheelchair users, elderly people and people with pushchairs. In addition future highway maintenance problems would be caused due to the effects on gullies and the damage caused to road surfaces. Based upon that they view this detail of the proposal to be contrary to CSP26 'New Development and Highway Improvement'.

No further issues have been identified with the internal road design in that the widths and number of parking spaces would be regarded as being satisfactory. A sustainable travel plan is proposed as a measure to encourage residents to carry out trips using an alternative to lone trips using a private car. In principle this would have been sufficient to enable the development to comply with CSP 25 'New Development and Highway Safety'.

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

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

Open space provision – New green space provision is required to be provided as part of the development in accordance with SPD: Open Space Provision on New Housing Developments. In this instance and due to a play area being approved as part of the phase 2 development it is deemed appropriate to seek an off-site contribution in entirety to upgrade existing facilities in the locality. Based on the submitted unit split, a financial contribution of £162,345.04 would be sought. The applicant has made assertions that viability of the

development would be marginal. Provisionally however they have agreed to meet the commuted sum request.

Affordable housing – The site is an area where affordable housing provision should be 15% of the overall number of dwellings. Indeed the planning permission obtained by Gleesons for the existing development originally was subject to a S106 Agreement to include 8 affordable houses. However Gleesons were successful in having the obligation removed by the Planning Inspectorate following an appeal being made under the review and appeal procedure introduced by Central Government (app ref 2014/0175). This was on viability grounds with the appointed Inspector concluding that ‘a viable scheme does not exist’ with an affordable housing obligation being in place. There was also a grey area that was not cleared up during the appeal in that Gleesons contend that their shared ownership model is a form of intermediate affordable housing. Officers remain in disagreement with Gleesons that their model would satisfy the definition of acceptable forms of affordable housing in the NPPF. In addition the main affordable housing need in the Borough is for social rented rather than intermediate affordable housing.

The applicants have submitted an appraisal for the current application, which has again concluded that viability of the site is marginal and that as a result of the costs of the traffic signals and commuted sum for off site open space enhancements it would not be viable to provide any level of affordable housing. The District Valuation Service was commissioned to review the viability appraisal submitted with the application resulting in a difference in opinion between the two parties. In the opinion of the District Valuer the development could provide a minimum of 6 affordable houses when adopting the applicant’s profit margin, which the DVS argues is a higher margin that should be allowed when compared levels adopted by other developers around the region. Officers have been pragmatic in suggesting this profit level can be applied taking into account of the appeal decision. Nevertheless this has not been sufficient to enable the applicant to agree that the development can support the provision of the 6 affordable houses deemed viable to deliver by the DVS. Based upon that the proposal is deemed contrary to policy CSP15 ‘affordable housing’ as it would mean that the development would not contribute towards the affordable housing needs of the Borough not being met via existing developments. The applicant was requested to provide an updated appraisal more recently. However this was not forthcoming with the applicant. As such there is also a concern regarding lack of information/evidence in relation to enable this matter to be properly assessed.

Other Considerations

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is not in an area that is classed to be at risk of flooding either from the River Dearne or overland flows and drainage infrastructure., i.e. it is located outside of EA flood zones 2 and 3 and therefore policy CSP3 ‘Flood Risk’ is complied with and the advice within the NPPF regarding the sequential test.

The management of surface water run off from the development is another important consideration in order to prevent an increase in the risk of flooding downstream of the site. The policy requirement on greenfield sites is to construct developments with suitable systems with storage capacity and attenuation so that surface water run off rates do not exceed the greenfield run off rate of 5 litres per seconds per hectare.

The policy is that first preference should be given to SUDS. However the ground investigation has concluded that the ground conditions would be unsuitable for soakaways. Therefore it is likely that the development would need to be constructed with an attenuation tank, or oversized pipes prior to discharge into the River Dearne, the existing drainage system or the ponds at Lowfield Lakes. However no detailed proposal has been received it

would be necessary to impose a condition as has been requested by Drainage Officers and Yorkshire Water. In terms of foul sewerage Yorkshire Water have not raised any concerns with regards to any issues with the capacity of the sewerage system to accommodate flows from the development

Ground Conditions

The site investigation has not identified any issues with contamination or unstable land arising from historical land uses. In addition the site is located outside of a Coal Mining Risk Area. No objections have been received from Regulatory Services accordingly.

Ecology

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is supported by an extended phase 1 habitat survey which has concluded that the ecological value of the site is low and that there are no constraints affecting the site from being developed. The Biodiversity Officer accepts these findings but considers that insufficient proposals have been received regarding enhancement measures. However it is likely that this could be overcome via the imposition of a suitable condition.

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 site is located in the Goldthorpe Principal Town which is a priority to accommodate new housing growth (3000 new homes) before 2026 (CSP8 and 10). In addition the site is proposed to be allocated for housing development in the SPD meaning that it has been identified to be in a suitably sustainable location.

The plans for the development are considered acceptable for the most part in relation to layout and design considerations having regards to the Designing Residential Amenity SPD in that spacing standards between new and existing properties would be achieved and the amount of garden amenity space that would be provided to serve the houses. Also the elevations plans for the houses would be of an acceptable standard. In addition it would be possible to mitigate the highway safety implications of the development via the proposed payment of a commuted sum of £210,000 towards the costs of providing traffic signals on the humpback railway bridge on Lowfield Road. In addition the application is considered acceptable in relation to the Open Space Provision SPD in that the applicant was prepared to pay a commuted sum of £162,345.04 for the enhancement of open space located off the site. Furthermore the application has also been judged to be acceptable in relation to considerations including the flood risk, drainage, biodiversity consideration and effect on trees.

