

Public Document Pack



MEETING:	Planning Regulatory Board
DATE:	Tuesday, 21 February 2017
TIME:	2.00 pm
VENUE:	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.

MEETING:

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 24th January 2017.

Planning Applications

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

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

3. 31 Roman Road, Kexbrough - 2016/1122 - For Approval (*Pages 7 - 16*)
4. The former Three Horeshoes Public House, Barnsley Road, Brierley, Barnsley - 2016/1381 - For Approval (*Pages 17 - 24*)
5. Land to the east of Old Mill Lane, Barnsley - 2016/1399 - For Approval (*Pages 25 - 42*)
6. Land off Wilthorpe Road, Barnsley - 2016/1228 - For Approval (*Pages 43 - 56*)
7. Barnsley Markets and adjoining land, Cheapside, Barnsley - 2016/1504 - For Approval (*Pages 57 - 62*)
8. 4 Orchard Terrace, Cawthorne, Barnsley - 2016/1226 - For Approval (*Pages 63 - 68*)
9. Bollingbroke House Care Home, Common Road, Brierley, Barnsley - 2016/0964 - For Approval (*Pages 69 - 82*)
10. Land off Kings Road, Wombwell, Barnsley - 2012/0473 - For Approval (*Pages 83 - 92*)

Planning Appeals

11. Planning Appeals - 1st to 31st January 2017 (*Pages 93 - 94*)

12. Exclusion of Public and Press

It is likely that the public and press will be excluded from this meeting during consideration of the items so marked because of the likely disclosure of exempt information as defined by the specific paragraphs of Part I of Schedule 12A of the Local Government Act 1972 as amended, subject to the public interest test.

13. Home Farm (barn and farmhouse), Worsbrough Village, Barnsley (*Pages 95 - 108*)

Reason restricted:

Paragraph (6) Information which reveals that the authority proposes - to give under any enactment a notice under or by virtue of which requirements are imposed on a person, or to make an order or direction under any enactment,

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, Team Leader (Planning)

Parish Councils

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

Monday, 13 February 2017

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 24 January 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

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

In attendance at site visit Councillors D. Birkinshaw (Chair), Hayward, Makinson, Mathers, Mitchell, Spence, Tattersall and R. Wraith.

65. Declarations of Interest

Councillor Franklin declared a Non-Pecuniary interest in Minute no. 68 - **Planning Application No 2016/1414** – [change of use of existing function room on first floor to 3 no. B & B guest rooms at 24 The Market Inn, Wentworth Road, Elsecar, Barnsley S74 8EP] due to his involvement with Milton Hall.

Councillor Tattersall declared a Non-Pecuniary interest in Minute no. 69 - **Planning Application No 2016/1039** – [erection of an extension to current warehouse/processing facility with car parking at 418 Carlton Road, Carlton, Barnsley, S71 3HX] as she lives in the vicinity.

66. Minutes

The minutes of the meeting held on 20th December 2016 were taken as read and signed by the Chair as a correct record.

67. Land off Park Avenue, Royston - 2016/0738 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0738** – demolition of existing semi-detached bungalow and erection of 10 no. dwellings with garages and car parking at land off Park Avenue, Royston, Barnsley S71 4AD

Ms P Jones and Mr R Walker addressed the Board and spoke against the officer recommendation to approve the application

Mr C Noble addressed the Board and spoke in favour of the officer recommendation to approve the application.

RESOLVED that the application be granted in accordance with the Officer recommendation subject to a S106 agreement and with an additional condition to retain boundary hedge on boundary with park.

68. 24 The Market Inn, Wentworth Road, Elsecar - 2016/1414 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1414** – change of use of existing function room on first floor to 3 no. B & B guest rooms at 24 The Market Inn, Wentworth Road, Elsecar, Barnsley S74 8EP

RESOLVED that the application be granted in accordance with the Officer recommendation subject to additional condition relating to length of stays.

69. 418 Carlton Road, Carlton, Barnsley, S71 3HX - 2016/1039 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1039** – erection of an extension to current warehouse/processing facility with car parking at 418 Carlton Road, Carlton, Barnsley S71 3HX.

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

70. 22 Windmill Avenue, (between houses twenty and thirty), Grimethorpe, Barnsley, S72 7AN - 2016/1305 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1305** – development of one pair of semi-detached dwellings (2 no. houses) and one detached dwelling including driveways and private gardens at 22 Windmill Avenue (between houses twenty and thirty), Grimethorpe, Barnsley, S72 7AN

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

71. Milefield Primary School, Milefield Lane, Grimethorpe, S72 7BH - 2016/1436 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1436** – erection of single storey classroom extensions to school and additional parking, bin store and siting of container and alterations to access road and footpaths at Milefield Primary School, Milefield Lane, Grimethorpe, S72 7BH.

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

72. Willowgarth High School, Brierley Road, Grimethorpe - 2015/1134 - For Approval

The Head of Planning and Building Control submitted a report to seek approval for a minor modification to the site layout, and an additional S106 contribution, in connection with **Planning Application 2015/1134** – application for approval of reserved matters of outline planning permission 2012/0537 – proposed development of 97 dwellings with associated access, parking and landscaping at Willowgarth High School, Brierley Road, Grimethorpe.

RESOLVED that approval is granted for the minor modification and additional S106 contribution in accordance with the Officer recommendation.

73. Planning Appeals - 1st to 31st December 2016

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

The report indicated that one appeal was received in December 2016:-

- **Planning Application 2016/1234:** Raising of roof level to existing garage to create additional accommodation – resubmission (written representation) – delegated)

It was reported that 11 appeals have been decided since 1 April 2016, 9 of which (82%) have been dismissed and 2 of which (18%) have been allowed.

74. Diversion of public footpaths at Tyers Hall Farm

This item was withdrawn.

Chair

This page is intentionally left blank

Item 3

2016/1122

Applicant: JDA Associates Ltd, C/o Mr J D Alderson

Description: Erection of 3 no. residential dwellings.

Site Address: 31 Roman Road, Kexbrough, Barnsley, S75 5DE

8 Letters of objection have been received from local residents. Cllr Burgess has expressed concerns regarding the proposed development and has requested that it is determined by Councillors.

Description

The application site is currently used as the rear garden area of number 25 Churchfield Lane which runs to the rear of number 27 Churchfield Lane. The garden has been well maintained over the years and is mostly laid to grass. Two larger trees have been removed prior to the submission of the application

The site is set adjacent to Manor Court Care Home and to the rear of properties on Roman Road and Kexbrough Drive. An additional piece of land has been purchased by the applicant which is set to the rear of number 29 Churchfield Lane. Number 31 Roman Road is also included within the application site and part of this site would be used in order to gain access.

The surrounding area consists of detached dwellings of bungalows, chalet bungalows and two storey dwellings set within spacious plots.

Proposed Development

The application proposes a residential development of 3 detached dwellings. The properties are symmetrical in appearance, of 2 storeys in height and side attached single storey garages. The properties have 4 bedrooms at first floor and a kitchen, dining, lounge and utility at ground floor.

Plots 1 and 2 are sited facing towards the south and plot 3 faces to the east with some habitable room windows facing over the main garden area to the north. Each dwelling has a private garden area and small front landscaped gardens, with parking areas set in front of each side attached garage.

The access to the dwellings is located between number 31 and 33 Roman Road. In order to allow for access to the site a portion of garden/driveway to number 31 Roman Road is to be used for the access road, and a small portion of the attached flat roof garage to number 31 is to be demolished and made good. Parking to number 31 is to be provided within the front garden. A blocked paved bin collection area is allocated adjacent to the access.

Approximately 10m of rear garden area is retained for number 25 Churchfield Lane. The outer boundaries of the site are to be defined by 1.8m high close boarded panel fencing.

History

2015/0583 – Residential development of 5 dwellings comprising of 2 pairs of semi-detached 2½ storey dwellings and 1 detached dwelling.

This application was refused on the 9th September 2015 for the following reasons:-

1) In the opinion of the Local Planning Authority, the proposed layout and design of the development is at odds with the form and layout of the existing street scene. The design, scale and layout of the properties are out of character with neighbouring properties and therefore the scheme represents poor design that fails to take the opportunities available to improve the character and quality of the area and the way it functions. As such the proposal is considered contrary to the NPPF, Core Strategy policy CSP29, and the Council's Supplementary Planning Document "Designing New Housing"

2) In the opinion of the Local Planning Authority, the proposal would result in the over-development of the site, in that in particular all plots are sited close to the boundaries with existing residents and the scale of the properties put forward would result in an overbearing impact on existing residents impacting adversely on their amenity and privacy. In addition the increase in residential activity, noise and disturbance to the rear of these neighbouring properties would be detrimental to residential amenity. Therefore the proposal is considered contrary to saved UDP Policy H8D and the Council's Supplementary Planning Document "Designing New Housing".

The applicant later appealed the decision and the application was dismissed at appeal on the 1st July 2016.

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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policies

UDP Housing Policy Area

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

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

Core Strategy

CSP 26 – New Development and Highway Improvement
CSP29 – Design
CSP36 - Biodiversity

SPDs/SPGs

SPD ‘Designing New Housing Development’

SPD ‘Parking’

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

Consultations

Drainage – No objections subject to conditions

Regulatory Services – No objection subject to conditions

Highways – No objections subject to conditions

Tree Officer – No objections subject to conditions

Ward Councillors - Cllr Burgess raised concerns due to the impact on residential amenity.

Representations

Cllr Burgess raised concerns due to the impact on residential amenity and requests that the application is taken to the Planning Board for decision.

8 objections have been received from neighbouring residents which raise the following concerns:-

- Traffic noise and general disturbance to existing residents
- Lack of parking provision and the potential for overspill onto Roman Road
- The absence of a footway pedestrian access into the site
- Refuse lorries would not be able to access the site, resulting in them being positioned on the bend in Roman Road
- Visibility at the entrance is poor due to conifer trees
- Additional lighting in the site would impact residents at night
- Loss of outlook
- The applicant has already removed a number of trees and the impact of this on habitat and wildlife, impact on existing trees
- Plot 3 is stated to not meet the SPD minimum spacing standards
- Loss of sunlight to home and garden
- Impact on poor drainage system
- Loss of privacy and increased security risk
- The design, layout and spacing of the development is not in keeping with the area.
- Overdevelopment

Other non-material considerations

- Impact on residents during construction works, construction vehicle parking, noise, disturbance
- Impact of the proposal on the elderly residents
- Land ownership of area for bin storage

Assessment

Principle of Development

The site lies within a Housing Policy area where infill residential development is normally considered an acceptable form of development providing it meets the Council's spacing standards, does not have a negative impact upon residential amenity, is of an appropriate design and does not cause significant highways issues. In principle the development is located within a sustainable location and the development of the site for residential purposes is considered to be acceptable and land use planning policy terms.

Residential Amenity

The Supplementary Planning Document 'Designing New Housing' provides guidance in terms of separation distances, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. As with all infill residential developments, it is recognised that there will be some impact on the residential amenity of existing residents. In this case residents of adjacent dwellings have enjoyed a pleasant outlook over a mature large garden for a number of years. It is not unexpected therefore that a number of objections have been received from neighbouring residents with regard to the impact on residential amenity and a loss of outlook and view. Whilst the loss of this garden is regrettable it is accepted that some form of development is acceptable in principle, subject to plans complying with the spacing standards in the SPD.

The previous proposal for 5 dwellings on the site was refused by the Council, and later dismissed at appeal. However the Inspector concluded that in terms of residential amenity:- *'I find that the proposals are in accordance with the SPD, in respect of ensuring that layout and design of new housing development must ensure that high standards of privacy, light and outlook are provided for existing and proposed residents, and a requisite 12m separation distance from original habitable room windows. On this matter, I therefore*

conclude that the impacts of the proposed development would not cause material harm to the living conditions of neighbouring occupants in respect of outlook, privacy and noise and disturbance.'

The amended scheme proposes 3 detached houses, which are sited in a similar location to the previous scheme for 5 properties. The proposal meets the minimum separation distances between new and existing habitable room windows, and the properties have sufficient garden areas and internal accommodation. In addition the dwellings have been designed as 2 storeys only with an approximate 2m reduction in height to the previous 2½ storey house types; therefore any impact upon adjacent residents is further reduced. As the proposal meets the minimum separation distances set out in the SPD, there should be no significant overlooking or overshadowing impact to the adjacent residents.

Noise and disturbance considerations were also afforded consideration by the Planning Inspector during the previous appeal case. The Inspector considered that *'the development of 5 units, in an area which is exclusively residential, in my view, would not be such a significant intensification of use which would cause material harm to neighbouring occupants in terms of noise and disturbance.'* Based upon the Inspector's findings and as the number of dwellings has been reduced to lessen the effects further there is no objection to the proposal on noise and disturbance grounds.

The other objections raised by neighbouring residents with regard to the age of the neighbouring residents and potential disturbance during construction are unfortunately not material planning considerations, but can be managed by conditions. One resident has raised concerns regarding the land ownership of the area used as a bin storage, however this area of land appears to be within the red-line boundary of the site and the appropriate land ownership certificates have been submitted with the application. Any disputes with regard to boundaries and land ownership are not material considerations.

Overall, in consideration of the Inspector's decision and as the proposal is reduced and meets the guidance given within the SPD, the development is further considered acceptable in terms of residential amenity in compliance with UDP Policy H8D and the Council's Supplementary Planning Document "Designing New Housing".

Visual Amenity

In terms of visual amenity, the immediate area features detached dwellings of no more than two storeys in height in fairly spacious plots. The Inspector considered that the previous scheme for the erection of 5, 2½ storey dwelling was not acceptable and 'the introduction of tall dwellings and semi-detached dwellings would not be in-keeping with the consistent two storey height and detached form of properties in the local area. When viewed alongside the majority of development nearby the scheme would therefore be at odds with the prevailing character of the area, particularly when viewed from Roman Road and Kexbrough Drive.'

In response to this, the applicant has now submitted a scheme of 3 detached 2 storey dwellings set within large plots and of a reduced height, in order to compliment the adjacent dwellings in terms of mass and scale. The simple design, scale and layout of the properties are considered to be in keeping with the design of the neighbouring properties and fits in with the pattern of development along Roman Road and Kexbrough Drive. The part demolition of the side attached garage to number 31 and formation of the private driveway between numbers 29 and 31 would not appear at odds with the street scene as the properties are of different house types and are set at angles, with number 29 being set further forward.

Subject to the approval of material samples and submission of a landscaping scheme, the proposal is considered in compliance with the NPPF, Core Strategy policy CSP29, and the Council's Supplementary Planning Document "Designing New Housing."

Highway Safety

Objections have been raised with regard to the impact of the proposal upon highway safety. The Inspector did not raise concerns with regard to the development of the site for 5 dwellings and the highways section have raised no objection to the proposals for 3 dwellings, subject to conditions. The proposal provides sufficient parking areas for at least 2 cars within each plot and a space within the side attached garages. The private shared driveway allows for the safe turning and manoeuvring of vehicles, and the proposed access has sufficient visibility in each direction. No objection is raised from a highway safety point of view.

Impact on Trees

Whilst it is regrettable that some of the trees on site have been removed prior to the submission of the application, the Arboricultural Officer has determined that a Tree Preservation Order would not be justified given the defects affecting the trees. In addition he is satisfied that the tree survey provided demonstrates that only low quality trees are to be implicated as part of the proposed development, and as such there is no objection to the tree removals outlined in the tree survey and impact assessment. There will be trees and hedges in close proximity to the proposed new dwellings and as such tree protection measures will need to be provided to ensure they remain unaffected by the proposals. As trees have been removed then replacement planting should be required as part of the proposed landscaping for the scheme. Providing adequate protection for the existing trees and suitable replacement planting can be provided then there is no objection to the proposal.

Conclusion

The site lies within a Housing Policy area where residential development is normally considered an acceptable form of development. The proposal meets the Council's spacing standards and would not have a significant impact upon the amenity of adjacent residents by way of overlooking, overshadowing, or loss of outlook. The dwellings are of an appropriate design and scale and do not cause significant highways issues. The proposal has therefore been assessed to be an acceptable form of development and is recommended for approval accordingly.

Recommendation

Grant planning permission subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 10 REV A, 11 REV A, 12 REV A) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 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 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.
- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 Sight lines, having the dimensions 2.0m x the site frontage, shall be safeguarded at the drive entrance/exit, such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 7 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 600mm above the nearside channel level of the adjacent highway
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 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:
- Details of measures to prevent mud/debris from being deposited on the public highway
 - 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 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.

- 10 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.

- 11 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.

