

# Public Document Pack



<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 20 December 2016
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## AGENDA

### 1. 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.

### 2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 22<sup>nd</sup> November 2016.

## Planning Applications

3. Former Wood Yard, Tithe Laithe, Hoyland, Barnsley, S74 9DQ - 2016/0999 - For Approval (*Pages 7 - 16*)
4. Land to the south-east of Dearne Hall Road and 1 and 3 Claycliffe Road, Low Barugh, Barnsley, S75 1LX - 2016/1159 - For Approval (*Pages 17 - 28*)
5. Former Garage Site at Kirk Cross Crescent/Pinfold Lane, Royston, Barnsley S71 4PJ - 2015/0895 - For Approval (*Pages 29 - 40*)
6. Land off Park Avenue, Royston, Barnsley, S71 4AD - 2016/0738 - For Approval (*Pages 41 - 52*)
7. Land off Blacker Green Lane, Silkstone, Barnsley, S75 4NF - 2016/0538 - For Approval (*Pages 53 - 64*)
8. Pollyfox Centre, Pollyfox Way, Dodworth, Barnsley, S75 3QR - 2016/1158 - For Approval (*Pages 65 - 70*)

## Public Footpaths/Diversions

9. Proposed footpath creation/extinguishment orders between Silkstone Fall Wood and Champany Fields, Dodworth (*Pages 71 - 76*)
10. Proposed footpath diversion at the old Bolton Hall (*Pages 77 - 84*)

## Planning Appeals

11. Planning Appeals - 1st November 2016 to 30th November 2016 (*Pages 85 - 86*)

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](mailto:governance@barnsley.gov.uk)

Monday, 12 December 2016

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

## MINUTES

### Present

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

### In attendance at site visit

Councillors D. Birkinshaw (Chair), Hayward, Mathers, Makinson, Noble, Tattersall, R. Wraith and Wilson.

Councillor Clements attended as a local Ward Member.

### 44. Declarations of Interest

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

### 45. Minutes

The minutes of the meeting held on 25<sup>th</sup> October 2016 were taken as read and signed by the Chair as a correct record.

### 46. 4 Robin Lane, Royston - 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 Robin Lane, Royston, Barnsley, S71 4EA]

Mr Simon Elliot spoke against the officer recommendation to refuse the application.

**RESOLVED** that the application be approved, against Officer recommendation, as Members felt that the concerns raised by Officers did not amount to sufficient detriment to recommend refusal of the scheme. Members delegated powers to Officers to put together the necessary conditions for the approval.

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

MOVED by Councillor Makinson and SECONDED by Councillor R. Wraith, with voting being as follows:-

In favour of the amendment to approve the application:-

Councillors Coates, Gollick, Hand-Davis, Leech, Makinson, Markham, Mathers, Noble, Stowe, Wilson and R. Wraith.

Against the amendment to approve the application:-

Councillors D. Birkinshaw, Griffin, Hayward, Riggs, Spence and Tattersall.

Three Councillors abstained from voting.

**47. Kirkcross Crescent/Pinfold Lane, Royston, Barnsley - 2015/0895 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0895** [Erection of 5 no. detached and semi-detached residential dwellings (Amended Plans) at former Garage Site at Kirk Cross Crescent/Pinfold Lane, Royston]

**RESOLVED** that the application be deferred for further clarification over access issues.

**48. Bolton Hall Nursing Home, Carr Head Lane, Bolton on Dearne, Rotherham S63 8DA - 2016/0926 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0926** [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]

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

**49. Land off Lowfield Road, Bolton on Dearne, Barnsley - 2015/0725 - For Refusal**

The Head of Planning and Building Control submitted a report on **Planning Application 2015/0725** [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].

Mr Steve Gamble spoke against the officer recommendation to refuse the application.

**RESOLVED** that the application be refused in accordance with the Officer recommendation.

**50. Leapings Lane, Rockside, Thurlstone, Sheffield - 2016/1074 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1074** [Change of use of agricultural storage building to 2 no. dwelling houses with external alterations at Leapings Lane, Rockside, Thurlstone]

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

**51. Land at Gunthwaite Lane, Gunthwaite, Penistone - 2016/0215 - For Approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0215** [Erection of detached agricultural workers dwelling (Resubmission) at Land at Gunthwaite Lane, Gunthwaite, Penistone]

**RESOLVED** that the application be deferred for a site visit.

**52. Planning Appeals - 1st October to 31st October 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 October 2016:-

- **Planning Application 2016/0699** – Erection of first floor extension to dwelling at 47 Upperwood Road, Darfield, Barnsley (written representation) – delegated.
- **Planning Application 2016/0623** – Conversion of existing cellar into 2 no bedroom self-contained flat at 132 Park Road, Barnsley (written representation) – delegated.

No appeals were withdrawn or decided in October 2016.

It was reported that 9 appeals have been decided since 1 April 2016, 7 appeals of which (77.8%) have been dismissed and 2 of which (22.2%) have been allowed.

-----  
Chair

This page is intentionally left blank

# Item 3

---

**2016/0999**

**Applicant:** Mr Garry Scothorn C/o Mr Peter Thompson Architectural Design Consultant

**Description:** Erection of 2 no. detached dwellings with garages (Outline)

**Site Address:** Former Wood Yard, Tithe Laithe, Hoyland, Barnsley, S74 9DQ

---

The application is referred to Councillors for determination as the recommendation is subject to a S106 Agreement requiring the provision of compensatory Green Space provision. 6 representations have been received on the application from local residents.

## **Site Location & Description**

The site is situated on Tithe Laithe, a private road accessed from Market Street, Hoyland. Tithe Laithe serves three properties and is a Public Right of Way connecting Market Street with West Street.

The site is referred to as Former Wood Yard. However, a wood yard has never operated on the site and was instead the name of the dwellings formally located on the land. The site is surrounded by residential properties, which are both single and two storey in nature and constructed from varying materials.

The overall site makes a poor quality contribution to the visual amenity of the area with much of it consisting of a gravel base which is overgrown with grass and moss. This is with the exception of trees which are located in the eastern and western sides of the site. The site is also included in the Council's register of green space sites.

## **Proposed Development**

The application seeks outline planning permission for a development of 2 detached dwellings on the site which would include the provision of attached garages. Matters of access and siting are up for determination at this stage with appearance, scale and landscaping reserved for a future application for the approval of the reserved matters.

## **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicated 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 Plans policies, the Council has also adopted a series of Supplementary Planning Documents and Supplementary Guidance Notes, which are other material considerations.

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

## Saved UDP Policies

UDP notation: Housing Policy Area

Policy H8A indicates the scale, layout, height and design of all new dwellings must ensure that high standards of living conditions and amenity are provided for both existing and proposed residents.

Policy H8D indicates that planning permission for an infill development within existing residential areas will only be granted where there would be no harm to residential amenity or the local environment, traffic problems or prejudice the future development of an adjacent larger area of land.

Policy H8F refers (amongst other matters) to garages should be constructed to a design to respect the character, appearance and building materials of the dwelling to which they relate; be located and designed so that the amenity of the locality or neighbouring properties is not adversely affected; be provided with a surfaced driveway of at least 6m; and have an access with adequate visibility in the interests of visual amenity and highway safety.

## Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems

CSP4 'Flood Risk'

CSP14 'Housing Mix and Efficient Use of Land'

CSP26 'New Development and Highway Improvement'

CSP29 'Design'

CSP35 'Green Space'

CSP39 'Contaminated and Unstable Land'

CSP40 'Pollution Control and Protection'

## SPD's

- Designing New Residential Development
- Parking

## Other

South Yorkshire Residential Design Guide

## Publication Draft Local Plan

Proposed allocation: Green Space

## 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**

Highways DC – No objections subject to conditions

Drainage – No objections subject to conditions

Contaminated Land officer – No objections

Biodiversity Officer – Questioned whether an ecology survey should have been provided –

This was not considered necessary given that the plans propose that the majority of trees on the site would be retained.

Regulatory Services – No objections subject to conditions

Forestry Officer – No objections subject to conditions

Planning Policy – No objections subject to conditions

PROW – Identify that the applicant would need to contact the PROW team to identify whether an application would need to be made for a temporary closure to the public right of way passing through the site during the construction period.

Ward Councillors – No comments have been received.

South Yorkshire Archaeology Service – No comments have been received.

Yorkshire Water – No comments have been received.

## **Representations**

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site. 6 representations have been received. In summary the main concerns expressed are as follows:-

- Loss of light/privacy. In addition it is questioned whether certain windows on the new houses would be obscured glazed to prevent overlooking
- Highway safety – Concerns are raised about the potential for the development to contribute towards making a bad situation worse with regards introducing further traffic onto a road network that is congested with on street parking with access to Market Street being difficult from Spring Gardens, Little Leeds and Tithe Laithe.
- It is also stated that the development should include a passing place to prevent reversing manoeuvres onto Market Street.
- Pedestrian safety – It is stated that Tithe Laithe is a shared surface used by vehicles and pedestrians and that pedestrian safety must not be compromised by the development.
- Public safety – emergency vehicle access is queried.
- It is queried whether access to existing dwellings would be maintained during the construction process and whether Tithe Laithe would be resurfaced post construction of the development if it is damaged by construction vehicles.
- The existing trees – It is requested that they are retained because of their screening and wildlife value
- Concerns that the development may cause harm to private property.
- Appearance of the new dwellings – It is stated that this should be designed in a 1930's style to conform with neighbouring dwellings.
- Noise during the construction phase – it is requested that hours of working is restricted by the Council.

## **Assessment**

### Principle of Development

The site is allocated within a Housing Policy Area in the currently adopted UDP proposals maps. In addition the site is located in a sustainable location which is a priority to accommodate new housing growth. The proposed development is potentially acceptable in land use planning policy terms therefore.

Plans however must still comply with the criteria in the Designing Residential Development SPD regarding infill developments. In addition the site is also included on the Council's register of Green Space sites and is proposed to be designated Green Space in the Publication Draft version of the emerging Local Plan. Core Strategy CSP35 is considered to apply therefore. CSP35 aims to protect land designated Green Space unless except where an assessment shows that there is too much of that particular type of green space in the area which it serves and where its loss would not affect the existing and potential green space needs of the Borough. The assessment of the application against these considerations is detailed below.

### Green Space

The site is identified on the greenspace register as Woods Yard Local Neighbourhood Green Space (GS273). In accordance with policy CSP35 the authority will only allow development proposals that result in the loss of green space where an assessment shows there to be a surplus, or compensation is provided.

An assessment of the green space provision in the Hoyland area identifies large scale deficiencies in all areas. In terms of Parks and Open Spaces there are a lot of small spaces, such as the site under consideration, but no district level sites. The majority of the Hoyland area has access to youth facilities but there are large areas of Hoyland that have no access to children's play in line with the Green Space Strategy Standards. There are also deficiencies relating to outdoor sports facilities and natural areas, particularly in the built up area.

The assessment of this consideration has concluded that the site offers minimal potential to reduce existing deficiencies due to its size, shape and location and could, therefore, be released for development without negatively impacting on the function of the remaining green space, subject to compensatory provision to be determined, in line with CSP35. This sum has been calculated as £6,000.

### Residential Amenity

It is considered that the site is of a sufficient size that can comfortably accommodate two detached dwellings without harming the amenity of the neighbouring dwellings. In the first instance the layout plan illustrates that the separation distances and amenity standards contained in Supplementary Planning Document – Designing New Housing Development can be easily achieved on the site reducing the likelihood of, and mitigating any, overlooking which would result from having two dwellings on this site. In addition, the fact that an acceptable parking and turning area and an adequately sized garden area can be provided, demonstrates that residential development of the site would not be tantamount to overdevelopment. The layout also indicates that two dwellings, in the position shown, would not result in significant overshadowing of the properties to the north or east or their associated garden area. However, given the nature of the site and the proximity to the surrounding properties it is considered prudent to limit the scale of development to single properties, or a maximum of dormer bungalows by way of a condition to further protect the amenity of surrounding residents. Taking into account the above there is therefore no objection to the development on grounds of residential amenity. Councillors are requested to note however that a further assessment of the proposed scale and appearance details would take place at the reserved matters stage in relation to residential amenity considerations.

### Visual Amenity

UDP Policy H8D emphasises the importance of retaining the character of an area and protecting the street scene when considering proposals for new dwellings on small infill plots. The character of the area consists of modestly sized dwellings of varying types, which are set back from the road in generous green curtilages. The site is approximately 500sqm in size, and when measured against similar plots on in the area does not appear dissimilar to these. It is therefore considered that the overall plot size and nature of the street scene would be similar in character to the existing street scene. The design and scale are to remain reserved matters; therefore in principle, residential development of this site is acceptable in accordance with policy H8D.

### Highway Safety

Concerns have been raised by residents in relation to the access track and its suitability for construction, refuse and emergency vehicles and the implication on the existing residents and the highway network at the junction of Tithe Laithe and Market Street. However Highways are content that the highways implications of the development are sufficiently modest so as to not raise an objection. Notwithstanding, it is considered appropriate in this instance to include a condition requiring a construction method statement to be submitted and approved prior to commencement on site to limit impact on the network.

In relation to refuse and emergency vehicle access; the dwelling is not located an unacceptable distance from the adopted highway for refuse lorry's to collect wheelie bins. The site is not of a size that would be large enough to accommodate fire appliance vehicles. However this would be addressed under the Building Control process either via the installation of a hydrant or a sprinkler system.

The plans indicate that 2 parking spaces per dwelling would be achieved to satisfy the requirements of the SPD, although this can be ensured either by a condition or at the reserved matters stage. Overall the proposal is considered satisfactory in relation to policy CSP26.

An informative is proposed to ensure that the applicant is made aware of the need to contact the public rights of way team to discuss the potential need for a temporary closure of the public right of way passing through the site prior to development commencing on site.

### Trees & Biodiversity

There are three mature trees in the eastern part of the site which provide significant amenity value to the area. These are to be retained and would provide screening for an existing dwelling, Dormouse. It has been outlined in the arboricultural survey that these trees are to be pruned to provide greater distance between them and the proposed dwelling with a lateral reduction of up to 2m to the west of the canopy.

There are 3no trees to be removed to allow for the western plot this includes 2no Ash (T4 & T5) and 1no Alder (T6). Although there is no requirement for T6 to be removed, however Alders are high water demand trees and grow very large and it is considered prudent to remove the tree prior to any potential impact the tree would have on the future dwelling. In addition the 3 trees located adjacent the western boundary would be retained which is preferable as they provide more important screening benefits.

It is acknowledged that the Biodiversity officer has requested an ecology survey, however, although allocated as Green Space, the gravel based, grassed area with young to early mature trees situated within a built up urban environment would have little ecological potential and as such was not requested.

