

Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 21 March 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

Planning Application(s) No: 2016/0215

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

Plan Number	Site	Approx Time of Arrival
2016/0215	Erection of detached agricultural workers dwelling (Resubmission) at land at Gunthwaite Lane, Gunthwaite	11.40 a.m.

Please note: Members of Planning Regulatory Board should not become involved in discussions with either the applicant/agent nor local residents when on site visits.

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

2. Declarations of Interest

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

MEETING:

3. Minutes (Pages 3 - 6)

To receive the minutes of the meeting held on 21st February 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.

4. Land at Gunthwaite Lane, Gunthwaite - 2016/0215 - For Approval (*Pages 7 - 16*)
5. Former Petrol Filling Station, Pontefract Road - 2016/0322 - For Approval (*Pages 17 - 26*)
6. Westfield Farm, Royd Moor Road, Thurlstone - 2016/0960 - For Refusal (*Pages 27 - 42*)
7. Land off New Road/Lidgett Lane, Tankersley - 2016/1027 - For Approval (*Pages 43 - 54*)
8. Land between Windy Ridge, Hollinberry Lane, Howbrook - 2016/1513 - For Approval (*Pages 55 - 68*)
9. West Street, Worsbrough Dale - 2015/1089 - For Approval (*Pages 69 - 84*)
10. Former Dearne Valley Motor Co. Ltd., Cathill Road, Darfield - 2017/0039 - For Approval (*Pages 85 - 90*)

Planning Appeals

11. Planning Appeals - 1st to 28th February 2017 (*Pages 91 - 92*)

Public Footpaths/Diversions

12. Diversion of public footpaths at Tyers Hall Farm (*Pages 93 - 104*)

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 March 2017

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 21 February 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), G. Carr, Coates, Franklin, Gollick, Grundy, Hampson, Higginbottom, Leech, Markham, Noble, Richardson, Riggs, Spence, Stowe, Tattersall, Unsworth, Wilson and R. Wraith

75. Declarations of Interest

Councillor Unsworth declared a Non-Pecuniary interest in **Planning Application No 2016/1226** – [Erection of a single storey extension to the rear of the dwelling at 4 Orchard Terrace, Cawthorne, Barnsley S75 4HN] as he is a Member of Berneslai Homes' Board.

A number of Councillors declared non-pecuniary interests in items on the agenda due to their involvement with the applications as local ward members.

76. Minutes

The minutes of the meeting held on 24th January 2017 were taken as read and signed by the Chair as a correct record.

77. 31 Roman Road, Kexbrough - 2016/1122 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1122** - Erection of 3 no. residential dwellings at 31 Roman Road, Kexbrough, Barnsley, S75 5DE.

Mr D Alderson addressed the Board and spoke in favour of the officer recommendation to approve the application.

Ms L Pilarek addressed the Board and spoke against the officer recommendation to approve the application.

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

78. The former Three Horeshoes Public House, Barnsley Road, Brierley, Barnsley - 2016/1381 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1381** - Conversion of former public house into 7 apartments and erection of 2 detached dwellings at the former Three Horseshoes Public House, Barnsley Road, Brierley, Barnsley, S72 9JT.

Mr H Gledhill addressed the Board and spoke in favour of the officer recommendation to approve the application.

Ms G Devoy addressed the Board and spoke against the officer recommendation to approve the application.

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

79. Land to the east of Old Mill Lane, Barnsley - 2016/1399 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1399** - Erection of a retail unit (Use Class A1) with car parking, landscaping and associated works at land to the east of Old Mill Lane Barnsley S71 1LL

RESOLVED that the application be granted in accordance with the Officer recommendation subject to amendment to condition 14 (change from restricting delivery hours to a traffic management plan for delivery lorries).

80. Land off Wilthorpe Road, Barnsley - 2016/1228 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1228** [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 at land off Wilthorpe Road Barnsley, S75 1JQ description] – For Approval

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to a S106 Agreement (upgrading of play area LEAP to NEAP, plus provision of additional youth facilities and off site contributions for affordable housing and education).

81. Barnsley Markets and adjoining land, Cheapside, Barnsley - 2016/1504 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1504** - 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 at Barnsley Markets and Adjoining Land, Cheapside, Barnsley, South Yorkshire.

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

82. 4 Orchard Terrace, Cawthorne, Barnsley - 2016/1226 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1226** - Erection of a single storey extension to the rear of the dwelling at 4 Orchard Terrace, Cawthorne, Barnsley, S75 4HN.

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

83. Bollingbroke House Care Home, Common Road, Brierley, Barnsley - 2016/0964 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0964** - Erection of a four storey residential care building containing 32 care apartments at land to the rear of Bollingbroke House Care Home, Common Road, Brierley, Barnsley, S72 9EA].

RESOLVED that authority be delegated to Officers to seek to agree additional parking provision for the development prior to issuing a decision to approve the application in accordance with the Officer recommendation. In addition a S106 Agreement shall need to be in place to ensure that occupancy restrictions apply to ensure that the development is only occupied by persons who have been medically assessed as being in need of care.

84. Land off Kings Road, Wombwell, Barnsley - 2012/0473 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0473** - Erection of 35 dwellings including 3 affordable 2 bed bungalows, associated garages/parking and associated roads and sewers at land off Kings Road, Wombwell, Barnsley, South Yorkshire.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to a S106 Agreement (compensation for loss of greenspace, provision of new greenspace off the site and on site affordable housing provision).

85. Planning Appeals - 1st to 31st January 2017

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

The report indicated that two appeals were received in January 2017:-

- **Planning Application 2015/1070** Residential development of 278 dwellings with public open space and landscaping at land off Summerdale Drive and Carrs Lane, Cudworth, Barnsley (Public Inquiry) Committee
- **Planning Application 2016/1402:** Felling of Oak Tree (T2 within TPO 3/1980) and replacement at 73 Martin Croft, Silkstone, Barnsley S75 4JS. (written representation) – delegated.

It was reported that two appeals were decided in January 2017. 12 appeals have been decided since 1 April 2016, 10 of which (83%) have been dismissed and 2 of which (17%) have been allowed.

The update was noted.

86. Exclusion of Public and Press

RESOLVED that the public and press be excluded from the meeting during consideration of the following item, because of the likely disclosure of exempt information as described by the specific paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 as amended, as follows:

<u>Item Number</u>	<u>Type of Information Likely to be disclosed</u>
87	Paragraph 6

87. Home Farm (barn and farmhouse), Worsbrough Village, Barnsley

RESOLVED that the Head of Planning and Building Control be granted Delegated Authority to serve a Listed Building Repairs Notice at Home Farm (Barn) and a future Urgent Works Notice at Home Farm (farmhouse) Worsbrough Village

Chair

2016/0215

Applicant: Mr Richard Emmott, C/o Agent M A Clynch

Description: Erection of detached agricultural workers dwelling (Resubmission)

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

Update

This application was deferred from the November Planning Board in order to allow Members to visit the site. The report has been updated since the November Board to take into account additional information received from the agent.

Introduction

Gunthwaite and Ingbirchworth Parish Council have objected to the application

Site Location and Description

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

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

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

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

The application states that Mr and Mrs Emmett run the agricultural business as a joint enterprise with their two sons. Mr and Mrs Emmott live in the existing farmhouse, which itself is a listed building. The agent has confirmed that the farmhouse building has a split ownership as another family, unconnected with the farming enterprise, own the other half of the building. With all the land and farm buildings under the applicant's ownership the agricultural enterprise extends to approximately 320 acres. Most of this is owner occupied with 60 acres rented in. The majority of land is down to support the livestock which consists of 160 Jersey dairy cows, 160 followers (young stock in a dairy herd), 60 to 70 beef cattle, 200 wintering lambs, and 20 to 30 in lamb ewes. Approximately 60-70 acres of the land is used to grow crops such as wheat and barley, whilst 30 acres is subject to an English Woodland Grant Scheme.

Since the November Planning Board the applicant has provided additional land registry documents to confirm they are the registered landowner to the site upon which the development is proposed to be placed.

Planning History

2015/0475 – Erection of a new farmhouse - withdrawn

Proposed Development

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

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

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

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

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

Policy Context

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

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

UDP Saved Policies

UDP Allocation – Green Belt

GS7 Development within the Green Belt

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

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

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

Core Strategy

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

Publication Version of Local Plan

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

SPDs/SPGs

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

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

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

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

NPPF

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

In respect of this application, relevant policies include:

Para 28 – Rural areas

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

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

Para 80,81, and 82 – Green Belts.

Para 58 and 60 – Design Considerations –

Consultations

Highways – No objections subject to conditions

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

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

Pollution Control – No objections

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

Contaminated Land Officer – No objections subject to informative

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

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

Representations

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

Assessment

Principle of Development

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

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

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

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

The first part of the criteria under GS8B requires the applicant to show that there is an essential need for the dwelling to sustain a demonstrably viable agricultural enterprise. In this case, as has already been stated, the agriculture enterprise covers a significant area of land (320 acres). It is made up of both livestock and crop farming alongside woodland management. The applicant has submitted an assessment utilising sources such as ‘The Agricultural Budgeting and Costing Book’ and the Farm Business Survey which was carried out by DEFRA. Using these sources they have calculated the amount of labour hours required to carry out the various duties associated with the agricultural enterprise. Their calculations reveal that the labour requirements are for a permanent workforce of between 3.33 and 5.8 men to be on site. These figures have been compared to another assessment method, utilising the ‘John Nix handbook’, and, not taking into account the work done in connection with the Woodland management areas or fishing pond, the calculations reveal that the labour requirements are for 3.20 men to be on site. Even if we take the lower of these figures then there is considered to be a justified need for three workers to be on site. A check on properties for sale within the immediate area indicates that there are no available properties at a reasonable price for a farm worker within the immediate locality. These factors therefore provide a level of justification for an additional dwelling at the site.

In terms of whether the agricultural enterprise is viable, the accounts show that profit has been made over the past two years. In addition the agricultural enterprise originally started at the site back in 1936 and the land is registered with the Rural Payments Agency and has an agricultural holding number. As such, and notwithstanding that the NPPF does not state that the enterprise has to be economically viable, the enterprise is considered to be well established.

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

In terms of the fourth and fifth criterion, the dwelling itself has been sited away from the existing buildings. This would therefore be in conflict with the fourth criterion which expects that the dwellings should be near the farm buildings. However, in this case the buildings within the existing farm complex contain a Grade I and Grade II listed buildings. To place the

proposed dwelling closer to these listed buildings would impact detrimentally on the setting of the listed building and would raise objections from the Council's Conservation Officer. In this instance, therefore, it is most appropriate to position the dwelling away from the listed buildings to protect their historical significance. However, the building would still be within reasonable sight and sound of the farm buildings to enable quick access to any emergency situation. The dwelling itself uses natural stone for the walls and has a stone slate roof which is considered in keeping with the rural nature of the surroundings.

In terms of the fourth and fifth criterion it is considered appropriate to restrict the occupancy of the proposed dwelling to an agricultural worker. The existing farmhouse does not have an agricultural occupancy condition on. Given the split ownership and the building being listed it would raise complications in imposing the occupancy condition as well as adding a further restriction to the building. The condition is usually imposed on the original dwelling to avoid it being sold off and an application submitted for another property on the site. However the applicants have lived on site for over 30 years and have a well-established farm that is in profit and their sons are registered in the farm enterprise. It is therefore likely that this will continue and therefore the farmhouse would remain an intrinsic part of the farm enterprise. If the house was ever sold off and a planning application put in then it would be questioned as to why the farmhouse was sold off and this would significantly impact on any case put forward for the need for a new dwelling.

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

Residential Amenity

The proposed dwelling is remote from the nearest other residential property and so neighbouring amenities would not be detrimentally affected by the proposal. The scheme meets internal space standards for the occupants of the dwelling. There is, however, limited garden area for the property. This is limited to an area to the front of the dwelling and a strip around the house. Whilst not ideal, the area to the front would be private given the lack of other housing around, and would provide some area to sit out in. Furthermore, the restriction of the garden area does enable the limiting of the impact on the green belt and on the woodland area. As such, it is considered sufficient in this instance.

Design / Visual Amenity/Impact on Listed Buildings

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

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

Highways

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

Trees

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

Conclusion

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

Recommendation

Approve subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing nos A1 and A2) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

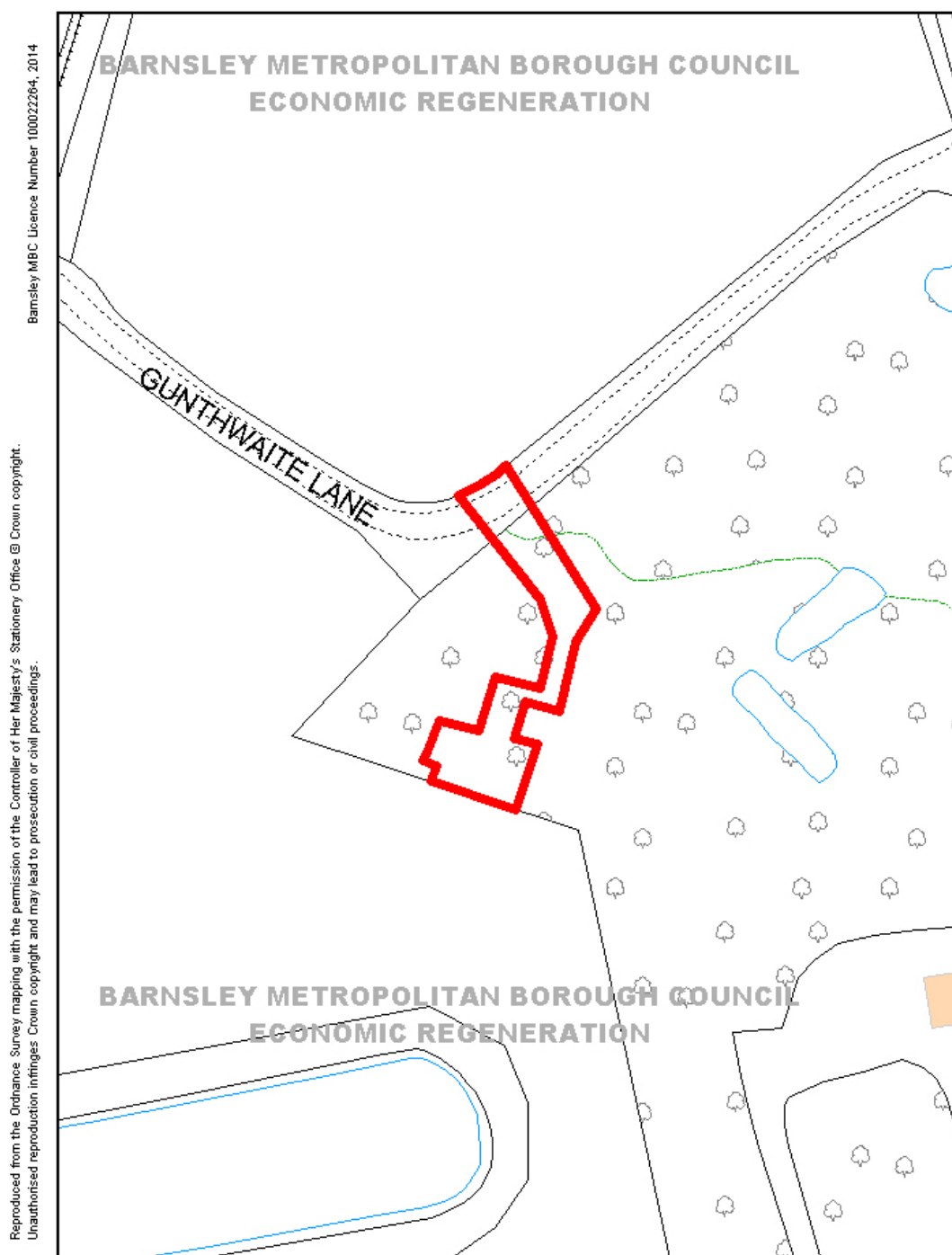
- 4 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce maintain greenfield run off rates, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
- Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
- Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.**
- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
- Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 7 Development shall not commence until details for a scheme of works for resurfacing of the first 8.0m of the private access abutting the adjacent carriageway on Gunthwaite Lane has been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be completed prior to the development being brought into use and be maintained throughout the duration of the development; in accordance with the approved details.
- Reason: To ensure that there is adequate provision for pedestrian and vehicular access to the site in the interests of highway safety in accordance with CSP26.**
- 8 The dwelling hereby approved, shall be occupied by persons solely or mainly or last so employed locally in agriculture as defined in Section 336(1) of the Town and County Planning Act 1990, or in forestry and the dependants (which shall be taken to include a widow or widower) of such persons.
- Reason: In order to comply with Saved UDP Policy GS8B and Paragraph 55 of the NPPF.**

- 9 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.

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

PA reference :-

2016/0215



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

2016/0322

Applicant: C/o Agent SBW Planning Ltd

Description: Removal of Condition 2 of application 2013/1228 (Removal of former petrol station canopy, formation of 2 car washing bays, new boundary treatment and landscaping to create a new hand car wash and valet centre (sui generis) to remove temporary permission and allow permanent use of site. (Amended Plans)

Site Address: Former Petrol Filling Station, Pontefract Road, Barnsley, S72 8AY

There have been 14 letters of objection and 2 letters of support.

Site Description

The application site comprises a former petrol station (0.086ha) which ceased operation in 2005, it has subsequently been used as hand car wash. The site comprises a hard standing with two screened car wash areas, a single storey brick amenity building situated at the southern part of the site and a wooden fence along the frontage. There is a gazebo under which there is parking for two staff cars.

The site fronts Pontefract Road to the West, the rear of residential properties fronting Intake Road to the North and East, and a vacant plot to the South. There is green timber screen to the rear of the residential properties to the North and East. Existing trees are also situated at the site boundary with the residential properties.

Previous Planning History

2013/1228

Removal of former petrol station canopy, formation of 2 car washing bays, new boundary treatment and landscaping to create a new hand car wash and valet centre (sui generis). Former Star Filling Station Pontefract Road, Cudworth.

Permission was sought for a change of use of the former vacant petrol station to a car wash and valet centre. This involved the removal of the existing petrol station canopy and the formation of 2 car washing bays alongside new boundary treatment and landscaping. A jet wash and vacuum station were provided to the eastern side of the kiosk structure to provide the full valet service.

The Council refused permission and the matter went to appeal. The Inspector considered the changes to the scheme since a previous appeal (in 2012) was dismissed. These included a reduced number of bays, restricted hours of operation, further mitigation measures to reduce spray and the effects of noise. The Inspector concluded that the scheme was worthy of a planning permission although this was restricted to a temporary permission for 18 months to allow the Council to monitor this situation and assess the acceptability or otherwise of this use in terms of its effect on the living conditions of the neighbours.