However the following concerns have been identified which mean that the development is not considered acceptable in relation to the following issues:-

- The proximity of some of the houses to the Waste Water Treatment Works and combined sewer overflow and concerns that residents of the affected houses would be affected by odour nuisance. It has therefore been judged that the proposal is contrary to the aims of CSP40 'Pollution Control and Protection' and the NPPF.
- The absence of a landscaping buffer to protect the residents of the affected properties.
- The age of the data being relied upon to inform the design of the proposed layout and the fact that the applicant has refused to carry out an up to date odour assessment to inform the design of the layout for the application.
- The proposed use of gravel driveways for all of the driveways and private drives located throughout the development which it is considered would be unacceptable from a visual amenity point of view having regard to policy CSP29 'Design' and CSP26 'New Development and Highway Improvement'
- The development would not include any NPPF definition affordable housing despite an independent assessment of the applicant's viability appraisal being carried out by the District Valuation Service concluding that the development could support a minimum of 6 affordable dwellings. The proposal would not achieve the required contribution to the affordable housing needs of the Borough being met and is therefore contrary to policy CSP15 'Affordable Housing'. In addition the applicant has not provided an updated appraisal despite a request. As such there is a concern regarding lack of information/evidence in relation to enable this matter to be properly assessed.

It is therefore considered that adverse impacts exist in this case would outweigh the benefits of the application being granted. In the opinion of the Local Planning Authority the presumption in favour of sustainable is outweighed by the adverse impacts that would be caused. The application is recommended refusal accordingly.

Recommendation

Refuse permission for the following reasons:-

- 1 The development would be contrary to policy CSP15 of the adopted Core Strategy in that it would not include the provision of any affordable housing and it has not been demonstrated that the provision of affordable housing would make the development unviable.
- 2 The proposed driveway specification is considered to be contrary to the interests of highway safety and convenience of highway users. The proposal will not prevent loose material (gravel) from being deposited onto the public highway, posing a safety hazard and inconvenience for users of the highway especially cyclists, wheelchair users and pedestrians who are particularly vulnerable. As such the proposed driveway design would be contrary to requirements of Core Strategy Policy CSP26 'New Development and Highway Improvement' which require new developments to be served with safe and convenient access arrangements.
- 3 The proposed driveway specification, with consequential displacement of loose material will be detrimental to visual amenity. The development would therefore have an unsightly appearance that would detract from the overall quality, appearance and finish of the development. As such the development is also considered to be contrary to the requirements of Policy CSP 29 'Design' and aspirations of the NPPF.

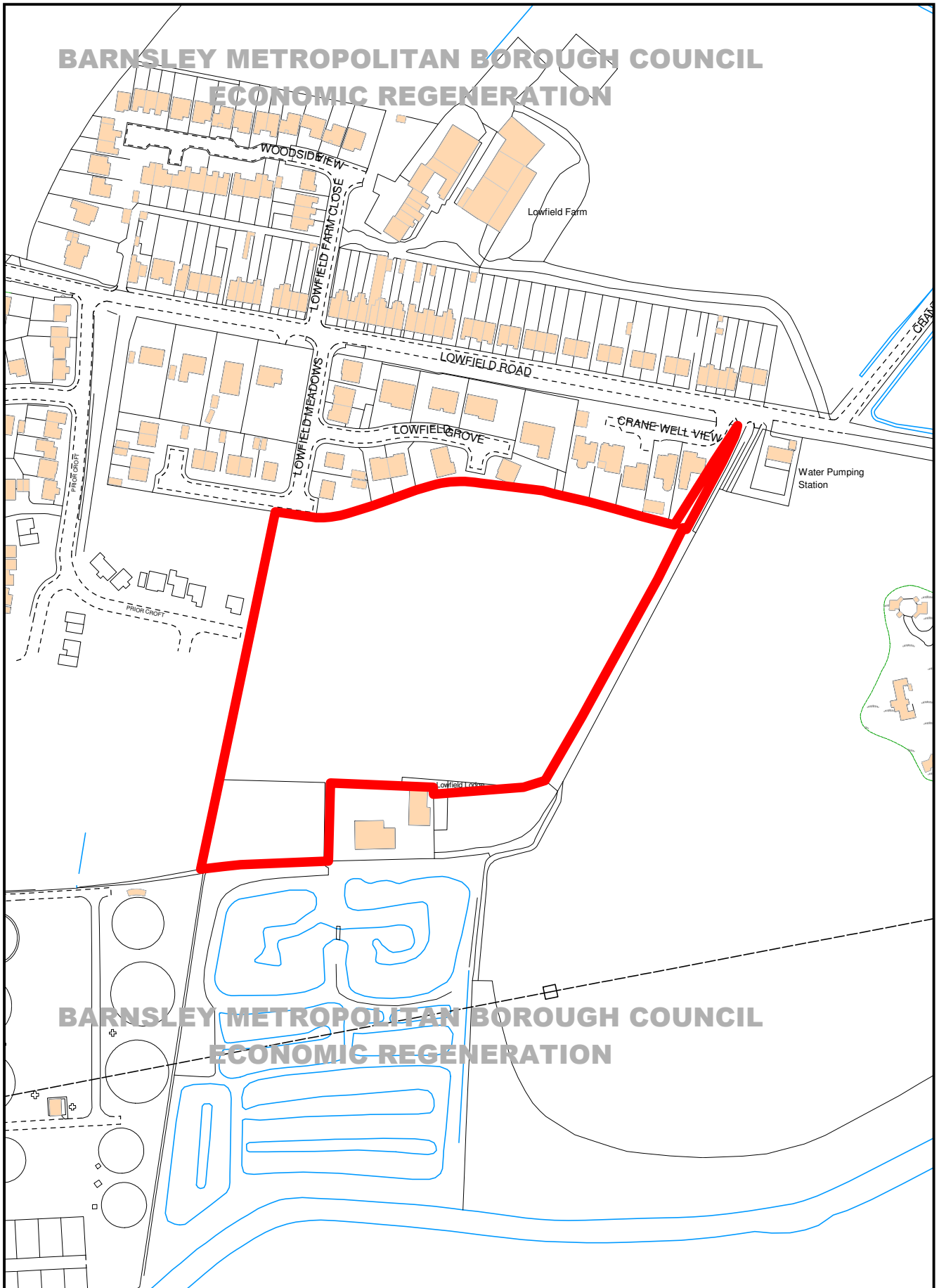
4. The development would be in conflict with policy CSP40 'Pollution Control and Protection, paragraph 109 of the NPPF and draft allocation policy H3 of the Publication Version of the Local Plan, site AC26, in that plots 202 to 208 would be very close or within the current "odour stand-off" and would be within 50m of a combined sewer outfall and the Bolton-upon-Deerne Waste Water Treatment Works (WWTW) boundary. Insufficient up to date evidence has been provided that these properties would not be detrimentally affected by odour. The proposal fails to make provision for a substantial landscaping buffer between the houses and the WWTW contrary to CSP40 and CSP29.