### Conclusion

In summary the proposed development is judged acceptable in land use planning policy terms taking into account that the site is located in a UDP housing policy area and an established residential area which is a priority to accommodate new housing growth. The site is also located on the Council's register of Green Space sites. However because of its limited size, function and value it is considered that a greater benefit would be achieved via the applicant paying a commuted sum to be used to improve a more important green space in the Borough. The other implications of the proposed development have been assessed. In this case layout and access are up for determination. In the opinion of Officers the proposals in relation to these matters would satisfy the relevant policies relating to residential amenity, highway safety and other matters including the retention of trees. Approval of the application is therefore recommended subject to a reserved matters submission considering design, scale and landscaping and the signing of a legal agreement in relation to compensation payment due for the loss of green space.

### **Recommendation**

**Grant** outline planning permission subject to conditions and S106 Agreement (loss of green space)

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

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

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

(a) scale of building(s)

(b) the design and external appearance of the proposed development.

(c) landscaping

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

- 3 The development hereby approved shall be carried out strictly in accordance with the amended plans received on 6th December 2016 (Site Plan Aug 16 Rev B and Arboricultural Report produced by Ian Kennedy, Wharncliffe Trees and Woodland Consultancy updated 6 December 2016) and specifications as approved unless required by any other conditions in this permission.

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

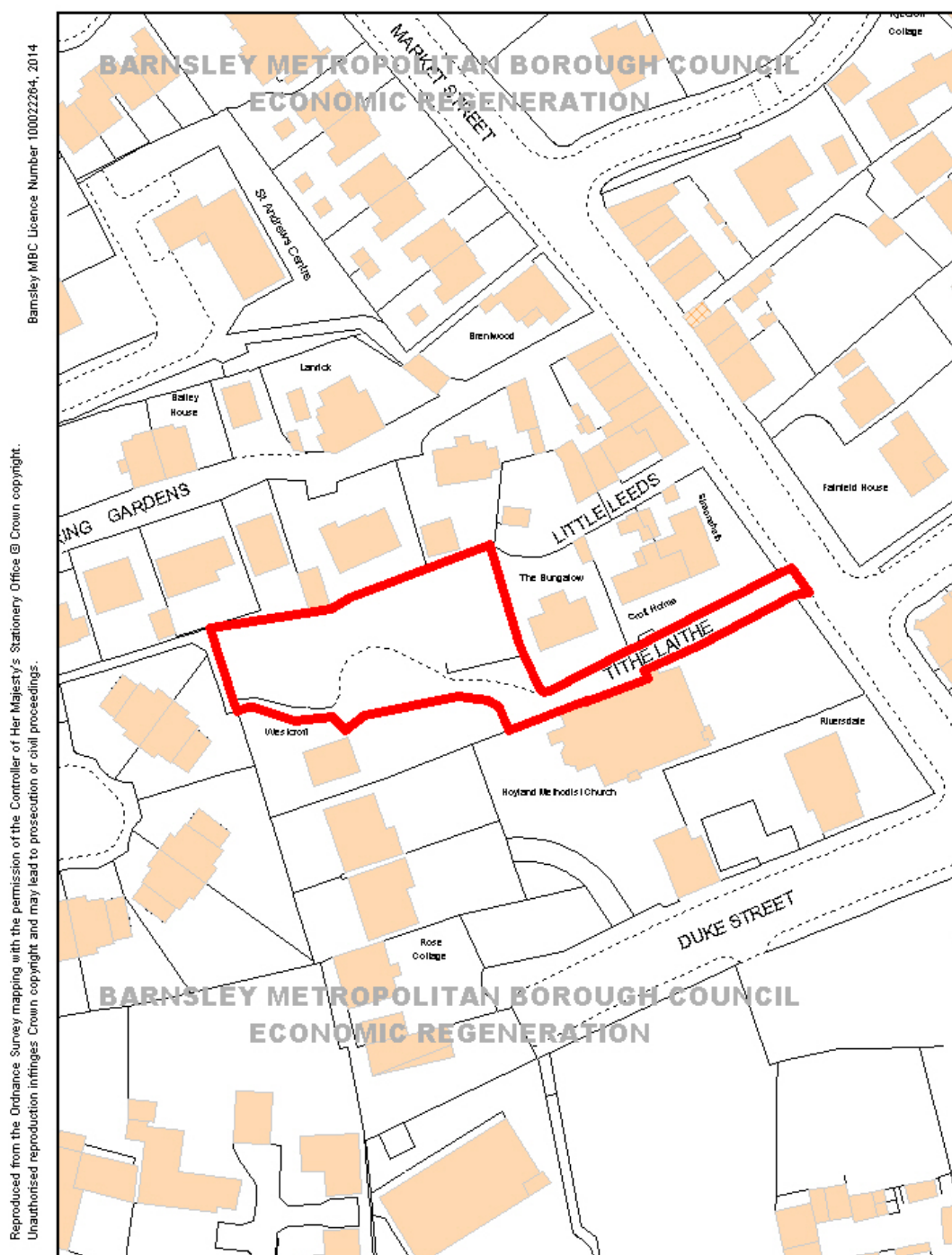
- 4 The development hereby approved shall not exceed a maximum of 2 units and the units shall not exceed a maximum of 1 ½ storey in height, the details of which shall be submitted as part of the application for approval of reserved matters.  
**Reason: To ensure the development conforms with the approved outline planning Permission and stays within the maximum assessed level of development.**
- 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 No development shall take place unless and until the following details have been submitted to and approved in writing by the Local Planning Authority  
(a) full foul and surface water drainage details, thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.  
(b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and  
(c) calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways.  
**Reason: To ensure the proper drainage of the area.**
- 7 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:  
- The parking of vehicles of site operatives and visitors  
- Means of access for construction traffic  
- Loading and unloading of plant and materials  
- Storage of plant and materials used in constructing the development  
- Wheel washing facilities  
**Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 8 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 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 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

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

PA reference :-

2016/0999



**BARNESLEY MBC - Economic Regeneration**

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



Scale 1:1250

This page is intentionally left blank



---

**2016/1159**

**Applicant:** Barratt Homes C/o Paul Butler, PB Planning Ltd

**Description:** Variation of condition 2 of app 2015/0891 - Residential development with associated public open space, landscaping and link road. (2013/0280 - Reserved Matters)

**Site Address:** Land to the south-east of Dearne Hall Road and 1 and 3 Claycliffe Road, Low Barugh, Barnsley. S75 1LX

---

The application is referred for Councillor determination given the recent history of planning applications on the site. On this occasion 2 objections have been received from local residents and 1 from a local business.

## **Site Description**

The site encompasses approximately 10ha of land located to the east of Dearne Hall Road (B6428) in Low Barugh. The site predominately comprises agricultural fields, which infill an area positioned between a range of different uses which includes existing housing, a pub (Millers Arms), Barugh Methodist Church, Claycliffe industrial estate, an electricity substation and the Barnsley to Darton railway line.

The site also includes two existing dwellings, Nos 1 and 3 Claycliffe Lane. These are part of a terrace containing ten existing dwellings. Other housing is located immediately next to the west and the south of the site on Dearne Hall Road, Dearne Hall Fold and Barnsley Road. A significant number of these properties directly overlook the site.

Claycliffe Industrial Estate and the substation are located on the other side to the east and south east on a level that is above the site. Two pylon routes pass through the site in opposing diagonal directions to the North West and south west with some of the pylon structures located within the site. Located within the site near to the eastern boundary is an area of marshland that contains two ponds, one of which has been identified to contain a colony of Great Crested Newts.

Levels on the site vary gradually across the large expanses of the site from 55m at the northern boundary opposite the Millers Arms pub rising to 72m at the southern boundary with Claycliffe Road. Large areas of the site are open apart from a row of mature polar trees in the northern area of the site.

## **Proposed Development**

The application had been made under the minor material amendment procedure seeking to vary the plans approved reserved matters approval application 2015/0891. This application approved the development of 170 houses following on from the outline planning permission that was granted which established that developing the site for residential purposes was acceptable in principle (ref 2013/0280).

The above permissions were for 170no 2 storey dwellings consisting of detached, semi-detached and townhouses. The roundabout and access points onto Claycliffe Road and Dearne Hall Road were also approved along with the internal road layout.

The existing approvals also include a detailed design for the area of open space to the North East of the site including drainage basins, ecology ponds and formal play areas.

This application is to vary condition 2 (development shall be carried out in accordance with the approved plans) of application 2015/0891 in order to substitute the previously approved plans for amended plans.

The current application is still for 170no. 2 storey dwellings consisting of detached, semi-detached and townhouses. However, the developer simply proposes to substitute the previously approved house types for new house types within their product range which were not available at the time of the previous approval. The new products are more contemporary in design and are amended in accordance with customer feedback based on the previous house types.

The road layout both external and internal to the site would remain as previously approved, as would the area of open space to the North East. There would be minor layout changes to a number of the plots where the substituted house type differs in size/shape to that which is would replace. However, overall the general layout of the development would largely be as previously approved.

## **History**

B/76/2070/DT – Residential development (outline) refused 02/09/1976

B/86/1414/DT: Residential development (outline) and formation of vehicular access – Refused 27/02/1987

B/87/0399/DT: Temporary siting of a mobile home – approved 10/04/1987 (expired 30/04/1995)

B/92/0133/DT: Outline application for residential development – Refused 02/04/1992 for the following reasons:-

1. Housing development was contrary to the old Barnsley Urban Area Local Plan (Urban Land to Remain Undeveloped)
2. An adequate housing land supply existed within the Borough
3. The proposal was premature pending the preparation and adoption of the UDP
4. The increase in traffic movements was considered to have an unsatisfactory impact on Dearne Hall Road and the junction with Barnsley Road, to the detriment of highway safety.

2013/0280: Residential development with associated public open space, landscaping and link road (outline) – approved

2015/0891 – Residential development with associated public open space, landscaping and link road -approved

## **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.

#### Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'  
CSP4 'Flood Risk'  
CSP8 'The Location of Growth'  
CSP9 'The Number of New Homes to be Built'  
CSP10 'The Distribution of New Homes'  
CSP14 'Housing Mix and Efficient Use of Land'  
CSP15 'Affordable Housing'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP33 'Green Infrastructure'  
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: Urban Land to Remain Undeveloped

#### 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

#### Local Plan Publication Draft

Proposed allocation: Urban Fabric with historic canal route crossing the site

#### 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**

Highways – No objections provided that the same conditions imposed on the previous reserved matters approval would be re-applied on the new permission.

Drainage – No objections provided that the same conditions imposed on the previous reserved matters approval would be re-applied on the new permission.

Regulatory Services – No objections to the proposed changes provided that the same conditions imposed on the previous reserved matters approval would be re-applied on the new permission.

## **Representations**

The application was advertised by individual notification letters and by press and site notices. 3 representations have been received (2 from local residents and 1 from a business on Claycliffe Industrial Estate). In summary the main concerns expressed are as follows:-

- Concerns that the development has been previously approved against the wishes of local residents. The remainder of this particular objection re-states concerns about the effect of the development on levels of amenity, outlook and tranquillity experienced by existing residents who overlook the site. Concerns are also reiterated relating to the highway safety implications of the developments, its potential effects on hedges, noise, air quality and Great Crested Newts.
- It is queried whether Dearne Hall Road would be closed at the southern end once the new spine road has been constructed. Otherwise concerns are raised that the development would fail to solve the traffic congestion problem faced by existing residents.
- Noise and the potential for operations on the Claycliffe Industrial Estate to be compromised by the development – Concerns are raised that the conditions previous imposed do not go far enough with regards to taking into account of sources of noise from the Industrial Estate. It is therefore asserted that the changes put forward should be appropriately assessed to ensure that suitable mitigation measures are in place to enable the two uses to coexist without any problems.

## **Assessment**

### Principle of Development

Detailed planning permission already exists for the proposed development under the planning applications this application relates to (2013/0280 and 2015/0891). This application is simply to substitute Barratt homes old portfolio of house types for their new designs and is not about revisiting the issue of the principle of development therefore. This report aims to assess the suitability of these amended house types only, under the following headings, and not revisit the previously approved aspects of the development.

### Visual Amenity

The areas of the site to be developed and to be utilised as open space remain the same. The proposed layout closely reflects the illustrative masterplan which was considered at outline stage and the layout approved at reserved matters stage. The road layouts would

remain as previously approved and the dwellings largely positioned in a similar arrangements around those roads, the only position changes come as a result of the new house types not matching exactly the footprint of the approved house types.

As previously was the case, it is predominantly a perimeter block development addressing the principal streets and open spaces with dwelling types familiar to the surrounding context which are mostly detached and semi-detached houses with some townhouses interspersed. Through the scheme runs a tree lined access road which is fronted by detached or semi-detached dwellings with side drives to reduce impact of cars on the street scene. This sets the character for the scheme. Off the access road are lower tier streets, homezones and lanes.

The proposal is still for 170 dwellings, 5 less than the maximum proposed at outline stage. This would achieve a net density of approximately 35 dwellings per hectare on the developable area, which, given the constraints on site would be considered an acceptable density in relation to CSP14 'Housing Mix and Efficient Use of Land'.

All the properties on the site would be 2 stories in height and there would be a housing mix which would create a broad based community and visual interest. The new house types are not vastly different to the previously approved dwellings, the designs and house types within Barrett's portfolio have just evolved since the approval of the outline and reserved matters application. These house types are being introduced to their sites across the country. Furthermore, there still specific house types which have fenestration and design details to both the front and side elevations which would be utilised on corner plots to avoid blank gables and large areas of exposed brickwork within close proximity to the back edge of footpaths and in prominent locations.

With regard to parking arrangements the layout does not appear to be car dominated, parking areas are provided to the front and sides of the properties and their dominance/impact will be softened as a result of soft landscaped front gardens and landscaping within the highway. There are also a mixture of detached and integrated garages to add variety and interest. All of the properties are served with front to rear access which allow for the storage of bins outside of the public domain.

Having full consideration to the design merits of the revised scheme it is considered that the development would deliver an attractive residential environment which would preserve/enhance the existing area, in accordance with the objectives of CSP policies 14, 17, 29 which stress the importance of achieving high quality design.

### Residential Amenity

The site does adjoin existing residential properties, fronting Dearne Hall Road and Dearne Hall Fold, running along the North Western boundary. There are a number of properties proposed along this boundary which would either back on to, or be side on to, the neighbouring dwellings. However, this was the case with the previously approved layout and the current proposal is not significantly different. As such, the required separation distances as set out in SPD 'Designing New Housing Development' have been met and generally exceeded.