Prior to application 2013/1228

There is a long history of planning applications at this site relating to car wash uses. Below is a summary of these applications:

In 2006 an unauthorised hand car wash and taxi business began to operate from the site. An application was made (2006/1718) however that application was refused by the Planning Regulatory Board on grounds relating to impact on neighbours and waste water.

Despite this refusal the hand car use continued to operate and as a consequence the Council issued a Temporary Stop Notice which had the effect of ceasing the use until a further application was considered. A further application for the change of use of the site to a hand car wash (2007/0711) was then submitted. To mitigate the effect of the car wash on the amenities of the neighbouring properties the applicant proposed to erect Perspex booths around the washing facilities and a new boundary fence. This was refused by the Planning Regulatory Board due to concerns about the impact on the amenities of nearby residents by reason of spray drift and the noise and disturbance arising from the use.

Although the above refusals and enforcement action resulted in the use ceasing for a short period of time it began operating again in March 2008. In May 2008 the Council issued an Enforcement Notice and Stop Notice, but these were ignored. A successful prosecution was brought in the Magistrates Court for a breach of the Stop Notice, but despite this the hand car wash use continued.

In April 2009 the Council was granted an injunction, which required the removal of all the car wash equipment from the site by the 15th May 2009. As the order was not complied with Council Officers attended the site on the 16th June 2009 and confiscated all the car wash equipment. The site was vacated the same day and remained closed.

Notwithstanding the above in 2010 a further application to operate a hand car wash on the site was submitted. Planning permission was refused as it was considered that it would adversely affect the amenities of nearby residents by reason of spray drift and the noise and disturbance arising from the use. A second reason stated that the siting of the container for the storage of chemicals and tools and the proposed retention of the existing boundary fencing, would not result in any improvement to the appearance of the site.

An application for such a use was then submitted and approved by Planning Regulatory Board to re-open the former petrol station with additional jet wash/vacuum facilities. (2010/1167)

In 2011 a new application (2011/1553) was submitted for change of use from petrol filling station (sui generis) to hand car wash (sui generis). This was refused on the basis that the proposed use would have a harmful affect the amenities of nearby residents as the cleaning process would create spray drift and run off which would adversely affect the adjoining residents ability to use and enjoy their rear garden areas. Furthermore motor vehicles entering, exiting and being cleaned on the site would also generate an unacceptable level of noise and disturbance close to residential dwellings and residential boundaries.

In October 2012 an appeal was dismissed. The Inspector did not state any objection to the principle of the proposed use, however on the evidence submitted was concerned about the potential impact on neighbouring amenity and the appearance of the development.

In 2013 a further planning application ref 2013/0836 was submitted for a change of use of the former petrol station to a 3 bay car wash facility but this was subsequently withdrawn by the applicant before a decision could be reached

Proposed Development

This application is primarily to allow the permission to stand beyond the 18 months temporary period allowed by the Planning Inspector. That temporary period has now expired and hence this application has been submitted to allow for the use to be continued on the site. The applicant has made amendments to the layout and design and submitted a Management Plan and an updated noise report with this application.

The latest plan shows two car wash bays, a jet wash bay with a vacuum cleaner, two staff parking spaces and an office waiting room. There is substantial additional planting mainly to the eastern boundary but also to the southern and northern boundaries that if implemented would reduce the tarmacked area available for cars to wait and be polished outside of the two bays and jet wash areas. Roofs are proposed on the two bays. There is a 1.8m high perimeter acoustic close boarded timber fence and a 1.8m high perspex screen around the jet wash/vacuum area.

A noise report was initially carried out and this was followed by an acoustic appraisal which, in addition to the above measures also recommends the following:

- Extension of the eastern screen nearest to Garden Cottages to a linear length of 9.5m, allowing for 2m screening to the front and rear of an average sized car(4.8m);
- Inclusion of a solid, impermeable roof
- Inclusion of a cloth, rubber sponge, rubber foam layer to the lower half inner surface of the bays
- Employment of minimum 6mm thick Perspex panels.

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.

Core Strategy

CSP19 Employment to be retained

CSP26 Highways issues.

CSP29 Design matters.

CSP40 Pollution protection.

Saved UDP Policies

The site falls within a Housing Policy Area and as a consequence Policy H8B: Non Residential Uses in Residential Areas is most relevant to this application. This states that planning permission will only be granted for such proposals where they would have no undue harmful impact on the amenity of neighbouring residents by way of noise, disturbance, loss of privacy, traffic congestion or other nuisance and where they would have not harm the visual amenities of an area.

Publication Consultation Document

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).

Policies of relevance would be:

SD1 Presumption in favour of sustainable development

GD1 General development

D1 Design

T4 New Development and Highway Improvement

Poll1 Pollution Control and Protection

NPPF

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

Paragraph 109 indicates that new development should not contribute to unacceptable levels of noise.

Paragraph 123 indicates that LPA's should try to avoid noise causing significant impacts on health and quality of life. This can be done by the use of planning conditions but business should not have unreasonable restrictions placed upon them.

Consultations

Pollution Control – Are satisfied that issues of noise have been adequately addressed subject to the imposition of conditions.

Highways- Highways are not aware of any complaints in terms of highway safety, consequently there are no objections to the proposed development in a highway context.

Ward Members – Have passed on concerns they have received from local residents relating to noise, spray, volume of vehicles, and operating outside agreed hours and site boundary.

Representations

14 Letters of objection raising the following concerns.

1. Spray comes over the screen fence falling onto residential properties especially if wind is blowing it that way. The applicants have erected further fencing and this has not solved the problem. Putting a roof on the bays will not solve the problem as it has been tried in the past.
2. Making pathways on highway slippery when wet and mixed with detergent and other chemicals. This can turn to ice in winter months.
3. There are cars being washed outside of the bays and finishing cars takes place outside the bays and cars awaiting collection are left on the pavement. This working practice is forcing pedestrians to walk on the road. Sometimes vehicular access into Intake Lane has been blocked.
4. Constant noise from jet spraying machines, vacuum cleaners, car doors slamming, engines revving, car horns, loud music and customers/staff shouting. Vacuum cleaners are not kept within the sound proof box provided.
5. Some rooms and gardens are unusable due to the noise.
6. Bright lights coming through windows
7. Operating hours not being adhered to.
8. Dates and times provided and video evidence is available of other nuisance. The applicant's modify working practices when they know in advance the site is being monitored.
9. This is a residential area.
10. Environmental damage due to use of chemicals.
11. Air quality issues due to engines left running.
12. Cars queuing on the road conflicting with road traffic and pedestrians.
13. Litter blows across from the site.
14. The site affects the outlook from neighbouring properties.

2 Letters of support

1. This is the best thing in Cudworth and a lot of money has been invested in the business.
2. Encourages more trade in Cudworth.
3. The business provide an excellent service.
4. Site is now more aesthetically pleasing than it was previously.

Assessment

Principle of Development

It is clear from the past history of the site that schemes for the use of this land for a hand car wash have generated a number of concerns leading to past refusals of planning applications from the Council, and a dismissal of an appeal from the Planning Inspector. However, more recently, a Planning Inspector granted planning permission with an 18 month restriction so that the impact of the operation could be assessed. In addition a number of planning conditions were imposed including hours of use. The Inspector also stated that he had no objections to the principle of the use of a hand car wash at this site.

There have been complaints made during the 18 months trial period asserting that the planning conditions have not been complied with. However, the current application contains measures that would help to alleviate most of these concerns.

UDP Saved Policy H8B and Barnsley LDF Policies CSP 26, CSP 29 and CSP 40, state that the principle of operating a small scale business use from the site, such as the one proposed in this application, may be acceptable providing it would not harm the amenities of the occupiers of adjoining dwellings, the visual amenities of the area or highway safety. Taking into account the information submitted, the current application has been assessed in line with the policy considerations.

Residential Amenity

This a housing policy area and as such there are existing residential occupiers that would be affected from the issues of noise, general disturbance, nuisance from spray, hours of opening and impact on outlook. The most noise sensitive properties are to the rear of the site, Gardeners Cottages. The initial noise report that had been prepared acknowledged that there is a significant increase in noise levels due to the operation of the car wash. When the car wash is operational noise levels are significantly higher than when it isn't. The difference recorded from the readings show an increase of +11dB, which would be considered as having a significant adverse impact on the properties. However, proceeding the submission of that report the applicant has recommended further mitigation measures that are outlined in the 'Proposed Development' Section of this report. Taking these additional factors into account a further acoustic survey was carried out which concludes that the mitigation measures would result in the increase reducing from +11 dB to +5dB. This takes the readings to within acceptable standards as compared against British Standards. These surveys have been fully assessed by the Council's Pollution Control Section who are satisfied with the assessments that have been carried out and, subject to suitable conditions, have raised no objections to the proposal.

Furthermore, it should be noted that planning permission had been granted for a petrol filling station with ancillary car wash in 2010 (2010/1167), which reflected the previous use of the site which ceased in 2006. This previously approved use would also generate significant noise levels and this would likely be commensurate with the noise levels measured from this car wash. Furthermore, a petrol filling station would close much later at night, potential have greater through put of traffic, contain a car wash and open much earlier in the morning.

Furthermore, the accoustic screen fence combined with the additional planting and roofs over the canopies will help to alleviate some of the noise issues. In addition the hand car wash is only operational during daytime hours so would not affect neighbouring amenities during the evenings.

In terms of spray, the Inspector in the most recent appeal stated that 'Evidence submitted by the appellant indicates that spray does not drift beyond 5 metres from a car being washed. The submitted plans indicate a distance of some 11m between the nearest car and the site boundary and this distance, plus the screens around the washing area and on the boundary would alleviate any issues with spray drift'. The proposed scheme includes additional measures that were not considered at the time of the appeal, including roofs over the car wash bays, which would further help to alleviate the dispersal of spray.

There have been some unauthorised activities taking place observed by the objectors over the 18 month period. These have been investigated through the Council's Enforcement Unit to ensure compliance is sought with the conditions. However, it is the application that is submitted that is under consideration and there is an opportunity to ensure the conditions meet the requirements of the site if approval is to be given.

Visual Amenity

This is a prominent main road location that on the approach to Cudworth town centre.

There would be no external alterations compared with what is on site other than for the installation of a roof on the car wash bays, alterations to the screens, and the increased areas of landscaping. If the proposal were to be refused and the site were to be left vacant for any prolonged period there would be the potential for dilapidation and other visual detriment to occur over time. Keeping the site in appropriate use has visual benefits in preventing it being left vacant.

Local residents have commented upon the visual impact of the use but this is a suitable use for a main road. Elsewhere car washes and petrol stations tend to be on such main roads.

Highway Safety

Notwithstanding the comments received from local residents no complaints have been received by Highways regarding significant highway safety issues and therefore refusal on highway grounds is not supported. The Inspector did not have an issue with highway safety in the appeal and the Council's Highways Section do not consider that the scheme results in any significant detriment to highway safety.

Conclusions

There has been significant local concerns about the impact of the car wash facility since it was granted permission by a Planning Inspector for a temporary 18 months period. This application is to make the planning permission permanent and also to add additional mitigation measures. There is an opportunity to add further planning conditions and improve the situation.

The decision is based on a scheme that shows sufficient mitigation measures to help to alleviate the various concerns raised by local residents. These mitigation measures can be conditioned to ensure the additional planting, erection of roofs to the bays, and management of the site is carried out to ensure the business is compatible with its surroundings.

On this basis it is considered that the scheme supports sustainable economic growth and, with the conditions proposed, meets the requirement of the relevant local and national planning policies.

Recommendation

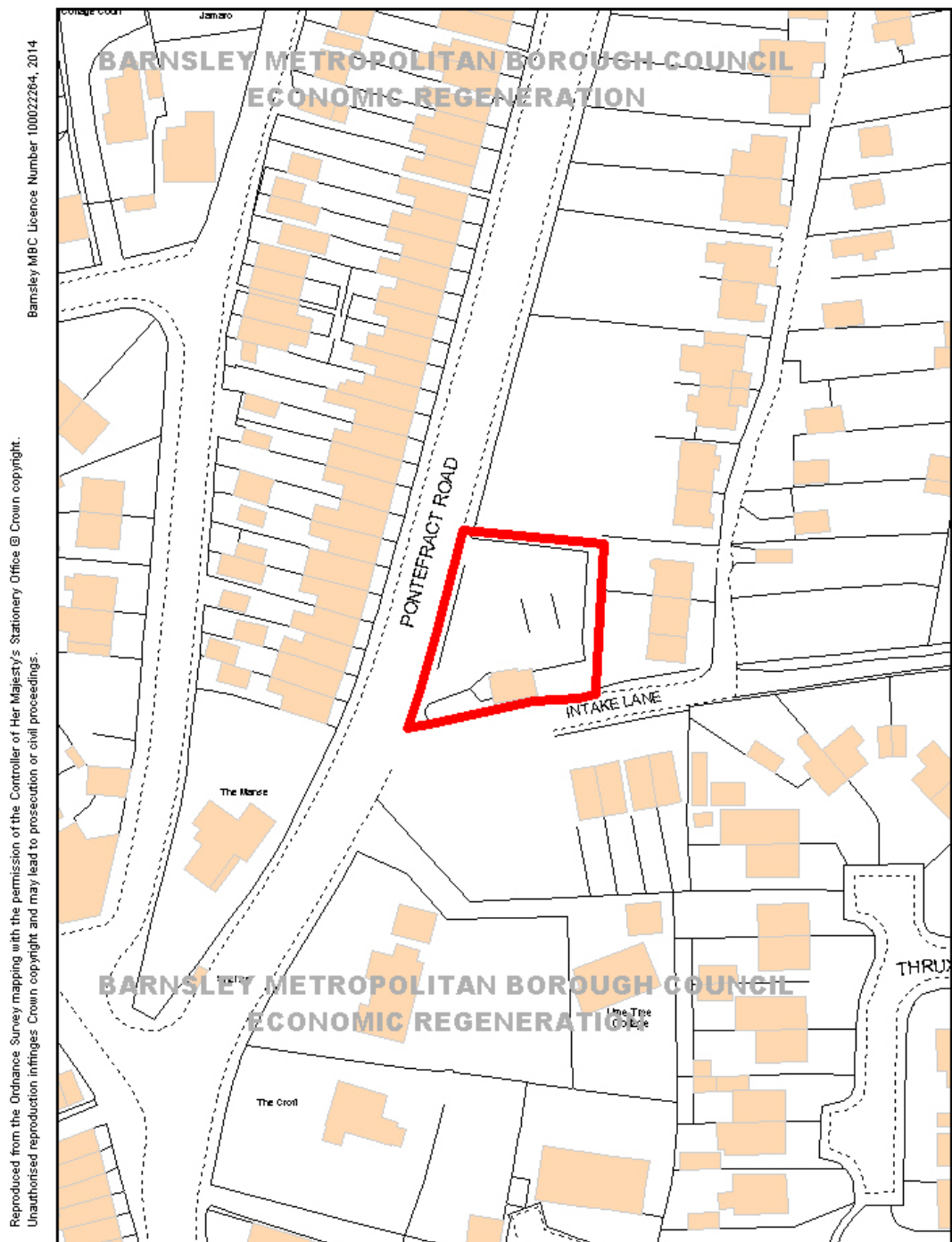
Grant subject to conditions

- 1 The development hereby approved shall be carried out strictly in accordance with the plan no. 2109-01-Rev F and recommendations outlined in Appendix C of the Management Plan 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.
- 2 The use hereby permitted shall be carried on only between the hours of 09.00 to 18.00 Mondays to Fridays, 10.00 to 17.00 on Saturdays, 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.

- 3 All boundary screening, planting, seeding or turfing comprised in the approved details on plan 2109-01-RevF shall be carried out within 28 days of the grant of this permission, 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.
- 4 Only the cleaning, valeting and drying equipment/machinery specifically referred to on the approved plan 2109-01-RevF shall be used and no other equipment/machinery shall be installed.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 5 There shall be no washing, valeting or drying of vehicles within the areas shown as being shrub planting or staff parking at any time..
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 6 All surface water run off and waste water from car washing shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway or residential gardens.
Reason: In the interests of highway safety and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 The mitigation measures stated within Section 1.4 of the submitted Acoustic Appraisal by Waterman Infrastructure and Environment Limited, dated 8th March 2017, shall have been implemented on site within 2 months of the date of this decision notice. The measures shall thereafter be retained as such.
Reason: In the interests of the amenities of local residents in accordance with Core Strategy Policy CSP40.
- 8 The noise level from the operations of the car wash on the site must not exceed a level of 48 dB Leq, 15 mins, when measured in the rear gardens of Garden Cottages. In the event of a complaint being received in writing by the LPA alleging noise nuisance due to the operation of the car wash on the development hereby approved, and verified as a true and reasonable complaint by the LPA, the site operator shall, at its expense, employ a consultant approved by the LPA to measure the level of noise emissions from the operations at the location of, and external to, the complainant's property (or, in the event that access is not possible, at the nearest publicly accessible location acceptable to the LPA). The results of the consultant's assessment shall be provided to the LPA within 2 months of the date of notification of complaint unless otherwise agreed in writing by the LPA. The operator shall cooperate with the LPA to ensure that the development is compliant with the above defined limits for the site.
Reason: In the interests of the amenities of local residents and in accordance with CSP40.

PA reference :-

2016/0322



BARNSELY MBC - Economic Regeneration

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



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2016/0960

Applicant: Mr Robert Barraclough, Co Agent T. J. Coates Ltd

Description: Installation of a 50kw wind turbine on a 24m monopole mast (34m to blade tip)

Site Address: Westfield Farm, Royd Moor Road, Thurlstone, Sheffield, S36 7RD

**Councillor Millner Supports the application and has requested that the application is brought to the Planning Regulatory Board for decision
Penistone Town Council have objected to the application**

Background

2012/1380 – Installation of 1no 50kW wind turbine on a 24m monopole mast (34.2m to blade tip) – refused for the following reasons:-

1. The site is within Green Belt on the adopted Barnsley Unitary Development Plan. In the opinion of the Local Planning Authority, the proposed wind turbine is sited in an exposed and open landscape where it would appear as incongruous and visually intrusive feature, harming landscape character and the visual amenities of the Green Belt, and the openness and appearance of the area. There would be significant visual impacts on local receptors including footpaths. The proposed development is neither well designed nor inclusive or in keeping and scale with its location, and is not sensitive to the character of the locality which comprises an open, rolling countryside which is relatively free from vertical features. The proposed development does not retain and enhance the character and distinctiveness of the individual Landscape Character Area in which it is situated. The Council considers that no very special circumstances have been demonstrated in this case which clearly outweighs identified harm and harm by reason of inappropriateness. Accordingly the proposal conflicts with policies CSP6, CSP29, CSP34 and CSP37 and the National Planning Policy Framework.