5. The development would be contrary to saved policies GS10 and DE8 of the Barnsley Unitary Development Plan which states that in areas shown on the proposals map existing uses will normally remain during the plan period and development will normally 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 UDP which proposes development on the land in question. The Council accepts that due to the UDP being adopted in the year 2000 paragraph 14 of the National Planning Policy Framework advises that planning permission should be granted for development unless;

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

However in the opinion of the Local Planning Authority cumulatively, the adverse impact cited in the other reasons for refusal, would significantly and demonstrably outweigh the benefits of the application being granted. In addition, the proposal conflicts with paragraphs 17, 35, 58 and 64 of the NPPF.

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BARNSELY MBC - Economic Regeneration

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Item 8

2016/1074

Applicant: Mr J Pears C/o Michael Clynch

Description: Change of use of agricultural storage building to 2 no dwelling houses with external alterations.

Site Address: Unused agricultural buildings at Leapings Lane, Rockside, Thurlstone, Sheffield

No objections have been received

Councillor Unsworth has requested that the application is decided at the Planning Regulatory Board

Description

The site consists of a one/two storey stone built agricultural building which is currently vacant. The buildings curtilage is defined by dry stone boundary walls. Two dwellings are set within close proximity to the site. A recently refurbished Grade II Listed Weavers Cottage is to the west and Leapings Cottage is set to the north east. Both properties are owned by the applicant as indicated by the blue-line boundary of the site and are currently being used as holiday lets. Further to the north there are two further properties separated by Leapings Lane, including Leapings Lodge directly to the north and to the north west, Leapings View.

The site is located south of Manchester Road and Plumpton Mills, and is surrounded by a few large detached properties at the end of Leapings Lane and off Rockside Road. The Trans Pennine Trail runs to the south of the site as does the Green Belt Boundary. Vehicular access and parking is currently shared with Leapings Cottage and is taken from Leapings Lane. The site is screened from the Trans Pennine Trail by mature trees.

Proposed Development

It is proposed to convert the agricultural storage building into 2no. dwelling houses. It is the intention that the properties would be used as holiday lets.

The single storey element of the building (unit 1) would be converted to provide a 1 bedroom dwelling, with a bathroom and an open plan kitchen living/dining area. The two storey element (unit 2) would be converted to provide a two bedroom dwelling, with the two bedrooms and ensuites being set on the ground floor and living accommodation, including an open plan kitchen, living, dining area at first floor. A small extension of approximately 9.5sqm is to be added to the front elevation of the single storey unit to allow for a larger living space.

The building appears to be in a good structural condition, however the roof structures are to be replaced to allow for adequate head height internally and to allow for sufficient insulation within the building. This would result in a change to the ridge line and a small increase in height of approximately 300mm. A small number of openings are proposed which would match the existing windows and doors.

The properties would utilise an existing shared access with Leapings Cottage, where parking and turning areas are provided in front of the units. Allocated amenity areas are proposed to serve each unit.

A bat survey has been submitted with the application.