Given the relatively minor nature of the proposed changes compared to the previous approval, it would not significantly increase overshadowing, lead to overbearing structures or reduce privacy levels to an unreasonable degree, in accordance with SPD 'Designing New Housing Development'

With regards to the residential amenity of the future occupants of the amended house types, the layout generally achieves the separation distances set out in Supplementary Planning Document 'Designing New Housing Development'. In addition, the properties themselves, in terms of internal spacing standards, comply with the technical requirements of the South Yorkshire Residential Design Guide. Furthermore, the garden areas for the 2 bed properties generally exceed 50m<sup>2</sup> and the 3 beds plus properties generally achieve at least 60m<sup>2</sup>, in accordance with the SPD.

### Noise

Noise was previously identified as the main issue in terms of whether the development would afford adequate standards of residential amenity for future residents with the noise sources being the substation, the industrial estate and the train line. Noise was considered carefully at outline stage and at reserved matters stage. This application is for the same number of dwellings as previously approved and the houses are organised around the same road layout, as such, they would be a similar distance from the noise sources as the previously approved houses. Therefore, the previously submitted noise reports and subsequent conditions are still relevant in this case.

It is acknowledged that a business which adjoins the site has submitted an objection letter with regards noise. They claim that the previously submitted Noise Reports were inaccurate and have submitted their own noise report. Their noise report suggests that the site 'needs to be reconsidered in terms of its quantum, massing and orientation'. However, as outlined above, this application is just to substitute the previously approved house types, it is not significantly different in terms of layout adjacent to the commercial/industrial properties to the South East of the site and has the same density. As such, as a layout almost identical to that currently proposed has previously been approved a revisit of the noise implications could not be justified. In anycase, the mitigation measures previously outlined in the noise reports, together with the conditions relating to noise, would be carried forward onto this application.

### Highway Safety

As outlined above the road layouts would not be changed from the approval and, as such, the merits of those will not be revisited under this application. The only alteration from a highways point of view is minor revisions to driveways and garage positions, however, these still meet the requirements of SPD 'Parking' and the South Yorkshire Residential Design Guide. As a result of the above, Highways have not raised any objections to the proposed amendments.

### **Other considerations**

#### Biodiversity

Councillors will be aware that it has previously been established that the site hosts two ponds which host a colony of Great Crested Newts and of the protection status afforded to this form of species. However the proposed changes do not raise any new implications for this area. In addition Members are updated that protection barriers have already been erected around the ponds under supervision from Natural England and the Councils Ecologist.

#### Affordable housing, public open space and education provision

The applicant is not seeking to alter the proposals already agreed in relation to these matters via the proposed changes which are covered by the existing S106 Agreement and conditions.

## **Conclusion**

In summary the proposed amendments to the plans are not considered to raise any significant new issues. The proposed plans therefore are considered to remain satisfactory with regards to policy considerations including residential amenity, design and appearance and highway safety. Therefore it is recommended to the Board that the application is granted planning permission subject to the conditions listed below.

## **Recommendation**

**Grant** subject to conditions:-

- 1 The development, hereby permitted, shall be begun before 25th February 2018.  
**Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990 and condition 1 of application 2015/0891.**

- 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. The relevant plans and documents are outlined below:

- 1414.50 'Planning Layout Rev.A

House Types & Layouts

- ALD-01
- CHE-01
- DER-01
- ENN - 01
- ENN-02
- FOL-01
- HAL-01
- MAI-01
- PAL-01
- RAD-01
- WAS-01
- WIN-01

Garages

- 1414.200
- 1414.201
- 1414.202

Boundary Treatments

- 1414.300
- 1414.301
- 1414.302

Documents

- Garden Noise Assessment - 14/0561/R01
- Planning Noise Assessment - 13/0190/R1//Revision 6
- Drainage Details - Ref: E14/6120/MH/PW/010
- Great Crested Newt Survey Report - June 2014

**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 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 5 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.  
**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**
- 6 Development shall not commence until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period.  
**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**
- 7 Prior to the commencement of development, details shall be submitted in writing to the Local Planning Authority of arrangements which secure the following highway improvement works:  
- Provision of bus stop clearways  
- Provision of Highway Warning Signs  
- Measures to restrict parking/loading on the main spine road  
- Measures to prevent parking on verges  
- Any necessary signing/lining  
The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.  
**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**
- 8 Development shall not commence until details of the phasing of the development has been submitted to and approved in writing by the Local Planning Authority.  
**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**
- 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 Within 3 months of the commencement of the development the following landscaping details shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be retained thereafter:
- i) proposed finished levels or contours;
  - ii) public open areas;
  - iii) soft landscaping;
  - iv) means of enclosure;
  - v) other vehicle and pedestrian access and circulation areas;
  - vi) hard surfacing materials;
  - vii) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); and
  - viii) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, indicating lines, manholes, supports etc.)
- Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 11 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:
- Tree protection plan and barrier details (TPP)
  - Arboricultural method statement (AMS)
- No development or other operations shall take place except in complete accordance with the approved methodologies. The erection of barrier's for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality.**
- 12 No development shall commence until a detailed scheme has been submitted to and approved by the Local Planning Authority in writing in order to mitigate the impact of low frequency noise from the electrical substation to the south east of the site, as shown on plan IL21235-020 Rev B, upon noise levels within the dwellings hereby permitted. The scheme shall broadly accord with the Cole Jarman Planning Noise Assessment submitted as part of the application dated 13 June 2013 (Report 13/0190/R1 Revision 6) and shall:
- a) demonstrate that internal noise levels at the 100Hz one-third octave band centre frequency shall not exceed an unweighted 48dB Leq 5 min during the day (0700-2300h) and 43 dB L eq 5 min at night (2300-0700h) respectively at any location with the dwellings due to the operation of the electrical substation; and
  - b) include specifications for the installed performance of external building fabric such as windows and include the provision of alternative means of background ventilation in order to achieve the noise levels set out in (a) above.
- The development shall be carried out in accordance with the approved scheme
- Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**

- 13 The development hereby permitted shall not commence until a detailed scheme has been submitted and approved by the Local Planning Authority in writing in order to mitigate the impact of low frequency noise from the electrical substation to the south east of the site, as shown on plan IL21235-020 Rev B, upon noise levels within the gardens of the dwellings hereby permitted. The scheme shall broadly accord with the Cole Jarman Planning Noise Assessment submitted as part of the application dated 13 June 2013 (Report 13/0190/R1 Revision 6) and shall demonstrate that within each garden there is provision for an area subject to noise levels at the 100Hz one -third octave band centre frequency shall not exceed an unweighted 54 dB L eq 5 min due to the operation of the electrical substation.

The development shall be carried out in accordance with the approved scheme.

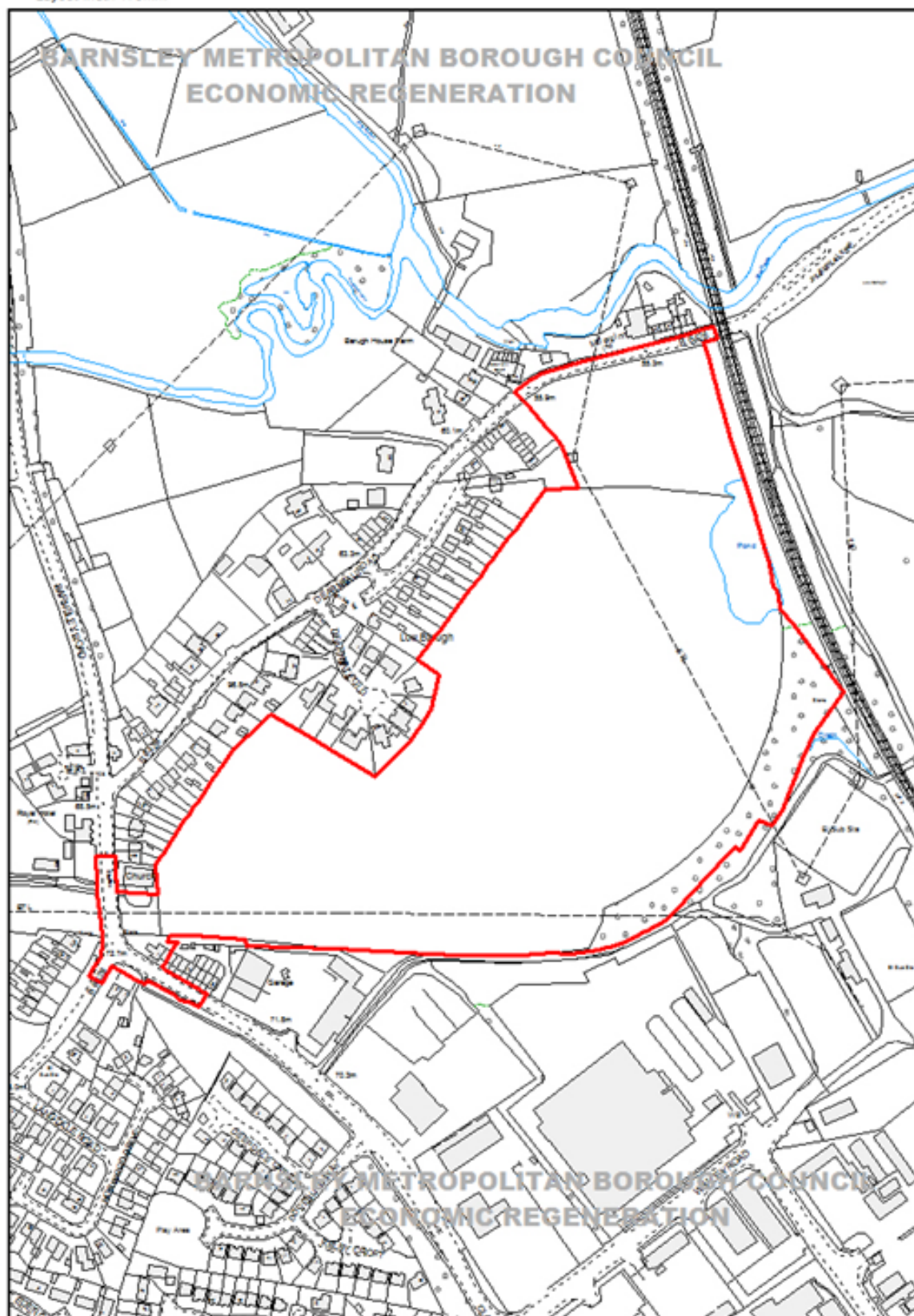
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**

- 14 Prior to the completion of the new pond, a plan indicating the position of boundary treatment to be erected for the area located around the existing and new pond shall be submitted to and approved in writing by the Local Planning Authority. The approved boundary treatment shall be completed prior to the occupation of the first dwelling or in accordance with a timescale to be agreed in writing with the LPA. 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 and safety of occupiers of adjoining properties in accordance with Core Strategy policy CSP 29.**

Layout width 175mm

This map is reproduced from Ordnance Survey material with the permission of Ordnance Survey on behalf of the Controller of Her Majesty's Stationary Office © Crown copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. 100022264. (2016)



BARNSELY MBC - Economic Regeneration



This page is intentionally left blank

---

**2015/0895**

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

**Description:** Erection of 5 no. detached and semi-detached residential dwellings.

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

---

Councillors may recall that the application was previously deferred from consideration at the November 22nd Planning Board meeting for further clarification to be obtained in relation to the means of access proposals. 5 letters of objection have been received from local residents. In addition Cllr Clements has requested that the application is determined by Councillors. Furthermore the recommendation is subject to a S106 Agreement requiring to compensatory Green space provision.

### **Site Location & Description**

The application relates to a triangular shaped former 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 was previously accessed via a long diagonal track known as Pinfold Lane that connects with Kirk Cross Crescent to the south of the site. However this has since been introduced as a Safe Route to Carlton Community College from West Royston, although it does continue to serve a small number of properties along Pinfold Lane.

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 5 two storey dwellings. 3 would be detached and remaining 2 semi-detached. Those would house 2 x 3 bed and 2 x 4 bed houses.

Parking provision would be achieved via a mixture of in curtilage parking and integral garages. 2 spaces per dwelling would be provided and a visitor space adjacent to plot 5.

Access would be taken from Kirkcross Crescent adjacent to number 52 via a newly constructed private drive. This would pass over a grassed area which is registered as Green Space on the Council's register of Green Space sites.

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  
CSP3 Sustainable Drainage Systems  
CSP 4 Flood Risk  
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  
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

### 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 have been received.

Public Rights of Way – No objections

Ward Councillors – Cllr Clements requested the application is determined by Councillors.

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 impact
- 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. In addition the site is located in an established residential area which is a priority to accommodate new housing growth. Furthermore the development would contribute towards the recycling of derelict land located within urban areas. These are all sustainable development credentials in favour of the proposal.

It should be noted that the site is on the Council's Green Space register and is also proposed to be designated as Green Space on the Publication Draft of the Local Plans Maps. However, due to its limited function, 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 proposed development would not be in conflict with 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.

Notwithstanding, 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. The assessment of the proposal in relation to these considerations is set out below:-

### 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.

Highways 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 the maximum number of 5 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.

As Councillors will recall, the application was deferred from the November PRB following the site visit which raised concerns regarding the turn into the site which is proposed to be located between the rear boundary of number 52 and Pinfold Lane. The site plan has been slightly amended and the access road is entirely within the land being bought by the applicant, as shown on the submitted legal plan. As such, the applicant has demonstrated that the development can be accommodated within land under their control/ownership.

If there are any discrepancies on the ground this would result in a boundary dispute between the applicant and the owner of number 52 Kirk Cross Crescent which is separate to planning. The applicant also proposes to replace the side and rear boundaries for the owners of number 52 in order to maintain privacy levels. Any amendments to boundary lines, in accordance with the legal plans, could be done at that stage to accommodate the development.

### 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 an existing 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. The type of activity being introduced would not be new therefore.

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 occur. 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 to deal with this issue.