2. The proposed development would have a detrimental impact on air traffic control systems and would therefore present a hazard to aircraft safety. The proposal is therefore contrary to CSP6 of the Barnsley Core Strategy.”

The applicant appealed the decision and on the 21st July 2014, the appeal was dismissed by the Planning Inspectorate. The Planning Inspector concluded:-

‘The turbine represents inappropriate development in the Green Belt which is, by definition, harmful. There would also be some loss of openness, albeit modest, and the proposal would be harmful to the visual amenity of the area. These harms attract substantial weight.

The benefits focus on the provision of renewable energy and resultant reduction in CO2 emissions which attracts substantial weight; security of supply which attracts moderate weight; and more modest economic and environmental benefits.

In coming to the Green Belt and planning balance, I conclude that the benefits do not clearly outweigh the totality of harm that would arise as a result of the development, and the very special circumstances necessary to justify the proposal do not therefore exist.’

In addition, in terms of the second reason for refusal, the Inspector stated that 'the Council advises that following the determination of the planning application, the National Air Traffic Services confirmed that it will make provisions to operationally manage the proposed development in relation to the Claxby radar installation. As a consequence, the issue of air safety is not to be pursued.'

Description

The site lies just beyond the edge of the settlement of Thurlstone, on open agricultural land approximately 225m from Westfield Farm which lies to the east. To the north of the site the land falls slightly towards Royd Moor Road before rising slightly towards a ridge. To the west the land rises towards Royd Moor wind farm.

In context, the site comprises open countryside set in the foothills of more elevated land to the north which include a number of wind farms. The land is mainly open and largely devoid of tree cover or other vertical elements. There is a footpath and bridleway within the local area.

Proposed Development

It is proposed to erect an Endurance 50, 3 bladed monopole wind turbine on a 24m monopole mast with a height to blade tip of 34m. The three turbine blades would each be 9.6m in length, with a diameter of 19.2m. The blades would be mounted onto a hub and nacelle at a height of 24.6m above ground.

A trench of approximately 275m would be required to be dug at a depth of 0.6m to allow for the laying of a cable to connect the turbine to a meter point situated within the barn at Westfield Farm and would provide a connection to the National Grid. The proposal includes the creation of a permanent small concrete pad measuring 36sqm upon which the turbine would be sited.

The proposed turbine would be sited approximately 180m to the south west of Royd Moor Road and approximately 225m to the north west of Westfield Farm. This differs from the previous refused application 2012/1380, where the turbine was sited approximately 75m away from Westfield Farm and at a lower level within the landscape. The turbine now proposed as part of this application is a further 150m away from the farm.

It is anticipated that the turbine would generate approximately 170,000 kWh of renewable electricity per annum and approximately 90% of this would be fed into the grid, with the remainder providing electricity to the farm.

As well as the environmental benefits, in support of the application the applicant's agent has put forward the following justification, which was not included with the previously refused application, which they consider should be considered as very special circumstances:-

'This project is essential to help diversify and provide long term financial security for the farm. If the applicant is unsuccessful in obtaining consent for the proposed turbine he intends to expand his road haulage business as an alternative to diversify the farm in order to generate the additional income required. The applicant has planning consent to operate up to 25 HGV vehicles from the site (by way of an Established Use Certificate Ref: B/92/0051/PU/EU dated 12th March 1992). The road haulage business currently operates on an ad hoc basis with one or two vehicles making deliveries two or three times per week. However, if this business expands it will inevitably lead to a significant increase in heavy traffic running through the village, particularly at peak times, leading to congestion, pollution and an increase in hazards (in particular conflicts between vehicles and pedestrians).

In comparison, the proposed turbine will bring environmental benefits to the wider community as well as produce green energy for the farm and help to support it financially for the long term. The applicant feels this is a more sustainable business model which clearly demonstrates the very special circumstances required to justify such a development in Green Belt and outweigh any harm. If the Council is mindful to grant consent for the proposed turbine the applicant would be willing to consider submitting a unilateral undertaking limiting the number of HGV's operating from the site to the current level of use (i.e. in effect surrendering the permission granted under the existing certificate of lawfulness).'

Policy Context

The site is allocated as Green Belt on the Barnsley Unitary Development Plan Proposals Map.

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 adopted development plan consists of the Core Strategy, saved Unitary Development Plan policies and the Joint Waste 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).

Core Strategy

CSP6 - Development that Produces Renewable Energy - we will allow development that produces renewable energy as long as there is no significantly harmful effect on;

- The character of the landscape and appearance of the area
- Living conditions
- Biodiversity, Geodiversity and water quality
- Heritage assets, their settings and cultural features and areas
- Highway safety and
- Infrastructure including radar.

Proposals must be accompanied by information that shows how the local environment will be protected, and that the site will be restored when production ends.

The Core Strategy recognises that undulating landscapes, such as those in the west of the borough, can increase the prominence of turbines. Careful consideration will need to be given to the capacity of the landscape to accommodate turbines, the ability to mitigate visual intrusion and cumulative impacts of individual sites when they are grouped rather than dispersed. We will use the Character Assessment and Policy CSP37 to assess the effect of development proposals.

CSP21 – Rural Economy – aims at encouraging a viable rural economy by allowing development in rural areas if it supports the sustainable diversification and development of the rural economy or results in the growth of existing businesses or is related to tourism/recreation or improves the range and quality of rural services. However, development in rural areas will be expected to:

- Be of a scale proportionate to the size and role of the settlement;
- Be directly related, where appropriate, to the needs of the settlement;
- Not have a harmful impact on the countryside, biodiversity, Green Belt, landscape or local character of the area; and
- Protect the best quality of agricultural land.

CSP29 - Design - states that high quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley, including (amongst other things):

- Topography, important habitats, woodlands and other natural features
- Views and vistas to key buildings, landmarks, skylines and gateways
- Heritage, townscape and landscape character including the scale, layout, building styles and materials of the built form particularly in and around (amongst other things), Penistone and the rural villages in the west of the Borough.

The policy is aimed at ensuring that development is appropriate to its context.

CSP30 – states that development will be expected to protect the character and/or appearance of listed buildings and Conservation Areas

CSP34 – covers the protection of the Green Belt which is to be safeguarded and remain unchanged.

CSP36 – Biodiversity and Geodiversity – development will be expected to conserve and enhance the biodiversity and geological features of the borough. Development which may harm such features will not be permitted unless effective mitigation and/or compensatory measures can be ensured.

CSP37 - Landscape Character - development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character Assessment in which it is located.

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

There are no relevant saved policies in the UDP, however, the site lies within the Green Belt.

National Planning Policy Framework

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

Development proposals that accord with the development plan should be approved unless material considerations indicate otherwise. Where the development plan is absent, silent or relevant policies are out-of-date, permission should be granted unless any adverse impacts

of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework as a whole; or where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise. In respect of this application, paragraphs of particular significance include:

- 80, 87, 88 and 91 in respect of development in the Green Belt
- 98 for applications for renewable energy
- 128 & 132 relating to the historic environment
- 58 & 65, which relate to good design

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

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

When located in the Green Belt, elements of many renewable energy projects will comprise inappropriate development. In such cases developers will need to demonstrate very special circumstances if projects are to proceed. Such very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources.

When determining planning applications, local planning authorities should:

- not require applicants for energy development to demonstrate the overall need for renewable or low carbon energy and also recognise that even small-scale projects provide a valuable contribution to cutting greenhouse gas emissions; and
- approve the application if its impacts are (or can be made) acceptable. Once suitable areas for renewable and low carbon energy have been identified in plans, local planning authorities should also expect subsequent applications for commercial scale projects outside these areas to demonstrate that the proposed location meets the criteria used in identifying suitable areas.

Supporting a prosperous rural economy (NPPF Section 3)

A positive approach should be taken to sustainable new development.

Conserving and enhancing the natural environment (NPPF Section 12)

The planning system should contribute to and enhance the natural and local environment by (amongst other things), protecting and enhancing valued landscapes.

Requiring good design (NPPF Section 7)

Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

Planning policies and decisions should aim to ensure that developments (amongst other things) will function well and add to the overall quality of the area, respond to local character and history and are visually attractive.

Permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Para 7 of the NPPF states that

- The need for renewable or low carbon energy does not automatically override environmental protection
- Cumulative impacts require particular attention, especially the increasing impact that wind turbines... have on landscape and local amenity...
- Local topography is an important factor in assessing whether wind turbines... could have a damaging effect on landscape...
- Great care should be taken to ensure heritage assets are conserved... including impact of proposals on views important to their setting
- Proposals in National Parks... and areas close to them where there could be an adverse impact on the protected area, will need careful consideration
- Protecting local amenity is an important consideration which should be given proper weight in planning decisions

Written Ministerial Statement

House of Commons: Written Statement (HCWS42) Secretary of State for Communities and Local Government (Greg Clark) on 18 Jun 2015. "Where a valid planning application for a wind energy development has already been submitted to a local planning authority and the development plan does not identify suitable sites, the following transitional provision applies. In such instances, local planning authorities can find the proposal acceptable if, following consultation, they are satisfied it has addressed the planning impacts identified by local communities and therefore has their backing".

Consultations

Penistone Town Council - Objections were raised as it was considered inappropriate development in the Green Belt

Regulatory Services – The noise assessment is based on ETSU-R-97 guidance and indicates that noise from the turbine should not be an issue to neighbouring properties when based on the ETSU-R-97 guidance subject to conditions

Yorkshire Water – No objection.

Ministry of Defence – No objections

Civil Aviation Authority – Advice given with regard to procedures for consulting

National Air Traffic Service – No objections

Highways – It has been confirmed that the proposed development will not require an abnormal load delivery of parts, consequently, there are no objections to the proposed development in a highway context subject to conditions

SYMAS – No objection subject to an informative.

Conservation Officer – No objections

Tree Officer – No objections

Legal Officer – The Legal Officer is not satisfied that a legal agreement can be drawn up as the applicant has not provided sufficient evidence that the haulage activities have not been abandoned, and on the evidence presented to date, the Established Use Certificate cannot be relied upon as justification for the turbine.

Representations

Councillor Millner – Support this application given the size of the applicant's farm and the proximity of other similar wind turbines within 2kms of the farm and requests that the application is taken to the Planning Regulatory Board for decision.

The following representations have been received to the Local Planning Authority planning application consultation:-

- 3 representations stating no objection with support for the turbine
- 1 support petition (sent in by the agent) with 18 signatures

The following responses were received to the proposal as part of the applicant's Community Consultation Exercise:-

2 letter of objection/concern which state:-

- Impact upon the view/visual amenity
- Noise impact to adjacent dwellings
- Potential issue with regard to sun glare from the turbine blades

6 letters of support (which include a letter from the Headteacher of Thurlstone Primary School and Daisy Chains Pre-School) which state:-

- The turbine will generate green energy
- The turbine would not harm visual amenity
- The turbine would be of great benefit to Westfield Farm and would make the farm financially viable
- A large number of HGV's will be detrimental to highway safety and residents would rather have a wind turbine than busier roads
- One more turbine would not make a difference
- If the farmer reverted back to haulage use then this would increase heavy traffic and parking problems into the village and would be a danger to parents and children

Principle of Development

The proposed turbine is located within the Green Belt. As such it is considered that the proposed development would affect openness and that it constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and such development should not be approved, except in very special circumstances. Such very special circumstances will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations. The proposal is therefore, potentially in conflict with CSP34.

Very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable resources whatever their scale, and this should be given significant weight in determining proposals. The NPPF also reiterates the importance of Green Belts and in particular, their openness and permanence and local

planning authorities should plan to retain and enhance landscapes, visual amenity and biodiversity. Substantial weight is given to any harm to the Green Belt.

In maximising renewable and low carbon energy, any adverse impacts should be satisfactorily addressed including cumulative landscape and visual impacts and good design is a key aspect of sustainable development. The NPPF also emphasises the importance of supporting renewable and low carbon energy sources and the proposal would provide a small contribution (170,000KwH – 90% fed back to the grid) towards renewable energy generation which the applicant puts forwards as special circumstances, but this would need to be sufficient to clearly outweigh the harm to the Green Belt from the turbine and associated infrastructure. Along with the renewable energy provided by the proposal, the applicant has also offered the following which they believe should be considered to form part of the justification and very special circumstances which would support the proposal and allow for an exception to Green Belt policy:-

‘The applicant is prepared to concede the deemed planning consent that he has for operating up to 25 HGV’S from Westfield Farm which has operated since the late 1950’S. This use was formalised under an established use certificate. Mr Barraclough is prepared to enter into a legal agreement to surrender his consent to 25 HGV’s and limit the use to a maximum of 2 vehicles operating from the site. However, if Mr Barraclough is not successful in obtaining planning consent for a wind turbine to help diversify his business he will look to expand his haulage operation from 1-2 vehicles to several vehicles in order to generate the additional income required to support his farm.

Mr Barraclough would prefer if this could be done by way of condition requiring Mr Barraclough to enter into such agreement prior to commencement. However, if the LPA would like some form of Unilateral Agreement completed prior to determination, then this document should be worded in such a way so that it does not come into effect until the wind turbine has been erected. i.e. Mr Barraclough is not prepared to surrender his HGV consent until the wind turbine consent is operational.’

The applicant has stated that the project is essential to help diversify and provide long term financial security for the farm and that should the turbine be refused that the applicant would have no option but to increase the haulage use on the site. In terms of the above and the possibility of ‘surrendering’ the Established Use Certificate that the applicant is relying on as part of the justification, the Council’s Legal Officer has been consulted and makes the following comments:-

The Established Use Certificate

The Established Use Certificate is for ‘a mixed use for haulage contracting and agriculture’. It relates to land on Westfield Farm that is identified on a plan edged red. The applicant’s agent states that 25 vehicles were being used at the time of the certificate. The fact that the land may have benefitted from an established use certificate in 1992, unfortunately does not mean it still has effect now. If there has been a material change of use or abandonment of the established use since that date, then any current use as a haulage yard particularly at the levels suggested by the applicant, the use may not be lawful and would not be immune from enforcement action.

The statement in the email has come from the agent rather than the owner as to the history of the use and it is not signed or to be given more weight in the form of a Statutory Declaration. There is little or no evidence submitted to support the contents of that statement. A certificate of professional competence has been submitted for Robert Barraclough; however this does not inform us about the use of the land at Westfield Farm. There are two operator’s numbers which have been submitted however when these have

been entered into VOSA's website, nothing is found. A further search on the VOSA website also reveals that there are no names of Barraclough or Barraclough Haulage either as a person or as an operator's trading name; no "Tucker" under operator licence or trading name. A postcode search only reveals Far Royds farm as having an operator's licence, however this was discontinued in 2004 but a restricted licence appears to be in operation for A Dickinson in 2016

The suggestion in the statement by the agent is that the use permanently ceased in around 2000/2001 but has been rented out for special contracts and as an overspill. No evidence has been submitted to support this.

On the evidence submitted, the Established Use Certificate cannot be relied upon for the following reasons:-

There is no evidence (other than the hearsay evidence of the agent) that the land has continuously been used since the date of the established use certificate was issued and even the hearsay evidence possibly indicates an abandonment of permanent mixed use. The evidence from the VOSA website suggests that no operator centre or operator licence has been registered with VOSA

The applicant would need to provide sufficient evidence or apply for a Lawful Development Certificate. Despite requests, the applicant has not provided any further evidence. If the applicant now starts up a haulage business as stated (particularly of the numbers suggested) then the Council could potentially take appropriate enforcement action. It is therefore considered that an offer to limit haulage or surrender the Established Use Certificate by way of a Section 106 agreement as justification for the turbine is not of value, particularly if the owner is applying to licence the farm as haulage centre by the Traffic Commissioner. One of the factors that the Traffic Commissioners would have to take into account is environmental ones, as well as safety and parking. In those circumstances the Traffic Commissioner may not approve Westfield Farm as an operating centre for 25 HGVs, given the nature of the roads and parking issues in Thurlstone, irrespective of the planning position. The Legal Officer suggests that the guide is that set by the neighbouring farm of Far Royd's which has a licence as a centre for 1 vehicle and 2 trailers. This would indicate the Section 106 would be of little or no value if an Operator's Licence for a significant number of vehicles to operate at the site were not likely to be forthcoming. Therefore given the above, the justification put forward by the applicant cannot be considered as very special circumstances to justify the erection of a turbine on the site.

Landscape and Visual Impact

Turning to the landscape and visual impact of the proposed turbine, the turbine would be located within Green Belt and as such it is considered that the proposed development would affect openness and that it constitutes inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt. As a man-made feature in the Green Belt the proposed wind turbine would result in some loss of openness.

The site occupies agricultural land in open countryside beyond the built up limits of Thurlstone and within the 'Ingbirchworth Upland Farmland Landscape Character Area' (LCA) as designated in the Barnsley Borough Landscape Character Assessment, where policy CSP 37 of the Core Strategy expects development to retain and enhance the character and distinctiveness of the LCA in which it is located. Policy CSP 29 expects high quality development that respects, takes advantage of and enhances the distinctive features of Barnsley, including topography, green infrastructure assets and other natural features. In relation to renewable energy development, policy CSP 6 permits proposals that do not have

a significantly harmful effect on the character of the landscape and the appearance of the area.

As stated in the previous appeal decision, the Inspector noted that the key characteristics of the landscape, as identified in the LCA, include a stepped landform comprising fields of pasture strongly defined by distinctive stone walls, scattered farmsteads and single lane rural roads. It also refers to panoramic views over adjacent river valleys and identifies the wind farm at Spicer Hill as visually prominent on the skyline. It describes the landscape sensitivity to built development as high and landscape capacity as low.

The proposed wind turbine would be located in a similar location as the previous refused turbine, beyond the north-western confines of the village, where the landscape is characterised by gently sloping, undulating pastures criss-crossed by drystone walls and punctuated by sporadic trees and well defined parcels of deciduous woodland, most notably near to High Bank Lane and Royd Moor Road. The landform falls gradually from north-west to south-east towards the village and rather more steeply from the north in the vicinity of Folly Lane down to Royd Moor Road.

Within the wider landscape there are a number of wind turbine developments, including large wind farms at Spicer Hill, Royd Moor and Blackstone Edge and a single turbine installation at Scout Dike Reservoir. The larger turbine developments are highly prominent and readily visible from numerous elevated vantage points in the area. Although the character of the landscape essentially remains open and exposed it is accepted that its appearance has been affected by them.