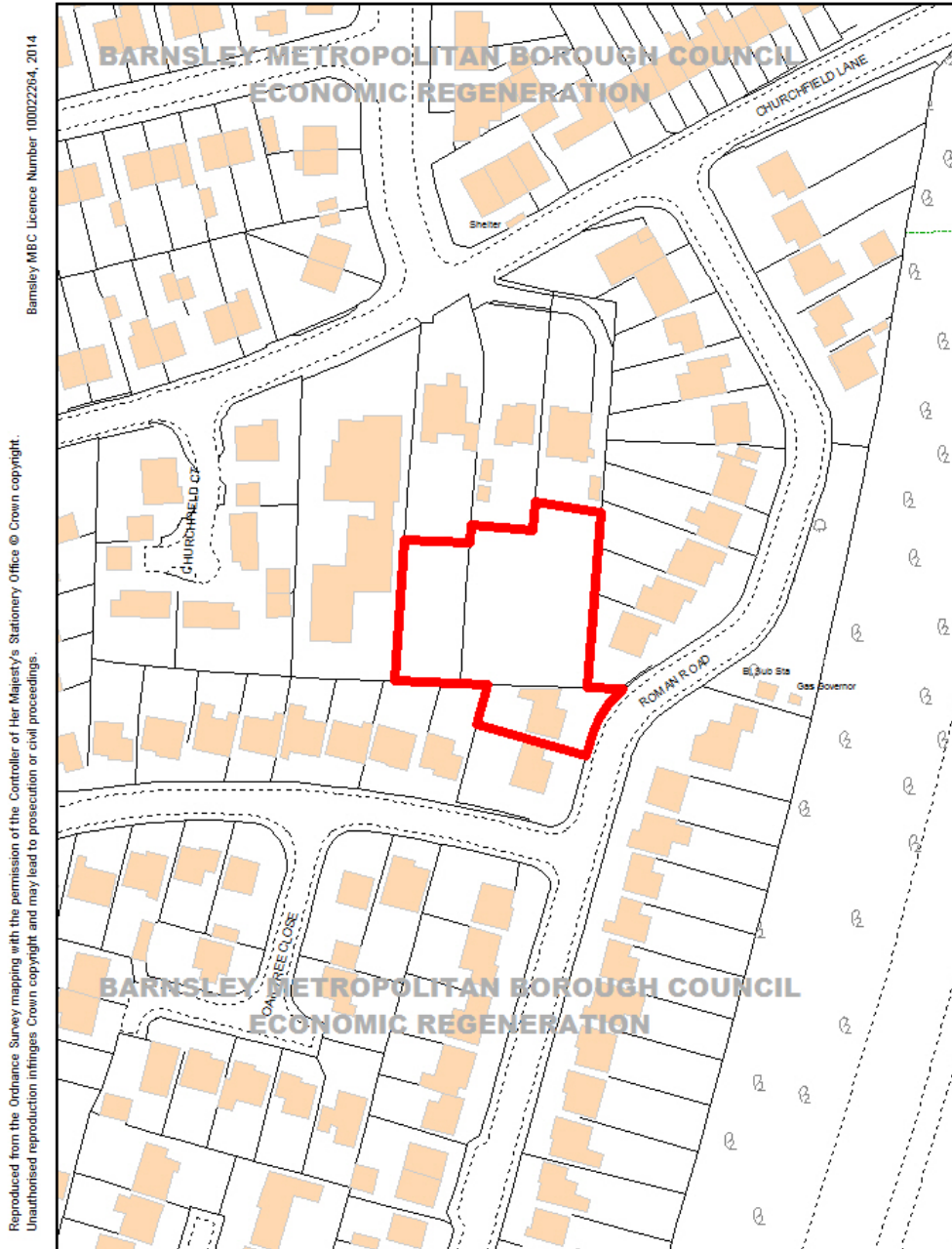
Reason: To safeguard existing trees, in the interest of visual amenity.

- 12 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.


PA reference :-

2016/1122



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

Item 4

2016/1381

Applicant: Matthew Carter

Description: Conversion of former public house into 7 apartments and erection of 2 detached dwellings.

Site Address: The Former Three Horseshoes Public House, Barnsley Road, Brierley, Barnsley, S72 9JT

13 objections from members of the public. No comments have been received from local Ward Councillors.

Site Description

This former public house occupies a prominent position on the junction of Barnsley Road and Church Street. This site falls within the Conservation Area. It comprises the public house buildings and a large surface car park that contains some trees. The site is overlooked by existing houses on Cliffe Lane and a large house on Barnsley Road, which has many of its windows in the side. The public house is set back from Barnsley Road but abuts Church Street where a house is side on to the site.

Proposed Development

The existing buildings are to be retained and converted into 7 apartments with 4 one bed on the ground floor and 2 two bed and a one bed on the first floor. The existing openings are mostly utilised.

Parking is shown in the middle of the site and the two 4 bed detached houses are shown on the car parking area, where there are currently some trees in a verge. The proposed houses have large integral double garages at the front. Each house has a ground floor side kitchen/dining room window but other side windows are non-habitable. The houses would be red facing brick with ashlar stone details.

The submitted plans include cross sections and there is also a Planning and Design Access Statement. Amongst other things, this deals with the steps taken to address the issue of whether this Local Community Asset should remain as a public house. It is stated that a six weeks consultation was carried out to find out if any interested party wanted to bid for the building. No such bids were received.

However, this building has recently been re-designated an Asset of Community Value. Designation prevents the sale of land unless community groups have been given time (six weeks to express an interest and if an interest is expressed six months to put together an offer) to purchase the property, although there is no obligation on the owner to sell.

The building was first designated an Asset of Community Value in November 2015. A sale was proposed and in accordance with the law this was publicised by the Council to find out if any community groups were interested in bidding for the property. No interest was expressed at that time and so the land was sold and the designation was removed. However, the pub was nominated again after it had been sold and added to the list again. There is now some evidence of a community interest in forming a group to acquire the property.

Policy Context

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

Saved UDP Policies

Housing Policy Area
Conservation Area

Core Strategy

CSP14 Housing Mix
CSP26 Highways issues.
CSP29 Design matters.
CSP30 The Historic Environment
CSP43 Education and Community facilities.
CSP40 Pollution protection.

SPDs/SPGs

Parking
Designing New Housing Development-High quality development required in a Conservation Area

Publication Consultation Document

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.

SD1 Presumption in favour of sustainable development
GD1 General development
D1 Design
T4 New Development and Highway Improvement
Poll1 Pollution Control and Protection
CC4 Sustainable Drainage Systems (SuDS)

These policies carry little weight for the reason given above.

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.

Consultations

Pollution Control- no objections subject to conditions.

Highways- no objections subject to conditions.

Highways Drainage- no objections subject to conditions.

Trees-No objections subject to tree protection measures.

SYMAS- no objections subject to an informative.

BDA-no objections if evidence that can continue as employment.

Representations

13 objections received which include the following:

1. There has already been too much new housing in the village and local facilities such as schools will be put under too much pressure if more is allowed.
2. The site is on a bad junction so highways safety will be compromised.
3. The Pub was an important part of history and the character of the village, which is being eroded. It was a place for people to socialise and it should be retained as a public house or community building. Loss would contravene policy CSP43 and paragraph 70 of the NPPF, which seek to retain such community facilities.
4. There were offers made to keep the site open as a pub and as such it is argued that whole marketing process was flawed. It is therefore asserted that the applicants should be required to submit further evidence. The odds are against a community group being able to purchase a pub so the fact that the community could not afford to buy the pub should not be given weight. So a further nomination has been made following the change in ownership.

Assessment

Principle of Development

The main issue relates to the recent designation of the Public House as an Asset of Community Value and the relationship of this with Core Strategy policy CSP43 Education and Community facilities. This states that such uses will be protected from development unless it can be demonstrated that the sites and premises are no longer required by the existing use or an alternative community use.

The Governments Non-statutory guidance on Assets of Community Value (ACV) says the following

“2.20 The provisions do not place any restriction on what an owner can do with their property, once listed, so long as it remains in their ownership. This is because it is planning policy that determines permitted uses for particular sites. However the fact that the site is listed may affect planning decisions - it is open to the Local Planning Authority to decide whether listing as an asset of community value is a material consideration if an application for change of use is submitted, considering all the circumstances of the case.”

So the fact that it is listed again as an ACV may be a material consideration, but the weight attached to it is the key consideration. Being listed as an ACV could be considered as evidence that the premises are required for an alternative community use at variance to

policy CSP43 but the circumstances of this case also have to be taken into account. The pub has been listed as an ACV before and no group came forward to express an interest in bidding at that time. Therefore, the site was purchased for development by a third party in good faith and this application was made after pre application discussions.

Only after this process has it been nominated again. It was relisted as it continued to meet the statutory tests under the Localism Act 2011. Although this time around there is some evidence of a community interest in forming a group to acquire the property the fact that it has been listed once before and sold without a community group coming forward suggests less weight might be put on the fact that it is listed as an ACV than would have previously been the case. The fact that the pub has been closed for a period of time and there were previous reports of anti-social behavior when it was operating are also material considerations. On balance I consider that a reason for refusal based upon policy CSP43 could not be substantiated.

As this is conservation area the design will need to meet the higher standard anticipated by policy CSP30 The Historic Environment. However, in principle residential development that meets the relevant guidelines on space about building would be appropriate in a Housing Policy Area.

Residential Amenity

The site is bounded by existing dwellings. As sated above there are space standards set out in the SPD that need to be followed to ensure that the surrounding dwellings are not affected.

The layout plans show that there would be ample space about the new build properties. These are set back in the site but it is deep enough to afford generous rear gardens. The side dining room windows are on the ground floor so can be screened.

The site is relatively flat so there are no special topographical issues that would demand greater separation.

Visual Amenity

The retention of the existing building as part of the development is welcomed by the Conservation Officer given its heritage significance. He is satisfied that the proposed conversion makes use of the existing openings in the building and the proposal retains its intrinsic value.

A design access statement sets out the key principles. There are only two new houses close to the existing large detached house on Barnsley Road. The proposed houses are set behind projecting garages but are also well into the site. Trees are shown along the site frontage so there will not be a significant visual impact in terms of long range views.

The new houses replace a redundant pub car park so they will actually result in an improvement albeit that the car park does have some trees within it. In terms of the trees the tree officer has not raised any objections to removal of these car park trees.

Highway Safety

The site is located immediately adjacent to the junction between Church Street and the A628. However Highways are content that the development would not lead to any significant intensification in the use of the access compared with the previous use. In addition no concerns have been received from highways with regards to the new vehicular circulation routed within the site, parking provision and the space allocated for turning and maneuvering.

The development is in two distinct parts conversion of the public house to apartments and erection of two detached houses on the car park. It is not normal to seek ensure that a development of this nature is completed in its entirety. However, there is a potential for two houses being built on the car park and the public house being retained due to the relisting, with virtually no room for parking.

If the permission were granted it would be important to avoid the above scenario by imposing a condition to phase the development so the public house is converted first.

Mining

There is an old mine shaft on the adjacent property fronting Barnsley Road but the precise location of the mine shaft is not 100% certain. However, SYMAS indicate that it is unlikely to be too close to prevent the development of the nearest detached house. They advise that an informative regarding the matter would enable the detailed design of the foundations to be amended under the Building Regulations if it is closer than expected.

Conclusions

The main consideration in relation to this proposal is the local community belief that the public house should be retained and this building has been designated an Asset of Community Value. Whilst, this is a material planning consideration it has to be weighed against other factors discussed above. On balance it is concluded that planning permission should be granted.

Recommendation

Grant subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans 2423-10a, 2423-11, 2423-12, 2423-13a and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

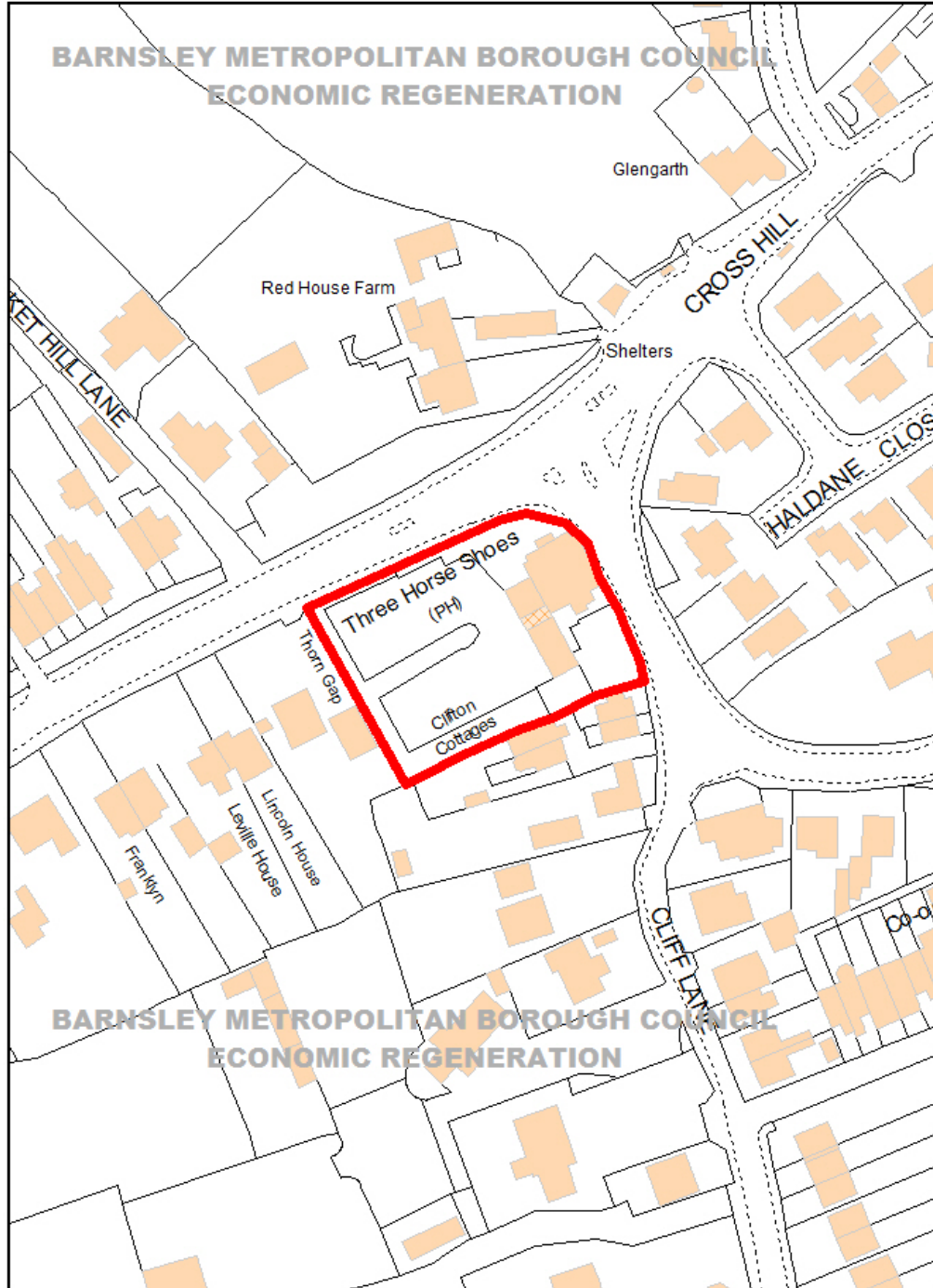
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the 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.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 6 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.
- 7 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.**
- 8 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 in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.

- 9 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 10 Sightlines, having the dimensions 2.0m x the site frontage, shall be safeguarded at the drive entrance/exits, such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 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 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - storage of plant and materials used in constructing the development
 - Measures to 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.**
- 13 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.
- 14 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. 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.

PA reference :-

2016/1381

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.



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

Item 5

2016/1399

Applicant: Aldi Stores Ltd and Barnsley Developments Ltd

Description: Erection of a retail unit (Use Class A1) with car parking, landscaping and associated works.

Site Address: Land to the east of Old Mill Lane Barnsley S71 1LL

90 representations in support of the development. 3 objections. In addition Cllr Bruff is opposed to the proposed development.

Site Description

The application site comprises vacant land located to the north of Barnsley Town Centre which occupies the space between the A61 Old Mill Lane to the west, Old Tannery Road to the south, Wickes DIY and Builder's Merchants to the north and Burton Road to the north west.

The site is located in an area where main roads and commercial properties dominate. Other commercial premises located in the immediate vicinity of the site include Asda, Carphone Warehouse and Tile Giant. The nearest residential properties are located to the north east of the site on Burton Road.

The overwhelming majority of the site is covered by hard surfaced material originating from historical land uses making this a brownfield site. There are few other features within the site other than post and wire fences around the perimeter, small amounts of vegetation and weed growth. Prior to the site being remediated following a planning application made in 2006, the site had been occupied by a gas works since the end of the 19th century and a depot since the 1960's. All buildings and structures have been cleared from the site within the last 10 years.

The site is relatively flat within the site other than where it banks upwards in the easternmost corner of the site adjacent the roundabout constructed to serve the new road. Land levels are however below Old Tannery Road which runs along the length of the southern site boundary. A spur off this roundabout wraps around the northern perimeter of the site and is proposed to be used as the means of access to the site. This particular service road is currently in use to serve Wickes.

Proposed Development

Planning permission is sought to construct a new Aldi foodstore. The plans comprise a single building containing 1765sqm of gross internal floorspace, which would be located on the eastern half of the site in a position near to the new roundabout. Access to the development would be via a central location in the northern part of the site off the service road currently in use to serve Wickes. A new 93 space car park would be constructed on the western half of the site. The plans also include provision for soft landscaping located around the perimeter of the development.

The plans are for a building which would of a very modern style of architecture. The building would have a single slope roof measuring 8m at the highest point and 5m at the lowest. The building would measure approaching 60m in length on the roadside elevation adjacent Old Tannery Road and approaching 40m in length on the east and west side elevations. Facing

materials would consist of a mixture of glazing and cladding with a base constructed using bricks and mortar. The cladding panels would be a mixture of different blues, greys and silver. The blues would combine to create feature walls.

The supporting statement advises that the development would create 40 full and part time jobs once operational.

History

Previous planning applications at the site comprise:-

B/76/0338/BA - Construction of vehicular access. 15/04/1976.

B/77/1969/BA - Use of land for storage of Calor gas. 01/09/1977

B/86/1005/BA - Outline for erection of supermarket, DIY store and garden centre. Refused 05/11/1986.

B/97/1552/BA - Outline application for the erection of non-food retail warehouse with ancillary facilities, access and car parking. Refused permission 15/04/1998

B/99/1289/BA - Erection of replacement palisade fencing. 10/12/1999

B/02/1755/BA/TF - Fell trees within TPO 5/1996. 04/02/2003

HSC/00/0002/BA - Continuation of hazardous substance consent. 06/06/2000

2006/1616 - Erection of retail warehouse with associated car parking and access (Outline). Outline planning permission granted with conditions 17/10/2008.