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 hidden 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 required has been calculated at £10,000 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 – Grant** planning permission 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-G, 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.**

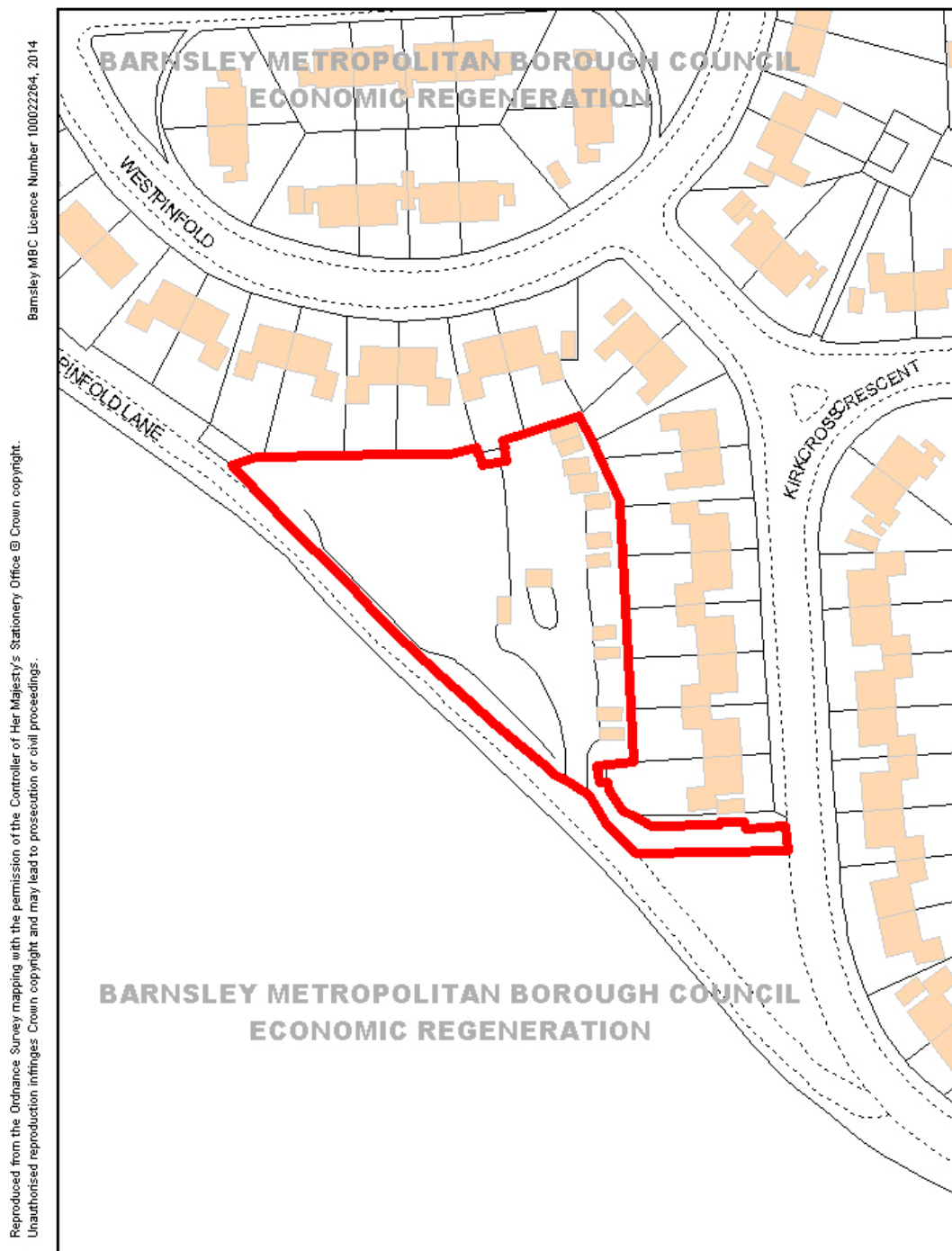
- 4 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
  - (b) Porosity 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.**

PA reference :-

2015/0895



**BARNESLEY MBC - Economic Regeneration**

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



Scale 1:1250

This page is intentionally left blank



---

**2016/0738**

**Applicant:** Mr C Noble C/o Self Architects

**Description:** Demolition of existing semi-detached bungalow and erection of 10 no. dwellings with garages and car parking.

**Site Address:** Land off Park Avenue, Royston, Barnsley, S71 4AD

---

The application is referred to the Planning Board for determination as the recommendation proposes that a S106 Agreement is entered into with the applicant to agree compensatory Green space provision. 16 letters of objection have been received from local residents and a petition containing 155 signatures. Councillor Clements also objects to the proposed development.

### **Site Location and Description**

The main body of the application site is approximately rectangular in shape and measures approximately 0.36Ha. The land rises relatively gently from the north-east corner to the south-west corner. The site is currently largely overgrown with some shrubs, hedges and trees around the boundaries. The site is bounded by residential properties on St John's Walk to the East, Plantation Avenue to the South and Park Avenue to the West with Royston Park lying to the North. The site is separated from the park by a row of mature conifers and a drainage ditch. There are a mixture of house types evident within the immediate area including semi-detached bungalows off Park Avenue (East), detached bungalows on Plantation Avenue (South) and detached and semi-detached single storey and two storey properties off St Johns Walk (West).

Access to the site would be via Park Avenue and would require the demolition of number 42 Park Avenue which is a semi-detached bungalow.

### **Site History**

Planning application B/02/0261/RO proposing the erection of one pair of semi-detached houses and a new access road was refused planning permission by the Council 7<sup>th</sup> May 2002. The planning application was refused as the development would have resulted in the loss of land designated as Greenspace which was considered to contribute significantly to the character and quality of the area. The subsequent appeal to the Planning Inspectorate was dismissed 24<sup>th</sup> January 2003.

### **Proposed Development**

The applicant seeks permission to demolish number 42 Park Avenue to create a vehicular access into the site and build 10no. of dwellings in a courtyard arrangement. There would be 5no. property types as follows:

Type A: 2 bed, 2 storey semi-detached dwellings (2no.)

Type B1: 3 bed, 2 storey semi-detached dwellings (4no. – 2 sets of 2)

Type F1: 4 bed, 2 storey detached dwelling with single integral garage (1no.)

Type G: 4 bed, 2 storey detached dwelling with double integral garage (1no)

Type H: 4 bed 2 storey dwelling with single integral garage (2no.)

Each property would have a driveway or dedicated parking space in accordance with SPD 'Parking'. They would also have a modest front garden and enclosed rear garden.

Plots 1, 8, 9 & 10 would be accessed from a new adopted highway created within the site with the remaining plots accessed off 2no. private access drives which off shoot the main roadway.

## **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.

### Local Development Framework Core Strategy

CSP1 'Climate Change'  
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'  
CSP25 'New Development and Sustainable Travel'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP35 'Green Space'  
CSP36 'Biodiversity and Geodiversity'  
CSP37 'Landscape Character'  
CSP39 'Contaminated and Unstable Land'  
CSP40 'Pollution Control and Protection'  
CSP42 'Infrastructure and Planning Obligations'

### Saved UDP Policies

UDP notation: Housing Policy Area and Urban Greenspace

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.

#### 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

#### Local Plan

Urban Fabric & Green Space

#### Other

South Yorkshire Residential Design Guide

#### NPPF

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

Paragraphs of particular relevance to this application include:

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

Highways – no objections subject to conditions

Reg Services – No objections subject to conditions

SYMAS – No objections

Ecology – requested additional information which has been received

Tree Officer – No objections subject to conditions

Yorkshire Water – No objections subject to conditions

Policy – No objection subject to compensation payment

Ward Councillors – Cllr Makinson requested the application to go to PRB and Cllr Cements objects for the following reasons;

- Detrimental to the view from the park
- Out of character with the area
- Drainage issues
- Access & Highway Safety issues

## **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. Re-consultations also took place following a reduction of numbers on the site from 12 to 10.

As a result of the consultation 16 letters of objection have been received as well as a petition containing 155 signatures. The main points of concern are;

- Errors in the submission
- Demolition of existing bungalow unacceptable
- Park Avenue unable to accommodate additional traffic
- Reduced highway safety
- Over development
- Reduced residential amenity levels
- Reduced privacy levels
- Impact on wildlife
- Drains are at capacity
- Out of keeping with surrounding area
- Loss of Green Space

## **Assessment**

### Principle of Development

One of the main primary goals set out by the NPPF is to boost significantly the supply of housing. This is discussed at length in paragraph 47; which determines that Local Planning Authorities need to ensure their Local Plan meets the full, objectively assessed needs for market and affordable housing.

Policy CSP 8 'The Location of Growth' states that priority will be given to development in Urban Barnsley and the principle towns which includes Royston.

The site is designated Green Space in the currently adopted UDP and Green Space within the publication draft of the Local Plans maps. It is also acknowledged that a previous application was refused, and an appeal dismissed via a hearing, due to the loss the green space and the negative impact it would have on the adjacent park. However, that decision was over 14 years ago and the Council has since adopted an ambitious target for the number of new homes to be delivered within the Core Strategy. Within the Core Strategy the policy regarding Green Space has altered to focus on the public amenity, recreation, wildlife or biodiversity function of a particular site. The overall planning policy outlook has significantly altered therefore. Furthermore, a hedge has been established between the park and the site which visually separates the two. The Councils Policy department accept that

the loss of the site would not affect the existing and potential green space needs of the borough, especially given the proximity of the neighbouring park/green space. As such they have resolved not to object to the loss of the site under policy CSP 35 'Green Space', subject to the applicant paying a commuted sum for the enhancement of greenspace off the site as compensation.

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.

All new dwellings proposed 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, residential development will only be granted where the proposal would maintain visual amenity and not create traffic problems.

### Sustainability

The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental. The NPPF not only commits to the presumption of sustainable development but stresses that it is essential 'to significantly boost the supply of housing'.

Whilst the contribution to the environmental dimension of sustainable development would be largely neutral, the proposal would significantly contribute to the economic (through increased spending within the local area, creation of jobs etc.) and social dimensions (increased housing provision to meet identified needs/targets, contributions for improving local green spaces). In addition the site is located in an established residential area which is a priority to accommodate new homes growth within the Borough. Furthermore, the site is located within a sustainable position with all the facilities within Royston Centre a short distance away as are a recreation ground and open countryside. On this basis, it is considered the presumption in favour of sustainable development applies.

### Visual Amenity

A number of the objections to the scheme have cited the fact that the proposed dwellings would be two storey houses whereas the majority of the existing dwellings within the immediate area are bungalows. However, although the site would be accessed from Park Avenue it would be set back from it and would not be read in the same context.

There would be some views of the development from neighbouring highways and public vantage points but, these would be largely over existing dwellings or mature trees/hedges which would be largely retained around the boundary. As such, the site would be relatively non-prominent and would not have a significant impact on neighbouring streetscenes or viewpoints, despite the height difference. It should also be acknowledged that the surrounding area is not exclusively made up of bungalows as there are some two storey dwellings evident from St Johns Walk to the North West. As a result, 2 storey dwellings would not be unacceptable.

A previous application for residential development on the site was refused partially due to the impact it would have on vistas from the neighbouring Welfare Park. However, the site was previously open to the park and was considered as an extension to it despite it being in private ownership. However, the site is now separated from it by both a drainage ditch and mature hedge, which is to be retained. In any case, as the site is enclosed on 3 sides by

existing residential development, given current pressures for residential development, it forms a logical infill site and would not have a significant impact on the visual amenity of the park or surrounding area.

Regarding the development itself, the dwellings would be arranged in a courtyard setting with the majority facing onto the courtyard/access roads. There are 5 different house types proposed which would provide a mix and variation of house design, in accordance with CSP 14, to provide visual interest while still maintaining a level of continuity across the different types.

The plans show parking solutions across the site including side/tandem parking, out of curtilage parking and attached garages. As a result, there would be ample space for soft landscaping and the car, or hard landscaping, would not dominate the development to the detriment of visual amenity.

All the plots would have pedestrian access to their rear gardens to store the bins. Therefore, bins should not be in prominent positions or detrimentally affect the streetscene.

#### Residential amenity

It is acknowledged that the site has not previously been developed and the introduction of 10 dwellings would inevitably introduce a level of noise and disturbance associated with residential activity and vehicular movements, especially as an existing property would be demolished to create an access road passing between 2 existing properties. However given that residential use is proposed within an established residential area, the development would not introduce types of noise and disturbance activity that would be out of character with the area.

A number of objections have been received regarding the demolition of the existing semi-detached property and, the impact this would have on the elderly occupant of the remaining half of the pair of semis. This is obviously unfortunate, however, although there is some sympathy with the situation, the personal circumstances of that resident are not a material planning consideration, and that particular aspect of the development would be addressed by the Party Wall Act, which is separate to both Planning and Building Control.

As mentioned above, the site adjoins existing residential development to 3 sides with a number of properties backing onto the site. The side elevations of plot 10 would be to the rear of numbers 36 and 38 Park Avenue. However, there would be a separation distance of over 15m from the attached 1.5 storey garage and approximately 19m from the side elevation of the dwelling itself; therefore, the separation distances would exceed those recommended in the SPD. There would be no side elevation windows facing the shared boundary so overlooking would not be to an unreasonable degree.

Plot 6 would be within close proximity to the Western boundary adjacent to the properties on St Johns Walk. The side elevation of the proposed dwelling would be approximately 20m from the rear elevation of number 17 and would be separated from the dwelling by an attached single storey garage and a private access road, again the recommended separation distances would be exceeded.

There are 4 plots proposed (2-5) which back onto the private access road and in turn the rear elevations and amenity spaces of the existing dwellings fronting St Johns Walk. The proposed dwellings in that area would all be 2 storeys. Although there would be rear habitable room windows facing the existing amenity spaces and elevations, there would be separation distances in excess of 10m from neighbouring gardens and 21m from habitable room windows, in accordance with the SPD.

The side elevation of plot 2 would face the front elevation of number 5 Plantation Avenue. As with the plots above, the side elevation would be 12m from the neighbouring front elevation and there would be no habitable room windows on the side elevation.

The rear of plot 1 and the front of 7 Plantation Avenue would oppose each other by a separation distance of 16m. The 21m standard is usually only applied back to back with the SPD potentially allowing a distance of 12m if the relationship was two front elevations facing one another. The 16m splits these two standards and is judged acceptable accordingly for a relationship which is a rear elevation facing a front elevation, particularly as the area to the front of number 7 is also a parking area and not a private amenity space. Furthermore, there is mature planting between the two properties which would reduce overlooking from the ground floor and the majority of the first floor. This hedge/planting could not be removed by the applicant or future residents as it is outside of the redline boundary. In addition, there would only be 2 habitable room on the first floor of the rear elevation facing the neighbouring habitable room windows which serves the 2<sup>nd</sup> and 4<sup>th</sup> bedroom. As a result no significantly overlooking issue would occur.

In terms of the amenity of the future residents of the scheme, the recommended separation distances within the site are met in accordance with the SPD. Furthermore, the internal spacing would generally meet the requirements of the South Yorkshire Residential Design Guide and the external amenity areas meet or exceed the requirements of the SPD and the South Yorkshire Residential Design Guide.

### Ecology

The site is relatively heavily vegetated. However, the applicants have submitted an ecology report and the Councils Ecologist is satisfied that the site has relatively low ecological value. The remaining issue is that there is the potential for the roofspace of the existing dwelling to be suitable to contain bat roosts as with most types of building. However this potential has been identified to be low. Nevertheless to be sure of this a condition is recommended for a survey to be submitted and approved prior to the demolition of the dwelling. It would have been preferable for this to be undertaken prior to the determination of the application. However a condition is considered appropriate in this case because of the low risk involved as being as such a survey can only be taken between May and August.