The main concerns raised by the Planning Inspector within the previous appeal decision relate to the effect of the proposal on the local landscape. The Inspector did not raise any significant concerns with regard to the cumulative effect of the proposed turbine on the wider landscape, given that it would remain a modest element when viewed in the context of the larger turbine developments. It is agreed that the amended siting would not significantly alter this view; however the impact of the turbine on the local landscape remains a concern.

The amended siting of the turbine results in it being located on higher ground, approximately 225m away from the farm, within open fields further away from the village and the road and close to a former tree covered quarry. The amended siting results in the turbine being further detached from the farm unit by approx 150m. In order to show the amended siting of the turbine and its impact upon the landscape, the applicant has submitted a number of photomontages. The photomontages show the previous viewpoints and location of the previous submitted turbine in comparison to the amended turbine siting. The views of the turbine would be most significant from the immediate viewpoints, from various points along Royd Moor Road, the Bridleway to the south and from the footpath to the east adjacent to Windsor Avenue.

The main viewpoints have been assessed below.

Royd Moor Road

As can be seen on the photomontages VP1 and VP2 along Royd Moor Road, the landscape is devoid of any linear features. The turbine is clearly not closely associated to the farm being a significant distance of 225m from it. There are few vertical elements within this local landscape and none directly comparable with the proposed turbine with very little tree cover in the area. Given the size of the turbine, at 24m to the hub and 34m to the blade tip it would be a tall structure and its presence would be compounded by the movement of the blades against the skyline.

The siting to VP1 is improved from the previous submission, however has a more significant presence at VP2. As seen on the additional viewpoint along Royd Moor Road dated 8th January 2016, the proposed turbine is set at a higher level and its impact compounded where the turbine appears above the backdrop of the landscape and where it would significantly breach the skyline. Whilst the impact upon VP1 is slightly improved from the previous siting, it is felt that the harm is still significant and would have a greater impact upon the VP2 and the additional viewpoint along Royd Moor Road. From this viewpoint it would have a significant presence.

Bridleway to the south

The turbine has been moved further away from the well used public bridleway, one of the more important viewpoints noted by the Inspector. Due to the turbine being located further away from the bridleway, the impact is reduced from the previous submission and the turbine would appear less imposing, however at this point there is little to screen the turbine from view and would still appear as a very tall structure, set at a slightly higher level than previously submitted.

Footpath to the east close to Windsor Avenue

The turbine would also be prominent from the public footpath that connects Royd Moor Road with the housing estate, Windsor Avenue to the east, and would be visible from a number of dwellings on the estate. As the turbine is situated further away from the footpath this would result in the turbine appearing as a smaller structure, however as it is at a higher level this would draw the eye towards it. It is also clear from this location that the turbine is not closely associated with the farm itself and would appear as an incongruous and isolated feature within the landscape.

The Inspector stated when dismissing the appeal for the previous location: 'Although I have found that the visual impact of the appeal proposal on the wider landscape would not be significant, I conclude that it would introduce an incongruous element that would harm the visual amenity of the local landscape for those using the routes I have described. It would therefore harm the character and appearance of the area contrary to the aims of policies CSP 6, CSP 29 and CSP 37 of the Core Strategy.' The change in location would not significantly affect this statement as the turbine would still be seen as a large stand-alone structure.

A turbine of this scale in this prominent location, at a high elevation and physically detached from the farm it is intended to serve, it would inevitably have a significant presence and would dominate the local landscape. The utilitarian form the turbine would appear incongruous and intrusive in contrast to the relatively unspoilt agricultural landscape and its moving rotors set above the skyline would draw the eye and attract significant attention which would not be mitigated by further tree planting. It would therefore significantly harm the openness and visual amenity of the Green Belt and have an adverse impact upon the visual amenity of the local landscape for both local residents and visitors to the area. Overall it is considered that the turbine whilst in an amended location would still have a significant impact upon the openness and visual amenity of the Green Belt and as a result would be contrary to policy CSP6, CSP29, CSP34 and CSP37 of the Core Strategy.

Residential Amenity

A number of letters of support have been received to the applicant's own consultation exercise and the Councils separate consultations. Support has been received from neighbouring residents and the head teacher of the nearby Thurlstone Primary school. The comments include 'the turbine would be of great benefit to Westfield Farm and would make

the farm financially viable. A large number of HGV's will be detrimental to highway safety and residents would rather have a wind turbine than busier roads and if the farmer reverted back to haulage use then this would increase heavy traffic and parking problems into the village and would be a danger to parents and children at the school.'

The applicant has stated that the project is essential to help diversify and provide long term financial security for the farm and that should the turbine be resisted, that the applicant would have no option but to increase the haulage use on the site. In terms of any proposed haulage use of the site, as stated previously, an offer by the applicant to limit haulage or surrender the Established Use Certificate by way of a Section 106 agreement as justification for the turbine does not amount to very special circumstances as the applicant has not provided sufficient evidence that the haulage activities have not been abandoned, and on the evidence presented to date, the Established Use Certificate cannot be relied upon as justification for the turbine. The Council could therefore potentially take enforcement action should the haulage use be intensified on the site should the turbine be refused permission.

In terms of other residential amenity issues, the nearest residential dwelling lies approximately 370m from the site on the western edge of Westfield Avenue, there are also dwellings located approximately 430m on a higher level to the north east. Whilst concerns have been raised by local residents regarding potential noise from the turbine; Regulatory Services have assessed the application and raise no objections, subject to the imposition of a planning condition. The proposal is considered to comply with CSP40.

Ecology

The application includes a submitted ecological assessment. The assessment includes an appraisal of the ecological value of the turbine site and concludes that the impact is likely to be low. The site lies within a species poor, improved pasture field and no protected species were identified within or close to the site. Furthermore, the turbine would be sited over 50m from potential bat roosts and foraging grounds which is in excess of the guidance issued by Natural England. Overall the proposal is considered to comply with CSP36.

Highway Safety

Highways Development Control have been consulted and raise no objections to the proposed turbine. The proposed development would not result in any significant highway safety impacts either through construction deliveries or the operation of the turbine. A condition could be applied regarding delivery and construction times. Overall therefore, the proposal is not considered detrimental to highway safety.

Other Issues

Concerns have been raised by local residents regarding the impact on individual views from properties. It is a planning principle that there is no right to a view beyond the curtilage of individual properties. There may be occasions where a development is of such a magnitude that it would overbear nearby properties, resulting in an uneasy feeling to an extent that the outlook of a property or garden may be harmed to an unreasonable degree. However, this is not considered to be the case with this particular application. Whilst there would be views from some local properties it is considered that the distance between the site and dwellings is sufficient to ensure that living conditions would be maintained to a reasonable degree.

Conclusion

The application constitutes inappropriate development which is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. The NPPF requires that when considering any planning application, Local Planning Authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

The applicants have put forward an amended scheme which shows a change in location of the turbine, however whilst there is less impact upon some of the viewpoints, the turbine is more remote and isolated from the farm. Additional justification was also put forward to potentially reduce the small haulage use on the site, however we are unable to consider this as justification as the applicants have not proven that this use has not been abandoned and is still lawful, therefore we are unable to draw up any Legal Agreement on that basis.

The NPPF guides that substantial weight should be attributed to the harm brought about by reason of inappropriateness. In addition to this harm, the proposal would bring about significant harm to the visual amenities of the locality and significant harm to the character and appearance of the local area. The turbine would appear out of scale and proportion with its surroundings and would be separated from the farm. There would be harm to the visual amenities and openness of this Green Belt site which is located within a sensitive landscape character, with a low capacity for change. When balanced, it is not considered that the benefits of the scheme clearly outweigh identified harm and there are, no very special circumstances in this case.

Balanced against all the harms detailed above, the Local Planning Authority must weigh the benefits of the proposal. The Government requires that the balance of benefits should be clear and obviously evident when set against the perceived harm. The generation of renewable energy is a material consideration in this proposal; very special circumstances may include the wider environmental benefits associated with increased production of energy from renewable sources. The support of the rural economy is also a factor in favour. However, the turbine is relatively small, and whilst acknowledging that even a small project can provide a contribution to cutting greenhouse gases, other material considerations override this small benefit. Added to the substantial harm caused by inappropriateness, it is considered that the development would significantly harm the openness and visual amenity of the Green Belt and have an adverse impact on visual amenity for both local residents and visitors to the area.

In the absence of the very special circumstances, it is felt that there are sufficient grounds to refuse the application, given the previous appeal decision, and due to the impact upon the visual amenity and openness of the Green Belt contrary to policies CSP6, CSP29, CSP34 and CSP37 and the National Planning Policy Framework.

Recommendation

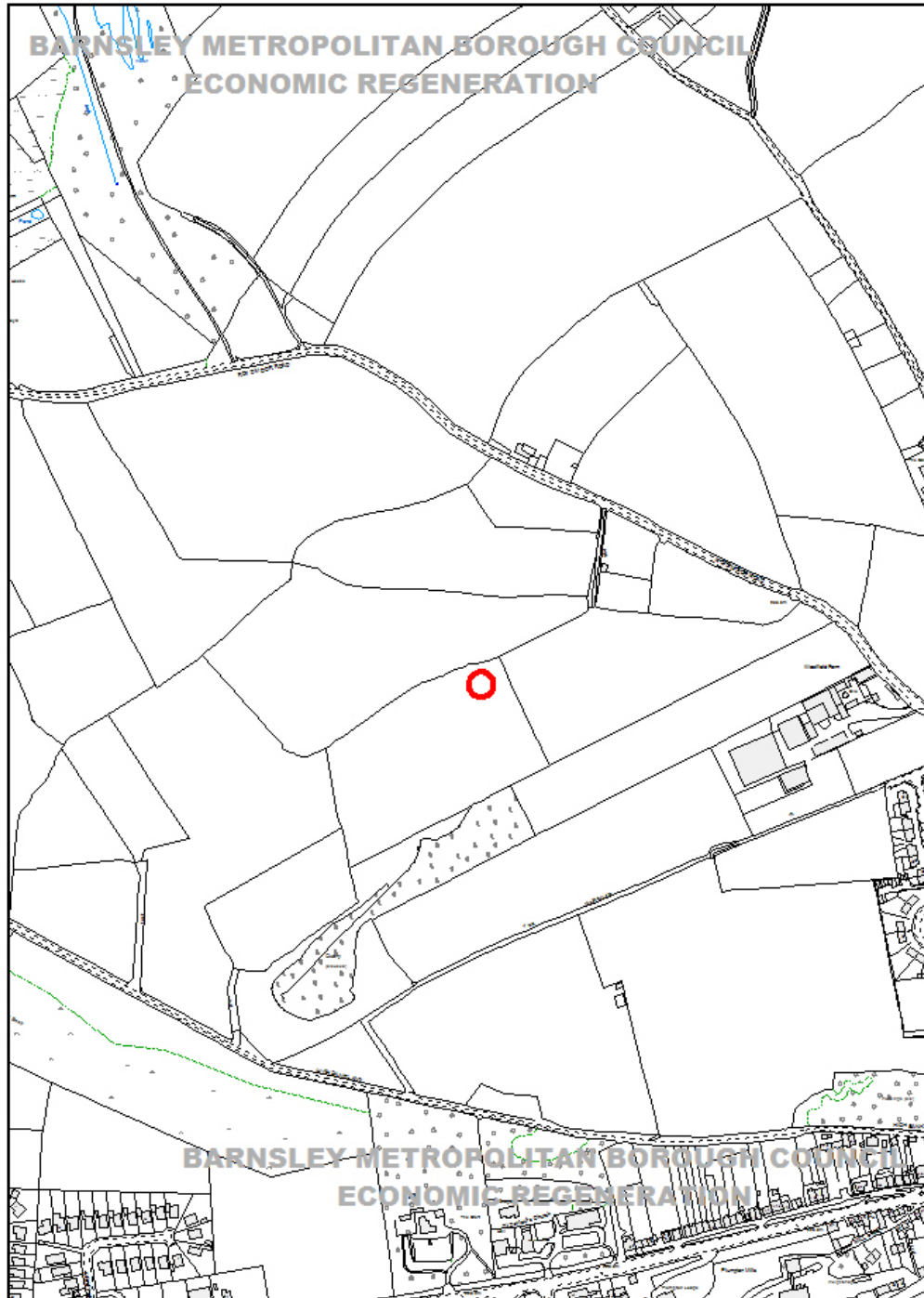
Refuse for the following reason:-

The site is within Green Belt on the adopted Barnsley Unitary Development Plan. In the opinion of the Local Planning Authority, the proposed wind turbine would appear as an incongruous and visually intrusive feature, divorced from the farm and in a location which would adversely affect the openness and visual amenities of the Green Belt. Furthermore, the development, due to its scale and siting would not retain and enhance the character of the Landscape Character Area in which it would be located. The Council considers that no very special circumstances have been demonstrated in this case which clearly outweighs identified harm and harm by reason of inappropriateness. Accordingly the proposal conflicts with policies CSP6, CSP29, CSP34 and CSP37 and the National Planning Policy Framework.

PA Reference:-

2015/0960

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BARNSELY MBC - Economic Regeneration



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2016/1027

Applicant: Mr Mark Jones

Description: Reserved matters (2013/1007) Residential development for 56 dwellings including means of access (Outline)

Site Address: Land off New Road/ Lidgett Lane, Tankersley, Barnsley, S75 3AE

2 letters of objection have been received
1no. Councillor objection to the scheme

Site Location and Description

The site is located towards Lower Pilley and measures approximately 2.6ha. It is rectangular in shape and extends from Lidgett Lane to the North and New Road to the South. The site is mainly grassed over and is open to New Road but separated from Lidgett lane by an established hedge. Levels fall to the South by approximately 10m.

The site borders detached properties to the East, with further residential properties opposite Lidgett Lane to the North, and a recreational ground to the West. Beyond New Road to the South is a wooded area.

Site History

2013/1007 – Residential development for up to 41 dwellings including means of access (Outline) – approved.

2016/0952 – Variation of condition 3 of outline planning application 2013/1007 (residential development of up to 41 dwellings including means of access) to increase the maximum number of residential properties to 56 units, details of which shall be submitted as part of a separate application for the approval of reserved matters -approved

Proposed Development

This reserved matters application, including appearance, landscaping, layout and scale, follows on from application 2016/0952 which granted outline permission for 56 dwellings, including access.

The proposed 56 units would be made up of 44no. 4 bed detached properties, 9no. 5 bed detached and 3no. 2 bedroom terraced. There are 7no. house types proposed in total and all the properties would be two storeys.

The lay out of the development would be laid out around a main access road into the site, off New Road, with 3no. branches off. Those branches would then in turn serve several private drives, providing access to no more than 5 dwellings each. There would be no vehicular access from Lidgett Lane and no individual accesses off New Road.

3 out of the 5 detached house types would have detached/semi-detached garages, 1 of the house types would have attached garages with rooms above and the remaining house type would have an integral garage. All of the proposed dwellings would have at least 2no parking spaces, including the 2 bed terraced dwellings.

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).

Local Development Framework Core Strategy

CSP1 'Climate Change'
CSP2 'Sustainable Construction'
CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP5 'Including Renewable Energy in Developments'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP13 'The Release of Allocated Housing Land'
CSP10 'The Distribution of New Homes'
CSP13 'The release of Allocated Housing Land'
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'
CSP33 'Green Infrastructure'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP37 'Landscape Character'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Safeguarded land

Policy GS10 'In areas shown as Safeguarded Land on the proposals maps existing uses will normally remain during the plan period and development will be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development will only be granted following a review of the UDP which proposes that development on the land in question'.

SPD's

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

Planning Advice Note's

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

Local Plan

SAF33 – Safeguarded land

Other

South Yorkshire Residential Design Guide

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

Para's 58 & 60 – Design considerations

Consultations

Affordable Housing Officer: No objections as S106 signed as part of outline

BMBC Drainage: No objections subject to conditions

Education: No objections as S106 signed as part of outline

Highways DC: No objections to internal layout or parking provided

Tannersley Parish Council: No comments received at time of preparing report

Ward Councillors: Cllr Barnard objects – increased traffic movements, surface water runoff issues, school capacity problems & sewerage and water supply capacity.

Regulatory Services – No objection subject to conditions

Tree Officer – No objections to revised layout subject to conditions

Representations

The applications have been advertised by way of site and press notices. Properties which share a boundary to the site have been consulted in writing.

As a result of the consultation 2 letters of objection have been received. The main points of concern are:

- Out of character with the area, detrimental to visual amenity, too large for village
- Reduce residential amenity
- Development result in Urban Sprawl
- Affect the character of the village
- Loss of open space/green space/countryside
- Loss of agricultural land
- Loss of wildlife habitat
- Pressure on local infrastructure
- Alternative 'Brownfield' sites available

Assessment

Principle of Development

The site is currently in agricultural use and is allocated as safeguarded land in the UDP and proposed Safeguarded Land in the Publication Draft of the Local Plan. However, the principle of residential development has previously been set on the site with the approval of applications 2013/1007 and 2016/0952. As established in the previous permissions, the residential development on the site is supported for the following reasons;

UDP policy GS10 is clear that on Safeguarded Land existing uses will normally remain during the plan period and that planning permission for alternative development will only be granted following a review of the UDP. Taken as read the proposal would be contrary to UDP policy.

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

The Unitary Development Plan was adopted in 2000 therefore the extent it can be relied upon in terms of current development needs is becoming dated. The NPPF also states that decision makers should only afford full weight to policies adopted from 2004 onwards.

The Council cannot demonstrate a deliverable five year supply of housing land and as such the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) applies and indicates that the proposal should be allowed.

It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, paragraph 49 is clear that where no five year supply can be demonstrated, the

presumption in favour of sustainable development at paragraph 14 of the NPPF should be used to determine planning applications and that relevant policies for the supply of housing should not be considered up to date. Other relevant development plan policies and material considerations should, however, still be considered.

As the principle of residential development has already been established for 56 dwellings, this report will focus on the reserved matters including appearance, landscaping, layout and scale. The impact will be explored under the following headings:

Sustainability

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

Whilst the contribution to the environmental dimension of sustainable development would be largely neutral, the proposal would significantly contribute to the economic (through council tax revenue, increased spending within the local area, creation of jobs etc.) and social dimensions (contributions for improving local secondary schools, improvement to local green spaces, provision of affordable housing etc.), especially with the increased unit numbers above the original outline, as such, the development is considered to be sustainable. On this basis, it is considered the presumption in favour of sustainable development applies.