Policy Context

UDP allocation - Housing Policy Area

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy 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 26 – New Development and Highway Improvement – New development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

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

Saved UDP Policies

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

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

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

SPDs/SPGs

SPD ‘Designing New Housing Development’

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

SPD ‘Barn Conversions’

Other Material Considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

In respect of this application, relevant policies include:

General principles para 17
Design para 58 – 65

Consultations

Penistone Town Council – No comments received

Ward Councillors – Cllr Unsworth requests that the application is taken to the Planning Board for a decision

Drainage – No objections

Yorkshire Water – No comments received

Highways DC – No objections subject to conditions

Conservation – No objections

Representations

The scheme was advertised by press notice, site notice and by neighbour notification letters. No representations have been received.

Assessment

Material Consideration

Principle of Development

Residential Amenity

Highway Safety

Visual Amenity and Impact on Listed Building

Impact on Protected Species

Principle of Development

The site lies within a Housing Policy Area where infill residential development is acceptable in principle in accordance with saved policy H8D of the Unitary Development Plan and the NPPF, providing the proposal is not considered significantly detrimental to visual amenity, residential amenity or highway safety. In this case the proposal also represents re-use of existing buildings and as such would be considered re-development of brownfield land which is also encouraged by the NPPF.

Residential Amenity

The nearest neighbouring dwellings, Weavers Cottage and Leapings Cottage, are currently used as holiday lets and are owned by the applicant as indicated within the blue-line boundary. Whilst there will be an increase in car movements and residential activity close to these properties, as the previous and last known use of the building was for agricultural purposes, it is not felt that this increased residential activity will be detrimental to amenity of these properties given the existing accepted use of the site.

There will be no significant loss of privacy or overshadowing to the neighbouring dwellings from the proposed new windows or the proposed small front extension and it is felt that the proposed dwelling will not suffer from significant overlooking from the other existing dwellings. It is acknowledged that the amenity spaces proposed to each dwelling are awkward in shape, particularly the linear garden area to unit 2. However, they do meet the area requirements for the size of garden areas relating to one and two bed properties and given that they are most likely to be used as holiday lets they are considered sufficient to meet the amenity purposes of the properties. The internal room sizes are acceptable, which is in line with guidance given within the SPD 'Designing New Housing Development'.

Highway Safety

The highways section have been consulted and raise no objection to the proposal subject to conditions. There is adequate space within the curtilage of the buildings to park 2 vehicles as required within the SPD.

The building was previously used for an agricultural use, therefore any increase in vehicular movements from the proposed dwellings would not be of any significant detriment to highway safety given the existing use. The proposal is considered in accordance with policy CSP26 of the Core Strategy.

Visual Amenity and Impact on Listed Building

In terms of design, the proposal includes the replacement of the roof and a small increase in ridge height of approx. 300mm. A small number of sensitively designed additional openings are proposed and are necessary in order to provide sufficient light to the new rooms, in line with the Barn Conversion SPD.

The building is set adjacent to the Grade II Listed former Weavers Cottage which has been recently refurbished to a high standard. The Conservation Officer has been consulted on the scheme and has stated that 'that the principle of the conversion and the additions are not harmful to the setting of the Listed Weavers Cottage' and raises no objections to the proposals, subject to the submission of material samples.

The overall changes to the building are minor and would not significantly affect the appearance or setting of the adjacent Listed Building and would improve the visual amenity of the area as a whole, subject to matching materials being used. The proposal is considered acceptable in terms of the impact on the Grade II Listed Weavers Cottage and the visual amenities of the area in accordance with CSP29 and CSP30.

Impact on Protected Species

Due to the nature of the building, a bat report has been submitted with the application. The Bat report states that, 'no bat droppings or field signs were identified inside or outside of the buildings and all were assessed to have a low potential for roosting bats, limited to the small gaps between the stone roof slates. No bats emerged from the buildings and therefore there are no bat roosts present in the buildings.' Due to there being no evidence of bats roosting within the building, there is no requirement at present for a Natural England License. The report does recommend that a bat box be erected on site which can be conditioned.

Conclusion

The agricultural building is no longer required for agricultural purposes and as the building is located within a Housing Policy Area and within close proximity to adjacent dwellings; it is felt that the re-use of the building for residential purposes is the most appropriate way of re-using the building. The proposal would not harm the visual amenity of the area nor have any significant impact upon residential amenity and highway safety in accordance with saved UDP Policy H8D and the NPPF.