### Trees

The applicants have submitted a Tree Report to accompany the application. The Tree Officer has confirmed that there are no trees of note within the site. However, there are some specimens located just outside the boundary which, due to being outside the applicants ownership, will have to be retained and remain unharmed by the development proposal. Given adequate protection measures it should be possible to implement the proposed layout without detriment to the off-site trees and screening they provide. As such, the Tree Officer has raised no objections subject to conditions.

### Green Space

The site is allocated as Green Space on the currently adopted proposals maps and also on the publication draft of the Local Plan maps. However, Policy have accepted that, in accordance with Policy CSP 35 'Green Space' the loss of the site would not affect the existing and potential green space needs of the borough, especially given the proximity of the neighbouring park/green space. However, compensation would be required to be spent on improving local Green Spaces. This amount has been calculated to be £24,000 in total and would need to be the subject to a S106 agreement.

## Highway Safety

The applicant proposes to demolish the existing bungalow and bring an adopted road with 700mm hard margins into the site from Park Avenue. There would be 2 no. private drives which off shoot the adopted road and would serve no more than 5 dwellings each, in accordance with the South Yorkshire Residential Design Guide. There are a mixture of parking options available including allocated spaces, in curtilage parking, tandem parking and attached garages.

Highways have been consulted on the application and are satisfied with the proposed adopted road within the site and associated visibility and turning and manoeuvring space. It is acknowledged that a number of objections were received regarding the suitability of Park Avenue to serve the new development but the Highways Officers have stated the access to the site already exists and is adequate.

Each of the properties would have access to off road parking spaces in accordance with SPD 'Parking' i.e. 1 space for dwellings with 2no. bedrooms and below and 2 spaces for dwellings with 3 bedrooms and above. It is acknowledged that the proposed garages fall marginally short of the 3m x 6.5m set out in the South Yorkshire Residential Design Guide at 3m x 6m. However, they would still be large enough to be considered a parking space. The applicant has also proposed 3 of visitor parking spaces within the site due to the limited availability of on road parking.

## Conclusions

Taking into account the relevant development plan policies and other material considerations, subject to mitigation measures, it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission. The proposal therefore complies with the development plan as a whole and the advice in the NPPF. As such the scheme is considered to accord with policies and guidelines and is recommended for approval.

## **Recommendation:**

Members resolve to grant subject to conditions and subject to the completion of Section 106 agreement for the Green Space contribution payment.

- 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 (Nos4200-03-S, 4200-04-H, 4200-05-I, 4200-06-N, 4200-07-M, 4200-10-A, 4200-11-B, 4200-16, 4200-17 & 4200-18) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 The development hereby approved shall be carried out strictly in accordance with the recommendations set out in the Extended Phase 1 Habitat Survey by Whitcher Wildlife Ltd. Ecological Consultants (Ref: 160519) dated 6/05/2016.  
**Reason: In accordance with CSP 36 'Biodiversity and Geodiversity'.**



- 4 The demolition of the bungalow shall not commence until a bat survey is carried out, and submitted to the LPA for approval, in accordance with the Bat Conservation Trust (BCT) Good Practice Guidelines which includes a dusk emergence survey. The survey shall be carried out by a suitably qualified surveyor and the development carried out in accordance with the recommendations/mitigation measures.  
**Reason: In accordance with CSP 36 'Biodiversity and Geodiversity' and in the interest protected species.**
- 5 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.**
- 6 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.**
- 7 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.**
- 8 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.**
- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 10 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**

- 11 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.  
**Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 12 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.**
- 13 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.**
- 14 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.**
- 15 The window at first floor level on the Southern elevation of plot 1 serving bedroom number 2 and the roof lights on the Southern Roof plain of plot 2 facing 7 Plantation Avenue shall at all times be fitted with obscure glass and retained as such thereafter.  
**Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 16 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.**

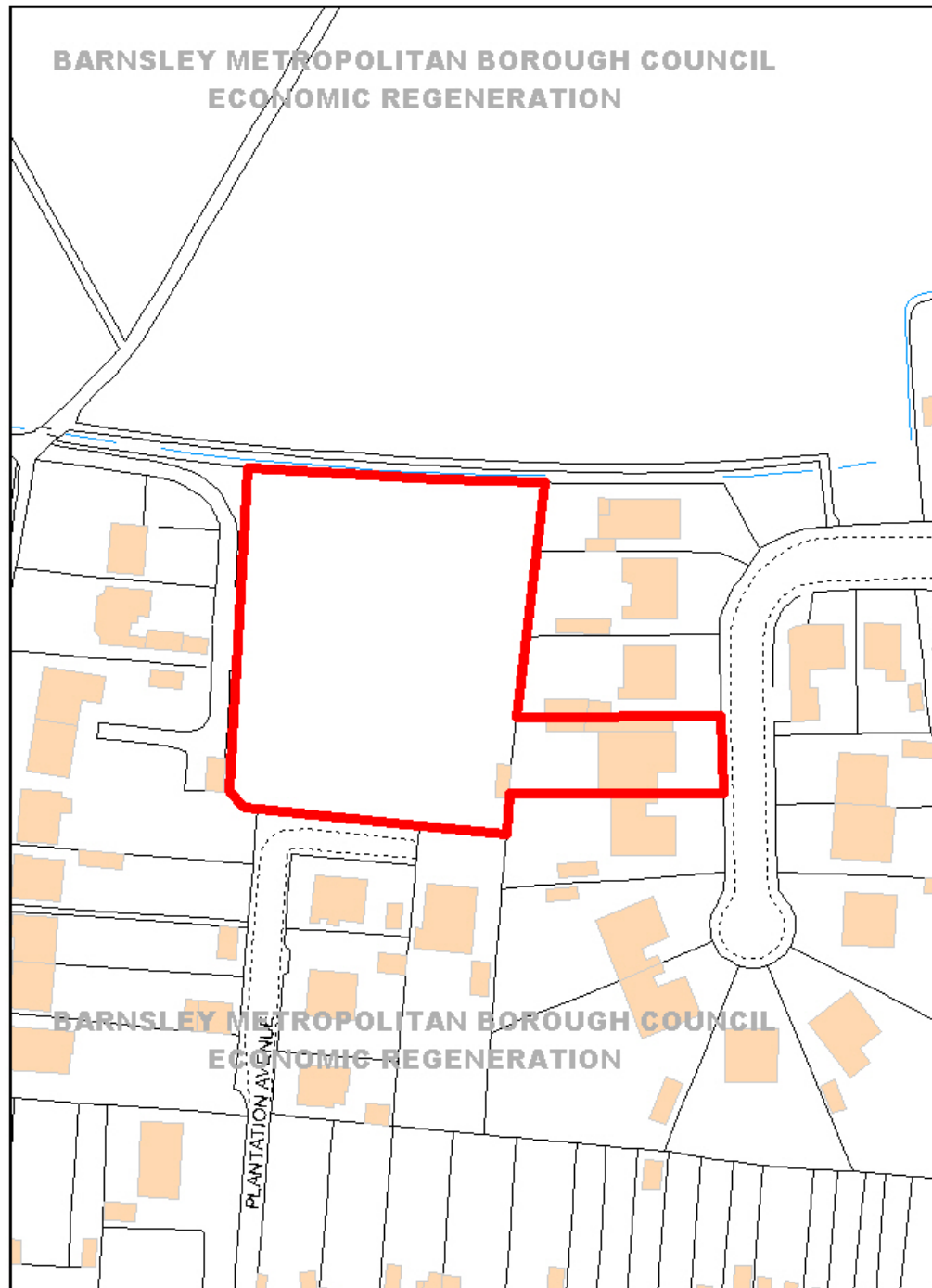
- 17 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority 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.**
- 18 No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details  
Tree protection plan  
Arboricultural method statement
- No development or other operations shall take place except in complete accordance with the approved methodologies.  
**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**
- 19 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.  
**Reason: In the interests of the visual amenities of the locality.**
- 20 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
  - 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.**

PA reference :-

2016/0738

Barnsley MBC Licence Number 100022264, 2014

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



**BARNESLEY MBC - Economic Regeneration**

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



Scale 1:1250

---

**2016/0538**

**Applicant:** Mr P England C/o Townsend Planning Consultants

**Description:** Erection of 1 no. dwelling, including hydro turbine power plant.

**Site Address:** Land at Blacker Green Lane, Silkstone, Barnsley, S75 4NF

---

The Officer recommendation is referred to the Planning Board for Councillor determination due to the site being located in the Green Belt. 2 letters of support and 1 objection from members of the public have been received. Silkstone Parish Council have abstained from commenting on the application and no comments have been received from any of the Ward Councillors.

## **Site Description**

The site is located in a relatively remote location in a rural part of Silkstone that is located adjacent to Blacker Wood, a private fishing pond, Silkstone Beck and farmer's fields.

The main part of the site consists of a 673sqm shaped clearing in the woodland which it is stated previously was used as a parking area in association with the private fishing pond business being carried out on the adjacent land. In addition the site includes a small section of Silkstone Beck and its banking.

Ordnance survey maps still refer to the site being in use as Blacker Green Playing Field and Blacker Dam in the case of the private fishing pond. However these are historical references and land is now in private use rather than serving any amenity, or dam function.

Access exists to Blacker Green Lane via an existing gated entrance. Blacker Green Lane is a single vehicular width road which currently provides access to a small number of existing dwellings and the fishing pond business. Blacker Green Lane joins the A628 Barnsley Road in a location approximately ½ mile to the south of the site in the Silkstone area.

## **Proposed Development**

The proposal is to construct a uniquely designed one off dwelling on the site, which would utilise Silkstone Beck to provide hydro power and would be built to the highest standards of eco design.

The building would be built adjacent to and within the banking belonging to Silkstone Beck having a low profile linear/rectangular shape. Part of the building would overhang the stream allowing water to pass under the building. The main living area would be in the upper storey that would be set at the current ground level resulting in a 3m high x 23m long x 9m wide visible structure. Below this would be an undercroft, including parking and a small hydropower plant room. The undercroft and plant room would be set into the banking and so only the south west elevations of the lower levels would be visible from the stream bed and the pond to the south. The outer walls of the building would be faced using a mixture of corten and perforated steel cladding and large glass panels.

A ramp would be constructed to the first subterranean level to enable vehicular parking to take place within the building to enable this to take place out of sight. A screen wall faced with the same corten steel cladding to be used on the building would be provided to hide the ramp from view from Blacker Green Lane. In front of this area a grass seeded geogrid would

be provided on the area intended to allow for vehicular manoeuvring. A wildflower meadow would be provided within the remaining area of the clearing.

## **History**

No previous planning applications have been submitted on the land in question.

## **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

CSP2 'Sustainable Construction'  
CSP4 'Flood Risk'  
CSP8 'The Location of Growth'  
CSP21, 'Rural Economy'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP34 'Protection of Green Belt'  
CSP36 'Biodiversity and Geodiversity'  
CSP37 'Landscape Character'

### Saved UDP Policies

UDP notation: Green Belt

WR10 'Western Rural Green Belt'  
GS6 'Extent of the Green Belt'  
GS7 and GS8 'Development within the Green Belt'

### SPD's

- Designing New Residential Development
- Parking

### Other

South Yorkshire Residential Design Guide

## Emerging Development Sites and Places DPD

Proposed allocation: Green Belt. Blacker Green Lane is shown as a Green Way recreation route.

### NPPF

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

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

For decision-taking this means:

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

out-of-date, granting permission unless:

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

55. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as....*the exceptional quality or innovative nature of the design of the dwelling.*

Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

80. Green Belt serves five purposes:

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

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

88. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green

Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

89. A local planning authority should regard the construction of new buildings as inappropriate in Green Belt.

### **Consultations**

Biodiversity Officer – Has resolved not to object to the application taking into account the findings of the ecological report and the proposed mitigation and enhancement measures.

Drainage – No objections subject to conditions

Environment Agency – No objections subject to conditions.

Highways – No objections in principle subject to the imposition of conditions.

Silkstone Parish Council – Abstain from commenting on the application.

Tree Officer – No objections subject to conditions.

Urban Design Officer – Supports the application as he considers the proposed development to be of an exceptional and innovative nature.

Ward Councillors – No comments have been received.

Yorkshire Water – No comments have been received.

### **Representations**

The application was publicised by site notice neighbour notification. 2 letters of support and 1 objection has been received.

The grounds of support are:-

- It is agreed with the applicant that the plans would represent an exceptionally high quality development.
- The view is expressed that the applicant has shown a painstaking attention to minimising impact and ensuring the developments full sympathy with the local environment.
- The opinion is also expressed that the development would significantly enhance the appearance of the site which is regarded as being somewhat untidy at present and without purpose at present and in a semi-derelict state.
- It is stated that the applicant has a record of making positive contributions to the environment in Silkstone and that the development would have a further positive effect on the area.

The local resident who has submitted an objection had admitted to not being aware of the scale or details of the proposal prior to making their comments. However they wished to express the following concerns to the Council:-

- Harm to the Green Belt.
- Highway safety – Concerns that Blacker Green Lane is a narrow, windy and unlit country lane and that introducing additional traffic on the lane would increase the risk of accidents as a result of the conflicts that would occur with vehicles and pedestrians using the lane to visit the small number of houses on the lane, the fishing pond and



recreational walkers. Details of a specific incident is referred to last September when a car travelling too fast crashed into a front boundary wall belonging to a house causing damage.

- Some reservations are also expressed about the potential for the development to cause disruption during the construction phase.

## **Assessment**

### Green Belt

The site is located in the Green Belt whereby the construction of dwellings (with the exception of dwellings for agricultural and forestry workers) is classed to be an inappropriate form of development under paragraph 89 of the NPPF. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Harm to the Green Belt should be given substantial weight. In addition very special circumstances will not exist unless the harm to the Green Belt by reason of inappropriateness, and any other harm is clearly outweighed by other considerations.

The applicant recognises that the development would be classed as an inappropriate form of development in the Green Belt. However the applicant's case is based around paragraph 55 of the NPPF which potentially allows for the development of isolated dwellings located within countryside locations in special circumstances such as the exceptional quality, or the innovative nature of the design of the dwelling. Such a design should:

- be truly outstanding or innovative, helping to raise standards of design more generally in rural areas;
- reflect the highest standards in architecture;
- significantly enhance its immediate setting; and
- be sensitive to the defining characteristics of the local area.