2006/1911 - Remediation of land. Planning permission granted with conditions 09/08/2007.

2010/1367 - Erection of a retail warehouse with associated car parking and access (Outline). (2006/1616 Extension of time limit). Extension of time limit granted 18/04/2011.

2012/0777 - Demolition of existing retail warehouses & erection of foodstore (A1), retail warehouse unit (A1), community kiosk (A1/A3/A5/B1/D2), petrol filling station and community riverside park with associated parking, landscaping, servicing and access (Outline). The application was withdrawn by the applicant prior to a decision being made by the Council.

2013/1387 - Erection of supermarket with associated petrol filling station, car park, community park, access, servicing and landscaping (Outline). The application was withdrawn by the applicant prior to a decision being made by the Council.

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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policies

UDP notation: Utility Company & Green Belt

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP31 'Town Centres'
CSP34 'Green Belt'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

SPD's

-Residential amenity and the siting of buildings
-Parking

Publication version of the Draft Local Plan

Proposed allocation: Urban Fabric

NPPF

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

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

For decision-taking this means:

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

out-of-date, granting permission unless:

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

80. Green Belt serves five purposes:

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

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

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

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

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

Consultations

Air Quality – No objections taking into account of the proposed mitigation measures which would need to be conditioned to ensure implementation.

Coal Authority – No objections subject to intrusive investigation work being carried out to inform any mitigation measures which are necessary to ensure that the proposal is free from land instability risks associated with shallow coal workings.

Contaminated Land – No objections subject to conditions.

Civic Trust – Comments received are broadly supportive of the proposed development based upon the following summary of reasons:-

- considerate design
- regeneration of an important gateway at the northern end of the town centre
- the product range of the applicant which it is considered would add choice to consumers.
- Increased employment opportunities
- Increased footfall in the area

However the Civic Trust request that the drainage and congestion implications of the proposed development are fully assessed.

Dearne and Dove IDB – No objections subject to conditions.

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

Environment Agency – No objections on flood risk and land contamination grounds subject to conditions and informatives being imposed on the decision.

Enterprising Barnsley – Express support for the application on the grounds that it would secure investment, generate a business rate income and lead to an increase in employment opportunities.

Highways – No objections subject to conditions including a limit on the foodstore accepting deliveries during peak times.

Regulatory Services – No objections having considered the findings of the noise assessment subject to the imposition of conditions limiting delivery times.

Tree Officer – No objections as no existing trees would be impacted by the development. In addition the planting scheme proposed as part of the landscaping plan would provide a good volume and variety of species and is acceptable.

Urban Design Officer – Is supportive of the application from an urban design point of view. Considers that design is innovative and is appropriate for its setting.

SYMAS – No objections subject to conditions to safeguard against the risks posed by shallow coal workings.

Ward Councillors – Councillor Bruff has objected to the proposed development based upon the following summary of reasons:-

- Demise of town centre footfall
- Increase in traffic – near residential area
- Increase in traffic causing grid lock at peak times
- Air pollution caused by increase in traffic
- Potential hazard to children as site is situated close to school and walk to school routes
- Site is between 3 major access roads into town all of which have overuse and 2 have dedicated bus routes on them
- Other sites in / close to town centre available

Yorkshire Water – No comments have been received at the time of writing.

Representations

The application was advertised by neighbour notification letters, site and press notice. 90 representations have been received in support of the proposed development. The main reasons in support of the proposed development are as follows:-

Consumer choice - Views are expressed that the development would broaden consumer choice for local people and offer foodstore goods at an affordable and competitive price which would be of benefit to senior citizens in particular. In addition it is considered that the development would create healthy competition with the existing foodstores which might end up being reflected in the prices of the goods on offer elsewhere.

Locational factors/sustainability – Opinions have been stated that the site benefits from good accessibility compared with other foodstores in and around the town centre, or the Tesco Extra located near to Stairfoot. In addition the site is stated to be in walking distance of residential properties located to the north of the site and is on a bus route. A number of senior citizens have written in to express such views.

Additional positive comments include:-

- Creation of job opportunities for local people
- Local economic benefits/Payment of business rates
- Regeneration of previously developed land

Only a small number of objections have been received from persons totally opposed to the development (3). Within those the following concerns have been identified and this is also the case even within a small percentage of the representations received in support of the proposal:-

Network capacity – Concerns are raised that the development may contribute additional traffic congestion problems on Old Mill Lane and Wakefield Road which already occur at many hours throughout the day.

Harm to local businesses – Concerns are raised that increased congestion levels would negatively affect trade to existing businesses, which are already facing problems during peak hours. In addition it is stated that the development could dilute trade affecting existing food based retailers in the locality, including Pound Stretcher, Coop, Farm Foods, Iceland, B&M, Range and ASDA who all service this area already as well as a knock on effect on smaller local independent retail stores. In addition concerns are raised that units are becoming empty at the Peel Centre retail park, with Pizza Hut now coming for sale.

Concerns about an increase in traffic posing a risk to parents and children accessing Burton Road Primary School and Dearne Valley Park.

Assessment

Principle of Development

The existing land use planning policy designations affecting the site date back to the UDP which was adopted back in the year 2000. They divide the site into 2 designations, with approximately half being land designated as utilitarian land dating back to when it was in use by National Grid and Green Belt on the remainder. During the intervening period there have been a number of physical changes affecting the site itself and the surrounding land, including the vacation and clearance of the site by National Grid, implementation of a remediation scheme for the land, and the construction of Old Tannery Road as a new relief link road connecting Old Mill Lane and Burton Road. This means that the site is now a cleared and vacant brownfield site which has clearly defined boundaries on all 4 sides. The existing UDP policy designations affecting the site are now substantially out of date therefore. This is reflected in the publication version of the emerging Local Plan, now submitted to the Secretary of State which is proposing that the site is removed from the Green Belt, and that the utility company protection designation is taken away for the land to

be designated within the Urban Fabric of the Town. Whilst full weight cannot be afforded to the new Local Plan prior to it becoming adopted, the weight that can now be afforded has increased given the stage that the plan has reached in being submitted to the Secretary of State for Examination. Moreover, although there have been numerous objections to the Green Belt review, there have been no objections to the removal of this particular site from the Green Belt.

In addition to the above planning permission has previously be granted for the Council for the development of a retail warehouse unit, initially in 2006 and renewed in 2010. Both of these decisions have established that the Council is supportive in principle of the site being redeveloped.

The NPPF does allow for the redevelopment of previously developed land within the Green Belt. However, as the previous buildings have long since disappeared, it would not be possible to apply this exception as there is now nothing existing to offset the harm that would occur to openness as a result of the development. Consequently, the proposal represents inappropriate development which, by definition, is harmful to the Green Belt and should not be approved unless very special circumstances have been demonstrated.

In this particular case the very special circumstances are considered to be a combination of factors that are relatively unique to this site in particular that the development would bring back into use a prominent and sustainably located brownfield site on a key route into the town centre. The proposal would also provide economic benefits as a result of direct job creation and would increase consumer choice for convenience goods without harming designated centres.

The proposal would undoubtedly have an impact on openness of the Green Belt at a narrow point along the river valley but as both sides of the valley are within Barnsley Sub Regional Town, there would also be minimal conflict with the five purposes of including land within the Green Belt. Moreover, the purpose of assisting in urban regeneration, by encouraging the recycling of derelict and other urban land' would be directly achieved as a result of the development.

Overall and considering everything in the round the combination of the lack of objections to the site being removed from the Green Belt in the emerging Local Plan, the previous planning permissions on the site for retail use, the fact the proposal would bring back into use a prominent and sustainably located brownfield site on a key route into the town centre and that the proposal provide economic benefits are sufficient to clearly outweigh the substantial harm associated with inappropriate development in the Green Belt, particularly given the lack of conflict with the purposes of including land in the Green Belt. As such, subject to no other harm being identified that could be afforded sufficient weight to shift the balance, very special circumstances are considered to exist.

Retail Planning Policy

The proposal site is located in an out of centre location. Therefore in accordance with national and local planning policies the application is accompanied by a sequential assessment which seeks to demonstrate that there are no sequentially preferable sites to locate the development on than the proposal site. The findings have determined there are no premises available within Barnsley Town Centre to accommodate the proposed development. The assessment did identify 5 potential sites, including Courthouse/County Way car parks, the Transport Interchange, the former CEAG site, the markets site and

Heelis Street. However none of the sites were identified to be available, suitable or viable at the present time. As a result Planning Policy have previously determined that there are no sequentially preferable sites than the proposal site within the agreed 5 minute drive time threshold.

The outcome of this exercise therefore is that the proposed development does not conflict with the town centre first aims of national and local planning policies. In addition there has not been a need to carry out an impact assessment on the Town Centre given that the retail floor space size of the development falls below the threshold stated within the National Planning Policy Framework.

Visual Amenity

The site is located in a highly visible location adjacent to one of the gateways into the town centre. It is therefore pleasing that the applicant has included some customised design features rather than using a standard off the shelf set of plans. The initial design has been improved further following comments made by the Council's Senior Urban Design Officer in his initial consultation response on the application. The effect of the shape, cladding type and colours would be to create a building which would have an attractive, smart and sophisticated appearance.

In addition it is considered that the scale and size of the building is proportionate to the scale of the site and could be absorbed into the area as a positive addition, rather than dominating its surroundings. My only slight reservations is that hard surfaced material would have the potential to dominate the development. However the Council's Arboricultural Officer is content that the species choices involved with the proposed soft landscaping scheme would be appropriate in relation to their size, location and species choice. Overall the proposals have been assessed to achieve the high standard of design aimed for by policy CSP29 'Design'.

Residential Amenity

The separation distances between the proposed building and the nearest residential properties is such that the building would not give rise to any issues with regards to over dominance, or overshadowing. The proposed development complies with the Siting of New Buildings and Residential Amenity SPD in this regard therefore.

The main potential for harm to occur once the development is operational has been identified as movements to and from the site from service vehicles. Regulatory Services have therefore determined that it would be necessary for a condition to be imposed to limit delivery times to 6am to 11pm on Monday to Saturdays and between 8am and 11pm on Sundays.

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

Highway Safety

The potential effect of the development on the highway network is one of the most sensitive issues with the application given the existing problems with traffic congestion and network capacity in the Old Mill Lane/Wakefield Road/Harborough Hill area. Government planning policy stated within the NPPF is only to refuse planning permission if the residual cumulative impacts of a development would be severe. The application is accompanied by a Transport Assessment which summarises the forecasted effects of the development on the public

highway network. In addition the Council have commissioned consultants to undertake a modelling exercise.

Starting with the applicants Transport Assessment modelling was undertaken at the following locations:-

- A61 Old Mill Lane/ Unnamed road (bypass)/ Carphone warehouse –signalised junction
- A61 Old Mill Lane/ Wakefield Road/ Burton Road – signalised junction
- Unnamed Road (bypass)/ Wickes site access – roundabout junction
- Burton Road/ Unnamed road (bypass) – roundabout junction

The peak hours were identified as being 16:00 – 17:00 hrs for the weekday peak and 14:00 – 15:00 hrs on Saturdays.

Peak hours forecast for visitors to the Aldi of 16:00-17:00 hrs on weekdays and 11:00-12:00 on Saturdays. The number of arrivals during these times are expected to be around 61 per hour during the weekday peak and 94 on the Saturday peak. Departures are expected to number 62 and 91 during these same times. However the work undertaken asserts that many of these trips would already be travelling on the highway network that in reality the number of net new journeys on the highway network as a result of the development would be much lower. In addition the site has been assessed to be highly accessible by all non-car modes of transport including public transport, walking and cycling. Furthermore the development is proposed to be the subject of a travel plan for staff which sets a target of a 10% reduction in single occupancy staff car journeys over a 5 year period, via encouraging car sharing and encouraging staff to travel to work via non car means. Taking everything into account the modelling exercise has determined that the various junctions would continue to operate within capacity.

The submitted Transport Assessment was assessed by both BMBC Highways and an independent highway consultant, and some queries were raised. The junctions were then then remodelled and revealed that there was an impact on the network with some junctions operating over capacity, resulting in significant queues. The developer was, therefore, asked to reassess the junctions concerned with alterations to the operation of the traffic signals. This has resulted in the junctions now operating within capacity. Furthermore, the assessment is considered to be robust as some trips have been dealt with as new to the network, when they have diverted from their journey to visit the store, and no reduction has been made for linked trips with the adjacent store. It should also be noted that these junctions have the benefit of SCOOT and MOVA which both optimise the operation of the traffic signals at peak times.

Whilst it is acknowledged that the development does have an impact on the surrounding highway network, the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. The impact of this development could not be classed as severe, and a refusal of planning permission on highway grounds could not be substantiated.

However they have identified that there would be a need for a condition to prevent deliveries to the store during the weekday and Saturday peaks. In addition the plans are deemed satisfactory with regards to the design of the proposed new junction to serve the development, the internal circulation routes and parking areas taking into account of the relevant standards. Overall therefore highways have resolved not to object to the proposed development taking into account of the advice within the NPPF and considered acceptable and Core Strategy policy CSP26 'New Development and Highway Improvement'.

Other considerations

Drainage/Flood Risk

Part of the site is identified to fall within flood zone 3 of the Environment Agency flood maps potentially making flood risk an important consideration for the proposed development. The National Planning Policy Framework states that Flood Zone 3 comprises land assessed as having a 1 in 100 or greater annual probability of river flooding in any year. The nearest source of fluvial flooding is predicted within the River Dearne immediately to the south of the site. The fluvial flooding is predicted to originate from out of bank flows downstream of the Old Mill Lane bridge as a result of out of bank flows due to insufficient capacity in the main river channels

However the applicants FRA asserts that current flood maps are based upon historic survey information dated before the Old Tannery Road was built in November 2013 and that a study of a much more recent topographical survey suggests that these fluvial floodwaters would not affect the site due to the embankment formed as part of the construction of the road which would act as a barrier to prevent flooding. The report therefore asserts that the site is not at risk of flooding from the 1 in 100 year plus climate change event and is therefore should not be classed to be located within Flood Zone 3. Nevertheless, the site is still considered to be at risk during extreme flood events, greater than the modelled 1 in 100 year plus climate change event and as such the report advises that finished floor levels should be set a minimum of 300mm above the predicted 1 in 100 year plus climate change flood level of 44.850m AOD.

National planning policy advises that a sequential test should be applied in such circumstances to determine whether there are any suitable or available sites within flood zones 1 and 2 to locate the development. However as the sequential test exercise has concluded that the answer is no, national policy advice has been complied with. In addition retail developments are excluded from the need to have to comply with the exception test on sites located in flood zone 3a as this is considered to be a less sensitive land use compared with more sensitive uses such as housing.

In addition to this the report and recommendations within the FRA have been considered by the Council's Drainage section and the Environment Agency with neither resolving to object, subject to this condition being in place.

The report has also considered surface and foul water drainage considerations and commits to the development achieving a reduction in surface water run off flows via the inclusion of on site attenuation measures. A pumping station may be required because of the site being on a lower level than the existing public sewer which it is proposed to connect the development into. This matter would need further conditions imposing to ensure that the proposed details are acceptable to the drainage authorities.

Ground Conditions

Whilst the site has previously been remediated to be made suitable for commercial development following a planning application made back in 2006, the preliminary ground investigation has identified the potential for the development to be potentially at risk from unstable land arising from shallow coal workings/made ground. In addition it states that there is the possibility that contaminated land could be unexpectedly discovered during the construction period. As a result an intrusive investigation would need to be carried out prior to the commencement of development to inform any mitigation measures which would be necessary, including specialist building foundation techniques which is likely to include piling. The recommendations within the report have been considered by Regulatory Services,

SYMAS and the Coal Authority who are all content for the application to be allowed, subject to such a condition being in place. Each of these consultees would then need to be involved with assessing the additional information when it is provided to ensure that they are agreeable to any mitigation measures which are judged to be necessary.

Biodiversity

The Ecological report has identified that the ecological value of the site is poor. However the site is located in the vicinity of 3 local wildlife sites, including a culvert passing underneath Old Mill Lane which contains a maternity colony of Daubentons Bats. In addition, there is a possibility that any significant vibration from the construction phase of the development may indirectly impact upon bats using the roost. As such the report advises that any works that may cause significant ground vibrations, such as piling or drilling should not be undertaken between May and August which is the most sensitive time for bats when in a maternity roost. This would need to be a condition therefore. In addition the report recommends that a further condition would need to be in place to prevent the clearance of the scrub vegetation on the site during the breeding bird season (March to August inclusive). The Biodiversity Officer is content that there are no biodiversity reasons from preventing the proposed development from being allowed, subject to those conditions being in place. In addition he would require a further bat activity survey to take place post completion of the development which would also need to be ensured via a condition.

Air Quality

The proposed development is located close to the Harborough Hill Road air quality management area (AQMA). The assessment states that “a number of mitigation options were identified in order to reduce vehicle emissions associated with the development.” As a result the following mitigation measures form part of the application:-

- Inclusion of electric vehicle charging points
- Provision of a Travel Plan
- Provision of secure cycle storage
- Consideration of air quality in the site design and layout, and,
- The inclusion of soft landscaping as green infrastructure for the development

Regulatory Services have afforded consideration to the issues posed by the proposal and have determined not to object to the proposal, subject to a condition being imposed on any granting of planning permission to ensure that these provisions are followed through.

Conclusion

In summary the land is designated as Utility Company Land and Green Belt in the UDP. The proposal therefore constitutes inappropriate development in the Green Belt. However, the combination of the lack of objections to the site being removed from the Green Belt in the emerging Local Plan, the previous planning permissions on the site for retail use, the fact the proposal would bring back into use a prominent and sustainably located brownfield site on a key route into the town centre and that the proposal provide economic benefits are sufficient to clearly outweigh the substantial harm associated with inappropriate development in the Green Belt, particularly given the lack of conflict with the purposes of including land in the Green Belt.