Recommendation

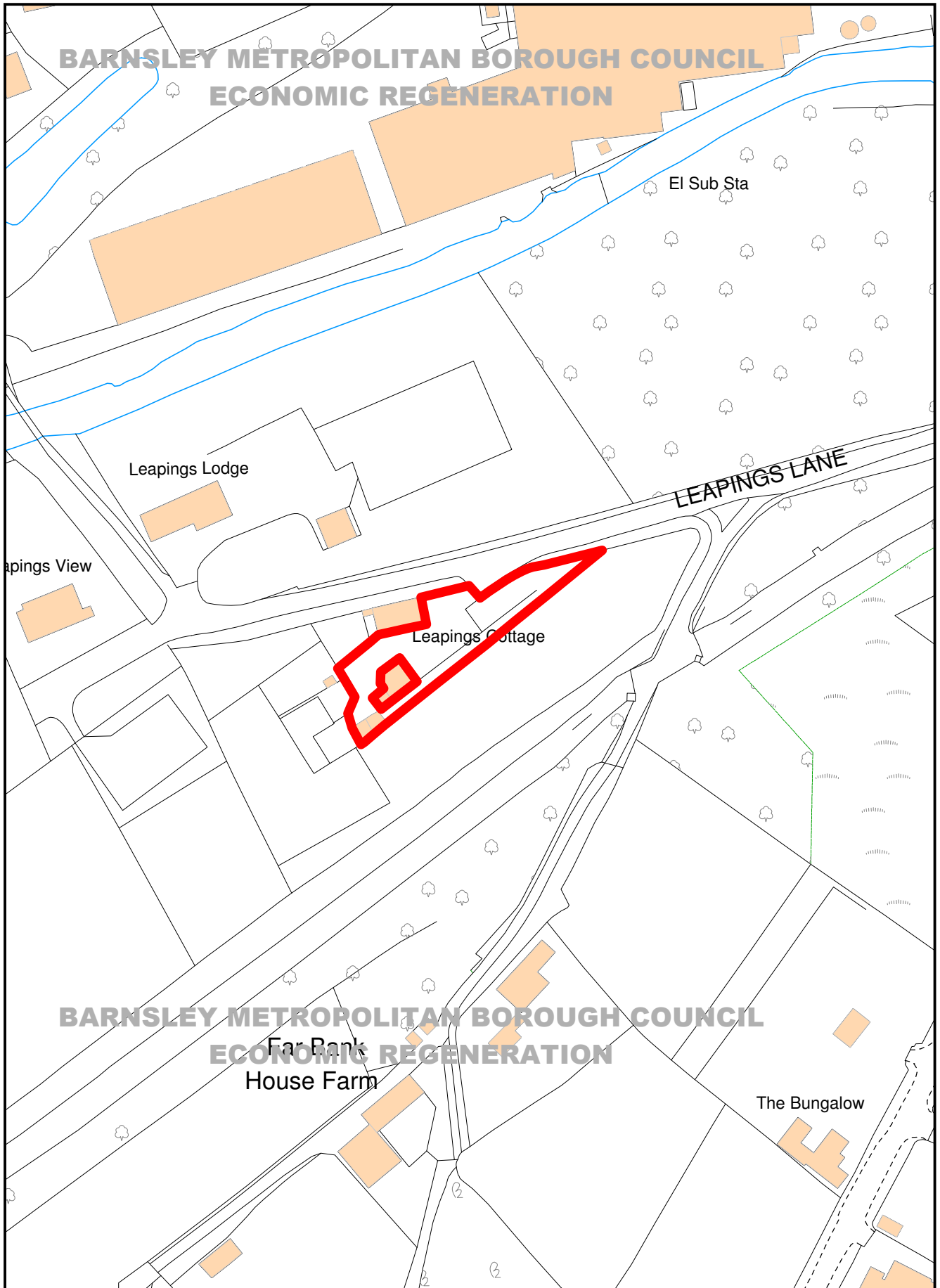
Grant subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (A1, A2, A3, A4, A5, and the plan showing car parking areas, specifically areas A and B, and plan showing amenity areas.) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 No development shall take place until 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 Core Strategy Policy CSP 29, Design.
- 4 Pointing mix (new or repair) to be lime (NHL 3.5) : aggregate at a ratio of 1:3. Sand / aggregate should be well graded or river sand. Preparation of the joints will require careful removal of any cement by hand at a depth equal to twice that of the width. Pointing mix to be of the same colour or as close as possible to the original lime and to be finished slightly back from arms of surrounding stonework and brushed off or stippled to remove laitance and expose aggregate to a depth of 2 or 3 mm.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

- 5 Windows and doors shall be timber mounted in the reveal by a minimum of 75mm and decorated as agreed.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 6 Gutters shall be ogee section with circular black downpipes and mounted on traditional metal brackets (rise / fall) and verges will be finished in a mortar fillet
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.
Reason: To safeguard the amenities of adjacent residential properties and the visual amenities of the site and its surroundings in line with CSP29.
- 8 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.
- 9 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.
- 10 The development hereby approved shall be carried out in accordance with the recommendations outlined in the submitted bat report by Whitcher Wildlife Limited dated 9th September 2016. In particular, the recommended bat box shall be provided before the occupation of any of the dwellings.
Reason: In the interests of biodiversity in accordance with CSP36.

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BARNLSLEY MBC - Economic Regeneration

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2016/0215

Applicant: Mr Richard Emmott C/o M A Clynch

Description: Erection of detached agricultural workers dwelling (Resubmission)

Site Address: Land at Gunthwaite Lane, Gunthwaite, Penistone, Sheffield, S36 7GE

Gunthwaite and Ingbirchworth Parish Council have objected to the application

Site Location and Description

The application site forms part of a large farm holding at Gunthwaite to the northeast of Ingbirchworth and to the northwest of Hoylandswaine. The access is from a right angled bend in the road off Gunthwaite Lane and lies to the east of the railway line.

The existing farm comprises of a number of traditional and more modern farm buildings in a compact area with a rectangular woodland block to the north with is bounded to the east and north by the highway, Gunthwaite Lane.

The site for the proposed agricultural workers dwelling lies in the north-western corner of this woodland block, approximately 70m from the nearest ram building and approximately 150m from the existing farmhouse, in an area which currently has substantial tree cover. A large pond lies to the west of the farm complex.

One of the barns, Gunthwaite Hall barn, is a Grade I listed building, with the farm buildings listed Grade II.