The proposed plans were considered by the Barnsley Design Review Panel prior to the application being submitted. At the planning application stage the plans have been carefully scrutinised by the Council's Senior Urban Design Officer who attended the original Design Review Panel meeting and has sought to assess the plans taking on board the comments that were made on the plans by the members of the panel. In arriving at the conclusion that the proposed design is of an exceptional and innovative nature the Senior Urban Design Officer has afforded weight to a number of aspects of the design including:-

- The design influences/inspirations which include the 'Fallingwater' building designed by the famous architect Frank Lloyd Wright and the historical connection between the site and industry and the natural surroundings.
- The bespoke nature of the design which would make the building a one off.
- Scale/profile – The proportions of the building are suitable in context and together with its low profile and undercroft levels this would minimise visual impact.
- Materials - The external facing walls would be clad in corten steel which is direct historical reference to the smithies which were sited on Silkstone Beck and used the water for power. It will be left in a rust colour and sealed. The hue is aimed to be that of an autumn day.
- The sustainability credentials of the building including the proposal to utilise hydro power to generate a minimum of 2kw of electricity to supplement the energy needs of the development and to construct it with materials that would perform extremely well with regards to energy efficiency.
- The building would utilise the landforms on the site without impacting upon existing features.

- Vehicle parking – This would be hidden as parking would take place within building in the subterranean level. In addition a screen would be constructed to hide the ramp that would be constructed using the same corten steel material as the building.
- The use of a grass seeded geogrid instead of the use of a conventional hard surfaced material at the vehicle turning/manoeuvring area.

Officers therefore consider that the development would be truly innovative, reflect the highest standards of architecture, significantly enhance its immediate setting and be sensitive to the defining characteristics of the area. Potentially therefore this provide grounds of very special circumstances for Officers to support the application. However it is also necessary to have assessed the other forms of harm that may arise from the development which is set out below.

#### Residential Amenity

The distance from the nearest residential properties and the amount of screening provided by surrounding trees is such that the development would not give rise to any harm to living conditions for existing residents in the area. Conditions could be imposed to limit disturbance during the construction period.

#### Highway Safety

Blacker Green Road is a narrow country lane which is unsuitable to accommodate large traffic volumes. However the addition of a single 3 bedroom dwelling would not add sufficient traffic flows in order to generate highway safety concerns in the opinion of the Highway Authority. The main highways issues with the development would therefore be during the construction phase of the development. A construction method statement would therefore be required to enable the Council to agree the details of how the building would be constructed and how materials would be transported to the site. This could be dealt with by way of a planning condition.

#### Biodiversity

The implications of the development on biodiversity have warranted particular attention given the sites location adjacent woodland and the potential effects of the development on the watercourse passing through the site Silkstone Beck. The main findings of the ecology report can be summarised as follows:-

- The majority of the site consists of bare ground which is of low ecological value.
- The proposed development would not affect any trees forming part of the woodland, or the watercourse.
- The development would not cause a loss of foraging or commuting habitat for bats subject to suitable controls being in place regarding appropriate external lighting proposals.
- The biodiversity value of the site would be improved by including a range of enhancement measures including planting of a wildflower meadow over the geo textile grid that would be used on the vehicle manoeuvring area, the planting of a species rich hay meadow in the other open areas of the site, the thinning of poor quality specimens within an area of the woodland to allow better specimens to flourish and the provision of 4 bat boxes.

In the opinion of the Council's Biodiversity Officer the biodiversity implications of the proposal have been appropriately assessed. He agrees that the biodiversity implications of the development would be minimal and has resolved not to object to the application on that basis.

## Trees

Despite being surrounded by an area of woodland the effects on existing trees should be limited as only 6 poor specimen trees would require approval. However, due to the proximity of the proposed building in relation to existing trees a method statement and tree protection fencing would need to be in place for the construction period, along with compensatory planting for the trees to be removed via a landscaping scheme. The Arboricultural Officer therefore has no objections subject to suitable conditions being in place.

## Flood Risk

The building would be constructed directly over Silkstone Beck to make use of the water for hydro electric generation purposes. However as it is a small stream the Environment Agency has written to the Council to confirm that the site is located in flood zone 1 and that they consider the flood risk to the development would be low. Their only recommendation to mitigate against flood risk was to have non habitable rooms on the lower level of the building which was already part of the design. No objections have been made against the application from the EA or the Council's drainage engineers accordingly on flood risk grounds.

## Conclusion

In summary, the proposal is defined as inappropriate development in the Green Belt to which substantial weight is attached. Given that openness is equated with a freedom from development some harm to openness would occur. The amount of harm that would occur is reduced by the design characteristics of the building and the fact that it is located within a clearing that is screened by woodland on all sides. That said some negative weight has to be afforded to the effect of the development on openness.

The development would not assist with safeguarding the countryside from encroachment or assist in urban regeneration, by encouraging the recycling of derelict and other urban land. However given that the proposal is for a single dwelling these conflicts with the purposes of including land within the Green Belt are relatively small. In addition Officers have formed the opinion that the proposal represents design of an exceptional and innovative nature. In this case the proposed design is considered to be so exceptional and innovative that very special circumstances exist to outweigh the limited harm to the openness of the Green Belt and 2 of the purposes of including land within the Green Belt. In addition the assessment of the application has determined that the development would not result in any other negative impacts. It is therefore considered that very special circumstances exist in this case which are sufficient for the application to be supported by Officers in this particular case because of the special merits associated with the proposal.

## **Recommendation**

Grant planning permission with conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

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

Site location plan  
Rh/pe/4 'Site plan'  
Rh/pe/1 rev A 'Plans, elevations'  
Rh/pe/2 rev A 'Elevations'  
Rh/pe/3 'Site Plan'  
Rh/pe/6 'Details'  
Architects statement regarding materials

**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 samples of the proposed external materials, including a mock up showing the width of the corten steel sections have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

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

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

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

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Loading and unloading of plant and materials

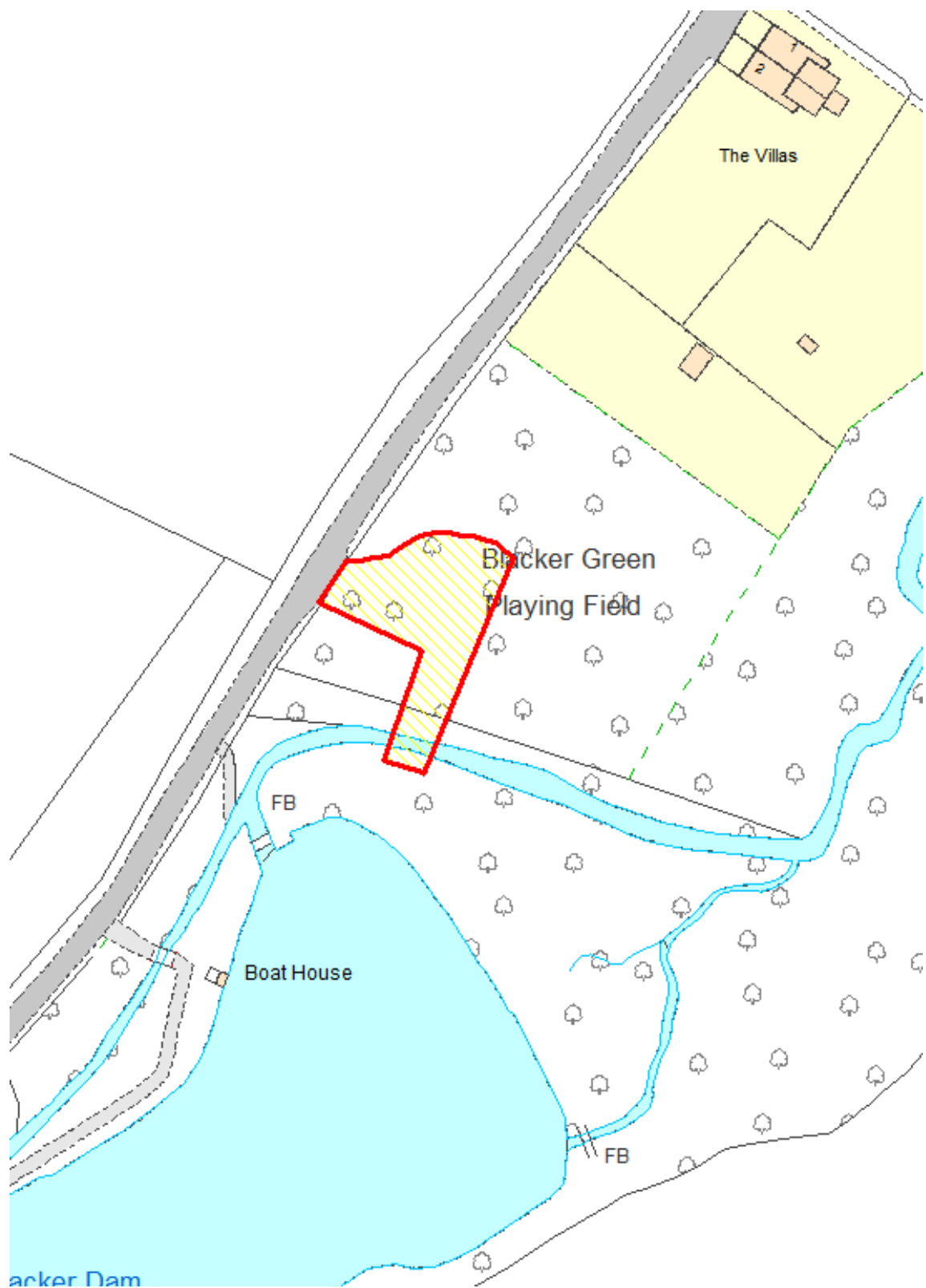
**Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**

- 6 No development shall take place until full foul and surface water drainage details have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.

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

- 7 No development or other operations being undertaken on site shall take place until the following documents in accordance with BS 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details  
Tree protection plan  
Arboricultural method statement
- No development or other operations shall take place except in complete accordance with the approved methodologies.  
**Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.**
- 8 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.  
**Reason: In the interests of the visual amenities of the locality.**
- 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.**
- 10 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey updated 4th Oct 2016, 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.**
- 11 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (No. 2) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings 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.**
- 12 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 in accordance with Core Strategy policy CSP 29.**

- 13 Prior to commencement of development details of a bin enclosure to serve the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.  
**Reason: In the interests of the visual amenities of the locality in accordance with Core Strategy policy CSP 29.**
- 14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of 5 years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 15 The development shall be constructed to achieve following the sustainable design credentials set out within the application:-
- Specifications equivalent to level 6 of the Code for Sustainable Homes
  - Ultra-low energy consumption combined with very good internal air quality which is equivalent to Passivhaus standards
  - The generation of a minimum 2KW of electricity achieved through the hydro-electric power plant and turbine that shall be utilised on site to contribute to the energy needs of the development
- Reason: The proposed development in a Green Belt location is only regarded to be acceptable due to the exceptional and innovative nature of the design.**



This page is intentionally left blank



---

**2016/1158**

**Applicant:** Berneslai Homes C/o NPS Barnsley Ltd

**Description:** Variation of condition no. 2 (Approved Plans) of approved application 2015/1073 to allow construction of a single storey extension to house Plant associated with boiler house.

**Site Address:** Pollyfox Centre, Pollyfox Way, Dodworth, Barnsley, S75 3QR

---

The application is referred to the Planning Board for determination as Berneslai Homes are the applicants. No representations have been received from local residents, or Ward Councillors.

## **Site Location**

The proposal relates to a boiler house which serves a number of Berneslai Homes sheltered accommodation properties within the immediate area. The boiler house is located within the cul-de-sac of Pollyfox Way in Dodworth located just off High Street.

The existing boiler house is brick built with a mono pitched sloping roof and has a large existing flue chimney. The location of the boiler house is centrally situated amongst residential properties and is also next to the local community centre. The surrounding area is utilised by informal parking for residents along high street and within the cul-de-sac.

## **Proposed development**

Planning permission was originally granted in November 2015 for the erection of a single storey extension to the existing boiler house to house a new biomass boiler, hopper and associated plant and machinery (ref 2015/1073). Following the granting of permission, it was determined that a larger cyclone unit was required due to the number of properties the boiler was serving and therefore the approved extension was not of a sufficient size to house all the equipment.

This application has been made under the minor material amendment procedure seeking to alter the plans approved under application 2015/1073 to include an additional extension to house the additional boiler plant that is required. The additional structure is proposed to project 3m from the northern elevation of the existing boiler house and is required in order to comply with emissions criteria. In addition the existing flue is proposed to be replaced with a flue of a narrower diameter and 30cm higher in the same location. No further alterations to be made to the remaining details of the plans approved under application 2015/1073.

## **Policy Context**

### Saved UDP Policies

UDP notation: Housing Policy Area

### Core Strategy

Policy 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.

Policy CSP 29 - sets out the overarching design principles for the borough to ensure that development is appropriate to its context. The policy is applied to new development and to the extension and conversion of existing buildings.

Policy CSP 40 – Pollution Control and Protection – states that development will be expected to demonstrate that it is not likely to result in an increase in air, surface water and groundwater, noise smell, dust or other pollution which would unacceptably affect or cause a nuisance to the surrounding environment.

These policies are considered to reflect the 4<sup>th</sup> 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.

### NPPF

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

In respect of this application, relevant policies include:

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

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

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.

## **Consultations**

Environmental Health/ Pollution Control – No objections on noise or air quality grounds subject to conditions  
Highways DC – No objections  
Ward Councillors – No comments received

## **Neighbours**

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

## **Assessment**

### Principle of Development

The site is located within a UDP Housing Policy Area. The proposed development is intended to serve residential properties in the vicinity and is therefore acceptable in principle in land use planning policy terms.

### Visual Amenity

The proposed extension is relatively small in size and would extend an existing boiler house for functional needs within an existing courtyard area. The extension would be located on the northern side elevation of the existing structure and has been designed for functionality with a flat roof to allow for the boiler flue to vent the building. The proposal would have facing brickwork and white uPVC fascia's to match the existing.

As mentioned previously the building is located within an existing courtyard to the rear of the properties which front onto High Street and therefore is not in a prominent position within the street scene. The replacement chimney is not significantly different to that which it replace. Although slightly taller than the existing, it would be narrower in diameter and would not have a significant detrimental impact on the appearance of the area. Overall the design, scale and position of the extension is considered keeping and acceptable in accordance with Policy CSP 29 and CSP31 in the adopted Core Strategy.

### Residential Amenity

The proposed extension is to house additional equipment and whilst the building would not result in the loss of outlook, increased overshadowing or overlooking of the surrounding residential properties there is concern that the plant and machinery would cause a disturbance.

The increase in the size of the boiler and the associated equipment has the potential to increase noise levels. However suitable reassurances have been received from the applicant that noise levels at the nearest residential property would not be sufficient to give rise to noise nuisance. Notwithstanding it is proposed to impose a condition regarding the maximum noise levels permissible from the development. Further conditions are proposed to restrict working hours during the construction period and the times when it would be acceptable to deliver the biomass material to be used to power the boiler in the interests of minimising disturbance experienced by local residents.

## Highway Safety

The proposed extension would not result in the loss of parking nor a requirement for additional provision and as such the proposal is acceptable in terms of highway safety and in compliance with Core Strategy Policy 26.