Having assessed all other material considerations it is clear that, subject to the imposition of the suggested conditions, there will be no other harm that would be sufficient to alter the

conclusion that very special circumstances exist. Accordingly, the proposal is considered to comply with the development plan as a whole and national planning policy.

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 following amended plans and specifications as approved unless required by any other conditions in this permission:-

1210-50 'Location Plan'
The Harris Partnership plan 1210-100 'Proposed Site Layout'
The Harris Partnership Job/Dwg: 1210 SDAR-V102A-Elevations
The Harris Partnership 1210-101 - Proposed GA Layout
The Harris Partnership 1210-103 - Proposed Sections
The Harris Partnership 1210-104 - Proposed roof
Vector Landscaping plan 'V1210 L01 C'
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 4 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

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

- and facilities for public viewing, where appropriate
- Wheel washing facilities
- Measures to control the emission of dust and dirt during construction
- Measures to control noise levels during construction

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

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

- alterations to the operation of the traffic signals

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

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

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

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

- 9 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.

- 10 The hereby approved Travel Plan shall be implemented in accordance with an implementation strategy to be submitted and approved in writing by the Local Planning Authority prior to the occupation of the residential development hereby permitted. Reports demonstrating the progress in promoting sustainable transport measures shall be submitted annually on each anniversary of the date of first occupation to the Local Planning Authority for a period of 5 years from first occupation of the residential development hereby permitted.

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

- 11 No development shall take place until 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. 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.

- 12 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.

- 13 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of construction 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.

- 14 Deliveries shall be only take place between the hours of 0600 & 2300 Monday to Saturdays and 0600 & 2300 on Sundays and Bank Holidays (excluding times between 0830 & 0900 Monday to Friday and 1100 & 1200 on Saturdays).

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

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

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

- 16 Prior to the commencement of any development works, a remediation scheme, endorsed by a competent engineer experienced in ground contamination, shall be submitted to the local Planning Authority for approval. This report shall, amongst other matters, include the following:-

1. Methodology to address the contamination risks previously identified.
2. Measures to test and evaluate any imported soils onto the site to ensure they are suitable for the intended use.
3. Chemical testing suite, frequencies and threshold levels.
4. The subsequent validation that the site has been satisfactorily remediated and that the development of the site can be safely undertaken and occupied.

The development shall thereafter be undertaken in full accordance with the submitted reports.

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

- 17 The development's carbon dioxide emissions shall be reduced by at least 15% .Upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be

submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.

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

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

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

- 19 Prior to commencement of development full details of the mitigation measures identified in the Ecological Survey, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.

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

- 20 Development shall not commence until details of electric vehicle charging points have been submitted and approved by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details prior to the development being brought into use.

Reason: In the interest of air quality, in accordance with Core Strategy Policy CSP40.

- 21 The development shall not be brought into use until a service yard management plan has been submitted to and approved in writing by the Local Planning Authority, The plan shall include for the management of all delivery vehicles, customers vehicles, pedestrians, the use of a pedestrian marshall and shall provide a regular monitoring regime and a system for identifying and correcting issues at each delivery. Thereafter the development shall proceed in accordance with the approved details prior to the development being brought into use and retained as such thereafter.

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

- 22 Development shall not commence until details of the car park management plan have been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details prior to the development being brought into use and retained as such thereafter.

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

- 23 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.

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

- 24 No development shall take place until an intrusive site investigation and the results to assess the risk of land instability arising from historical coal mining activity have been submitted to and approved in writing by the Local Planning Authority. In the event that the site investigations confirm the need for remedial works to treat areas of

shallow mine workings, further details shall be provided to the Local Planning Authority for approval that shall require implementation prior to the commencement of the approved development.

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

- 25 The development permitted by this planning permission shall be carried out in accordance with the approved flood risk assessment (FRA) dated October 2016, reference 15004-3E-00-XX-RP-C-9000, by 3E Consulting Engineers, and the following mitigation measures detailed within the FRA:

- Finished floor levels are set no lower than 45.15m above Ordnance Datum (AOD).
- Overland flows will be directed away from any proposed or existing buildings and towards the surface water drainage and attenuation facilities.

The mitigation measures shall be fully implemented prior to occupation and subsequently in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

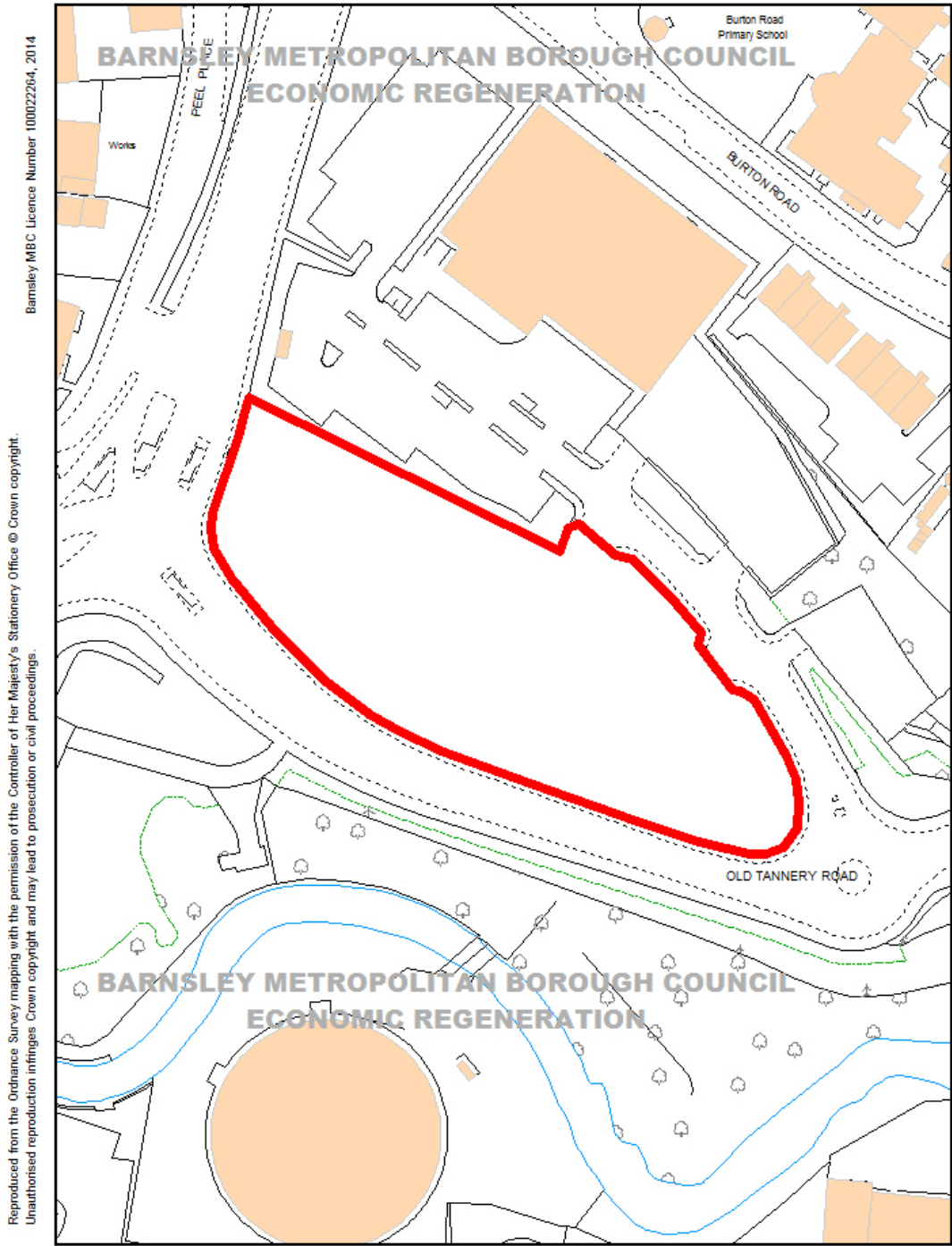
Reason: To reduce the risk of flooding to the proposed development and future occupants.

- 26 No development shall take place until a report is submitted to, and approved, in writing, the Local Planning Authority to address the potential contamination risk to adjacent River Dearne from the works. This scheme should either involve a monitoring programme to evidence no residual contamination has impacted the river, or involve detailed groundwater modelling to show the risks are minimal. Thereafter the development shall proceed in accordance with the approved details.

Reason: To protect the environment and ensure the site is suitable for the proposed use in accordance with Core Strategy Policy CSP40.

PA reference :-

2016/1399



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.

BARNSELY MBC - Economic Regeneration
Service Director: David Shepherd
Westgate Plaza One, Westgate,
Barnsley S70 9FD
Tel: 01226 772621

NORTH
Scale 1:1250

This page is intentionally left blank

Item 6

2016/1228

Applicant: Mr Matt Burrow,

Description: Increase total number of dwellings from 302 (applied under app 2014/0474) to 326, including 14 dwellings on public open space and a net gain of 10 units through plot substitutions.

Site Address: Land off Wilthorpe Road Barnsley, S75 1JQ

1 objection from a member of the public. No comments have been received from Ward Councillors.

Introduction

Members will recall that the previous application (2014/0474) for the erection of 301 dwellings with associated public open space, landscaping, access, parking and ancillary works was referred to the Planning Regulatory Board meeting on 7th January 2015. The application was approved subject to conditions and a legal agreement. Following the approval the total number of dwellings was altered to 302 as a result of a non-material amendment application.

Site Location & Description

The site previously consisted of 12.7 hectares of privately owned agricultural land (central and western area) and area of land included on the Council's register of Green space land (eastern area) and is located directly north of A635 Wilthorpe Road approximately 1 mile from Barnsley Town Centre. The site forms a 'T' shape and has a relatively narrow frontage to the highway but extends significantly to the east and west along the northern boundary. The sites boundaries are established by a railway line to the north, residential estate and Wilthorpe School to the east, with mixed uses along the western boundary which includes industrial, residential and Barnsley Tennis Club.

Levels fall some 30m across the site from the southern boundary (Wilthorpe Road) to the railway line in the north. There is some limited tree cover but this is, by in large concentrated along the sites boundaries forming part of established hedge lines. There is a watercourse which runs along the eastern boundary on a north south axis to the railway line. Bus stops are located within the immediate vicinity of the site and numerous amenities and employment opportunities are also on hand.

Following the granting of planning application 2014/0474 work has started on the site including the creation of the access road off Wilthorpe Road and the erection of a number of dwellings to the South of the site. Work is also advanced on construction of 3no. tennis courts at Barnsley Tennis Club which formed part of the previous approval.

Proposed Development

The applicant seeks permission to increase the total number of dwellings from 302 (approved under app 2014/0474 and associated non-material amendment) to 326, which includes 14 dwellings on public open space and a net gain of 10 units through plot substitutions.

The 14 no. new units would be gained from the incorporation of a new development cell in the north-eastern part of the site. There would be 12 no. detached properties and a pair of semi-detached.

The remaining 10 units would be the result of a net gain from a re-plan of the approved dwellings, mainly to the north-west of the site. The space created for the net gain is predominantly through the replacement of larger detached house types with smaller detached and semi-detached ones. The re-plan is a result of certain house types being more popular than others during the first phase of development.

Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The 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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Unitary Development Plan

The UDP designation is Urban Land to Remain Undeveloped (partial) with the larger allocation being as Urban Green Space.

Saved UDP policies

GS11 Urban land to remain undeveloped.
H8A 'Existing Residential Areas'

The Core Strategy

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
CSP15 Affordable Housing
CSP25 New Development and Sustainable Travel
CSP26 New Development and Highway Improvement
CSP29 Design
CSP35 Green Space
CSP36 Biodiversity and Geodiversity

CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations
CSP43 Educational Facilities and Community Uses

The Development Sites and Places DPD

Allocation: Mixed Density Housing

Policy BAR42 – Identifies that the site could deliver 388 dwellings it recommends that 4ha of land are allocated as Public Open Space

Relevant Supplementary Planning Documents and Advice Notes

Designing New Housing
Open Space provision on New Housing Developments
Parking
PAN 30 Sustainable Location of Housing Sites
PAN 33 Financial contributions to School Places

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.

Consultations

Affordable Housing Officer: No objections subject to increased contributions

Biodiversity Officer: No objections subject to conditions

BMBC Drainage: No objections subject to original conditions

Coal Authority: No objections subject to standing advice

Design: No objections subject to conditions.

Education: No objections subject to contributions

Policy: Would prefer the retention of the greenspace but no objections subject to additional greenspace contributions/mitigation

Forestry Officer: No objections subject to previous conditions

Highways DC: No objections subject to conditions

Network Rail: No objections in principle but reiterate previous comments regarding the increased usage of the level crossing.

Regulatory Services: No objections subject to houses adjacent to the railway having same protection as those previously approved.

SYMAS: No objections

SYPALO: No objections subject to Secured by Design principles

Yorkshire Water: Require full drainage details to be submitted for their approval prior to the commencement of development.

Representations

103 neighbouring properties were consulted regarding the application and a site notice was posted on Wilthorpe Road, further consultations also took place during the application process following amendments. As a result of the consultation process, 1 no. letter of objection was achieved. The main points of concern are;

- Increase of noise, dust & noise during construction
- Loss of outlook
- Loss of wildlife habitat
- Reduced enjoyment of home and garden

Assessment

Principle of Development

The principle of residential development on the site has been set with the approval of application 2014/0474 and work has already commenced on that scheme. This report will focus on the principle of residential development on part of the previously approved Public Open Space as well as the suitability of the plot substitutions.

The site is in the main designated as Urban Green Space in the UDP. However it is acknowledged that prior to commencement of development, part of the site was in agricultural use and so was not functioning in its entirety as green space. In considering planning application 2014/0474, whilst there was a net loss of green space from the amount of land shown on the register, the remaining area of green space would be upgraded to offset the loss. In addition the requirement for new green space was satisfied through the inclusion of further informal open space, a LEAP standard play area and extension to the Tennis Club. Planning application 2014/0474 was therefore approved on the basis that it met the requirements of both CSP35 and the SPD Open Space Provision on New Housing Developments i.e. compensatory provision to offset the net loss of green space and provision that met the requirements for new green space. The extent of the green space provision on site also formed part of the Section 106 agreement with the inclusion of a plan showing the extent of the open space to be provided on site.

The new proposal (2016/1228) includes proposed units on the area of Public Open Space approved as part of reference 2014/0474, with a net loss of approximately 0.4 hectares. It is recognised that there would still be a large area of open space provided on site. However, as described above, the amount of open space previously approved was subject to careful consideration with the net loss of green space balance through the provision of on-site facilities.

It stands to reason therefore that the loss of open space, as a result of the proposed development cell, would lead to a requirement for additional mitigation measures by way of compensation. As a result it is proposed to upgrade the on-site play area from LEAP

standard to NEAP standard play space that would have a minimum of 8 items of equipment plus additional items to meet youth requirements.

In coming down on the side of supporting the proposal I have also afforded weight to the fact that the additional dwellings constructed would make a positive contribution towards adopted targets for the number of new homes required for the Borough and towards addressing the current deficiency in the 5 year housing land supply.

Affordable Housing

CSP15 aims for the provision of $\frac{1}{4}$ of the overall number of houses to be affordable houses in this area of the Borough on developments of this size. The subtext of the policy alludes to the fact that this need can also be met offsite. Indeed Members will be aware that offsite contributions have been considered on recent developments elsewhere in the Borough.

The previous approval resulted in an equivalent of 75 affordable units (25%), of which 45 units were to be accommodated on site with contribution for the equivalent of 30 units off site (£1,057,902) for the remainder. As a result of the additional units, the total number of affordable units required to meet the 25% policy requirement is now 82, a 7 unit increase. The proposal is to maintain 45 units on site with the contribution for off-site affordable housing increased to the equivalent of 37 units. This would increase the offsite contribution from £1,057,902 to £1,308,115, an uplift of £250,213. The Housing Growth team have been consulted and support this proposal.

Education

To mitigate against the pressure of the additional classroom places brought by the previously approved development, a contribution of £421,440 was agreed within the S106 Agreement. That was either to be used towards the construction of a new classroom or spent on refurbishment/remodelling of existing accommodation to provide additional classroom places. The contribution was to be paid in full when work first commenced on site. Given the increase in unit numbers an additional contribution is required. The revised contribution for the whole development is £456,560 which is an uplift of £35,120.00. Again, this would need to be secured via a new legal agreement.

Highway & Pedestrian Safety

The previously approved junction at Wilthorpe Road would remain unchanged as a result of this application. The junction was discussed at length when the previous application was approved and will not be revisited as part of this application.

The previously approved internal road layout follows a clear hierarchy with individual avenues and cul-de-sacs leading off a central tree lined road. Key junctions would be treated with block paving and cul-de-sacs would be designed to a homezone specification. Parking would be provided in accordance with Council guidelines.

This layout would remain unchanged with just additional cul de sacs and private drives serving the new dwellings accessed off the previously approved road layout. Both the new dwellings and re-planned areas would accord with SPD 'Parking'.

Highways have assessed the revised proposals and have raised no objections. As with the previous approval, it is recognised that the levels will slope within the site from Wilthorpe Road. As a practical measure, to address potential access issues during winter months, a condition would be applied requiring the developer to fund the provisions of a series of grit bins throughout the development.

The previous scheme incorporated a Sustainable Travel Fund to promote sustainable travel on foot, bicycle and/or public transport. This would be carried forward to this application and could include improvements to local footpaths and rights of way. Initiatives would be identified within the detail of the Travel Plan, which would be secured by a planning condition. A co-ordinator would be appointed to secure maximum value; this could potentially be used to fund improvements to the railway crossing.