Residential Amenity

The principle of 56no. dwellings on the site was considered and approved as part of application 2016/0952. There are no neighbouring properties to the South of the site, opposite New Road, as it accommodates a wooded area/plantation. There are also no properties beyond the Western boundary as it is shared with a recreation ground.

The closest neighbouring property to the site is The Hawthorn to the East. Plot 1 in the South Eastern corner of the site would share a boundary with that property but they would be on a similar building line and side elevation to side elevation. There would also be a separation distance of approximately 13m. The detached double associated with plot one would be adjacent to the shared boundary and beyond the neighbouring rear elevation but would be a relatively modest structure and orientated to the North West.

Plot 8 would also share a boundary with The Hawthorn but would be over 12m away with the closest part being the 1.5 storey garage off shoot. As such, it would not result in an overbearing feature and, because of its orientation and separation distance, would not significantly increase overshadowing. There are also no habitable room windows directly overlooking the boundary.

The side elevations of the dwellings and rear elevations of the attached garages of plots 10 and 56 would share a boundary with a neighbouring garden/land. The plots would be a significant distance from the neighbouring dwelling and only 1no. habitable room window, serving bedroom 5/study would face the boundary. Although there would be some overlooking, views would be towards large mature trees and would not be significant.

There are properties beyond Lidgett Lane to the North of the site, known as Knoll Cottages. These are side on to the development and built on a higher level. There would also be a 15m side to side separation distance from the closest property. In addition, the existing hedge along Lidgett Lane would be retained as well as an additional landscaping strip between the hedge and the proposed dwellings. As such, residential amenity would be maintained to a reasonable degree.

With regards to the residential amenity of the future occupants of the scheme, the separation distances generally comply with the guidance set out in SPD 'Designing New Housing Development' and both the internal and external standards meet or exceed the requirements of the SPD and the South Yorkshire Residential Design Guide.

Design & Layout

A number of the proposed dwellings front onto New Road, although they do not take direct individual access from it. As with the existing dwellings immediately adjacent to the East of the site, the proposed dwellings would be set back from the existing highway and a landscaping strip is proposed to the site frontage to soften the development and act as a buffer in order to retain the 'green' and 'countryside' feel to the area. Similarly there are dwellings which have their front elevations orientated to Lidgett Lane, although do not have direct access to it. The existing mature hedge would be retained to maintain the 'lane' feel and also a landscaping strip would be incorporated behind it to soften the development.

The development would also be softened by the tree belt which runs along the Western boundary of the site and would restrict views of the development when traveling from the West on New Road and Lidgett Lane and also from public vantage points within the recreation ground.

It is acknowledged that there are fields to the West of the site and low density housing to the East, and as such the proposed development would obviously have a higher density than its immediate surroundings. However, as outlined above permission has already been granted for up to 56 dwellings on the site and the density is still relatively low compared with other parts of the borough at 21 dwellings per Hectare. Furthermore, the majority of the house types proposed are larger 4 and 5 bed detached properties which are more commonly found in rural areas. The dwellings are also a maximum of 2 stories in height which is representative of the dwellings in the surrounding area.

The proposed internal layout involves a main cul-de-sac with two smaller cul-de-sacs extending off to the East and West. The roads have a hierarchy with the main estate road being wider and incorporating grass verges. The cul de sacs are more intimate with just hard margins and the private drives more intimate still with shared surfaces. This hierarchy aids legibility through the estate and is in accordance with Building for Life 12.

The majority of dwellings will face onto the estate roads with some being served by shared private drives leading off them. As outlined above, dwellings adjacent to New Road and Lidgett Lane will face those roads but have no direct access. This will result in active elevations facing existing roads in order to make a positive contribution to the streetscene. In the case of corner plots, house types with active elevations to both roads have been proposed or the dwellings have been set at an angle to the corner.

All plots are set back from their respective roads, separated by garden/landscaping areas. In terms of car parking, the majority of the spaces are provided to the side elevations which reduces the dominance of the car on the streetscene and also aids to separate the dwellings giving a more open and spacious feel.

In terms of the house types themselves, they are considered acceptable for the site and appear of a higher quality befitting of the rural surroundings. There are 7 house types proposed which adds to the mix and interest throughout the development, in accordance with CSP 14 and aids to provide an attractive streetscene. There are also a mixture of materials proposed which again adds interest and variety.

Affordable Housing

The site falls within Penistone East which is part of the Rural West whereby a 25% affordable housing requirement is needed in accordance with policy CSP15. 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 including the previous permissions on this site.

The previous application (2013/1007) was considered alongside a further outline residential development at land off Pilley Green/Lidgett Lane for 31 units which was also by the previous applicant. The previous applicants committed to the delivery of a combined 18 offsite affordable units which would have been constructed at the former Rockingham Colliery site which was owned by the applicants and obtained planning permission under application B/02/0986/WB for the construction of 41 dwellings. With the exception of the 18 units the site has been constructed, being developed in the mid 2000's by Ben Bailey Homes. The planning permission therefore remains extant. The delivery of the affordable units was included within a s106 agreement.

Application 2016/0952 which was approved to increase the maximum number of residential properties to 56 units, was subject to a further s106 agreement. However, at that stage this site was being considered on its own and not in conjunction with the Pilley Green Site. As such, the Affordable Housing requirement needed to be site specific and be representative of the 56 units being proposed. A new Section 106 was therefore agreed under 2016/0952 which, in accordance with CSP 15, calculated that 14no affordable units are required for this site. There would still be 10 units provided off site on the Rockingham Colliery development and 3no. 2 bed units would also be accommodated on site. However, this would leave a deficit of 1no. affordable unit, therefore, a contribution of £38,352.07 is also required. The above requirements have therefore been incorporated as part of the signed s106 agreement relating to the outline application (2016/0952).

Education

The Education Officer was consulted on application 2016/0952 and calculated that there is a surplus at primary schools but a deficit of places at secondary schools, as such, compensation would be required for the additional 9 secondary school places generated by the development. The contribution per place for secondary schools equates to £14,102, therefore, an overall contribution of £126,918 (9 x £14,102) is required as a result of the development. As with the Affordable housing contribution above, this has been included within the signed s106 agreement which followed on from the approval of 2016/0952.

Green Space

In accordance with CSP35, CSP42 and the SPD: Open Space Provision on New Housing Developments, all residential development over 20 units are expected to provide green space, whether that be on site or a financial contribution to upgrade existing offsite facilities

General open space requirements require a minimum of 15% of the gross site area of new housing development must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses as per 'SPD: Open Space Provision on New Housing Development' standards. An initial green space assessment states that an off-site contribution would be required, in connection with the requirement for new green space as per policy requirements. Condition 6 of outline application 2016/0952 requires a scheme for provision of or enhancement to off-site public open space.

As details of the properties are now available as part of this application, the contribution calculation for off-site provision, as part of appendix 2 of SPD 'Open Space provision on New Housing Developments Consultation', can now be utilised. There are 53 no. dwellings with 4+ bedrooms which generate a contribution of £2013.13 per dwelling (£106,695.89) and 3no. 2 bedroom properties which generate a contribution of £1436.82 (£4310.16). As such, a total off site contribution of £111,006.35 is required. This can be secured through a legal agreement.

Highways Safety

Highway safety issues have been a prevalent concern expressed within the many representations received on the previous applications and also form part of the representation received for this application. Principle concerns relate to the volume of traffic on local roads, inadequacy of Lidgett Lane and annual Flooding along New Road. In accordance with policy CSP26 new development must be designed to ensure that safe, secure and convenient access for all road users can be achieved. Mitigation must be secured where there is either a known or potential safety issue on hand.

The crux of resident's highways objections remains one of safety and capacity for the highway infrastructure to accommodate the proposed scale of growth. In response to this, the previous applications were accompanied with an independent Transport Assessment, and associated addendums, despite falling below the relevant threshold. The conclusion reached was that the site can be accessed safely and would not have a detrimental impact on the local highway network. As such, the previous outline application was approved and included access. As such, access onto the site from New Road has been approved and this application will not revisit that, but, aims to consider the internal road layout and parking provision.

Highways DC have been involved with the application from an early stage and the initial layout has been revised on the back of their recommendations. The proposed internal layout is considered acceptable and provides adequate visibility splays, turning heads and pedestrian areas. It is noted that some of the garages would fall short of the dimensions set out in the 'South Yorkshire Residential Design Guide', however; in any case, each property would have at least 2no. parking spaces, in accordance with SPD 'Parking'. In terms of the internal layout therefore, Highways have raised no objections to the scheme

Drainage & Flood Risk

No watercourses run directly through the sites but Birdwell Dyke is located adjacent to the southern side of New Road. Both sites lies within Flood Zone 1 on the Environment Agency's Flood Risk map. Development located within Flood Zone 1 is identified as being suitable for all types of development and the risk of flooding from rivers etc. is low. The Environment Agency was previously consulted and raised no objections.

The location of the New Road access point has previously been agreed with Highways DC as well as the Drainage Authority. It occupies the higher ground which is not prone to flooding. This would ensure that access and egress to the residential site can be maintained at all times.

Trees

There are a number of existing trees and hedges on and off site to the West, North and East, although very few features are evident within the centre of the site itself. Obviously, the previous permission established the principle of 56 dwellings on the site; however, this application focuses on details such as scale, appearance, layout and landscaping.

The Tree Officer has been heavily involved with the application and the plots closest to the existing arboricultural features have been amended and repositioned on his advice. The proposed layout would achieve acceptable distances to the trees and hedges so that they can be retained while not being impacted upon significantly.

The Tree Officer is satisfied that the layout under consultation could be developed while still predominantly retaining the existing hedges and trees. Furthermore, the proposed separation and stand-off distances should not cause future problems for the residents of the scheme, in terms of the impact those trees and hedges would have on the dwellings themselves.

The Tree Officer has raised no objections to the scheme subject to conditions.

Landscaping

A detailed landscaping plan, showing species, heights etc. has not been submitted alongside the application, however, a landscaping condition is included on the outline and full details will be required to be submitted prior to commencement.

An indicative landscaping layout is provided though showing the retention of the trees and hedges to the boundaries of the site, additional planting/buffer zones adjacent to Lidgett Lane and New Road, as well as areas of planting throughout the site, including grass verges along the main access route through the site. As such, adequate areas have been set aside for landscaping to aid soften the development and allow it to sit comfortably within its semi-rural setting.

Ecology

As mentioned above, the principle of residential development of upto 56 dwellings has previously been set. A Biodiversity Mitigation and Enhancement Plan has been submitted alongside this planning application. However, the Councils Ecologist has assessed the details contained in this report and requires further information. Condition 23 of the outline permission required information mitigation and enhancement details to be submitted with the reserved matters application, this has been done but not to a satisfactory standard, in addition, since that report was submitted additional amendments have been made to the layout within close proximity to the trees and hedgerows. Therefore, an additional condition will be recommended to ensure appropriate mitigation measures are in place.

Conclusions

The principle of residential development has been set with the approval of application 2013/1107 and 2016/0952. In addition, the proposals are considered to be sustainable taking into account the three dimensions of sustainable development (economic, social and environmental) referred to in the NPPF. Accordingly, the NPPF Presumption in Favour of Sustainable Development applies.

Having thoroughly assessed the reserved matters against other relevant development plan policies and taking into account other material considerations, including those raised in representations, it is not considered that there are adverse impacts which significantly and demonstrably outweigh the benefits of the scheme (subject to securing the necessary mitigation sought within the S106 agreement and recommended planning conditions). On this basis, the proposals are considered acceptable.

Recommendation:

Members resolve to grant subject to the conditions given and completion of section 106 agreements securing off site open space contributions.

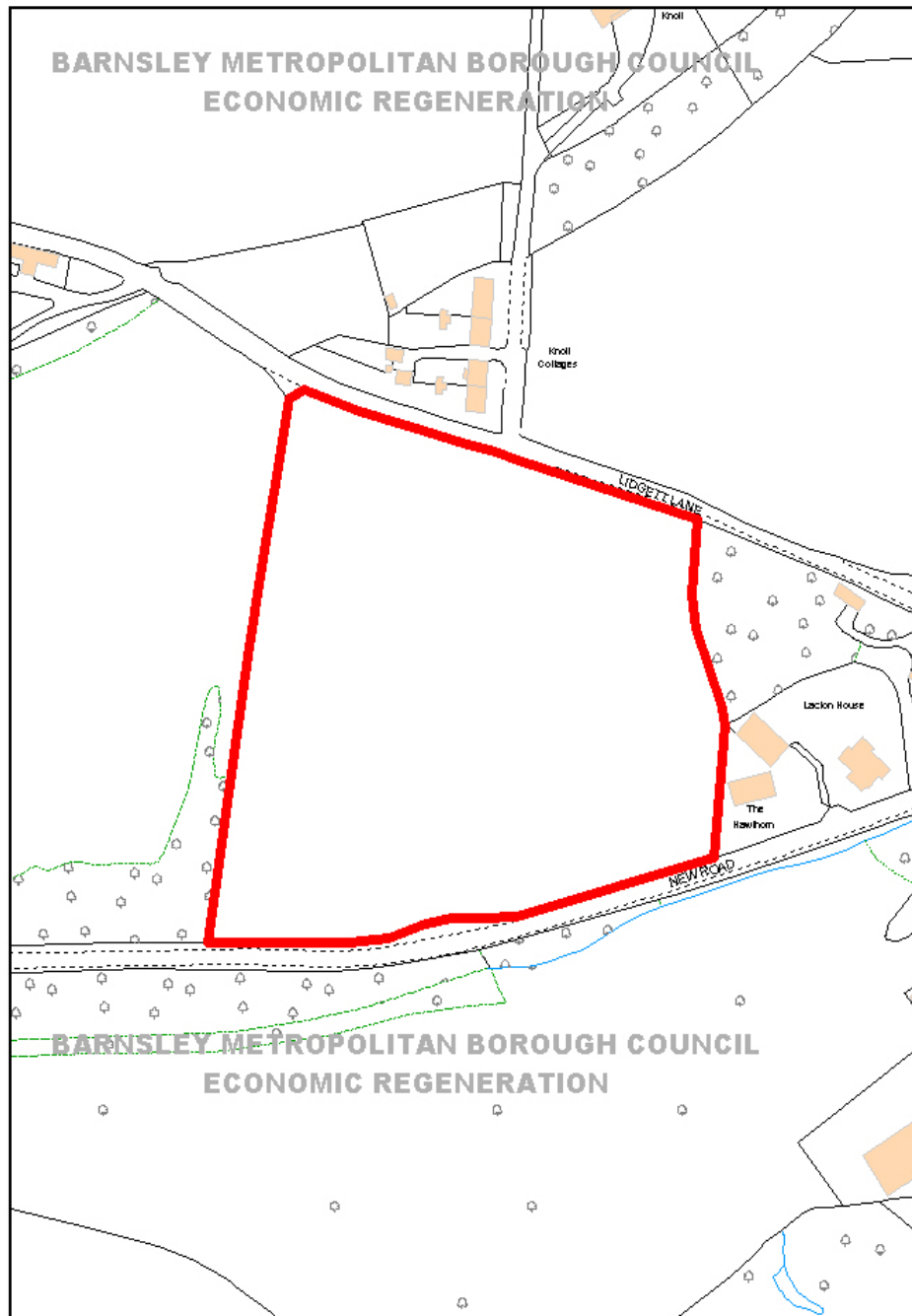
- 1 The development, hereby permitted, shall be begun before the expiration of two years from the date of this reserved matters approval.
Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 2235-TL01-E, 2235-PL02-C, H497---5, H469--X5, H436---5, H411---5, H587---5, H587---5, N200TE-5, N300TE-5) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The 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.
- 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 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 Prior to the commencement of the development detailed plans shall be submitted to, and approved in writing by, the LPA indicating biodiversity mitigation and enhancement measures. Thereafter the development shall proceed in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.

PA reference :-

2016/1027

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BARNSELY MBC - Economic Regeneration

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2016/1513

Applicant: Stephen G Wragg, C/o Agent Peter Dimberline RIBA

Description: Residential development of 3 no split level two/three storey detached dwelling houses, access road and associated works.

Site Address: Land Between Windy Ridge, Hollinberry Lane, Howbrook, Wortley, Sheffield, S35 7EL

9 letters of objections received from local residents.

Wortley Parish Council has objected to the scheme.

Councillor Barnard has objected and asked Members of the Planning Board to consider a site visit.

Site Description

The application site measures approximately 0.32 Hectares in size and sits to the North of Hollinberry Lane. It currently consists of an agricultural field which slopes from North to South and West to East. How Brook, a water course, runs along the Eastern boundary of the site at the lowest point and there is a tree belt to the South of the site running along the boundary with Hollinberry Lane.

Outside of the application site, there is a detached 1.5/2 storey property located to the West, known as Windy Ridge, which sits on a higher level than the application site and a detached 2.5 storey dwelling to the East. To the North of the site is an open field which runs along the boundaries of properties fronting Carr Head Road. To the South of the site, beyond Hollinberry Lane, are several split level properties.

Proposed Development

The applicant seeks permission to erect 3no. split level, detached 5 bedroom properties.

The properties would appear 3 stories high from the front and 2 stories to the rear, incorporating an upper and lower ground floor. They would be arranged in a staggered line and be served by a private drive which would have a junction with Hollinberry Lane in the South West corner of the site. The drive would also provide access to the field to the rear of the site via single track along the Western boundary.

Each property would have a garden and driveway with turning facilities, providing access to an integral double garage, to the front and an enclosed private garden to the rear.

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

The Council has 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

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

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

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

CSP 34 - 'Protection of Green Belt' in order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

Saved UDP Policies

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

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

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

SPDs/SPGs

SPD 'Designing New Housing Development'

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

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

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

Chapter 9 of the Framework seeks to ensure that Green Belt land is protected. It sets out that the Green Belt serves the following 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.

Paragraphs 87, 88 & 89 go on to state 'As with previous Green Belt policy, 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 include 'limited infilling in villages'.

Consultations

Wortley Parish Council – object for the following reasons;

- Size and scale of dwellings not in keeping
- Agricultural land
- Out of character with open feel
- Flooding issues within the area
- Reduce highway safety
- Disused mines on site
- Extension to the village not infill

Yorkshire Water – No objections

Pollution Control – No objections

Highways DC – No objections subject to condition

South Yorkshire Mining Advisory Service – No objections subject to conditions

The Coal Authority –Subject to the imposition of a suitable condition, no objections in principle.