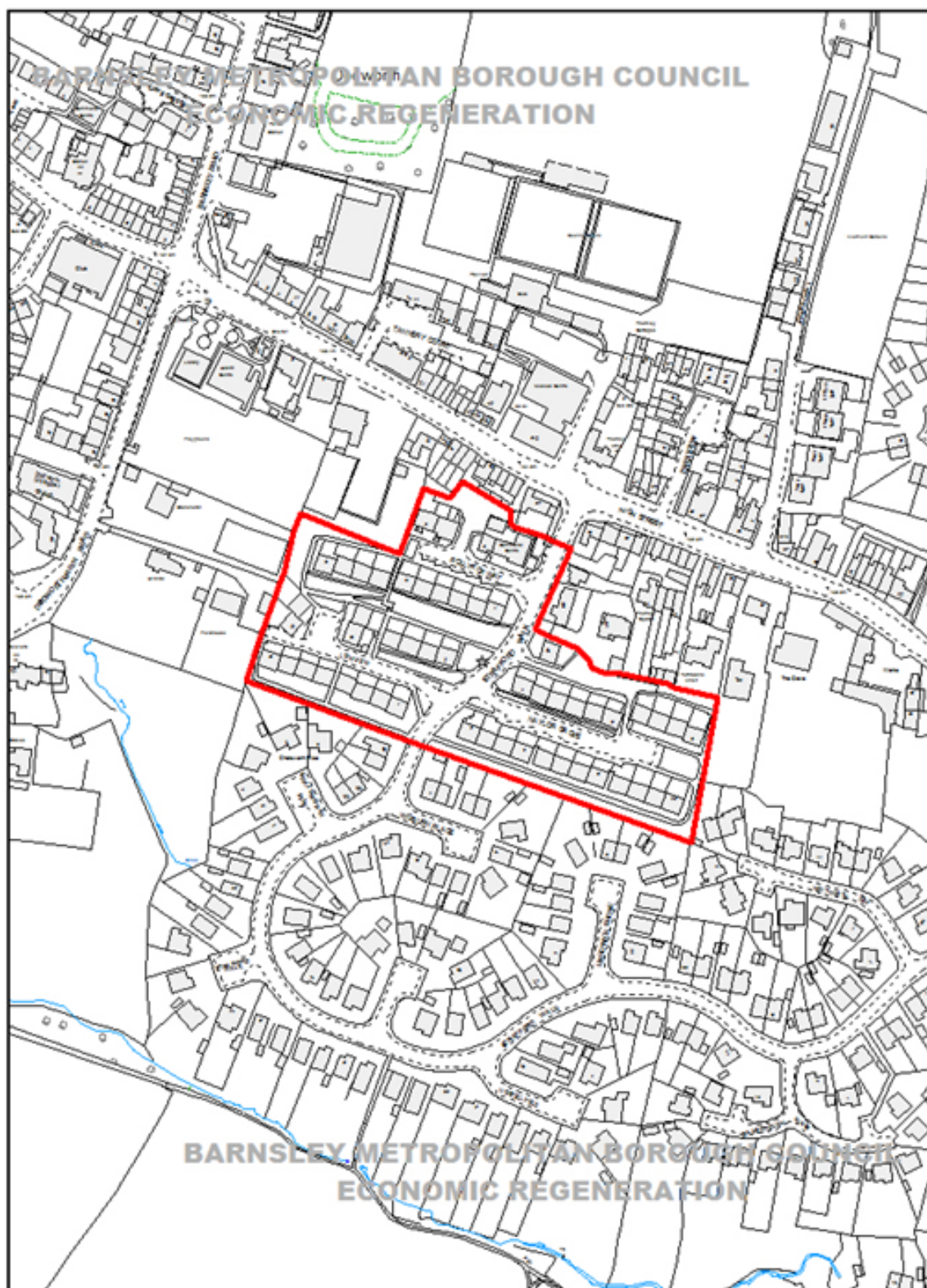
## Conclusion

The proposed development is intended to serve residential properties in the vicinity and is therefore acceptable in principle in land use planning policy terms. The assessment of the plans and the technical aspects of the development has concluded that the proposed development is acceptable with regards to considerations including visual amenity, residential amenity and highway safety. No other forms of harm have been identified. The assessment of the application is therefore considered in line with relevant policies and is acceptable.

## **Recommendation**

Grant Planning Permission subject to conditions:

- 1 The development hereby permitted shall be begun before the 4th November 2018.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990 and to accord with associated planning permission 2015/1073.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (NPS-DR-A-(00)-010 P2, NPS-DR-A-(00)-011 P2, NPS-DR-A-(00)-031 P4, NPS-DR-A-(00)-103 P2, email from L.Selvon to R.Roddiss dated 26th October 2016 & email from L.Selvon to R.Roddiss dated 18th November 2016) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 The external materials shall match those used in the existing building.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**
- 4 Noise from the cyclone unit shall operate at a level no higher than 35dBA Leq (15 minute) during the day and at night time at the nearest residential property.  
**Reason: In the interest of residential amenity.**
- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 6 Deliveries of the fuel source material to be used by the development shall be only take place between the hours of 0800 & 1800 Monday to Friday and 0900 & 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.**



This page is intentionally left blank

# Item 9

## BARNSLEY METROPOLITAN BOROUGH COUNCIL

**Report of Assistant  
Director, Highways,  
Engineering and Waste  
Management to Planning  
Regulatory Board on  
20<sup>th</sup> December 2016**

### **Proposed footpath creation / extinguishment orders between Silkstone Fall Wood and Champany Fields, Dodworth**

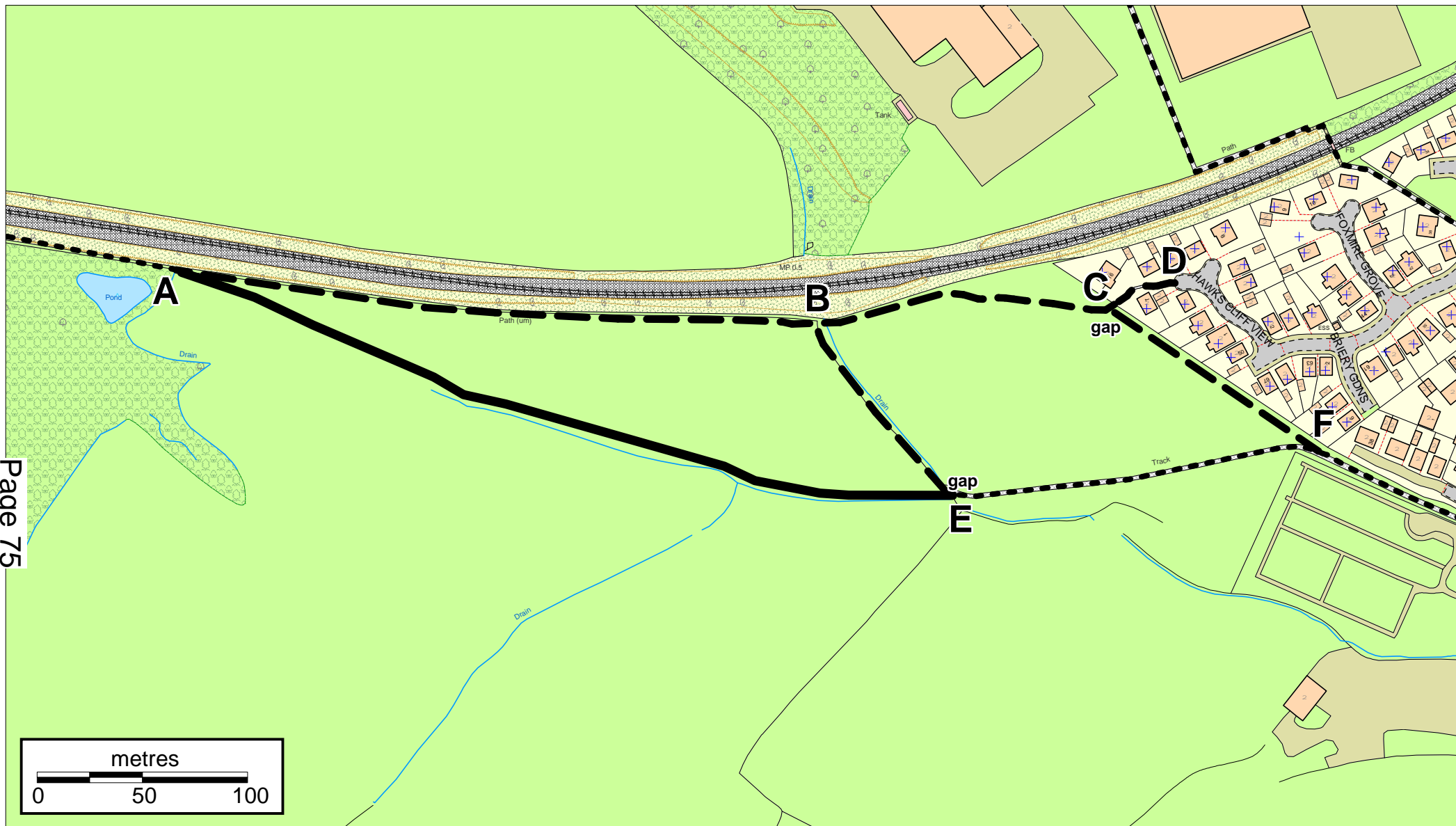
<b>1.0</b>	<b><u>Purpose of Report</u></b>
<b>1.1</b>	Barnsley Council is considering proposals to create and extinguish a number of public footpaths running between Silkstone Fall Wood and Champany Fields at Dodworth.
<b>2.0</b>	<b><u>Recommendations</u></b>
<b>2.1</b>	<b>That, in exercise of statutory powers, the Council makes Public Path Orders under the provisions of sections 26 and 118 of the Highways Act 1980 for the creation and extinguishment of footpaths between Silkstone Fall Wood and Champany Fields at Dodworth as shown on the plans attached to this report.</b>
<b>2.2</b>	<b>That the Common Seal of the Council be affixed to the Orders and that the Director of Legal and Governance be authorised to publish the proposals and to submit the Orders for confirmation by the Secretary of State or to confirm them himself in the event of there being no objections thereto.</b>
<b>2.3</b>	<b>That the Director of Legal and Governance be authorised to make Definitive Map Modification Orders to make the necessary changes to the Definitive Map and Statement for the area.</b>
<b>3.0</b>	<b><u>Background and Proposal</u></b>
<b>3.1</b>	When the Champany Fields Estate was built a non-definitive path running through the site was claimed as a public footpath. A new alternative path was provided to connect the estate road to the paths through the adjacent fields, but no formal Public Path Orders were made to deal with those changes and at present none of the routes are formally recorded on the Definitive Map and Statement.
<b>3.2</b>	The proposed creation and extinguishment orders would clarify the public

	rights of way at this location and ensure that the Definitive Map and Statement accurately reflects the network of paths that is physically available on the ground, creating greater certainty for both the walkers who use the routes and the affected landowners and tenants.
<b>3.3</b>	The proposed new routes are all well used, while the path to be stopped up (A-B on the attached plan) is part of a crop field and is understood to have been obstructed for several years without the Council having received any complaints from the public. The proposed route A-B-E provides a clearly defined, well-used alternative, which is around 20 metres longer than the existing footpath.
<b>3.4</b>	All of the paths are to be recorded with their existing surfaces and widths. These are: <ul style="list-style-type: none"> <li>• A-B-C and B-E; grass / earth, 1.5 metre width</li> <li>• C-F; grass / earth, 1.8 metre width</li> <li>• C-D; tarmac, 1 metre width</li> </ul>
<b>3.5</b>	The affected landowners and tenants are fully supportive of the proposals which clarify the rights of way on site, deal with the claimed footpath and stop up the obstructed footpath, all of which would require alternative solutions if the orders are not confirmed. Therefore it is considered that no compensation will be required due to the effect of the orders.
<b>3.6</b>	Informal consultations have been carried out with user groups, ward councillors, adjacent householders and utilities companies. No adverse comments have been received.
<b>4.0</b>	<b><u>Statutory Criteria</u></b>
<b>4.1</b>	Section 26 of the Highways Act 1980 enables public rights of way to be created where it appears to the Council, as the local authority, that there is need for a footpath or bridleway over land and the Council is satisfied that, having regard to (a) the extent to which the path or way would add to the convenience or enjoyment of a substantial section of the public, or to the convenience of persons resident in the area, and (b) the effect which the creation of the path or way would have on the rights of persons interested in the land, it is expedient that the path should be created.
<b>4.2</b>	The Council is satisfied that there is a need for all of the proposed path creations and that they would add to the convenience and enjoyment of the public by confirming the existing non-definitive routes as public footpaths and providing formal, convenient links between a residential area in Dodworth and a number of leisure routes, both short local routes and linking into the wider rights of way network at Silkstone Fall Wood.
<b>4.3</b>	The Council is also satisfied that the proposed path creations will have no negative effect on the rights of persons interested in the land. The affected landowners and tenants have been consulted and are supportive of the proposals, while no construction is necessary and the paths are



	already used by the public. The orders will potentially reduce liability on the landowner by formalising the status of the paths.
<b>4.4</b>	The Council may make an Order under Section 118 of the Highways Act 1980 to extinguish public rights of way where it is satisfied that a route is not needed for public use. When considering whether the paths are needed for public use, or to what extent they would be likely to be used by the public, the Council may have regard to the extent to which a concurrent public path creation order would provide an alternative path.
<b>4.5</b>	The Council is satisfied that the footpath proposed to be extinguished between points A and E is not needed for public use. The path is understood to have been obstructed for several years without any complaints having been made by the public, while the proposed route A-B-E provides a convenient alternative which is well used, better defined and only around 20 metres longer.
<b>5.0</b>	<b><u>Options</u></b>
<b>5.1</b>	The Council makes the orders. Officers are satisfied that the necessary statutory criteria are met. There have been no objections to the proposals during the informal consultation process.
<b>5.2</b>	The Council could decline to make the orders. However, this would mean that the physical paths available on site would continue to have no formal status, that the claimed footpath would have to be dealt with by other means and that enforcement action would be required to reopen the blocked footpath.
<b>6.0</b>	<b><u>Local Area Implications</u></b>
<b>6.1</b>	There are no implications for the local area beyond minor changes to the rights of way network.
<b>7.0</b>	<b><u>Compatibility with European Convention on Human Rights</u></b>
<b>7.1</b>	These proposals are considered to be compatible with the Convention.
<b>8.0</b>	<b><u>Ensuring Social Inclusion</u></b>
<b>8.1</b>	The proposals will have no negative impact on social inclusion.
<b>9.0</b>	<b><u>Reduction of Crime and Disorder</u></b>
<b>9.1</b>	The proposals are not considered to have any effect on crime and disorder as they intend to formalise the existing path available on site.
<b>10.0</b>	<b><u>Financial Implications</u></b>