The previous S.106 sum, based on 301 dwellings (£196.67 per plot), resulted in a contribution of £59,197.67. The current sum based pro-rata on 326 dwellings would equate to £63,917.75, an additional £4,720.08 payable.

As a result of the above comments, and subject to the recommended conditions, it is considered that the development adheres to the provisions of policy CSP25 and CSP26 in that it will not have an adverse impact upon highway safety.

Residential Amenity

The area of Public Open Space, subject to this application, does not adjoin existing housing stock and only plot 243 of the proposed plot substitutions is adjacent to an existing neighbouring dwelling, as such, amenity levels of existing residents would not be affected as a result of the amendments. In the case of plot 243, the plot substitution has come about as a result of neighbour concerns. That plot was approved with a pair of 2.5 storey semi-detached properties which have now been amended to a 2 storey detached house, as such, residential amenity for that particular neighbouring resident would be improved as a result of the amendments.

The new units and plot substitutions would be immediately adjacent to previously approved plots and those currently under construction. However, they meet the separation distances set out in SPD 'Designing New Housing Development' and would maintain amenity levels for the future occupants of those approved dwellings.

With regard to the amenity which will be afforded to the residents of the proposed new units it is of note that each of the properties meets with the standards of the SYRDG and are property types which were previously approved on the site. The close proximity of the site to existing transport links, nearby local amenities and the town centre means that residents would also benefit from good access to local services.

The objection letter received partially centred upon disturbance arising during the construction phase. As with the original approval, to address these concerns relevant conditions can be employed restricting working hours, best practice guidelines to working practices can also be carried forward from the approved construction method statement, this would control noise and dust across the site.

Design & Visual Amenity

The net development area is approximately 9 hectares the density of which equates to 37dph, 2dph up on the current scheme. This is reflective of the existing housing within the immediate vicinity and is not considered to constitute an overdevelopment. The development would comprise of 15 different house types, 2 more than the previous scheme, which adds to the vibrancy of the estate. All of the properties would be of a standard pitched roof construction and the principle materials would include red brick and render which is compatible with the local vernacular of the surrounding housing stock.

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. All of the properties are served with front to rear access which allow for the storage of bins outside of the public domain.

The majority of existing trees and hedgerows can be retained within the development and these would be supplemented with additional planting. The retention of mature landscaping would provide immediate character to the estate, particularly along the watercourse which would run along a central position.

Having full consideration to the design merits of the proposal and the layout of the scheme it is considered that the revised development would still deliver an attractive residential environment which would enhance the existing area. The scale and density of the development is reflective to that of properties within the locality, and the traditional design would allow the developments to integrate successfully and promote the regeneration of the overall area. It is therefore considered that the proposal adheres to the objectives of CSP policies 14 and 29 which stress the importance of achieving high quality design.

Trees

The tree Officer has been consulted on the application and has raised no objections to the revisions subject to conditions.

As a reflection of the former agricultural use the majority of the central areas of the site are clear of any trees. Trees which are present are largely constrained to the sites boundaries located along the eastern boundary following the alignment of the watercourse.

The revised layout accommodates the retention of the majority of the trees and would not be significantly different to the previous approval. Furthermore, these would then be supplemented with a comprehensive landscaping scheme. It is considered that the level of proposed replanting within the remaining open space would more than mitigate for their loss, and the culmination of the mature and new planting would still provide a vibrant environment categorised by a complementary mixture of native and ornamental species.

Ecology

There are no statutory sites of national nature conservation importance within a 2km radius of the Land North of Wilthorpe Road. Nevertheless, two non-statutory sites have been designated by Council as Local Wildlife Sites (LWS) following consultation with Natural England and ecologists.

The previous application was supported by a detailed ecological assessment. The surveys undertaken from which indicate that much of the site is of negligible ecological value. However, the central watercourse, boundary hedgerows and fringing areas rough grassland areas are together considered to be of low local ecological value. Mitigation measures were previously approved regarding Ecology and Biodiversity, however, an amended assessment has not been submitted with this application, taking into account the proposed changes. The POS where the new space is to be located was to be 'amenity grassland'. However, even grassland and the trees proposed around its edges would contribute a small amount of biodiversity value and hence the loss would need a degree of mitigation over and above the previously approved strategy. The Councils Ecologist has been consulted on the application and is agreeable to the mitigation being agreed through a condition.

Air Quality

The site is not within an Air Quality Management Area and is located within a highly sustainable location which is within a short walking distance of bus stops and local services in the surrounding area to promote sustainable trips. A travel plan will be provided and provision be made for electric car charging points.

Coal Mining and Contaminated Land

The site is located within a defined low risk area and there are no concerns relevant to mining legacy issues. The previously submitted geo-investigation report has subsequently met with the approval of the Coal Authority and SYMAS.

Drainage

The main policy for assessing drainage/flood risk is CSP4 'Flood Risk'. The site is not in an area classed to be at risk of flooding. A condition would be required to ensure that detailed drainage proposals meet with the approval of the Council's drainage engineers and Yorkshire Water prior to the commencement of development.

Conclusion

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.

Recommendation: Members resolve to grant subject to the completion of section 106 agreement (Provision of additional public open space, affordable housing, education and sustainable travel fund)

- 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 (set out below) and specifications as approved unless required by any other conditions in this permission.

Site Layout - WIL-2016-RP01D

Boundary Treatments - 421-Boun-01

Materials Plan - WIL-2015-09F

House and Garage types

- Alnwick Rev H ref: AN-WD16;
- Chedworth AS ref: 1222-CHED-ASV;
- Chedworth OP ref: 1222-CHED-OPV ;
- Clayton Corner AS ref: 999-CLAY-C-ASV;
- Hanbury Pair ref: 106-HANPST-V;
- Hatfield AS ref: 109-HAT-ASV;
- Hatfield OP ref: 110-HAT-OPV;
- Kendal AS ref: 1190-KEN-ASV;

- Kendal OP ref: 1190-KEN-OPV;
 - Mosley Rev P ref: MS-WD16;
 - Roseberry AS ref: 114-ROS-ASV;
 - Roseberry OP ref: 114-ROS-OPV;
 - Rufford Semi ref: 116-RUF-V;
 - Rufford Detached AS ref: 117-RUF-ASV;
 - Rufford Detached OP ref: 118-RUF-OPV;
 - Souter pair ref: 119-SOU2-V;
 - Winster AS ref: 121-WIN-ASV-A;
 - Winster OP ref: 122-WIN-OPV-A.
- 6x3 Garages Single and Double rev B ref: SGD-01;
 - Standard Garages Single and Double rev B ref: SGD-01;
 - Quad Double Garages ref: SGD-06

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 the development subject of this permission, plans to show the following levels of those specific areas 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 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 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.
- 6 Sightlines, having the dimensions 2.4m x 43m, shall be safeguarded at the road junctions within the site, such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 7 The development shall be carried out in accordance with The Construction Method Statement Ref: CMS/WIL/150316. The approved Statement shall be adhered to throughout the construction period.
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 Within 3 months of the date of this planning permission details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which

secure the following highway improvement works:

- a) Provision of a right turn lane;
- b) Provision of pedestrian island and barriers on Wilthorpe Road;
- c) Provision of pedestrian island and barriers on the access road;
- d) Provision of /any necessary amendments to street lighting;
- e) Provision of /any necessary amendments to highway drainage;
- f) Any necessary signing/lining; including yellow box keep clear marking
- g) Resurfacing/reconstruction as necessary

The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

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

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

- 9 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.
- 10 Within 3 months of the date of this planning permission details for the provision of grit bins within the development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in accordance with a timetable to be agreed with the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 11 Within 3 months of the date of this planning permission a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.
Reason: In the interests of sustainable development in accordance with Core Strategy Policy CSP 28 Reducing the Impact of Road Travel.
- 12 Within 3 months of the date of this permission the following details shall be submitted to, and approved by, the Local Planning Authority:
 - (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.
- 13 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.

- 14 Development shall not commence on the amended sections of the development until details of the revised phasing of the development has been submitted and approved in writing by the Local Planning Authority, to ensure a safe and adequate highway network.
Reason: In the interest of road safety and the amenities of local residents.
- 15 Surface water draining from areas of hardstanding shall be passed through a trapped gully or series of trapped gullies, prior to being discharged into any watercourse, soakaway or surface water sewer. The gully/gullies shall be designed and constructed to have a capacity compatible with the area being drained, shall be installed prior to the occupation of the development and shall thereafter be retained and maintained throughout the lifetime of the development. Clean roof water shall not pass through the gully/gullies.
Reason: To reduce the risk of pollution to the water environment in the interests of CSP 40 Pollution Control and Protection.
- 16 Within 3 months of the date of this permission a scheme for disposing of surface water by means of a sustainable drainage system shall be submitted and approved in writing. The scheme shall include the following details:
- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- A timetable for its implementation; and
- A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.
The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.
Reason: To ensure proper, sustainable drainage of the area in accordance with Core Strategy policy CSP3.
- 18 The development shall accord with the mitigation measures set out in the following reports: Preliminary Appraisal Report ref: C573, Geo-environmental Appraisal ref: C5731A, Gas Addendum letter: ref C5731 A/5518/MG/MG.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.
- 19 Within 3 months of this permission, a revised scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions

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

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

- 20 Within 3 months of this permission, full details of both hard and soft landscaping works, including details of materials and 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. A programme for the implementation of all of the approved landscaping details shall be submitted for the approval of the local planning Authority and the approved scheme shall be submitted 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.

- 21 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.

- 22 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas and public open space 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. Landscape management 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.

- 23 Within 3 months of the date of the planning permission full details of the NEAP standard play area (include a minimum 8 items of play equipment plus an activity trail and mini kickabout), alongside management responsibilities and maintenance schedules and a programme for installation, shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable for installation.

Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy CSP 35 of the Core Strategy.

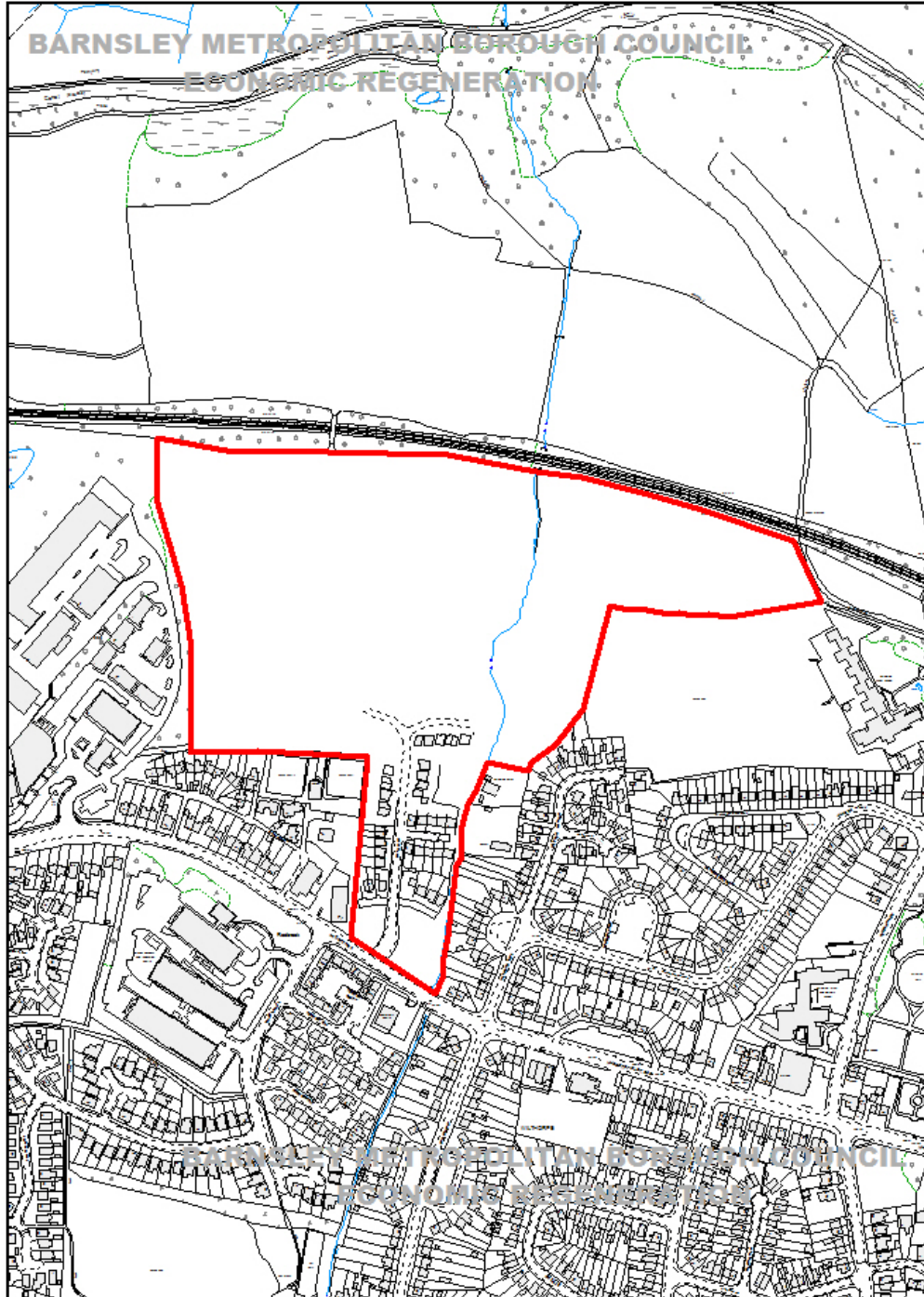
- 24 Within 3 months of this planning permission, a revised Ecology report shall be submitted to, and approved by, the LPA including full details of any required mitigation measures and a timetable for their implementation. The development shall be implemented in accordance with the approved details.

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

PA Reference:-

2016/1228

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, (2015)



BARNESLEY MBC - Economic Regeneration



Scale 1: -----

This page is intentionally left blank

Item 7

2016/1504

Applicant: Mr Jeremy Sykes, C/o IBI Group

Description: Variation of condition 2 of previously approved 2016/0924 to allow refinements to design of the public library and change the mezzanine into a full floor.

Site Address: Barnsley Markets and Adjoining Land, Cheapside, Barnsley, South Yorkshire

No representations have been received from members of the public, or any of the Ward Councillors.

Site Location and Description

The site fronts onto May Day Green at the heart of the retail core of the Town Centre. Eldon Street is located to the north and Cheapside to the south; it backs onto Burlington Arcade to the rear. The new temporary market structure is located directly opposite, beyond which is the transport interchange.

The site was occupied by a series of shop units which comprise of retail at ground floor with storage above. They were flat roofed structures clad in brown brush hammered concrete which is identical to that of the Metropolitan Centre.

Proposed Development

The application has been submitted under the minor material amendment procedure following changes that have been made to the design of the building subsequent to reserved matters application 2016/0924 being determined 27th October last year.

Previously 142m² of the first floor of the building was going to be constructed as a mezzanine floor. It is now proposed to construct a full first floor within the building which would provide a larger space of 315m². The area would be made available for A1, A3, or A4 uses which is the same as the existing approval. As a result of this change it is proposed to amend the external elevations of the building by inserting glazing in place of aluminium cladding in the affected area of the building in a form which would be identical that used elsewhere in the design.

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 submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Core Strategy

CSP29 Design
 CSP30 The Historic Environment
 CSP31 Town Centres
 CSP39 Contaminated Land
 CSP40 Pollution Control and Protection
 CSP43 Educational Facilities and Community Uses

Saved UDP Policies

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

Emerging Local Plan

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

NPPF

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

Planning Practice Guidance - Flexible options for planning permissions:-

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Consultations

Civic Trust – Support the proposal on the grounds that change from a mezzanine to a full first floor is an improvement on the original. It will be a better use of the available space, be better lit and give patrons an improved view over the new town centre square.

Design officer – No objections to the proposed amendments.

Drainage – No objection to the proposed amendments.

Environmental Health – No objections to the proposed amendments.

Highways – No objections, the site is located in a highly sustainable central location that is readily accessible to public transport.

Ward Councillors – No comments have been received.

Representations

The application has been publicised via notification letters, site and press notices. No representations have been received.

Assessment

Principle of Development

Planning permission for the new central library exists under a combination of outline planning permission 2015/0549 and approval of reserved matters application 2016/0924. The proposed changes would not alter the majority of construction and usage details previously approved. The size of the first floor would increase by 173m². However this increase is considered to be very modest in the context of the size of the overall building (gross internal floor area 2,831m²). In addition the proposed range of flexible uses is the same as those already approved.

Visual Amenity

The effect of the internal changes would be a need to remove a section of aluminium cladding which was proposed at first floor and replace it with glazing to match the same style of glazing used elsewhere in the building. The effect of the changes on the design already approved would again be modest. Indeed, visually the changes would serve to benefit the appearance of the building through increasing permeability and interaction between the first floor of the library and the new areas public realm which are to be formed outside of the building.

Others

I am content that the proposed changes do not raise any further new issues that were not captured by the original decision. However it would be necessary to impose the same conditions that were imposed on the previous decision. Specifically the conditions relate to samples of the proposed building materials being submitted for approval prior to the commencement of development, details of external lighting being agreed and details of the servicing arrangements.

Conclusion

The National Planning Practice Guidance states that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. Given the modest changes proposed and the positive effects the changes would have on the external appearance of the building I am entirely content that the changes proposed fall within this definition. In addition the proposed range of flexible uses is the same as those already approved to take place within the same part of the building.

Accordingly the application is judged acceptable and is recommended for approval to Councillors.