Tree Officer – No objections subject to conditions

Ecology – No objections subject to conditions

Drainage – No objections subject to conditions

Ward Councillors – Cllr Barnard objects to the scheme for the following reasons;

- Had previous planning refusals in 1975 and 1988
- If considered infill then could set a precedent and further erode village
- Request that a site visit is considered

Representations

The application was advertised by way of a site notice to the front of the site and letters to neighbouring properties within the immediate area. As a result of the consultation 9 letters of objection have been received. The main points of concern are;

- Lack of facilities in the village
- Loss of wildlife
- Increase flood risk
- Development should not be considered infill
- Cause sewage problems
- Design of the dwellings not in keeping with the village
- Loss of outlook
- Reduced highway safety
- Set a precedent for future similar development
- Potentially disturb old mine workings
- Previous applications refused on the site
- Not a sustainable location
- Reduced privacy levels

Assessment

Principle of Development

The Core Strategy settlement hierarchy lists Howbrook as a village and the Local Plan, which is currently under examination, continues to list Howbrook as a village. The Core Strategy indicates within CSP8 'The Location of Growth' that within villages, development is likely to occur on small infill sites that are consistent with, and sensitive to, Green Belt policy.

The appeal site is located within the Green Belt, where the Framework says that inappropriate development should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate development except where it comprises limited infilling within villages.

A village boundary has not been identified in the adopted UDP plan or Local Plan. The main development is clustered around Carr Head Road with further dwellings and development along Hollinberry Lane. The site itself has a frontage and existing access onto Hollinberry Lane and has residential properties to the West, East and South. On these facts and, given the scale of the development, It is considered that this proposal would comprise limited infilling in a village and would not be inappropriate development. The site is similar in some

ways to the application for 4 dwellings at Huthwaite Lane, near Thurgoland (application reference 2014/1240). In that instance the development was within the village of Huthwaite which itself does not have a defined village boundary. It was accepted in that application that as the development had a frontage onto a main road and had housing on at least two sides that it could be classed as limited infill within a village. Whilst it is acknowledged that the two sites are different they do display similar characteristics and as such it is considered that a similar classification of limited infilling can apply to this site in Howbrook. Accordingly, it is unnecessary to consider whether very special circumstances exist to justify the development.

It is acknowledged that previous planning applications for residential development have been refused on the site and appeals dismissed. Several residents and a local Ward Member have cited these decisions and state that little has changed since those decisions were made. However, those applications were made in 1975 and 1983, almost 30 years prior to the publication of the NPPF (2012) which, as outlined above, cites limited infilling in villages as an exception to Green Belt policy. As such, there has been a significant change in policy since those decisions and, as such, they carry little weight.

The development would inevitably have some effect on the openness of the Green Belt. However, given that it would represent limited infilling in a village, and also the topography of the site, the effect on openness would not be so significant that it would cause any significant material harm to the character and openness of the Green Belt. The visual impact of the development is discussed in further detail later in this report.

It is also important to note that the Council cannot demonstrate a deliverable five year supply of housing land and as such the presumption in favour of sustainable development in the National Planning Policy Framework (NPPF) applies. This means that permission should be granted unless the adverse impacts of the development significantly and demonstrably outweigh the benefits. The provision of 3 dwellings would make a small, but important contribution to the housing needs of the borough.

Sustainable Development

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

The provision of 3 dwellings of the type and size proposed would make an important, albeit small, contribution to the delivery of a wide choice of high quality homes and meeting the needs of different groups in the community. The introduction of 3, large detached houses into this setting would not conflict with the objective of encouraging inclusivity and would positively contribute to the creation of a mixed community consistent with the Framework.

The objectors suggestion that Howbrook, given its lack of services and limited access to public transport, is locationally unsustainable contradicts the identification of Howbrook as a village in the Core Strategy and emerging Local Plan settlement hierarchy where some development is envisaged. Manual for Streets (MfS) published in 2007 highlights that walking offers the greatest potential to replace short car trips, particularly those under 2km. Thus, whilst within Howbrook the availability of services is lacking, there is within 2km a

variety of facilities that could provide for the day to day needs of residents within High Green, albeit, it is acknowledged that access is across the A61. Whilst the bus service to Howbrook is limited, bus stops are available within approx. 150m and 325m of the site which are served by service 29 (Sheffield to Penistone). This service operates every 60mins between Monday and Saturday daytime. This situation is similar to that for the Huthwaite application previously mentioned, and in that case the Inspector accepted these circumstances as sufficient to compromise sustainable development.

The environmental dimension includes moving to a low carbon economy. In terms of housing, this can be achieved through the minimisation of resource and energy consumption. Although no specific measures are outlined, the dwellings would need to comply with Building Regulations requirements.

Residential Amenity

It is acknowledged that the site has been used for agricultural purposes for a number of years and the introduction of residential development on the site would inevitably introduce noise and disturbance through residential activity and vehicular movements. However, given the proximity of neighbouring residential properties, and the position of the site within the village, the introduction of 3no. units would not significantly reduce residential amenity as a result.

To the rear of the site are open fields and the properties to the South, opposite Hollinberry Lane, would be some 55m from the proposed front elevations, over double the recommended separation distance set out in SPD 'Designing New Housing Development'. Number 21 Hollinberry Lane is cited to the East of the site, with the dwelling on a lower level, however, the two sites would be separated by the water course and the existing side elevation would be approximately 30m from the proposed side elevation of plot C, as such, residential amenity for the above mentioned existing residents and the future residents of the proposed dwellings would be maintained to a reasonable degree.

The proposed development, especially plot A, would be closest to Windyridge to the West of the site. That plot would also be set back on its plot, positioned beyond the neighbouring rear elevation. However, there would be a separation distance of approximately 15m between the two side elevations and they would be separated by a track, providing access to the field to the North. It is acknowledged that Windyridge is a split level property whereas, the proposed properties would have 3 stories to the front. However, Windyridge is built on a higher level than the application site and the neighbouring ridge would be actually higher than those of the proposed dwellings. In addition, the development would be orientated to the North East of Windy Ridge.

Taking the above into consideration, it is not considered that the proposed development, given the orientation, positioning and levels, would significantly increase overshadowing or result in overbearing features. Furthermore, there are no habitable windows proposed on the upper floors of the side elevation of Plot A facing the boundary with Windyridge, therefore, privacy levels would be maintained to a reasonable degree.

With regards to the amenity of the future residents of the 3no. dwellings, the internal and external spacing standards exceed those set out in the South Yorkshire Residential Design Guide and SPD 'Designing New Housing Development'.

Visual Amenity

The proposed dwellings have been designed for the plot, as such, given the topography of the land, the resultant development is split level with 3 stories to the front and 2 to the rear. A number of objections have been received regarding the size and design of the dwellings stating they do not reflect the character of the village. However, Howbrook is made up of a mixture of properties from a wide range of sizes, designs, ages and styles. Therefore, there is not a set architectural 'style' or appearance that new dwellings would need to adhere to in order to harmonise with the existing stock.

It is acknowledged that 3 stories are not the norm within the immediate area, although there are some examples found across the village. However, given the topography of the surrounding area there are a number of split level properties which have an element of underbuild. Although the proposed dwellings have 3 stories to the front, they are not traditional 3 story properties as they are built into the hillside with the rooms to the rear of the lower ground floor not having access to natural light. When viewed from the rear the dwellings would have a more traditional 2 story appearances

It should be noted that Windyridge, due to the topography of the land, would retain a ridge height higher than the proposed dwellings. The level of the land also drops from the level of Hollinberry Lane before it rises up again to the rear boundary. As such, the majority of the lower ground floor would be below the level of the highway, with the upper ground floor only 1m above it.

The impact of the proposed dwellings would also be greatly reduced given their position within the site, some 30 back from Hollinberry Lane and the retention of the mature trees and hedges to the back edge of the footpath serving the highway which are, in some cases, higher than the ridges of the proposed dwelling. The only break in the vegetation along the site frontage would be where the access point would be, which utilises an existing access where there is currently no mature vegetation. Additional planting is also proposed as part of the scheme and full details of the species, height and type would be conditioned. Furthermore, the dwellings would be viewed against the rising land levels to the rear of the site.

In terms of visual impact, given the comments above, whilst the proposed layout would inevitably result in a change in the appearance of the area it would not unacceptably diminish the spacious character of the immediate area or appear obtrusive and incongruous in the immediate setting. As such it is not considered that they would be significantly detrimental to the openness or character of the Green Belt or the visual amenities of the surrounding area.

Concern has been raised that if the application is approved it would set a precedent for further applications to come forward which could erode the character of the village. However, each case would have to be assessed on its own individual merits.

Trees

The arboricultural information submitted with the application shows that there will only be minimal encroachment into the rooting areas of the trees on site and that the development will not necessitate the removal of any trees. There is therefore no objection to the proposal from an arboricultural perspective providing that the trees are adequately protected during the development. As such tree protective barrier details will be required along with a tree protection plan showing their locations and any phasing of their positioning.

Highway Safety

Hollinberry Lane is a classified road (C74) and a bus route subject to a 30mph speed limit at the site. A visibility splay can be provided to the Southeast of the site, but to the Northwest the splay is over land not under the applicant's control; however it seems unlikely this will be obstructed in future. Given the existing use of the access position and the presence of other accesses nearby, the proposal is considered acceptable.

Each of the properties would have 2no. off street parking spaces, in addition to the integral garages, and adequate turning and manoeuvring space would be provided within the curtilage of the dwellings, and on the private drive serving the development to allow vehicles to enter and exit the site in a forward gear.

Highways DC have assessed the proposals and have not raised objection subject to the imposition of conditions.

Ecology

An Ecology Report has been submitted alongside the application. This report has been assessed by the Councils Ecologist who is satisfied with the findings. The report provides findings to show that there should be no detriment to any protected species and recommends a number of suitable mitigation measures including the retention of trees and additional vegetation planting. Suitable conditions are therefore recommended.

Mining

A Coal Mining Risk Assessment has been submitted alongside the planning application. SYMAS have assessed this report and commented as follows:

"As requested, the applicant has secured a Coal Mining Risk Assessment for the proposed development via ARP Geotechnical Ltd Consulting Engineers. We concur with the findings of this report, which in brief recommends that site investigation works are required with regard to the potential shallow coal and an old mine entry on the land. On this basis we would not object to planning permission being granted providing a condition to ensure the recommended works are undertaken is included"

The Coal Authority concur with the above and as such a suitable condition is recommended.

Summary

The application site is located within the Green Belt where the NPPF says that inappropriate development should not be approved except in very special circumstances. The construction of new buildings is regarded as inappropriate development, however, exceptions to this include where it comprises limited infilling within villages. It is considered that this proposal would comprise limited infilling in a village and would not be inappropriate development. Accordingly, it is unnecessary to consider whether very special circumstances exist to justify the development.

The proposed dwelling would ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, the development would maintain visual amenity and would not significantly reduce the openness of the Green Belt given its village location, in accordance with policies H8D, CSP 26, CSP 29, CSP 34, SPD's 'Designing New Housing Development' and 'Parking' and the NPPF.

Recommendation - Grant subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 2016/18/01-sh.2, 2016/18/01, 2016/18/02, 2016/18/03 & 2016/18/04) 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 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.
- 5 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 6 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.
- 7 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.

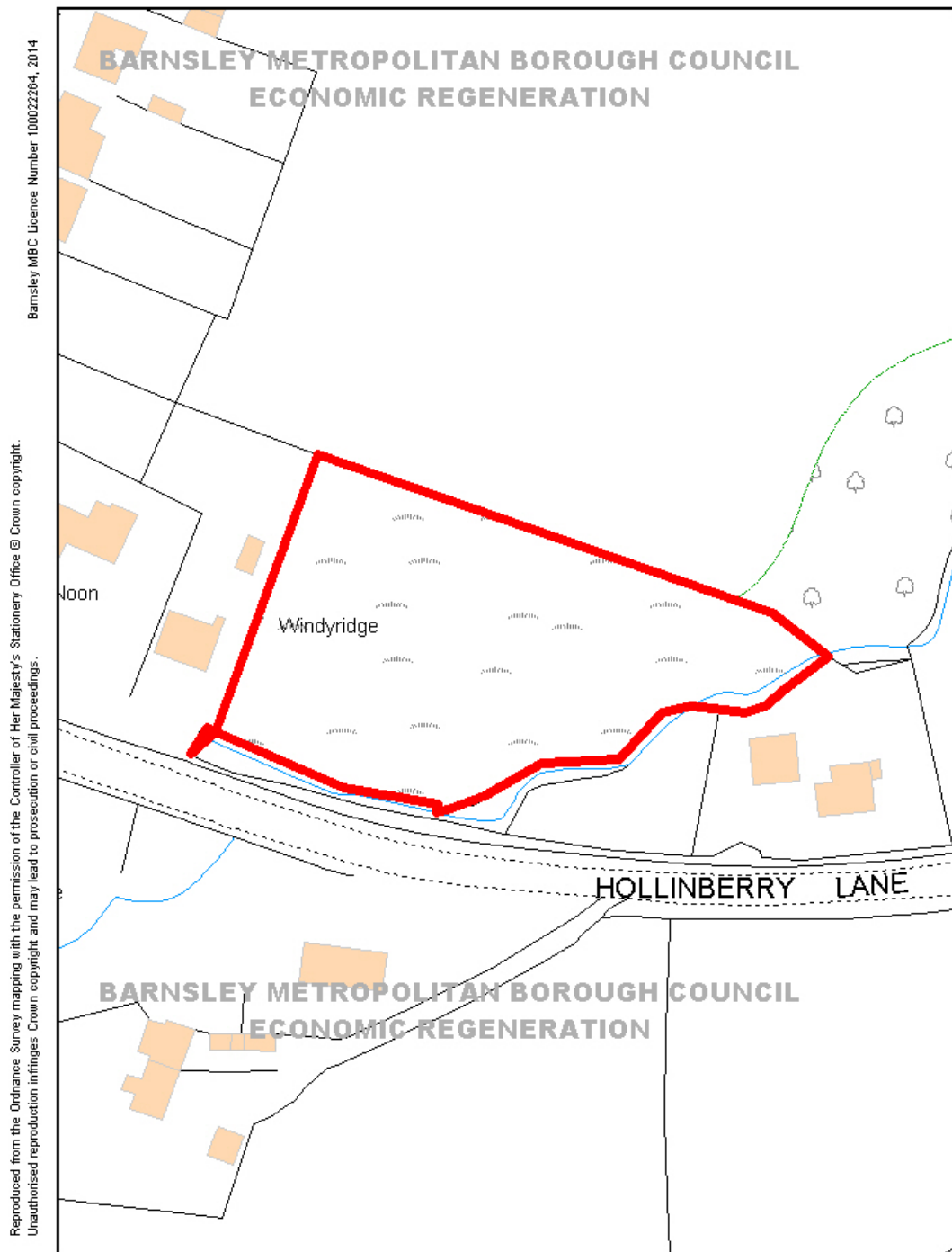
- 8 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 9 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 10 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.
- 11 Development shall not commence until details of measures to prevent mud/debris from being deposited on the public highway to the detriment of road safety, have been submitted to and approved in writing by the Local Planning Authority, and such measures shall be retained for the entire construction period.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 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 A visibility splay, having the dimensions 2.4m x 71m, shall be safeguarded at the junction of the proposed access with Hollinberry Lane, such that there is no obstruction to visibility and forming part of the adopted highway
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 14 Development shall not commence until details of all areas for the parking of all employees' vehicles, the storage of building materials and plant have been submitted and approved in writing by the Local Planning Authority, and such areas shall be retained for the entire construction period.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 15 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 16 The foul drainage from the proposed development shall be discharged to a Package Treatment Plant and soakaway system which meets the requirements of Building Research Establishment Digest 365 and which complies with the following:
- a) there is no connection to any watercourse or land drainage system and no part of the soakaway system is situated within 10 metres of any ditch or watercourse.
 - b) porosity tests are carried out in accordance with BRE 365 to demonstrate that suitable subsoil and adequate land area is available for the soakaway.
- Reason: to prevent the pollution of the water environment.**
- 17 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
- 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**
- 18 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.**
- 19 Prior to the commencement of development a site investigation must be undertaken to fully investigate potential mining legacy risks. The investigation should be carried out in compliance with CIRIA publication 32 'Construction Over Abandoned Mine Workings', a report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details.
- Reason: In the interest of Land stability NPPF sections 120 & 121.**
- 20 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to maintain surface water run off at greenfield rates, and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
- Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**

- 21 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

PA reference :-

2016/1513



BARNSELY MBC - Economic Regeneration

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



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2015/1089

Applicant: Mr R Oddie, C/o Agent John R Paley Associates

Description: Outline application including details of access and associated works for residential development (Resubmission of 2014/0125)

Site Address: Land at West Street, Worsbrough Dale, Barnsley

2 objections from local residents.

Councillor Gill Carr states that she and the other Worsbrough Councillors are supportive of the proposal for the site to be developed for housing purposes as an alternative to the existing employment use.

Site Location & Description

The site is approximately rectangular in nature and situated within the urban area of Barnsley. There are residential properties to the north, and west, with industrial buildings bordering the eastern boundary and Worsborough Country Park located to the south. The site area is approximately 1.52ha. The site is predominantly covered with paved areas and 8 existing industrial buildings (Nos1-7 plus 7A). There are some areas of rough grass around these buildings. West Street forms the northern boundary of the site and the former Dearne and Dove Canal abuts the southern boundary.

The River Dove runs approximately 50m to the south of the site. Midway along the northern boundary of the site there is an electrical sub-station and a telecommunications mast. The services that serve the properties are still in the ground. There is sporadic/substantial tree and shrub growth adjacent the southern site boundaries.

A public footpath is shown running adjacent to the canal on the southern boundary.

The site generally falls from a high point of 59.7m AOD in the north east towards a low point of 53m AOD in the south east corner. The site slopes from north to south at an average gradient of approximately 1 in 20. The southern boundary is generally flat with only a slight gradient from west to east.

The remaining occupants on the site are AHS Recycling and W Blackley Body Shop.

Site History

The site, originally known as The Dearne and Dove Steam Saw Mill, has a long history of industrial uses dating back to 1850. Since that time the site has housed a coal mine, a canal and a barge building company which turned into a timber company mostly supplying the local coal mines.

From 1969 until 2000 the site was in engineering use for specialised mining machinery for the National Coal Board, which ceased trading in 2000. From 2000-2009 the site was occupied by a subsidiary of Taylor Maxwell (brick merchant). They left the site in 2009 and since that time the site has been let on a short term basis with Sheffield Community Transport Ltd amongst the current occupants.

A previous outline planning application (ref 2014/0125) seeking to redevelop the site for a development of up to 70 dwellings was refused planning permission by the Council on 28th October 2014. The reason for refusal was:

“The proposal conflicts with Core Strategy Policy CSP19 by virtue of the fact redevelopment would result in both a loss of existing jobs and employment potential in an area where there is an inadequate supply of employment land. The substantial harm this causes is not considered to be outweighed by the potential contribution the scheme makes towards meeting housing need or the other considerations put forward by the applicant”.