The application states that Mr and Mrs Emmett run the agricultural business as a joint enterprise with their two sons. In addition to the existing farmhouse and farm buildings the agricultural enterprise extends to approximately 320 acres. Most of this is owner occupied with 60 acres rented in. The majority of land is down to support the livestock which consists of 160 Jersey dairy cows, 160 followers (young stock in a dairy herd), 60 to 70 beef cattle, 200 wintering lambs, and 20 to 30 in lamb ewes. Approximately 60-70- acres of the land is used to grow crops such as wheat and barley, whilst 30 acres is subject to an English Woodland Grant Scheme.

Planning History

2015/0475 – Erection of a new farmhouse - withdrawn

Proposed Development

The application seeks planning permission for the erection of a detached agricultural workers dwelling in the north-eastern corner of the managed woodland area. The dwelling is a single storey property with a floor area of approximately 150 square metres. Access to the site would be gained off an existing access track that links in to Gunthwaite Lane

The applicant has a Forestry Licence which has allowed the clearing of trees to create sufficient space for the dwelling. However, in order to preserve as much of the woodland area as possible the red edge boundary of the application site is tight around the building which allows only a small garden area and the access with space for parking.

The property would be constructed with natural stone walls and stone slates for the roof. Timber would be used for the windows and doors.

As the site is within the Green Belt, and the proposal is for an agricultural workers dwelling, the applicant has provided the following supporting documents:

- Planning Statement
- Heritage Statement
- Details of accounts for 2014 and 2015 for the agricultural enterprise
- An assessment on labour requirements

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.

UDP Saved Policies

UDP Allocation – Green Belt

GS7 Development within the Green Belt

GS8B states that proposals for agricultural and forestry workers dwellings will be determined in accordance with the following principles:

- a) Agricultural and forestry workers dwellings within rural and green belt areas will only be permitted where essential need, to sustain a demonstrably viable agricultural or forestry enterprise, can be shown.
- b) Permission will not normally be granted for a new agricultural workers dwelling in cases where a farm dwelling has recently been or is separated from the agricultural land.
- c) Where new dwellings are accepted solely on the basis of an agricultural or forestry need, the size of the dwelling should be in proportion with the established functional requirement.
- d) Where new agricultural workers dwellings are permitted in the countryside they shall normally be sited directly adjacent to existing or proposed farm buildings.
- e) Where new dwellings are permitted they should be constructed using materials appropriate to the locality, to safeguard the visual amenities of the countryside.
- f) Where planning permission is granted for an agricultural or forestry workers dwelling, a condition will be imposed restricting the occupancy to a person solely or mainly working, or last working, in the location in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents
- g) Where permission is granted, on the basis of agricultural need, for an additional dwelling on a farm unit, then an occupancy condition will also be imposed on any existing dwellings

on the unit which is under the control of the applicant, and is needed at the time of the application to be used in connection with the farm.

SD1 Presumption in favour of sustainable development
GD1 General development
D1 Design
T4 New Development and Highway Improvement
Poll1 Pollution Control and Protection
HE1 The Historic Environment

Core Strategy

CSP34 Protection of Green Belt
CSP29 Design
CSP21 Rural Economy
CSP36 Biodiversity and Geodiversity

Publication Version of Local Plan

SD1 Presumption in favour of sustainable development
GD1 General development
D1 Design
T4 New Development and Highway Improvement
Poll1 Pollution Control and Protection
HE1 The Historic Environment

SPDs/SPGs

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

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

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

The South Yorkshire Residential Design Guide has been adopted as a best practice guide by the Council and covers issues relating to sustainability, local distinctiveness and quality in design and is underpinned by the principles in the CABE ‘Building for Life’ scheme.

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 28 – Rural areas

Para 35- Local Planning Authorities should avoid new isolated homes in the countryside unless there are circumstances such as:

- The essential need for a rural worker to live permanently at or near their place of work in the countryside

Para 80,81, and 82 – Green Belts.

Para 58 and 60 – Design Considerations

Consultations

Highways – No objections subject to conditions

Conservation Officer – Has observed that the general principle and possible harm to the setting of the listed buildings is low.

Drainage – No comments received although no objections were received to the previous application for this site

Pollution Control – No objections

Forestry Officer – Has acknowledged that the applicant has a Forestry Licence to take down the trees and as such has no further comments to make.

Contaminated Land Officer – No objections subject to informative

Historic England – No objections made and recommend that the scheme is determined in accordance with national and local policy guidance

Gunthwaite and Ingbirchworth Parish Council – Objecting on the grounds that a case has not been sufficiently made for the agricultural workers dwelling.

Representations

The application has been advertised by way of a site notice, press notice and by neighbour notification letters. No representations have been received.

Assessment

Principle of Development

The site is within an area designated as Green Belt. The erection of new residential development is usually considered inappropriate within the Green Belt unless very special circumstances exist to justify it. Whilst the NPPF has little to say in respect of agricultural dwellings, paragraph 28 generally supports economic growth in rural area and paragraph 55 states that:

“Local Planning Authorities should avoid new isolated homes in the countryside unless there are circumstances such as:

-The essential need for a rural worker to live permanently at or near their place of work in the countryside”

The NPPF does not offer any detailed guidance on how to interpret these special circumstances or how to evaluate “essential need” so in these circumstances it would be appropriate to utilise the criteria set out in UDP Policy GS8B.