<b>10.1</b>	The costs of making the orders will be borne by the Council's rights of way budget.
<b>11.0</b>	<b><u>Risk Assessment</u></b>
<b>11.1</b>	The Council has powers under the Highways Act 1980 to make the orders. The statutory process provides an opportunity for objections which, if upheld, may result in the orders not being confirmed by the Secretary of State. However, as the proposals meet the relevant criteria and have received no objections during informal consultations, the risk is likely to be low.
<b>12.0</b>	<b><u>Consultations</u></b>
<b>12.1</b>	User groups (including the Barnsley Local Access Forum), ward councillors, other Council departments, adjacent landowners and utilities companies have been consulted on the application.
<b>12.2</b>	No objections or adverse comments have been received following the informal consultation process.
<b>13.0</b>	<b><u>Proposal</u></b>
<b>13.1</b>	Councillors approve the recommendations in section 2.
<b>14.0</b>	<b><u>Glossary</u></b>
<b>15.0</b>	<b><u>Appendices</u></b> Appendix A - Map 1 Proposed public footpath creation and extinguishment orders between Silkstone Fall Wood and Champany Fields, Dodworth
	Officer Contact: Rik Catling      Tel: ext 2142
	Date: 20 <sup>th</sup> December 2016



Proposed public footpath creation and  
extinguishment orders between Silkstone  
Fall Wood and Champany Fields, Dodworth

Drawn by BMBC

Map 1

Scale 1 : 2500

-

Footpaths to be created  
-----  
Footpath to be stopped up  
-----

Unaffected rights of way  
-----

%



This page is intentionally left blank

# Item 10

## BARNSELY METROPOLITAN BOROUGH COUNCIL

**Report of Assistant Director,  
Highways, Engineering and  
Transportation to Planning  
Regulatory Board on  
20<sup>th</sup> December 2016**

### **Proposed footpath diversion at the old Bolton Hall.**

<b>1.0</b>	<b><u>Purpose of Report</u></b>
<b>1.1</b>	To consider an application to divert a non-definitive footpath south of Carr Head Lane, Bolton-upon-Dearne at the site of the old Bolton Hall.
<b>2.0</b>	<b><u>Recommendations</u></b>
<b>2.1</b>	<b>That, in exercise of statutory powers, the Council makes the proposed Public Path Order under the provisions of section 257 of the Town and Country Planning Act 1990, as shown on the plan attached to this report.</b>
<b>2.2</b>	<b>That the Director of Legal and Governance be authorised to publish the Order and to confirm it himself in the event of there being no objections thereto.</b>
<b>2.3</b>	<b>In the event objections are received which cannot be resolved, the Director of Legal and Governance be authorised to submit the Orders to the Secretary of State for confirmation and to take all necessary steps to support the Orders at any public inquiry, informal hearing or written representation as necessary.</b>
<b>2.4</b>	<b>That the Director of Legal and Governance be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area.</b>
<b>3.0</b>	<b><u>Background and Proposal</u></b>
<b>3.1</b>	HC Development Ltd has been granted planning permission for a new residential development on the site of the old Bolton Hall, south of Carr Head Lane at Bolton-upon-Dearne. (Planning reference 2016/0926.)
<b>3.2</b>	A non-definitive footpath runs through 3 of the proposed new properties. This route is subject to an application to be formally recorded as a public footpath and is accepted as a public footpath by the developer.
<b>3.3</b>	To enable the development to go ahead and provide an alternative

	through route for the public, the developer has applied to divert the affected length of the footpath onto the pavement of the estate road running through the site.
<b>3.4</b>	It is considered that this alignment is the best possible through route at this site as it is in keeping with most of the existing route, which is tarmac surfaced pavement along the entrance to Bolton Hall, and is used primarily as an urban link route.
<b>3.5</b>	The diversion will provide the full length of the path with a tarmac surface, which will be 2 metres wide through the development site. The new path will be approximately the same length as the existing route.
<b>3.6</b>	The diversion order covers only the section of path to be diverted. The other sections of the path will be dealt with through dedications by the landowner.
<b>3.7</b>	Informal consultations have been carried out with user groups, ward councillors and utilities companies. No objections have been received.
<b>4.0</b>	<b><u>Statutory Criteria</u></b>
<b>4.1</b>	Section 257 of the Town and Country Planning Act 1990 (as amended) enables public rights of way to be extinguished or diverted where the Council, as Planning Authority, is satisfied that it is necessary to do so in order to enable development to take place.
<b>4.2</b>	The existing path runs across the proposed development site, directly through several of the proposed properties. Development is not possible unless the path is moved and therefore the application meets the statutory criteria.
<b>4.3</b>	DEFRA Rights of Way Circular 1/09 provides guidance for local authorities and is used by inspectors when considering objections to public path orders made under the Town and Country Planning Act. It states in paragraph 7.15; 'That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.'
<b>4.4</b>	The Council is satisfied that the proposed new route provides a convenient link route for local walkers that will be at least as good as the existing route, with a wider width, increased street lighting and extended tarmac surface. The proposals are considered to be the best available that will allow the development to go ahead.

<b>5.0</b>	<b><u>Options</u></b>
<b>5.1</b>	The Council makes the order applied for. Officers are satisfied that the application meets the statutory criteria and that the proposed alternative route is the best available.
<b>5.2</b>	The Council could decline to make the orders applied for, but as the relevant statutory criteria have been satisfied and development would not be possible without diversion of the footpath, it is not considered reasonable to do so.
<b>6.0</b>	<b><u>Local Area Implications</u></b>
<b>6.1</b>	There are no implications for the local area beyond minor changes to the rights of way network.
<b>7.0</b>	<b><u>Compatibility with European Convention on Human Rights</u></b>
<b>7.1</b>	These proposals are considered to be compatible with the Convention.
<b>8.0</b>	<b><u>Ensuring Social Inclusion</u></b>
<b>8.1</b>	The proposal will have no negative impact on social inclusion. The new path would provide a tarmac through route which would be at least as accessible as the existing footpath.
<b>9.0</b>	<b><u>Reduction of Crime and Disorder</u></b>
<b>9.1</b>	The proposals are not considered to have any effect on crime and disorder. In response to consultations, South Yorkshire Police's Crime Reduction Officer requested that an access barrier be installed at the junction of the development site and the recreation ground. Such a barrier is already in place at that location.
<b>10.0</b>	<b><u>Financial Implications</u></b>
<b>10.1</b>	If the Orders are made and objections are received there will be additional costs to the Council that cannot be passed on to the applicant. This is especially the case if the matter has to be resolved at a public inquiry.
<b>11.0</b>	<b><u>Risk Assessment</u></b>
<b>11.1</b>	The Council has powers under the Town and Country Planning Act 1990 to make the order applied for. The statutory process provides an opportunity for objections which, if upheld, may result in the order not being confirmed by the Secretary of State.
<b>11.2</b>	Objections may be received to the diversion application. However, the

	Council is satisfied that no relevant grounds for objection have been raised during the consultation period, that the application meets all of the statutory criteria and that the best possible alternative route has been identified for the diversion orders.
<b>12.0</b>	<b><u>Consultations</u></b>
<b>12.1</b>	User groups (including the Barnsley Local Access Forum), ward councillors, other Council departments and utilities companies have been consulted on the application and notices have been placed on site.
<b>12.2</b>	No objections have been received.
<b>13.0</b>	<b><u>Proposal</u></b>
<b>13.1</b>	Councillors approve the recommendations in section 2.
<b>14.0</b>	<b><u>Glossary</u></b>
<b>15.0</b>	<p>Appendices</p> <p>Appendix A – Map 1 Proposed footpath diversion at Bolton Old Hall, Bolton-upon-Deane.</p> <p>Appendix B – Planning layout Bolton Hall footpath diversion.</p>
	Officer Contact: Rik Catling Tel: ext 2142
	Date: 20 <sup>th</sup> December 2016





Proposed footpath diversion at  
Bolton Old Hall, Bolton-upon-Deane

Drawn by BMBC

Map 1

Scale 1 : 1250

-

Footpath to be created

-----

Footpath to be stopped up

=====

Unaffected rights of way

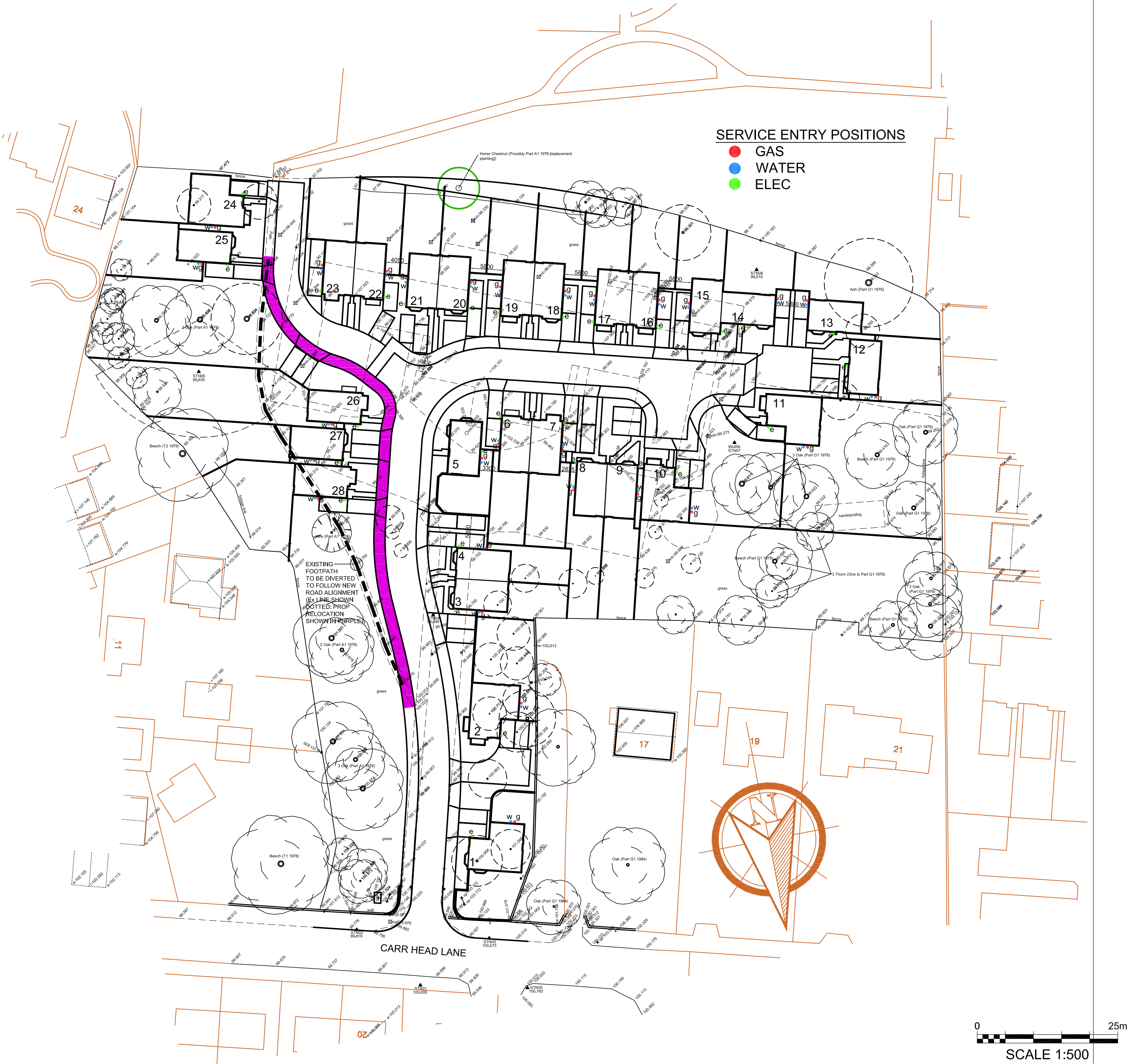
.....

%



BARNSELEY  
Metropolitan Borough Council

This page is intentionally left blank



NOTES

ALL DIMENSIONS TO BE CHECKED ON SITE PRIOR TO ANY MANUFACTURING OR FABRICATION AND ANY ANOMALIES TO BE BROUGHT TO THE ATTENTION OF THE ARCHITECT.

LEGEND

28no DWELLINGS:-

2 & 2 <sup>1</sup>/<sub>2</sub> Storey Buildings

4 bed dwellings

200% parking

Plots 1, 2, 10, 11 & 24 = 2 storey

SUBJECT TO  
LA APPROVAL

H	FOOTPATH DIVERSION INFO	BLW	17.10.16
G	GAS/WATER/ELEC ENTRY ADDED	BLW	12.10.16
F	PARKING SPACE ALTS & HOUSE TYPE ALTS - HIGHWAYS REV'S	BLW	26.09.16
E	EXISTING FOOTPATH TO BE DIVERTED NOTED	BLW	23.08.16
D	MINOR ALTS TO LAYOUT FURTHER TO PLANNERS COMMENTS	BLW	06.07.16
C	TREE CONSTRAINTS ALTS TO LAYOUT	BLW	13.06.16
B	TREE CONSTRAINTS ALTS TO LAYOUT	BLW	10.06.16
A	FIRST ISSUE		27.04.16
REV	AMENDMENTS	BY	DATE

PROPOSALS

PROJECT

PROPOSED DEVELOPMENT  
BOLTON HALL NURSING HOME  
CARR HEAD LANE  
ROTHERHAM  
S63 8DA

CLIENT

MR ANDY HALL

DRAWING TITLE

PRELIMINARY  
PROPOSED SITE PLAN

DRAWN	BLWORTHINGTON	DATE	27.04.16
CHECKED		SCALE	1:500 (A2)
APPROVED			

**HOWARD & SEDDON A.R.I.B.A.**  
CHARTERED ARCHITECTS  
64 WASHWAY ROAD.  
SALE, CHESHIRE M33 7RE.  
TEL No. 0161 - 973 8296  
FAX No. 0161 - 962 3485  
e-mail : admin@howardandseddon.co.uk

JOB No.	DRG No.	REVISION
12387	201	H

This page is intentionally left blank

## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

01 November 2016 to 30 November 2016

#### **APPEALS RECEIVED**

2 appeals were received in November 2016:

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>
2016/0416	Proposed cellar conversion to form 2 bedroom self-contained flat. <b>118 Park Grove, Barnsley</b>	Written Representations	Delegated
2016/0744	Remove and replace lime tree (T1) within TPO 3/2000 <b>2 Ladyroyd, Silkstone Common, Barnsley, S75 4SF</b>	Written Representations	Delegated

#### **APPEALS WITHDRAWN**

No appeals were withdrawn in November 2016.

#### **APPEALS DECIDED**

0 appeals were decided in November 2016.

#### **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

This page is intentionally left blank