Proposal

The proposal up for determination is a resubmission of outline planning application 2014/0125.

The application seeks outline planning permission for the site to be re-developed for residential purposes. The application seeks approval over the details of the means of access for the development. Layout, appearance, scale and landscaping are reserved for future consideration.

Access is proposed via 2 separate locations along West Street in the eastern and western areas of the site.

An indicative site layout plan has been submitted with the application. This includes a development of 46 houses and apartments. In addition the plan includes a central area of greenspace passing through the centre of the site along a north/south axis which would be transgressed with public footpaths.

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: Employment Policy Area

The Core Strategy

CSP1 Climate Change

CSP3 Sustainable Drainage Systems

CSP 4 Flood Risk

CSP8 The Location of Growth
CSP9 The Number of New Homes
CSP10 The Distribution of New Homes
CSP14 Housing Mix and Efficient Use of Land
CSP15 Affordable Housing
CSP 19 Protecting Existing Employment Land
CSP25 New Development and Sustainable Travel
CSP26 New Development and Highway Improvement
CSP29 Design
CSP35 Green Space
CSP36 Biodiversity and Geodiversity
CSP39 Contaminated and Unstable Land
CSP40 Pollution Control and Protection
CSP42 Infrastructure and Planning Obligations

Publication Draft Local Plan

The site is proposed to be allocated for housing in the Local Plan as site AC10. The entry in the Local Plan reads as follows:

Site AC10 Land to South of West St Worsborough - Indicative number of dwellings 48.

Archaeological remains may be present on this site. Therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:

- Information identifying the likely location and extent of the remains, and the nature of the remains*
- An assessment of the significance of the remains*
- Consideration of how the remains would be affected by the proposed development.*

Relevant Supplementary Planning Documents and Advice Notes

-Designing New Housing Development
-Open Space provision on New Housing Developments
-Parking
-PAN 33 Financial contributions to School Places
-South Yorkshire Residential Design Guide

NPPF

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

Paragraphs of particular relevance to this application include:

Para 7 – 3 dimensions to sustainable development
Para 14 – Presumption in favour of sustainable development

Para 22 – Planning Policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.

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

Para 49 ‘Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites

Para’s 58 & 60 – Design considerations

Para 123 – Noise

Consultations

Affordable Housing Officer - 15% of the dwellings should be affordable (likely to be a mix of 20% intermediate and 80% social rented).

Barnsley Civic Trust – In favour of the proposal, but employment potential in the area needs to be addressed.

Biodiversity Officer - No objections subject to conditions.

BMBC Drainage - No objections, subject to conditions requiring full drainage details to be submitted and to limit surface water runoff to watercourse.

Coal Authority -The site falls within a defined High Risk Area. No objections but recommend a condition requiring further investigations and if required, remedial works.

Contaminated Land officer – No objections subject to the condition that a phase 2 site investigation is undertaken. A suitable condition would therefore need to be imposed.

Design – Comments received state that the central spine of open space shown linking West Street through to the footpath to the south is potentially a strong element of the layout. However it would be necessary to make changes to the plan at the reserved matters stage to ensure that the development complies with the spacing and minimum garden and amenity space standards required by the SPD.

Education - State that a contribution would be required towards additional primary school capacity.

Environment Agency – No objections.

Forestry Officer – A condition would need to be imposed to require a tree survey and arboricultural impact assessment at the reserved matters stage to inform the design of the layout.

Highways DC – No objections to the development, including the proposed access arrangements subject to conditions.

Planning Policy – Initially recommended refusal on the basis that the proposal is in conflict with CSP 19 as the redevelopment of the site would result in the loss of employment land and potential. However, following the submission of the Local Plan to the Secretary of State, a revised consultation response states that, consistent with NPPF 22 and the recent site assessment associated with the publication and submitted Local Plan, the principle of

using the site for residential purposes can be supported subject to confirmation of the archaeological position.

Regulatory Services – Recommend that a condition is imposed to specify the minimum sound attenuation levels when the dwellings are constructed and to limit the effects of noise and disturbance during the construction phase.

SYMAS No objections subject to a condition requiring site investigations and appropriate mitigation where necessary.

SYPALO - No objections, in principle, although dwellings near to POS may have vulnerable rear/sides so secure boundaries would be required. Car parking should be moved away from Green Space as too vulnerable to crime. Motor cycle barriers should be installed – *These would be matters to address at the reserved matters stage.*

SYLTE – No comments received on this application but on the previous proposal they recommended provision of a bus stop and submission of a Travel Plan.

Waste Management – Comment that it is not possible to provide any meaningful comments on the indicative plan. Waste management would therefore need to be re-consulted at the reserved matters stage.

Ward Councillors – Cllr Gill Carr states that she and the other Ward Councillors support the land use designation on the site changing from employment to housing. This is because of the environmental problems caused by some of the historical uses on the site have made the site a blight on the local community. In addition Councillors are receptive to the difficulties that the land owner has experienced finding new tenants taking account of the new employment units which are being built in the Birdwell/Hoyland area near to junction 36 of the M1. In addition it is stated that the levels differences across the site provide a constraint to prevent the construction of larger units.

Yorkshire Water - No objections subject to conditions.

Representations

The application has been publicised by way of a press notice, site notices and letters were sent to local residents. 2 objections have been received from local residents based upon the following summary of concerns:-

- Loss of view/outlook
- Noise during the construction phase causing sleep disturbance for shift workers
- Reduced property values

Assessment

Principle of development

The site lies within an Employment Policy Area on the UDP proposals map, where UDP Policy ED7 states that such areas will remain in employment use. Core Strategy Policy CSP19, which seeks to protect existing employment land, also applies and was adopted in 2011.

CSP19 requires a number of criteria to be met in order for redevelopment of employment uses to be allowed.

The first criterion requires that redevelopment would not result in the loss of jobs or employment potential. The majority of the site is vacant with only two companies left on site, one being a sole trader and one being a storage company who do not employ any staff directly at the site. Marketing of the site was undertaken for a number of years since 2009 with only minimal interest in letting and no formal offers from commercial property developers have been received for the site. This is backed up by the proposed allocation for housing which indicates there is little likelihood of future employment potential for the site.

The second criterion of CSP 19 requires there to be an adequate supply of employment land maintained in the locality. The proposed reallocation of the site in the emerging Local Plan from employment to housing use shows that the intention of the Council is to allocate land elsewhere throughout the Borough to meet future employment needs.

Para 22 of the NPPF states that *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. Land allocations should be regularly reviewed”*. Whilst the majority of the units on the site are occupied, they are all relatively dated units with low levels of use which is unlikely to expand in the future. The NPPF seeks to grant permission for proposals unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or specific policies in the Framework indicate development should be restricted.

In addition, the site lies within Urban Barnsley, where the majority of housing is to be located in line with the sustainable development policies within the adopted Core Strategy. The Publication Local Plan proposes reallocating the site for housing use. This is a material consideration which carries increasing weight as it progresses towards adoption as the development plan and shows the direction of travel for the policies for the site. The points raised above are significant considerations in favour. Other implications of the proposal are assessed below

Housing Supply Considerations

Since the refusal of previous application 2014/0125, the Barnsley Five Year ‘Deliverable’ Housing Land Supply Report April 2016 – March 2021 has been published. It states that for the 2015/16 – 2020/21 period, the supply of dwellings that can be demonstrated to be deliverable in that period are 5121 net dwellings towards a requirement for 8711 net dwellings. The Council therefore cannot currently demonstrate a supply of specific, deliverable sites sufficient to meet the boroughs housing requirement. In this situation the NPPF is clear, at paragraph 49, that relevant policies for the supply of housing should not be considered up to date.

As a result, applications for residential planning permission in the Borough (including proposals on UDP Safeguarded Land and UDP Urban Land to Remain Undeveloped allocations), where it can be demonstrated that they are in a sustainable location, will now be determined in line with the NPPF Presumption in Favour of Sustainable Development (paragraph 14 of the NPPF), relevant development plan policies and any other material considerations. The site has been assessed against a suite of sustainability criteria before being included as a potential housing site in the publication Local Plan, including accessibility to public transport and the strategic highway, key services e.g. shopping, schools and health services, effective use of land, impact on the environment, infrastructure and ground conditions.

The development would therefore contribute towards addressing the current deficiency in the 5 year housing land supply and reduce pressure on the need to find land elsewhere for new

housing which is not in the Green Belt in order to meet the identified targets. This would also weigh in favour of the proposal as would the fact that use of the site for housing would also be consistent with the proposed land use allocation in the publication Local Plan.

Highways

West Street (B6100) has footways on both sides of the carriageway, highway drainage and street lighting. It falls gradually from east to west and generally has long sweeping bends with a speed limit of 30 mph.

The proposed western access is existing and the proposed eastern access both have good visibility in both directions and the site is in a sustainable location close to several bus stops. South Yorkshire Passenger Transport Executive have been consulted and whilst no comments have been received for this application, in the previous submission the SYPTE raised no objections subject to a shelter being provided to replace the existing flag on column for east bound traffic and the stop for west bound traffic being relocated to the site frontage currently identified for the Central Green Space.

Highways have raised no objections to the proposal subject to conditions securing the necessary S278 works (including the provision of the new bus shelter/s) and ensuring adequate visibility is provided. In the event that outline permission was granted, details such as parking provision would be considered at the reserved matters stage.

Based on the above, the development is considered to comply with Core Strategy policies CSP25 & CSP26.

Design & Visual Amenity

The application is in outline form. Initially the application specified a maximum number of 70 dwellings. However that number is far higher than the 48 indicated in the emerging Local Plan allocation and is was highly questionable as to whether it would be possible to design a development that would comply with the external spacing standards in the SPD and BFL12 criteria. The applicant has therefore agreed to amend the description of the application to remove this reference and allow for all matters associated with design and layout to be considered at the reserved matters stage. The central open space indicated on the plan would be seen as a positive however and as such a condition is proposed to ensure that plans at the reserved matters stage have regard to this.

Based on a lower number of dwellings than set out in the indicative plan, it would be possible to design a scheme that would deliver an attractive residential environment which would enhance the existing area. To ensure this, it would be necessary to maximise assets within the site such as mature trees and hedgerows. The Tree Officers comments recommend that a tree survey and arboricultural implications assessment are provided to ensure that any trees worth of protection are incorporated into the design. A condition is proposed to ensure that this is carried out to inform the layout design at the reserved matters stage. Subject to this, it is considered that the proposal adheres to the objectives of CSP policies 14, 17, 29 which stress the importance of achieving high quality design.

Concern was raised that building houses opposite existing would spoil the views from existing houses and de value them. However, there is no legal right to a view and the value of a property is not a material planning consideration. As such these matters cannot be taken into account in the determination of the planning application.

Residential Amenity

Subject to required separation distances being achieved at the reserved matters stage, the redevelopment of the site for residential purposes would not adversely affect existing residents given the site is currently used for employment purposes.

The main concern is the level of amenity that will be afforded to occupants of the houses proposed along the eastern boundary, adjacent to the existing industrial uses. The close proximity to service yards means there is some potential for conflict and this has been cited by Regulatory Services, who note that issue was not covered in the noise report. As such they require a condition to ensure that the dwellings would be constructed so as to provide sound attenuation against external noise not less than 30dB (A), with windows closed and other means of ventilation provided.

Concerns were raised about the disturbance arising during the construction phase. This would be a temporary disturbance but to address these concerns relevant conditions can be employed restricting working hours, best practice working can also be secured within a construction method statement. Amongst other things, this would control noise and dust across the site.

S106 considerations – education, public open space and affordable housing, sustainable transport

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

Affordable housing – The site is an area where affordable housing provision should be equivalent to 15% of the overall number of dwellings. Again a condition would be appropriate to secure this for the same reasons as the above.

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

Other considerations

Ecology

The Biodiversity Officer commented that it was accepted that the site is of overall relatively low ecological value but in the event that permission was to be granted, it would be necessary to condition the recommendations of the Ecology Report.

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. In addition Yorkshire Water have confirmed that the foul water drainage flows from the development can be accommodated into the existing network. Accordingly the main issues relate to proposals for the management of surface water flows from the development.

Reports have been submitted to show that the site can be satisfactorily drained to ensure compliance with Core Strategy policy CSP 4 (i.e. a 30% reduction in run off rates). The Council's Drainage Engineer and Yorkshire Water have therefore raised no objections subject to the safeguarding of the recommended conditions. Such a condition would include the detailed design of the SUDS system.

Archaeology

The detailed site assessment undertaken in preparation of the Local Plan has suggested there may be elements of archaeological interest on the site. A condition is proposed to secure archaeological evaluation should permission be granted.

Conclusion

The policy situation has changed considerably since the refusal of the last application on 28th October 2014.

The Council cannot currently demonstrate a supply of specific, deliverable sites sufficient to meet the Boroughs housing requirement. As a result, applications for residential planning permission in the Borough (including proposals on UDP Safeguarded Land and UDP Urban Land to Remain Undeveloped allocations), where it can be demonstrated that they are in a sustainable location, will now be determined in line with the NPPF Presumption in Favour of Sustainable Development (paragraph 14 of the NPPF), relevant development plan policies and any other material considerations.

This development would therefore contribute towards addressing the current deficiency in the 5 year housing land supply and reduce pressure on the need to find land elsewhere for new housing land which is not in the Green Belt in order to meet the identified targets. In addition, the site is proposed to be reallocated as Housing site AC10 in the publication draft Local Plan which has been submitted to the Secretary of State, and carries increasing weight as it progresses towards adoption.

Whilst currently allocated as Employment land in the UDP, the site has been marketed for a considerable period of time with no formal commercial offers received, and with only a low level of let use in the units. The applicant has indicated that the few existing occupants would be located elsewhere in the borough so that no jobs would be lost on site. The sites' reallocation in the Local Plan is a reflection of the requirement of NPPF Paragraph 22 to ensure that land allocations should be reviewed and that policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of the site being used for that purpose. In addition the Submission Draft of the Local Plan which has been submitted to the Secretary of State shows that the intention of the Council is to allocate land elsewhere throughout the Borough to meet future employment needs.

The assessment concludes that the impacts of the proposed development would not be at a level to be considered sufficiently significant and adverse to outweigh the benefits taking into account the planning policy and other material considerations set out in the above report.

This is summarised as follows:-

- The site is located in the Barnsley urban area and is therefore the main priority location for growth which is expected to yield 9800 dwellings over the plan period to contribute towards the overall aim of delivering 21500 new dwellings before 2026 in accordance with the adopted Core Strategy.
- Having regard to the definition of sustainable development in the NPPF the proposal would deliver a number of positive economic and social benefits in that the development would provide dwellings in an area designated to accommodate housing growth contributing towards addressing the deficiency in the five year housing land supply. In

addition it has been judged that the development would not give rise to any significant or adverse environmental impacts.

- The majority of issues relating to the detail of the proposed development are reserved for a future application for the approval of the reserved matters subject to conditions. The information provided in relation to other material considerations including biodiversity, flood risk, drainage, contaminated land, and trees is considered satisfactory at the outline planning application stage, although to secure an archaeological evaluation. A further condition is proposed to secure an archaeological evaluation.
- The proposed access to the site is judged acceptable having regard to highway design standards and capacity. The size of the development is not sufficient to result in severe residual cumulative impact on the highway network.

Therefore it is recommended to the Board that the application is granted outline planning permission, subject to the conditions listed below which would include the need for the development to include provision of affordable housing, public open space and education contributions. A further condition would need to secure highway works, including the provision of a bus shelter.

Recommendation:-

Grant outline planning permission with conditions

Conditions:

- 1 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - (a) the layout of the proposed development.
 - (b) scale of building(s)
 - (c) the design and external appearance of the proposed development.
 - (d) landscaping**Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**
- 2 Application for approval of the matters reserved in Condition No. 1 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.**Reason: In order to comply with the provision of Section 92 of the Town and Country Planning Act 1990.**
- 3 Detailed plans shall accompany the reserved matters submission indicating existing ground levels, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.**Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.**

- 4 The access part of the development hereby approved shall be carried out in accordance with the details indicated on drawing D12 4558 01 rev B 'development masterplan'. Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of access road with West Street, 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.
- 5 Plans at the reserved matters stage should be designed having regard to the details indicated on drawing D12 4558 01 rev B 'development masterplan'.
Reason: In order to define the permission, for the avoidance of doubt.
- 6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- a) provision of new accesses;
 - b) provision of new bus shelter(s);
 - c) any necessary signing and lining;
 - d) provision of/any necessary amendments to street lighting;
 - e) provision of/any necessary amendments to highway drainage;
 - f) any necessary resurfacing/reconstruction
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 7 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 8 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.**

- 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 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.
Reason: In the interest of promoting use of public transport, in accordance with Core Strategy Policy CSP 25.
- 11 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface surface water run-off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
- 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 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.
- The development shall be carried out in accordance with the approved report including any remedial options.
- Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors in accordance with Core Strategy Policy CSP 39.**
- 14 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the National Planning Policy Framework or any future guidance that replaces it. The scheme shall include:
- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units;
 - ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
 - iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
- Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.**

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

Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 29 and the Open Space Provision on New Housing Development SPD.

- 16 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.

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

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

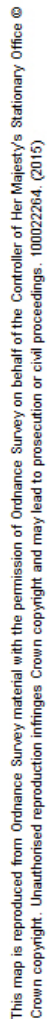
Thereafter the development shall only take place in accordance with the approved WSI and the development shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled or alternative timescales agreed.

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

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

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

- 19 An intrusive site investigation report to assess the risk of land instability arising from historical coal mining activity and any necessary mitigation measures shall accompany the reserved matters submission. This shall be used to inform a layout plan which identifies appropriate zones of influence for the mine entry on site, and the definition of suitable 'no-build' zones. Thereafter the development shall proceed in accordance with the approved details.
Reason: In order to ensure safety and stability of the proposed development in accordance with CSP39.
- 20 The following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall accompany the reserved matters submission:-
- Tree Survey
- Arboricultural implication assessment (AIA)
No development or other operations shall take place except in complete accordance with the approved methodologies.
Reason: To ensure the continued well being of the trees in the interests of the amenity of the locality.
- 21 The dwellings shall be constructed so as to provide sound attenuation against external noise not less than 30dB(A), with windows closed and other means of ventilation provided. No development shall commence until a scheme has been submitted detailing how this is to be achieved. The scheme shall then be implemented in accordance with the approved details.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.



Scale 1: _____

2017/0039

Applicant: Yorkshire Ambulance Service, C/o Agent Johnson Mowat

Description: Continuation of siting of temporary portakabin unit and ambulance parking.