The first part of the criteria under GS8B requires the applicant to show that there is an essential need for the dwelling to sustain a demonstrably viable agricultural enterprise. In this case, as has already been stated, the agriculture enterprise covers a significant area of land (320 acres). It is made up of both livestock and crop farming alongside woodland management. The applicant has submitted an assessment utilising sources such as ‘The Agricultural Budgeting and Costing Book’ and the Farm Business Survey which was carried out by DEFRA. Using these sources they have calculated the amount of labour hours required to carry out the various duties associated with the agricultural enterprise. Their calculations reveal that the labour requirements are for a permanent workforce of between 3.33 and 5.8 men to be on site. Even if we take the lower of these figures then there is considered to be a justified need for another worker, apart from Mr and Mrs Emmott who occupy the farmhouse, to be on site. In terms of whether the agricultural enterprise is viable, the accounts show that profit has been made over the past two years. In addition the agricultural enterprise originally started at the site back in 1936 and the land is registers with the Rural Payments Agency and has an agricultural holding number. As such, and notwithstanding that the NPPF does not state that the enterprise has to be economically viable, the enterprise is considered to be well established.

In terms of the second and third criterion under Policy GS8B, there has been no separation of a farm dwelling from the agricultural land and the applicant has reduced the size of the dwelling from the previous proposal. The footprint of approximately 150 square metres is consistent with the size of other agricultural workers dwellings in the borough and the dwelling being single storey ensures it remains low in scale. The scheme is therefore considered to comply with these criterion.

In terms of the fourth and fifth criterion, the dwelling itself has been sited away from the existing buildings. This would therefore be in conflict with the fourth criterion which expects that the dwellings should be near the farm buildings. However, in this case the buildings within the existing farm complex contain a Grade I and Grade II listed buildings. To place the proposed dwelling closer to these listed buildings would impact detrimentally on the setting of the listed building and would raise objections from the Council’s Conservation Officer. In this instance, therefore, it is most appropriate to position the dwelling away from the listed buildings to protect their historical significance. The dwelling itself uses natural stone for the walls and has a stone slate roof which is considered in keeping with the rural nature of the surroundings.

In terms of the fourth and fifth criterion it is considered appropriate to restrict the occupancy of both the proposed dwelling and the existing farmhouse by a suitable agricultural occupancy condition.

Given the above, it is considered that the proposal is in substantial compliance with GS8B and meets the test of the NPPF and a such is accepted in principle.

Residential Amenity

The proposed dwelling is remote from the nearest other residential property and so neighbouring amenities would not be detrimentally affected by the proposal. The scheme meets internal space standards for the occupants of the dwelling. There is ,however, limited garden area for the property. This is limited to an area to the front of the dwelling and a strip around the house. Whilst not ideal, the area to the front would be private given the lack of other housing around, and would provide some area to sit out in. Furthermore, the restriction

of the garden area does enable the limiting of the impact on the green belt and on the woodland area. As such, it is considered sufficient in this instance.

Design / Visual Amenity/Impact on Listed Buildings

The property has been designed as a single storey property to minimise its impact on the locality. It would be surrounded by woodland so would be partially screened from the majority of public views. The materials used are in keeping with the rural surroundings and as such the proposal is not considered to be of significant detriment to visual amenities or the character of the Green Belt.

As stated above the proposal does impact on the setting of Grade I and Grade II listed buildings. This is part of the reason for its position away from these protected buildings. As the dwelling has been sited away from the listed buildings, and has an intervening agricultural building and woodland area, along with the dwelling being single storey, it is considered that the impact on the setting of the historic buildings is minimal. This has been confirmed by the Council's Conservation Officer who has stated the impact would be low.

Highways

The proposal gains access off an existing access track that leads up to Gunthwaite Lane. This has been assessed by the Council's Highways Section who are satisfied that this would be adequate to serve the dwelling. Sufficient parking spaces have been provided and given that the proposal is for a single dwelling it is not considered that it would have a significant impact on the local highway network.

Trees

The applicant has been in contact with the Council's Tree Officer who has acknowledged that they have a Forestry Licence to remove the trees within the area where the dwelling is to be positioned. The area is subject to a Woodland Management Scheme and as such the Licence involves replanting around the site. Given this has been accepted under the Forestry Licence the Council's Tree Officer has no objections to the scheme on as all management of the surrounding trees would be controlled by the Licence.

Conclusion

It is considered that sufficient evidence has been provided to show that there is an essential need for an agricultural workers dwelling at this site to comply with paragraph 55 of the NPPF. This would therefore constitute the special circumstances needed for a dwelling in the Green Belt. In terms of other material considerations it is not considered that the scheme would cause any detriment to highway safety, visual amenities, or residential amenities subject to suitable conditions.