Recommendation

Grant variation of condition 2 of application 2016/0924 (minor material amendments)

1 The development hereby permitted shall be begun before 27th October 2018
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

BBTC_IBI_LR_A_F100_EL_001 rev 3. Front and Rear Elevation
BBTC_IBI_LR_A_F100_EL_002 rev 3. Side Elevations
BBTC_IBI_LR_A_F100_EX_EL_00 P1 Existing Elevations
BBTC_IBI_LR_A_F100_EX_PL_00 P1 Existing Ground Floor Plan
BBTC_IBI_LR_A_F100_EX_PL_01 P1 Existing First Floor Plan
BBTC_IBI_LR_A_F100_EX_SE_00 P1 Existing Sections
BBTC_IBI_LR_A_F100_EX_SP_00 1 Existing Site Plan
BBTC_IBI_LR_A_F100_PL_00 1 GF Plan
BBTC_IBI_LR_A_F100_PL_01 rev 2 FF Plan
BBTC_IBI_LR_A_F100_PL_02 1 2F Plan
BBTC_IBI_LR_A_F100_PL_03 1 3F Plan
BBTC_IBI_LR_A_F100_PL_RF 1 RF Plan
BBTC_IBI_LR_A_F100_SE_001 1 Section AA
BBTC_IBI_LR_A_F100_SE_002 1 Section BB
BBTC_IBI_LR_A_F100_SE_004 1 Section EE
BBTC_IBI_LR_A_F100_SP_00 1 Site Plan
BBTC_IBI_LR_A_F100_SP_XX_00 - Location Plan
BBTC_IBI_XX_A_F100_PL_00_02 1 BBTC Site Phasing Plan
BBTC_IBI_LR_A_F100_EL_003 1 West Elevation - Site Context to Eldon Street

and specifications within the Design & Access Statement (July 2016) 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.

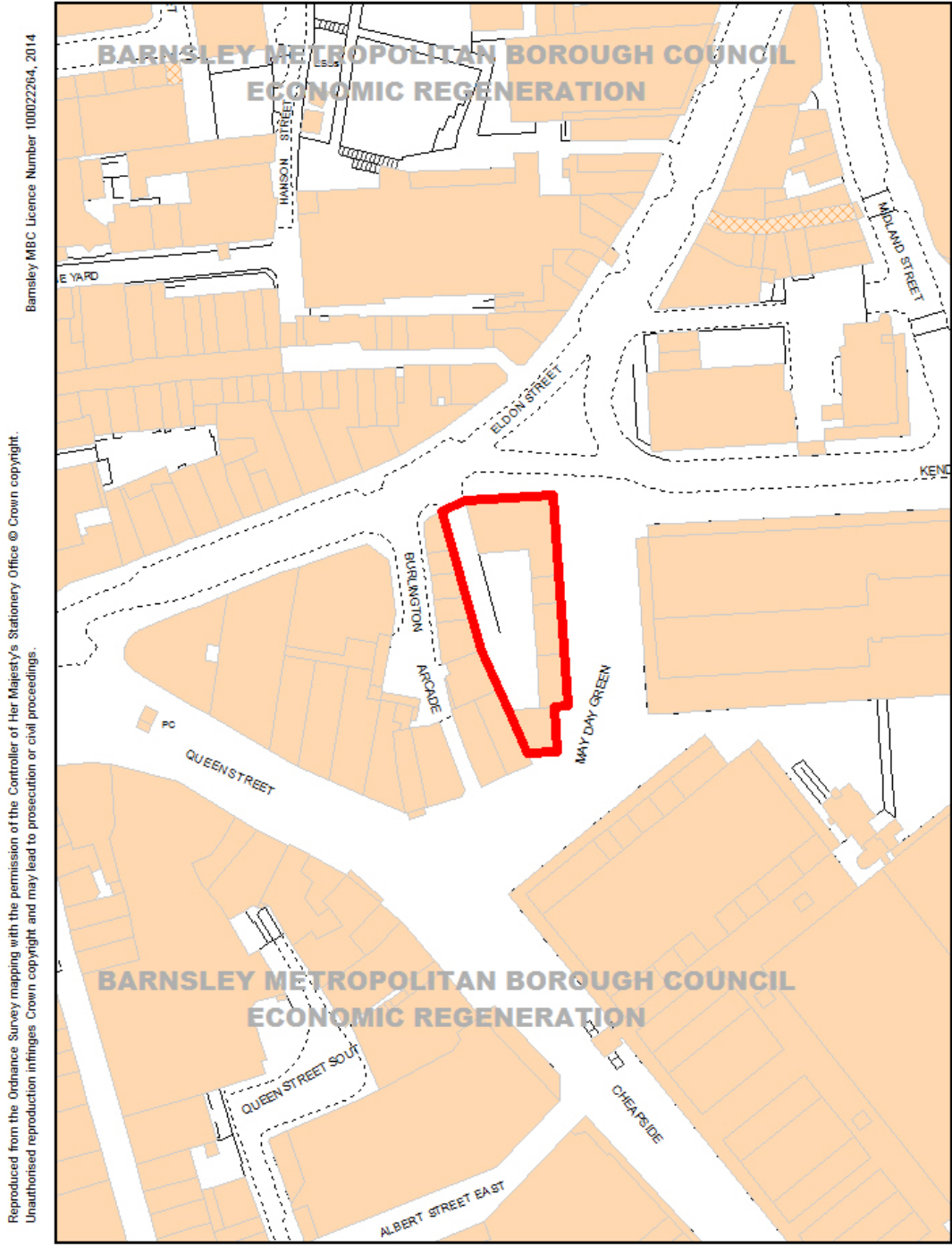
3 Notwithstanding the submitted plans, no construction shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The construction of the building shall only take place after a sample panel of all external materials has been constructed on site and the details approved in writing by the Local Planning Authority. The approved panel shall be retained on site until construction of the building has been completed. 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 development hereby approved shall not commence unless and until a servicing strategy, including a schedule of loading and unloading locations and times, has been submitted to and agreed in writing by Local Planning Authority. Servicing to the building shall thereafter take place in strict accordance with the approved strategy.
Reason: In the interests of public and highway safety in accordance with policy Core Strategy Policy CSP26.
- 5 Upon commencement of development full details of an external lighting strategy for building shall be submitted to and approved in writing by the Local Planning Authority. Details shall include the specification, location, orientation, angle and luminance of the proposed lighting. The approved details shall be implemented prior to occupation of the building and retained as such thereafter.
Reason: To promote the appearance of the building in the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 6 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.

PA reference :-

2016/1504



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

Item 8

2016/1226

Applicant: Stephen Davis, C/o Sean Lilley

Description: Erection of a single storey extension to the rear of the dwelling.

Site Address: 4 Orchard Terrace, Cawthorne, Barnsley, S75 4HN

Cawthorne Parish Council objected to the initial scheme. Amended plans have been received but no further formal comments have been received. There have been 2 letters of objections from the same resident

Site Location

The site is located on Orchard Terrace in Cawthorne close to the Spencer's Arms public House. The site consists of a large mid-terraced dwelling, stone built with a pitched roof design. The property benefits from a private front and rear garden area. Beyond the rear garden is a children's play area. The rear garden is bound by hedging on both sides and a wooden fence/gate to the rear. The rear garden is relatively long with a small raised terrace patio area leading to a lawned area at the rear, with a small garden shed. The neighbouring property has been extended to the rear by a stone built lean to extension.

Proposed Development

The application has been through a number of amendments. Initially the proposal sought approval for a single storey rear extension and raised terrace. This was deemed unacceptable due to the potential overlooking and overbearing impact to the neighbouring properties. The proposal has been amended with a smaller rear extension proposed and the loss of the raised terrace. The proposal will project 3.5m to the rear with an L shaped design to accommodate additional space for a bed. The proposal will have a double glazed external door facing into the rear garden with a Juliette balcony. The proposal will be conditioned to be built in matching materials.

Policy Context

UDP – Housing Policy Area and Conservation Area

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

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

Core Strategy

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

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

Core Strategy Policy 30: The Historic Environment – The Council will positively encourage the management, conservation and enjoyment of the historical environment. Development will be expected to protect and improve the character and appearance of the Conservation Area.

Saved UDP Policy

None associated with this application

Supplementary Planning Advice and Saved Supplementary Planning Guidance

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

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

These policies are considered to reflect the 4th Core Principle in the NPPF, which relates to high quality design and good standard of amenity for all existing and future occupants of land and buildings.

Local Plan

The Local Plan holds increasing weight at the present time as it is in the consultation stage, although this is limited by the need to consider any comments received and subject to changes required by the inspector. The following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development – sets out principles when considering development proposals.

Policy GD1: General Development – sets out appropriate proposals for development.

Policy D1: Design - Sets overarching design principles for the borough to ensure that development is appropriate to its context, and improves what needs improving, whilst protecting what is good about what we have.

Policy HE1 The Historic Environment – Developments which will help the management and conservation, understanding and enjoyment of Barnsley’s historic environment will be positively encouraged

Policy T3: New Development and Sustainable Travel - new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

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.

Consultations

Cawthorne Parish Council – The issues raised by the Parish Council have been addressed as part of the final submission but their comments were as follows:

The Parish Council objects to this application on the following grounds

1. It is not a sympathetic extension. The extension is a large one being 6m in length. The large flat roof does not harmonise with the existing dwelling or the neighbouring properties. No. 5 Orchard Terrace has a smaller extension which is pitched and this extension should be as well. The rendering does not match the existing materials.
2. It contravenes Barnsley’s UDP policy H8E (A) in the fact that the design does not harmonise with the existing building. The external materials of the existing terrace is of stone. Rendering, especially if it is painted white, will detract from the original building. The existing extension at No.5 and the proposed extension at No 1 are both of stone/stone effect. This extension should also be of stone/stone effect to match.
3. The rear of this property is seen from the children’s play area and so this can be considered to be a street scene. This extension does not maintain the character of the street scene, contravening policy H8E(C). Cawthorne Parish Council planning committee had a site visit and urge BMBC planners to do likewise to see the effect a large flat roofed rendered extension would have on the existing and adjoining buildings.

Conservation Officer – Is satisfied that the amended plan are acceptable.

Neighbours

2 Neighbouring properties were consulted by letter; 1 resident has objected raising the following concerns:

- Materials do not match the existing and will look out of place, render unpleasant, not in keeping
- Noise from the metal roof
- Overlooking from the raised decking area and loss of privacy
- Loss of light from the kitchen window
- Loss of outlook (tunnel vision)
- Overdevelopment of the property, loss of garden area
- Overbearing
- Adversely affect residential amenity

Assessment

Principle of Development

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

Extensions and alterations to a domestic property are acceptable in principle provided that they remain subsidiary to the host dwelling, are of a scale and design which is appropriate to the host property and are not detrimental to the amenity afforded to adjacent properties.

Residential Amenity

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

With regard to the impact of the development upon the amenities currently enjoyed by neighbouring properties, the amended proposal raises no concerns. The proposed extension will project 3.5m which is within the realms of advice stated in the adopted SPD, and although the eaves height is above the recommended 2.5m, the eaves height will match that of the neighbouring properties extension due to the existing land levels. The roof has been designed with a pitch which slopes away from the neighbouring boundary further lessening the impact.

The neighbouring property at number 5 have concerns with regards to loss of light and tunnel vision. Although I agree that there will be a degree of loss of light and sun in the morning, due to the south facing rear garden this will be limited. The neighbour has an existing extension with patio doors which will provide additional light into their kitchen/ dining area. Furthermore, the tunnel vision from the kitchen window stated by the objector is partly from the neighbours own existing extension.

The raised decked area has been omitted from the proposals, as the overlooking and potential loss of privacy was deemed unacceptable.

Any rear extension within a row of terraced properties will result in some overshadowing to the neighbouring properties. The SPD: House Extensions gives guidance to minimise the potential impact of rear extensions. Due to the positioning and height of the proposal and the reduced projection, taking into account the existing land levels the proposal is not

expected to cause unduly excessive overshadowing or overlooking which is consistent with the advice in the adopted SPD: House Extensions or the design principles in CSP29.

Visual Amenity

The adopted SPD: House Extensions identifies that it is important that extensions are designed so they are in keeping with the host property and the character of the surrounding neighbourhood. It is therefore important that extensions appear subordinate to the host property ensuring the original identity of the house is retained. Domestic extensions will be assessed for their impact on both the character of the host property and effect on the street scene.

Primarily the proposal was not acceptable in terms of materials, design and size. After discussions with the Planning Department, the plans were amended.

The amended proposal is located at the rear of the property and is unlikely to pose a dominant feature within the street scene of Orchard Terrace, although the nature of the land to the rear is still an important feature within Cawthorne Conservation Area.

The roof will be pitched to match the existing property, although stepped back on the western elevation. The roof design, although with the set back is not traditional in style, is not expected to look out of place within this setting when matched to the existing property in stone and tile rather than render which was originally proposed.

The matching materials and detailing of the proposed extension will relate well to the existing dwelling. The proposal will not pose a dominant feature within the street scene and as such is considered acceptable in terms of visual amenity and in compliance with Policy CSP 29 and CSP30 in the adopted Core Strategy.

Recommendation

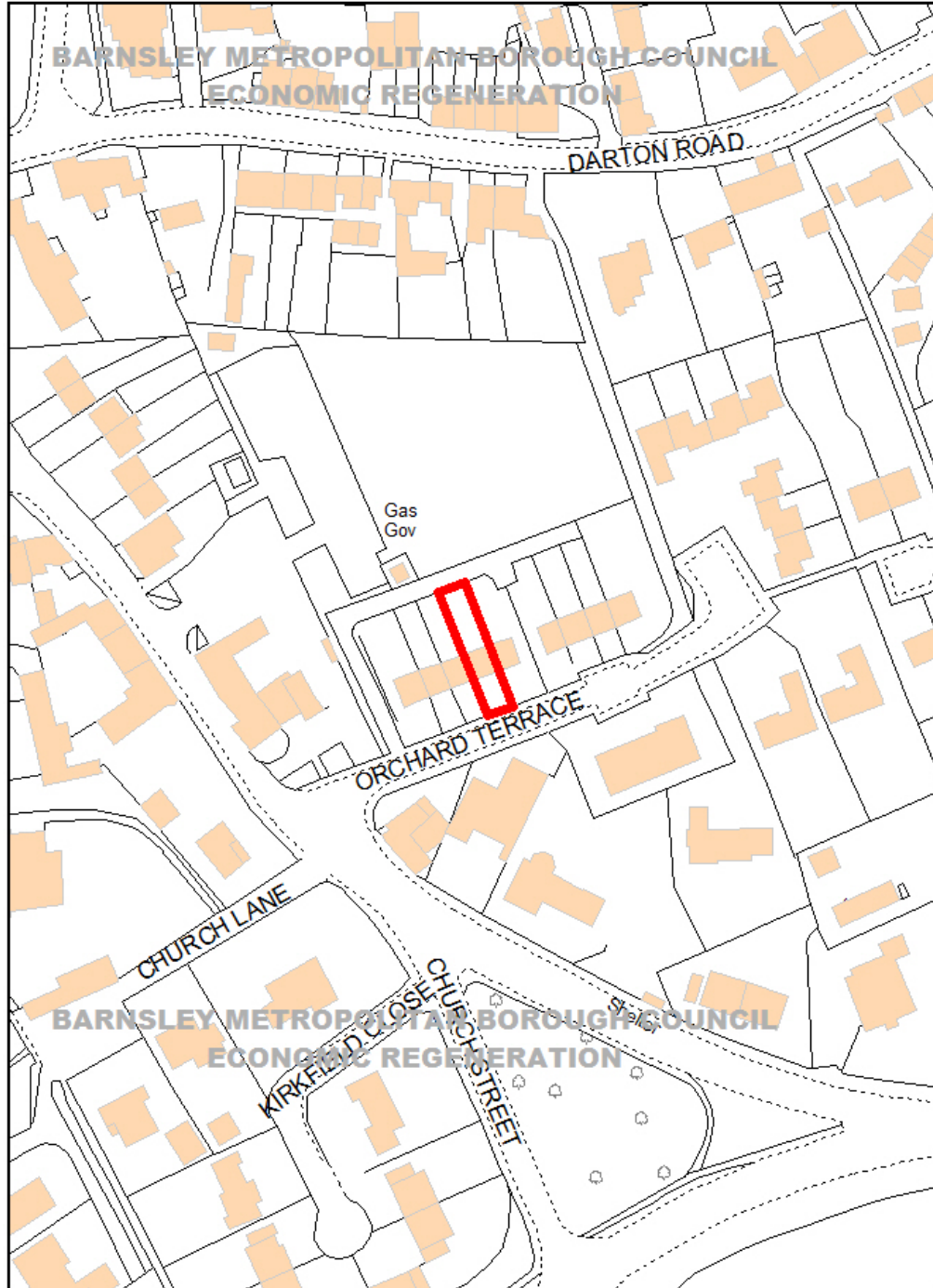
Grant planning permission with conditions:-

- 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 amended plans (Nos. NPS-DR-A-(00)-120 P1; NPS-DR-A-(00)-020 P1; NPS-DR-A-(00)-010 P1; NPS-DR-A-(00)-011 P1; NPS-DR-A-(00)-021 P4 and NPS-DR-A-(00)-121 P4) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 3 The 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.

PA reference :-

2016/1226

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.



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

2016/0964

Applicant: Mr Mitesh Dhanak

Description: Erection of a four storey residential care building containing 32 extra care/assisted living apartments.

Site Address: Land to the rear of Bollingbroke House Care Home, Common Road, Brierley, Barnsley, S72 9EA

2 representations have been received from local residents. No comments have been received from Ward Councillors.

Site Description

Bollingbroke House is an established residential care home for the elderly which is located to the south of Common Road in Brierley a short distance away from the junction with Brierley Road and Church Street. Currently the home has a capacity of 28 bedrooms.

The care home is located in spacious grounds with the building being set back from Common Road. The boundaries of the site are heavily vegetated with mature trees and dominate the setting of the care home as well as providing screening and privacy. A stone wall which is less than 1.5m in height exists on the boundary between the site and Common Road. Levels are a feature of the site with the site falling away from Common Road so that the building is set down as well as back from Common Road. Levels continue to fall within the site to the rear of the building.

The building was originally a large house which has been extended in the past to provide a building that is of substantial size. The original house would appear to have been built in the first half of the last century. It is of two storey construction that is faced with red brick with a pitched roof that is covered in black roof slates. Sash windows have been retained on the building which is befitting of the site being located in the Brierley Conservation Area. The extension that was built in the early 1990's is more of a simpler rectangular shape but does attempt to replicate the window and facing material detailing of the original building. The site is also located in the Green Belt.

The site has a single point of access which is located in the north west corner of the site. A parking and turning area for vehicles exists in the area to the front of the building.

Proposed Development

Planning permission is sought to construct a new 4 storey building, which would be located immediately to the rear of the existing care home, linking to the building and is proposed to house 32 extra care/assisted living apartments.

The application is the latest of a series of applications submitted proposing to develop the site. Initially plans were approved to demolish the existing care home and to build a replacement facility in 2009 (ref 2009/0073). The time period to implement that permission was later extended in 2012 under powers that were available at the time. However the planning permission has not been implemented beyond a trench being dug containing the intended foundations of the building leading to the current application. The applicant has stated that the reason for this is that the projected costs versus the anticipated revenues would not produce a development that would be commercially viable.

The proposed building would link to the existing via a balcony. The building has been designed in a similar manner to the plans approved under the previous planning permission in that a modern form of design is proposed. Essentially it would comprise a rectangular block with some recesses and projections. Flat roofs would be used which would be utilised to provide balconies in a number of cases. The building would utilise a varied palette of materials including brickwork, stone, rainscreen and timber cladding. Maximum dimensions of the building would be 35m in width x 32m length x 12m in height. However due to the ground levels falling away from the existing building a section plan has been provided which shows that no part of the building would be seen from Common Road above the height of the existing 2 storey building.

The existing parking area located to the front of the building would be extended and formalised. 19 parking bays are proposed to serve the development.

History

Previous planning applications at the site comprise:-

B/89/0108/HR - Change of use from dwelling house to residential nursing home for the elderly. Approved with conditions 31/05/1989.

B/89/1166/HR - Conversion and extension to form residential nursing home. Refused planning permission 24/11/1989.

B/90/0066/HR - Conversion and extension to dwelling to form residential nursing home. Approved with conditions 19/03/1990.

2009/0024 - Erection of new care home with associated parking and landscaping. Approved with conditions 13/05/2009.

2009/0073 - Demolition of existing care home (Conservation Area Consent). Approved with conditions 08/04/2009.

2012/0243 - Erection of new care home with associated parking and landscaping (Extension of time limit of 2009/0024). Approved with conditions 18/05/2012.

2012/0244 - Demolition of existing care home (Conservation Area Consent) (Extension of time limit to application 2009/0073). Approved with conditions 18/05/2012.

2015/0404 - Variation of condition 2 of previously approved application 2012/0244 (Demolition of existing care home) (Conservation Area Consent) to retain Bollingbroke House in use until completion of Phase 1 of the development. Approved with conditions 12/05/2015.

Policy Context

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

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

Saved UDP Policies

UDP notation: Green Belt & Conservation Area

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP17 'Housing Regeneration Areas'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP43 'Education Facilities and Community Facilities'

SPD's

-Residential amenity and the siting of buildings
-Parking

Publication version of the Draft Local Plan

Proposed allocation: Green Belt and Conservation Area

NPPF

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

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

For decision-taking this means:

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

out-of-date, granting permission unless:

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

80. Green Belt serves five purposes:

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

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

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

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

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

Consultations

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

Highways – No objections subject to conditions.

Regulatory Services – No objections.

Tree Officer – No objections.

Housing Growth – No objections.

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

Ward Councillors – No comments have been received.

Yorkshire Water – No objections.

Representations

The application was advertised by neighbour notification letters, site and press notice. 2 representations have been received from local residents which express concerns regarding the proposed development. In summary the main concerns expressed are as follows:-

- Loss of 9 protected trees on top of recent tree unnecessary tree felling which has occurred in the area.
- Inappropriate development in the Green Belt.
- Concerns about the amount of development happening in the Brierley Conservation Area.
- The need for an additional care home facility is questioned following the closure of Halsteads Nursing Home in Grimethorpe.
- Concerns about lack of a pedestrian crossing point across Common Road. It is considered that this problem should be addressed as part of the development given that the addition of 32 apartments may significantly add to the amount of footfall to the site by residents, carers and visitors.
- Concerns that the watercourse located adjacent to the site would be contaminated during construction work.

Assessment

Principle of Development

The site is located in the Green Belt whereby the construction of new buildings is usually inappropriate. This is unless the form of development proposed meets one of the exception categories in paragraph 89 of the NPPF, or where very special circumstances exist to clearly outweigh the harm that would be caused to the Green Belt, and any other harm by way of inappropriate development (NPPF paras 87 and 88).

Exceptions to inappropriate development include limited infilling, or the partial or complete redevelopment of previous developed sites, whether redundant or in continuing use. However the second part of this policy requires development to not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. The proposed building would not be seen from Common Road and the site benefits from a good level of screening. However openness equates to a freedom from development and this cannot be said of the proposed development. Therefore the proposal is regarded as inappropriate development, as was the case with previous applications 2009/0073 and 2012/0243 despite the changes that have occurred to national planning policy during the intervening period.

As a result of this, the case as to whether or not the proposal conflicts with planning policy hinges on whether or not very special circumstances exist that would clearly outweigh the harm to the Green Belt by way of inappropriateness and any other harm.

Paragraph 79 of the NPPF sets out that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Essential characteristics of Green Belts are their openness and their permanence. The 5 purposes of including land in the Green Belt are set out in paragraph 80 and are as follows:-

- 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.

The proposal site forms part of an established curtilage of a building and is therefore meets the NPPF definition of previously developed land. It is not land forming part of the countryside and is closely situated to the remainder of the built up areas of Brierley. The proposed building would not be seen from Common Road or any other public vantage points other than potentially to the rear from long distance views where it would be seen in the context of the amount of screening that exists from the tree coverage located around the boundaries of the site. Overall, therefore, the conflict with the purposes of land being included in the Green Belt and the effect on openness would be limited.

The very special circumstances that were accepted by the Council to exist with the previous application were as follows:-

- Enhancement of the appearance of the Conservation Area – Previously it was viewed that the design merits associated with the proposed replacement building would have improved the appearance of the Conservation Area compared with the previous building.
- The minimal effect of the proposed design on the openness of the Green Belt.
- Job creation
- The specialist care facilities that were being proposed.

The applicant has asserted that these same reasons would apply with the application proposal based upon the following reasons:-

- The income generated from the development would ensure that the existing building would be maintained in a good state of repair.
- The development would create 12 full time and 9 part time jobs.
- It is stated that the type of accommodation proposed would be an asset to the Borough in terms of providing frail and incapacitated members of the elderly population with an alternative to a residential care home for those which are more independently minded.
- The development would once again minimally conflict with the purposes of including land in the Green Belt and openness due to it not being visible from public vantage points.

Due to the similarities between the proposal and the plans that were approved under the previous application, whilst the benefits to the conservation area are not as demonstrable as the previous scheme, it is considered that the arguments put forward in support of the application are sufficient to clearly outweigh the harm by inappropriateness. In addition, there has been no significant harm identified in respect of impact on openness of the Green Belt or in terms of conflict with the 5 purposes of including land within the Green Belt. As such, subject to no other harm being identified that could be afforded sufficient weight to shift the balance, very special circumstances are considered to exist.

Visual Amenity

The Brierley Conservation Area has no distinctive character with a variety of architectural and built forms present. The assessment carried out on the previous application determined that this, along with the site characteristics allowed the opportunity for a contemporary design to be put forward.

One of the main differences between the current proposal and the previous application is that the existing care home building would be retained. Previously this was to be demolished to make way for an entirely new building which it was judged would have been both individual and unique to the area. To an extent this would be the case with the proposal now under consideration. However the new building would not be seen from public vantage points from within the Conservation Area because of the combination of the screening

provided by the existing care home building, the lowered floor levels that the building would be constructed on and the screening provided by existing trees. On one hand therefore it is difficult to afford the same weight to saying that the new building would offer any benefit to the appearance of the Conservation Area. On the other the development would neither harm the appearance of the Conservation Area, despite its considerable scale and mass.

The proposed design of the building is not as ambitious as the plans approved under the previous application. However the varied materials palette and design characteristics would ensure that it retains a contemporary feel. In addition, there is not the same need for an ambitious stand-alone design seeing as the building would be screened from Common Road by the existing care home building. I have therefore determined that the proposed development would not harm the appearance of the Conservation Area. As such there would not be a cumulative harm consideration to take into account of in the balancing exercise associated with the application.

The Nature of the Use Proposed

Another difference between the current and previous application is that previously the development was intended as a replacement care home. On this occasion the development is intended as extra care/assisted living apartments. Information submitted with the application explains that this type of living arrangement is intended as an alternative to a traditional care home for people who are frail and incapacitated people, yet who wish to retain a level of independence. Care and support would exist 24 hours a day and communal facilities would exist including dining facilities, kitchen, lounge, laundry, and staff accommodation. However each resident will have their own apartment and front door. The applicant has also advised that most residents entering extra care housing for the first time are aged between 79 and 90 years, with average resident age of around 80 years.

The applicant acknowledges that there is ambiguity as to whether extra care accommodation should be classified under use class C2 (residential institution), or C3 (dwellinghouses). However they consider that that such type of care facility should be classified under C2 category, for the reasons as follows:

- The units would not be for sale on the open market, and would be restricted by a S106 obligation requiring occupants to be either in need of specified level of care or in receipt of a specified minimum package of care services and/or above a specified minimum age;
- Persons are not permitted to occupy the facility unless specific occupancy criteria are met, with priority to persons in need of care.
- The involvement of a registered Care Quality Commission care provider in the delivery of care;

Ultimately this question has a bearing on whether policy CSP15 should be applied to the development to secure a level of affordable housing provision. Planning policy coverage for this type of development proposal is relatively light. However the NPPF does make it a requirement that Councils have a Strategic Housing Market Assessment in place which addresses the need for all types of housing and the needs of different groups in the community, including older people with specialist support or care needs. The Needs Assessment for Housing and Housing Support for Vulnerable People in Barnsley report published in February last year identified that spatially, there is only a very limited supply and spread of extra care/sheltered housing and for rent and shared ownership across the borough. As such the development would therefore increase the level of private provision available. Housing Growth have therefore not resolved to object to the application subject to a legal agreement being in place to ensure that the operation of the facility and the occupancy terms would be restricted to C2 usage via a legal agreement.

Residential Amenity

There are no existing residential properties located in the immediate vicinity of the site that would be affected by the proposed development. Two large dwellings, Clover Cottage and Old Brierley Hall occupy substantial grounds located to the north and the south west of the site. However the separation distances to the properties in question, combined with the screening provided by the existing care home building (in the case of Clover Cottage and by mature trees and boundary walls in the case of Old Brierley Hall) would ensure that the development would not have any direct effect on the living conditions of either property. Indeed the main potential for harmful effects to arise affecting living conditions is for overshadowing to occur within the rooms of the existing care home. The Residential Development and Siting of Buildings SPD is applicable in this case. An important part of that SPD is the upward 25 degree test. The plans accompanying the application show that due to falling ground levels, the development can be constructed without any significant overshadowing effects occurring affecting the rooms within the existing care home. In addition a balcony would be constructed in between both buildings to provide some outdoor amenity space for residents, along with a larger area of garden amenity space which would be retained in the southern part of the site.

Overall the proposals are considered satisfactory with regards to residential amenity considerations. However the usual conditions would need to be imposed to limit the effects of noise and dust during the construction phase.

Highway Safety

The proposal is to make use of the existing access to serve the development. 19 parking spaces would be in place in total to serve the existing care home and the proposed extra care facility. These would be available to be used by staff, visitors and delivery vehicles with none of the spaces with no demand being expected from any residents.

This number of spaces has been assessed to be acceptable by Highways taking into account of the fact that the existing care home operates satisfactorily, existing and proposed staffing numbers and the fact that they will be working in shift patterns rather than the maximum number of employees all be in attendance at the same time.

Other considerations

Trees

The site has a heavily vegetated appearance due to the existence of many trees located within the site, or immediately outside of the boundaries. Protection exists for some of these trees via a group Tree Preservation Order, with the remainder protected by virtue of the site being located within the Brierley Conservation Area.

The application has been accompanied by an Arboricultural Survey. The Council's Arboricultural Officer is generally satisfied that the plans have been designed taking into account of the recommendations within the report, with only a small number of category C trees being proposed for removal.

The key trees affecting the site are those located on and just outside the site boundaries and in the main these are to remain in situ. There are some smaller specimens on the site frontage to be removed but these are largely smaller specimens and should not impact significantly on the aesthetics of the site. The majority of the trees including all the larger more prominent specimens are to be retained and these would largely keep the site screened to the same level as it is at present.

The development would encroach into the rooting areas of some of the retained trees and as such specialist construction techniques would be required in order to ensure that they are not detrimentally impacted on. The majority of the encroachment involves new hard surfacing and car parking and as such no-dig methodologies would need to be employed where this is the case as will the usual protection measures such as protective barriers and ground protection where required. Subject to this being ensured via condition and a further condition requiring replacement compensatory tree planting to complement the existing trees the Arboricultural Officer has determined not to object to the application.

Drainage/Flood Risk

The site is located outside of flood zones 2 and 3 and therefore the part of policy CSP4 and national policy requiring developments to be steered towards areas of low flood risk is complied with. A drainage plan has been provided which indicates that foul drainage would discharge to mains sewer and surface water via soakaways. This means of surface water drainage accords with the aims of local and national policies regarding the use of SUDS. Both the Council's drainage section and Yorkshire Water have raised no objections therefore subject to the standard condition requiring a fully detailed drainage scheme to be submitted for approval prior to the commencement of development. The work needed to inform the final proposal shall need to include testing of the ground conditions to ensure that the use of soakaways would be viable in this location.

Ground conditions

The proposal site is not located within a Mining Referral Area. As such there would only be the need to apply standing advice to any decision.

Sustainable construction

The application has committed to the development being constructed to achieve a BREEAM rating of 'very good' and to reduce CO2 emissions by 20% as per the aims of Core Strategy policies CSP2 and CSP5.

Conclusion

Due to the similarities between the proposal and the plans that were approved under the previous application, whilst the benefits to the conservation area are not as demonstrable as the previous scheme, it is considered that the arguments put forward in support of the application are sufficient to clearly outweigh the harm by inappropriateness. In addition, there has been no significant harm identified in respect of impact on openness of the Green Belt or in terms of conflict with the 5 purposes of including land within the Green Belt.

All other matters associated with the plans and the proposed development have been considered, including the effects of the development on protected trees, the highways implications of the proposed development, the potential for the living conditions of nearby dwellings to be harmed, flood risk and drainage, sustainable construction and no specific areas of harm have been identified.

It is therefore considered that, subject to the imposition of the relevant conditions, very special circumstances exist and so the proposal is recommended for approval.

Recommendation

Grant planning permission with conditions and 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 following plans and specifications as approved unless required by any other conditions in this permission:-

Drawing 80 'Proposed level 1 floor plan'
Drawing 81 'Proposed level 2 floor plan'
Drawing 82 'Proposed level 3 floor plan'
Drawing 83 'Proposed level 4 floor plan'
Drawing 84 'Proposed Roof Plan'
Drawing 85 'Proposed Elevations South East and South West'
Drawing 86 'Proposed Elevations'
Drawing 91 'Proposed elevations'
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 4 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 5 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 6 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
 - The parking of vehicles of site operatives and visitors-Means of access for construction traffic-Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction**Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**

- 7 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.

- 8 No development shall take place until:

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

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

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

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

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

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

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

- 10 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

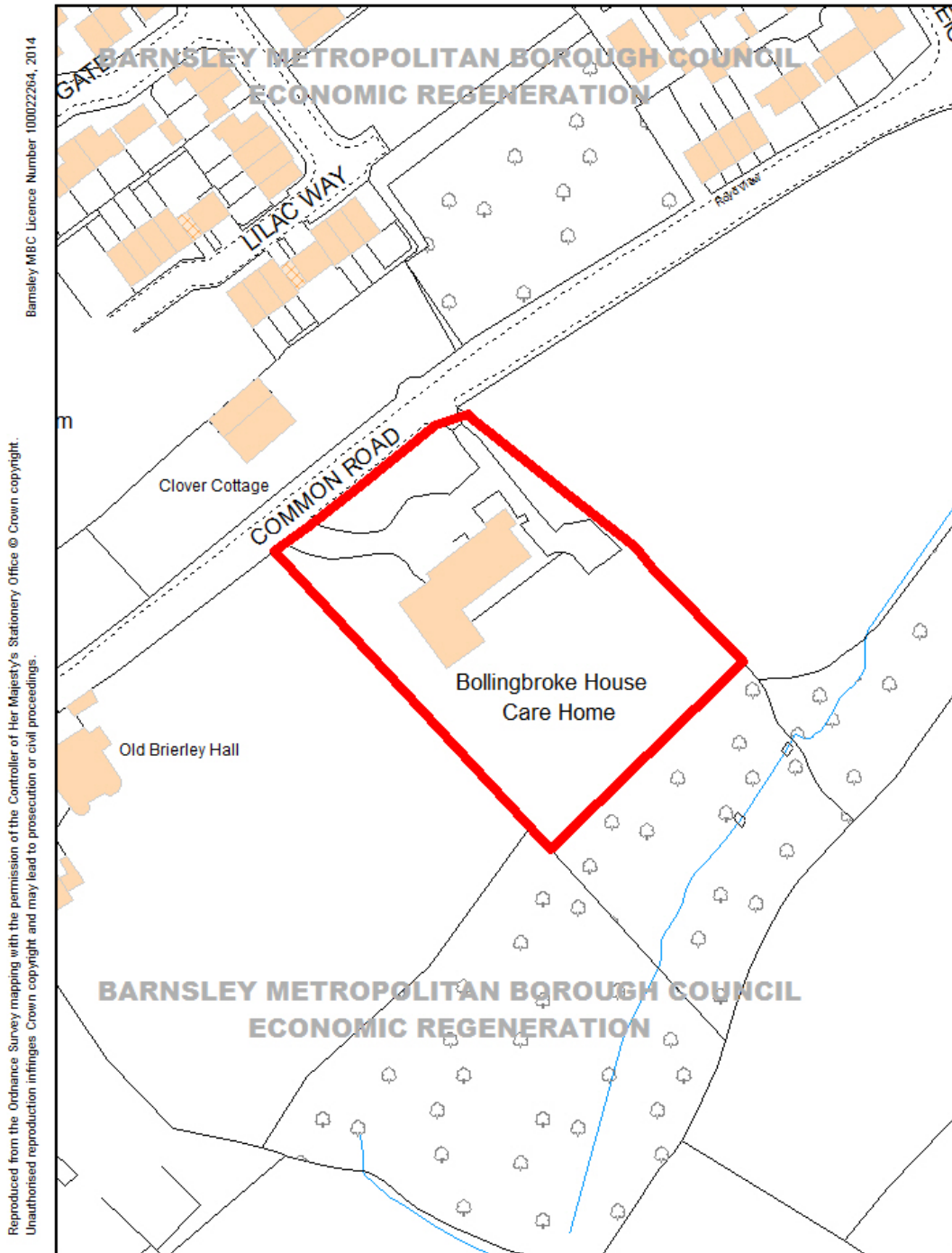
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.