Recommendation

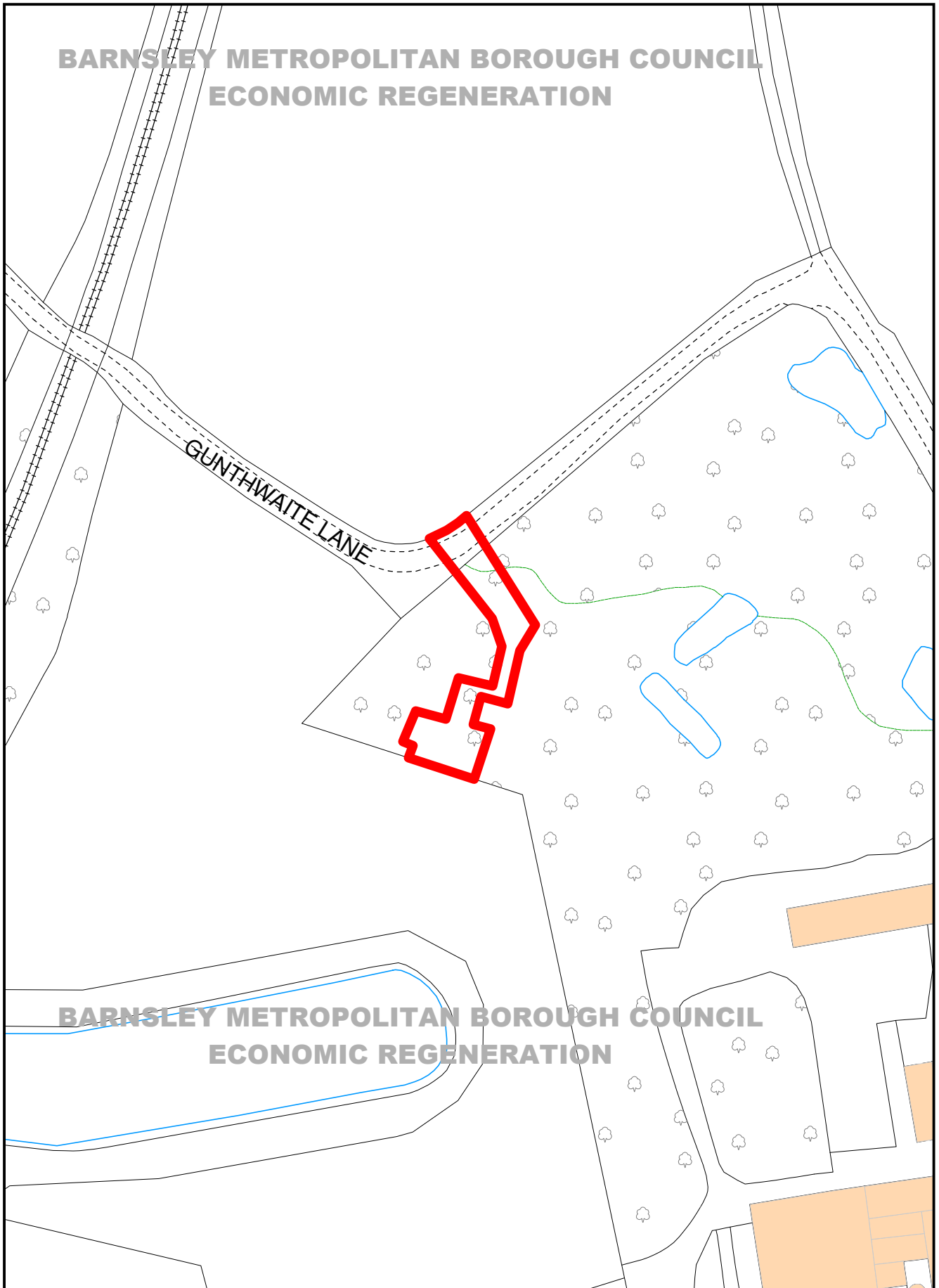
Approve subject to conditions

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

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing nos A1 and A2) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 No development shall take place until 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 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 maintain greenfield run off rates, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.
- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 7 Development shall not commence until details for a scheme of works for resurfacing of the first 8.0m of the private access abutting the adjacent carriageway on Gunthwaite Lane has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the development being brought into use and be maintained throughout the duration of the development; in accordance with the approved details.
Reason: To ensure that there is adequate provision for pedestrian and vehicular access to the site in the interests of highway safety in accordance with CSP26.
- 8 The dwelling hereby approved, and the existing farmhouse on Gunthwaite Hall Farm occupied by Mr and Mrs Emmott, shall be occupied by persons solely or mainly or last so employed locally in agriculture as defined in Section 336(1) of the Town and County Planning Act 1990, or in forestry and the dependants (which shall be taken to include a widow or widower) of such persons.
Reason: In order to comply with Saved UDP Policy GS8B and Paragraph 55 of the NPPF.
- 9 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.



BARNSELY MBC - Economic Regeneration

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Item 10

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 October 2016 to 31 October 2016

APPEALS RECEIVED

2 appeals were received in October 2016:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2016/0699	Erection of first floor extension to dwelling 47 Upperwood Road, Darfield, Barnsley	Written Representations	Delegated
2016/0623	Conversion of existing cellar into 2 no bedroom self-contained flat 132 Park Road, Barnsley	Written Representations	Delegated

APPEALS WITHDRAWN

No appeals were withdrawn in October 2016. .

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

APPEALS DECIDED

0 appeals were decided in October 2016:

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

2016/2017 Cumulative Appeal Totals

- 9 appeals have been decided since 01 April 2016
- 7 appeals (77.8%) have been dismissed since 01 April 2016
- 2 appeal (22.2%) have been allowed since 01 April 2016

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