- 11 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
- Tree protective barrier details
 - Tree protection plan
 - Arboricultural method statement
- Prior to commencement of development details of tree protection fencing shall be submitted to and approved in writing by the Local Planning Authority. The approved fencing shall be installed before 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.**
- 12 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
- Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**
- 13 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
- Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.**
- 14 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.
- Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.**

- 15 Prior to commencement of development, details of a scheme to reduce the developments carbon dioxide emissions by at least 15% by using decentralised, renewable or low carbon energy sources or other appropriate design measures shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and upon completion of the development a report shall be submitted to and approved by the Local Planning Authority demonstrating that at least a 15% reduction in carbon dioxide emissions has been achieved. In the event that the use of other decentralised, renewable or low carbon energy sources or other appropriate design measures are also required to achieve a 15% reduction in carbon dioxide emissions, full details of such proposals and a timetable for their implementation shall be submitted to and approved in writing by the Local Planning Authority prior to installation. The approved details shall be implemented in accordance with the approved timetable and all the approved measures shall be retained as operational thereafter.
- Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.**

PA reference :-

2016/0964



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

Item 10

2012/0473

Applicant: Mr William Cooper

Description: Erection of 34 dwellings including 3 affordable 2 bed bungalows, associated garages/parking and associated roads and sewers.

Site Address: Land off Kings Road, Wombwell, Barnsley, South Yorkshire

An objection was received to the original set of plans dating back to when the application was originally made in 2012. No objections have been received from any of the Ward Councillors.

Site Description

The site is close to the town centre of Wombwell, and was formerly a school. It still has high brick walls and railings that date from this time.

There are houses on all four sides of the site but on Kings Road there is also a Police Station and a corner shop. There is a traffic light junction at the end of Kings Road at its junction with Hough Lane a busy road that provides access to the town centre and wider area.

The side and rear gardens of properties fronting Kings Road, Collingridge Road, Mellor Road and Jardine Street abut the site. The gardens of properties on Collingridge Road and Jardine Street are particularly generous so the dwellings themselves would be a significant distance away from any of the proposed dwellings. On Mellor Road the gardens are standard sized.

The site, which is an irregular shape, is generally flat and there are only some trees in the corner of the site which abuts houses fronting onto Jardine Street. The site comprises a square portion near Kings Road with a triangular top section.

Proposed Development

The application was originally submitted in 2012 for 29 dwellings with on site open space. There was a viability statement submitted stating that no affordable houses could be provided. This matter took a long time to resolve and the applicants had in the meantime changed their proposals. Therefore, the application was held in abeyance to allow this process to occur.

We now have a proposal for 34 dwellings with 3 on-site affordable bungalows, but no on site public open space. In addition highway works are proposed to improve the pedestrian facilities and the junction of Kings Road and Collingridge Road.

There would be a single point of access off Kings Road serving a mixture of terraced, semi-detached and detached dwellings. These are a mixture of bungalows, two storey houses and 2.5 storey houses. The density is about 40 dwellings per hectare reflecting the edge of town centre location.

Previous Planning History

2008/0079 – Residential development of 16 townhouses, 8 apartments and use of land for public open space (Outline). Refused planning permission by the Council 07/04/2008 based upon the following summary of reasons:-

1. The proposal fails to provide an adequate form of public open space that is functional, well related or accessible to the local community. The Local Planning Authority therefore considers that the proposal is contrary to Policies GS34 and GS35 in the adopted Barnsley Unitary Development Plan and SPG21 Design and Layout of open space on new housing developments

2. Based on the findings of the 2005 Barnsley Housing Market Assessment, and in accordance with Policy H7 of the Council's Unitary Development Plan, it is considered that the scheme for residential development would require a proportion of affordable housing to be provided. In the absence of such provisions the application is contrary to advice in PAN 34 - Affordable Housing in New Residential Development.

The subsequent appeal was allowed by the Planning Inspectorate 02/12/2008.

Policy Context

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

Saved UDP Policies

Existing Community Facility
Housing Policy Area

Core Strategy

CSP3 SuDS.
CSP4 Flood Risk.
CSP8 Location of Growth.
CSP9 The Numbers of Houses to be Built.
CSP10 The Distribution of New Homes.
CSP14 Efficient use of Land
CSP15 Affordable Housing
CSP25 New Development and Sustainable Travel.
CSP26 New Development and Highway Improvement
CSP29 Design.
CSP35 Green Space.
CSP36 Biodiversity and Geodiversity.
CSP39 Contaminated and Unstable Land.
CSP40 Pollution Control and Protection.
CSP42 Infrastructure and Planning Obligations.
CSP43 Education Facilities and Community Uses

SPDs/SPGs

Open Space Provision on New Housing Developments

Designing new housing development

Parking

PAN30: Sustainable Location of Housing Sites

PAN33: Financial Contributions to School Places

Publication Draft Local Plan

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. 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, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given) and;
- The degree of consistency of the relevant policies in the emerging plan to the policies in the NPPF (the closer the policies in the emerging plan to the policies in the NPPF, the greater the weight that may be given).

SD1 Presumption in favour of sustainable development

GD1 General development

D1 Design

T4 New Development and Highway Improvement

Poll1 Pollution Control and Protection

CC4 Sustainable Drainage Systems (SuDS)

These policies carry some weight for the reason given above.

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.

Consultations

Affordable Housing-No objections

Education – No objections

Pollution Control- No objections subject to conditions

Highways-No objections subject to conditions

Highways drainage- No objections subject to conditions

YWA- No objections subject to conditions

Representations

The application was re-advertised when the proposal was changed and the following comments were received from one neighbour who has no objections in principle.

1. The land is contaminated with asbestos as reported in the previous report for planning in 2007. There were strict guidance given with regards to the decontamination of the site. The previous report stated that the land must be cleared of all top soil and or buried in situ with at least 1 metre of soil.

2. The proposed dwellings are set much further back into plot. This will cause an increase in elevation reducing view as compared to the previous building on the site thus having an effect on quality of the view.
3. Will there be assurances that no dwellings to the rear of the site be above 2 levels and that no windows would overlook areas that were previously not overlooked.

Assessment

Principle of Development

Core Strategy policy CSP43 Education Facilities and Community Uses seeks to retain school and community uses. There was previously school on the site but was demolished a long time ago and there has been a previous approval granted albeit in 2008 on appeal and as such the principle of residential development is established notwithstanding policy CSP43.

The site falls within a predominantly residential area and as such the proposal is compatible with the area. There is no on site public open space provided so the density is about 40 dwellings per hectare, which is in line with Core Strategy policy CSP14, which seeks higher density development in accessible locations such as this one. Policy CSP14 also seeks a mix of development and this proposal provides bungalows and houses in terraced, semi-detached and detached form.

Residential Amenity

There are existing houses situated around the site that could be adversely affected if the layout failed to comply with the space standards as outlined in the SPD Designing New Housing Development. There are generous rear gardens on surrounding dwellings and no habitable room windows are proposed overlooking the shared boundaries at close quarters and therefore no adverse overlooking impact would occur. The site narrows to a point at the south west corner but due to the extensive rear gardens there is no adverse impact. Furthermore, on the boundary with Mellor Road where gardens are less generous there are mainly dwellings set at right angles to the shared boundary.

Visual Amenity

The site is a vacant former school site that has been left to become overgrown. It is surrounded by a wall and its current condition does not result in any visual detriment as a result. However, the beneficial re-use of the site for a well designed compatible residential development would improve the character and appearance of the area. Whilst, there is no on site open space proposed on site the higher density that results is compatible with the surrounding area and the location on the edge of Wombwell town centre.

Affordable Housing

Affordable housing provision for the development shall comprise the provision of 3 no 2 bed bungalows which has been determined based upon an assessment of local needs. The application is supported by the Housing team on that basis.

Green Space

In accordance with Core Strategy policies CSP35, CSP42 and the Supplementary Planning Document (SPD): Open Space Provision on New Housing Developments, all residential developments over 20 units are expected to provide green space. Green Space can be provided on site, or in the form of a financial contribution to upgrade existing provision. Because

of the limited size of the site and any facility that would result it has been determined that provision should be made up via a commuted sum. In accordance with the SPD therefore a commuted sum of £59,486 is required. Furthermore, this is a former school site so there would also be a contribution for loss of greenspace at a cost of £25,000. A S106 Agreement would be required to secure both elements.

Education Contributions

Education have confirmed that the development would not be forecast to result in any issues affecting primary and secondary school capacity at local schools and have resolved not to object to the application on that basis.

Highway Safety

There were changes required to the latest plan for 34 dwellings, these have been accommodated within a revised layout plan. They include improvements to the junction of Kings Road and Collingridge Road.

Drainage

In accordance with policy CSP4, the proposed surface water drainage systems would be designed with an allowance for climate change and restricted to the greenfield discharge rates with appropriate attenuation proposals incorporated into the design. The application refers to provision of storage tanks to cater for surface water. As such, surface water run off rates from the site into the drainage system would be reduced as a result of the proposed development. Given that surface water run-off from the site would be reduced, the development would not exacerbate flooding issues. There is no objection from Yorkshire Water subject to conditions. However, a condition should be imposed to secure the necessary attenuation measures.

Conclusion

The site is located in a predominantly residential area and the principle of housing development was established by the previous appeal decision. In addition the proposed plans are considered to comply with relevant policies regarding visual and residential amenity and highway safety. As such the application is recommended for approval to Councillors subject to the completion of a S106 Agreement relating to the need to compensate for the loss of greenspace on the site, the provision of new green space and the provision of on-site affordable housing.

Recommendation

Grant planning permission subject to conditions and S106 Agreement (compensation for loss of greenspace, provision of new greenspace and affordable housing)

- 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
KR-16RevA
KR/A/02
KR/B/01
KR/B/02
KR/C/01
KR/C/02
KR/C/03
KR/D/02
KR/F/01
KR/F/02
KR/G/01
KR/G/02
KR/HF/01
KR/HF/02
KR/J/01
KR/J/02
KR/K/01
KR/L/01RevA
KR/L/02/RevA
KR/L/03/RevA
RC/SG/01
RC/TG/01

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 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.

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

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

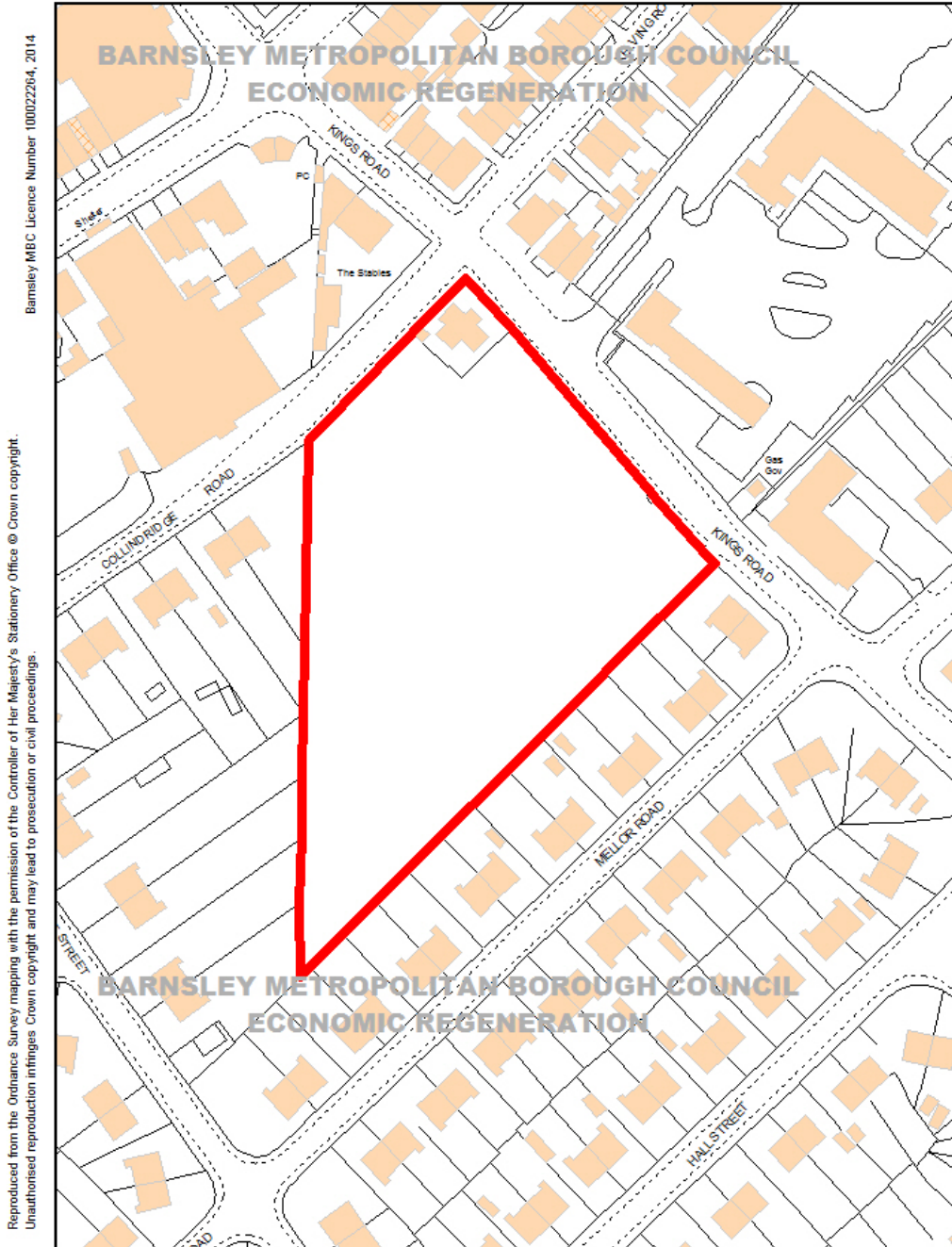
- 6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 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.
- 8 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 9 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
 - Means of access for construction traffic
 - Loading and unloading of plant and materials
 - Storage of plant and materials used in constructing the development
 - 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.**
- 10 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.

- 11 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.
- 12 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.
- 13 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access road with Kings Road, such that there is no obstruction to visibility and forming part of the adopted highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 14 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway
In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 15 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Measures to control parking on the site frontage
 - Removal of school keep clear markings
- 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.
- 16 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.

- 17 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.
- 18 All redundant vehicular accesses shall be reinstated as kerb and footway prior to the development being brought into use.
Reason: In the interests of road safety in accordance with Core Strategy Policy CSP26 'New Development and Highway Improvement'.
- 19 Prior to commencement of development a detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historical environment shall be submitted to and approved in writing by the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives and remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.
Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.


PA reference :-

2012/0473



BARNESLEY MBC - Economic Regeneration

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


Scale 1:1250

Item 11

BARNSLEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 January 2017 to 31 January 2017

APPEALS RECEIVED

2 appeals were received in January 2017:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2015/1070	Residential development of 278 dwellings with public open space and landscaping Land off Summerdale Drive and Carrs Lane, Cudworth, Barnsley	Public Inquiry	Committee
2016/1402	Felling of Oak Tree (T2 within TPO 3/1980) and replacement. 73 Martin Croft, Silkstone, Barnsley, S75 4JS	Written Representation	Delegated

APPEALS WITHDRAWN

No appeals were withdrawn in January 2017.

APPEALS DECIDED

2 appeals were decided in January 2017.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>	<u>Decision</u>
2016/0513	Erection of detached garage 94 Barnsley Road, Brierley, Barnsley	Written Representation	Delegated	Dismissed
2016/0623	Conversion of existing cellar into 2 no bedrood self-contained flat 132 Park Grove, Barnsley	Written Representation	Delegated	Dismissed

2016/2017 Cumulative Appeal Totals

- 12 appeals have been decided since 01 April 2016
- 10 appeals (83%) have been dismissed since 01 April 2016
- 2 appeal (17%) have been allowed since 01 April 2016

This page is intentionally left blank

Item 13

By virtue of paragraph(s) 6 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

This page is intentionally left blank