Site Address: Former Dearne Valley Motor Co Ltd., Cathill Road, Darfield, Barnsley, S73 9JG

Site Description and Past Planning History

The site is located to the south of Doncaster Road at its junction with Cathill Roundabout, Darfield.

It is occupied by a split level building which operates as a car loan shop on the upper level and a used car & tyre sales centre on the lower level; with an existing portakabin structure adjacent to the entrance to the car and tyre sales premises. The site is accessed off Doncaster Road and Cathill Road respectively. To the east of the site is a petrol station. To the north, west and south are agricultural fields.

The existing portakabin was erected as part of previous planning consent (application 2008/0150) granted for its temporary siting, which has since expired.

Proposed Development

The applicant is seeking approval to continue the temporary siting of the existing portakabin so that it can be used by Yorkshire Ambulance Service (YAS) as part of a 'Hub and Spoke' system being developed by the NHS. The 'Hub and Spoke' system consists of a central 'hub' where emergency vehicles are cleaned and shift changeovers take place; with ambulance response teams located at various stand-by points in a spoke-like manner so that they can provide a faster response to emergency incidents.

The site of the existing portakabin will be used as a stand-by point, which consists of a parking bay with access to basic amenity features in the form of a temporary portakabin structure containing facilities such as a toilet and seating area. An ambulance or fast response vehicle can be stationed close to the site in a yellow hatched area established as part of the previous permission.

No external alterations or additional buildings are proposed other than those existing on site.

Policy Context

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

Core Strategy

CSP29 – Design Matters – sets out the overarching design principles for the borough to ensure that development is appropriate to its context. The policy is applied to new development and to the extension and conversion of existing buildings.

CSP34 – Protection of the Green Belt – states that in order to protect the countryside and open land around built up areas, the extent of the Green Belt will remain safeguarded and unchanged.

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

UDP Designation

UDP Green Belt

Saved UDP Policy GS8A – The Re-Use and Adaption of Buildings in the Green Belt – states that any development permitted should not have a materially greater impact than the present use on the character and openness of the Green Belt and will not adversely affect the amenity of local residents or the appearance of the locality nor lead to traffic or safety problems.

Publication Consultation Document

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).

The emergent policies of the Local Plan that are attributable to this development are GD1, D1 and GB1. In general they resonate with the requirements of Core Strategy Policy 29 and Core Strategy Policy 34.

NPPF

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

Paragraphs of relevance would be:

- 80, 87, 88 and 91 in respect of development in the Green Belt
- 58 & 65, which relate to good design

Consultations

Billingley Parish Council – No comments received.

Drainage – No objections to proposal.

Enterprising Barnsley – No comments received.

Highways DC – No objections to proposal.

Pollution Control – No objections to proposal.

Ward Councillors – No comments received.

Representations

Notification letters were sent to the neighbouring businesses and a site notice was posted. No comments or representations were received

Assessment

Principle of Development

Core Strategy Policy CSP34 – Protection of the Green Belt – states that in order to protect the countryside and open land around built up areas, the extent of the Green Belt will remain safeguarded and unchanged. Proposals for development outside of generally accepted Green Belt uses – as set out in the NPPF para. 89 – will not be allowed, except in special circumstances; in which case, the Council will weigh up any harm that could be caused against any potential benefits.

Under normal circumstances, the erection of a portakabin would be considered inappropriate development in the Green Belt as its use is not one that is generally accepted and so would be unacceptable. However, in this case the applicants have put forward the following justification:

“In responding to government calls for the YAS (Yorkshire Ambulance Service) to improve response times, YAS has taken the opportunity to raise the way in which it locates its vehicles in order to meet the stringent national .NHS response targets. This alternative approach as to how a more effective service is provided has led to the development of a more time and cost efficient service that is response-led, based upon a ‘Hub and Spoke’ system.

The extent of the geographical coverage is determined by the emergency 999 response times targets set by government as follows (red calls are ‘immediately life threatening’ and ‘serious but not immediately life threatening’ cases and Green calls are ‘minor’ cases):

Red 1: 75% of all calls within 8 minutes (due to increase to 80% next year)

Red 2: 75% of calls within 8 minutes

Green 1: 20 minutes response

Green 2: 30 minutes response

The above response times are government targets that include taking the call and instructing an emergency team to attend.

The ‘Hub and Spoke’ system now being developed by the NHS Ambulance Service Trust across many parts of the country aims to develop a more responsive system by locating satellite ambulance response teams at key points on the edge of the urban area in close proximity to both densely populated areas and key highway networks.

These response locations (Stand-By points) are located away from the Hub in a spoke-like manner and are positioned in locations where they can meet government response time targets at all times of the day.”

When the original temporary permission was granted in 2008 the justification was similar to the above and this was considered to amount to sufficient very special circumstances. It is considered that the use of this portakabin for the purposes given provides a valuable emergency service and as such the justification given for this type of proposal is again considered sufficient to amount to very special circumstances to justify this form of development in the Green Belt.

Residential Amenity

The area immediately around the site is solely commercial, with a service station & convenience store, car loan shop and car & tyre sales business the only buildings nearby. The nearest residential property is approximately 180m away from the site and although emergency vehicles have more of an impact than regular vehicles due to their use of sirens and flashing lights, it is unlikely to have a significantly detrimental effect on the amenity of local residents.

The proposal is therefore considered to be acceptable in this context.

Visual Amenity

Any development within the Green Belt should not have a detrimental effect on the character and openness of the Green Belt. The portakabin is located adjacent to an existing group of buildings and is located at a lower level away from the highway, with no nearby residential dwellings its visual impact is considered to be minimal. It is a small structure that does not form a dominant feature within the locality and has minimal effect on the openness and character of the surrounding Green Belt land. The proposal is therefore considered acceptable.

Highway Safety

One emergency vehicle is proposed to be stationed at the site, within a yellow hatched area off Cathill Road, away from the junction with Doncaster Road. Enough space is provided for vehicles entering/exiting the car & tyre business adjacent to the site to pass safely. Cathill Road is not an adopted highway and is gated off to vehicles just down from the site, meaning that it is highly unlikely there will be much passing traffic. Highways DC have raised no objections to the proposal and so it is considered to be acceptable.

Conclusion

The proposal would normally be considered inappropriate development in the Green Belt as its use as an ambulance station is outside what would be a generally accepted use as set out in NPPF para. 89. However, sufficient justification has been provided on the need for the proposed use, which was similar to that given for the previous permission, to justify an additional temporary permission. The site is situated within a group of commercial buildings and is deemed to not have a significantly detrimental effect on the visual amenity of the Green Belt. It is therefore considered that the new proposal will not have a significantly more detrimental effect than what has been granted before; and so the proposal is considered to be acceptable.

Recommendation

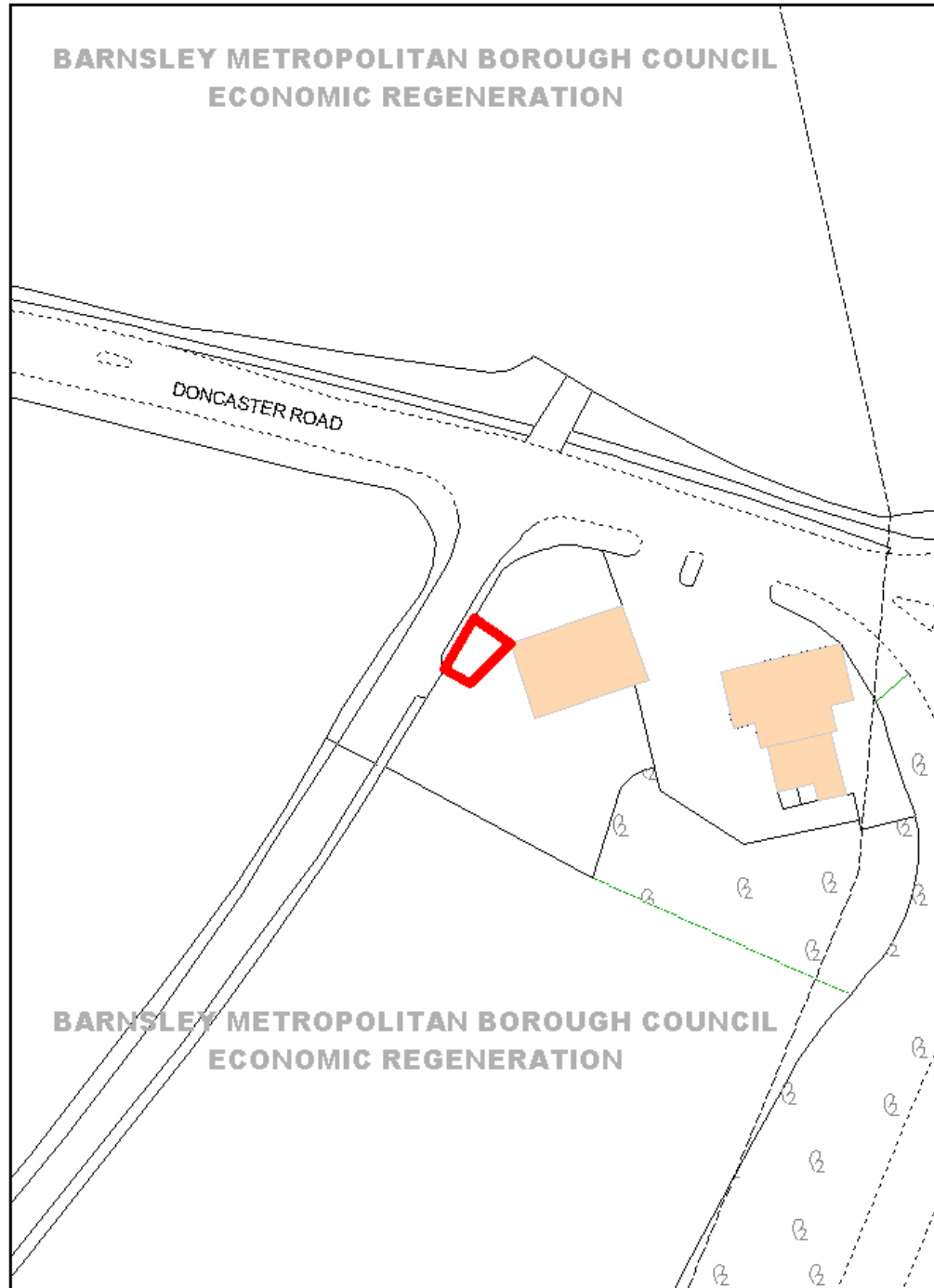
Approve – subject to conditions

- 1 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing No. BR0028 and Site Plan submitted 5/1/17) 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.
- 2 Within 5 years of the date of this permission, the development hereby permitted shall be removed from the site, and all works necessary to reinstate the land to its original condition shall have been carried out.
Reason: In the interests of visual amenities and the character and openness of the Green Belt in accordance with CSP29 and CSP34.

PA reference :-

2017/0039

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BARNSELY MBC - Economic Regeneration

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Scale 1:1250

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 February 2017 to 28th February 2017

APPEALS RECEIVED

4 appeals were received in February 2017:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2016/1041	Variation of wording of condition 4 of application 2013/0960 (Residential development of 58 dwellings) in relation to surfacing of parking/manoeuvring facilities Development off Lowfield Road, Bolton on Dearne, Barnsley, S63 2TF	Written Representations	Delegated
2016/0848	Variation of condition 4 of app 2015/1198 - (Erection of 61 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers) in relation to surfacing to parking manoeuvring areas Phase 2 Development, Off Barnburgh Lane, Goldthorpe, Rotherham	Written Representations	Delegated
2016/0630	Removal of condition 6 of app 2015/0436 - Variation of Conditions 18 and 22 of application 2014/1219 - Erection of 97 no. dwellings with garages including parking spaces together with the provision of associated roads, sewers and infrastructure. Land at Ellwood, Off Wilson Grove, Lundwood, Barnsley, S71 5JF	Written Representations	Delegated
2016/0631	Variation of condition 4 of app 2015/1302 in relation to surfacing to parking/manoeuvring areas (Residential development - Erection of 43 no. dwellings with associated works) Former Highfield Grange Care Home, Blythe Street, Wombwell, Barnsley, S73 8LH	Written Representations	Delegated

APPEALS WITHDRAWN

No appeals were withdrawn in February 2017.

APPEALS DECIDED

1 appeal was decided in February 2017.

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

2016/2017 Cumulative Appeal Totals

- 19 appeals have been decided since 01 April 2016
- 16 appeals (84%) have been dismissed since 01 April 2016
- 3 appeal (16%) have been allowed since 01 April 2016

Item 12

BARNSELY METROPOLITAN BOROUGH COUNCIL

Report of Assistant Director,
Highways, Engineering and
Transportation to Planning
Regulatory Board on
21st March 2017

Diversion of public footpaths at Tyers Hall Farm.

1.0	<u>Purpose of Report</u>
1.1	To consider an application to divert Darfield public footpaths 1, 3, 4 and 5 and to extinguish part of Darfield public footpath no. 19 and two short sections of undefined footpath at Tyers Hall Farm, between Ardsley and Darfield.
2.0	<u>Recommendations</u>
2.1	That, in exercise of statutory powers, the Council makes Public Path Orders under the provisions of sections 118 and 119 of the Highways Act 1980 for the diversion of Darfield footpaths 1, 3, 4 and 5 and the extinguishment of part of Darfield footpath no. 19 and two short sections of undefined footpath at Tyers Hall Farm as shown on the plan attached to this report.
2.2	That the Director of Legal and Governance be authorised to publish the Orders and to confirm them himself in the event of there being no objections thereto.
2.3	In the event objections are received which cannot be resolved, the Director of Legal and Governance be authorised to submit the Orders to the Secretary of State for confirmation and to take all necessary steps to support the Orders at any public inquiry, informal hearing or written representation as necessary.
2.4	That the Director of Legal and Governance be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area.
3.0	<u>Background and Proposal</u>
3.1	The owner of Tyers Hall Farm has applied to divert and extinguish a number of public footpaths on their land.
3.2	The main purpose of the application is to divert the current path running through the farmyard (A-B-C-D on the plans at Appendix B) onto a new line further away from the farm buildings (A-E-F-D).

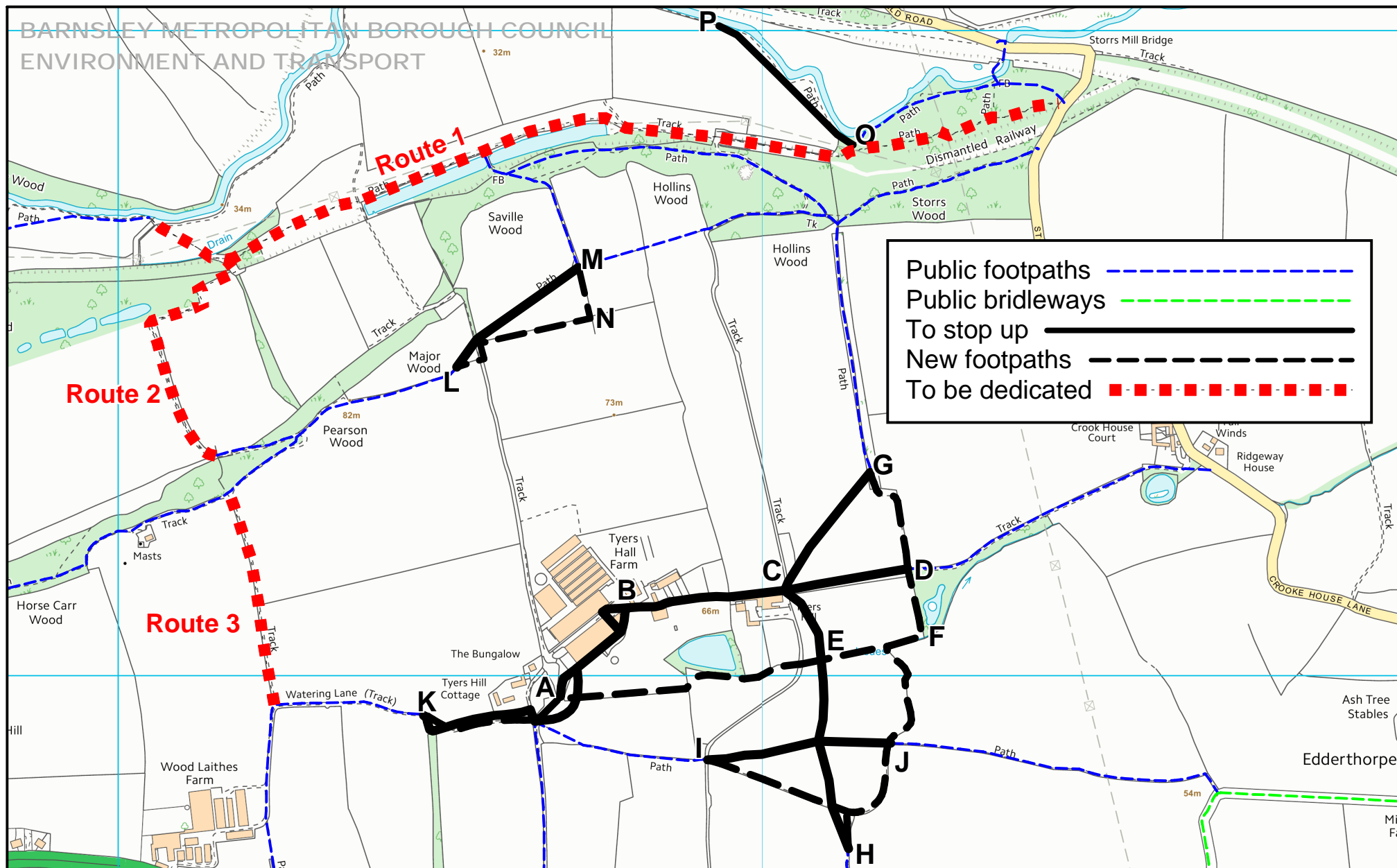
3.3	<p>This diversion is sought in order to improve the security and privacy of the farm. There are two principal motivations:</p> <ul style="list-style-type: none"> • To reduce the existing conflict between the working farm and the public, with large farm machinery using the track on a regular basis, little room for the public to walk alongside vehicles and poor visibility around a number of tight corners, and to prevent people approaching the animals kept in the isolation area adjacent to the track, which are often carrying illnesses. • To improve security following problems with vandalism, theft and arson by preventing public access through the farm buildings, especially at night.
3.4	<p>The new route would have a 2 metre bound surface (stone sub base and 40mm to dust smooth surface) and fencing on both sides to separate it from livestock in the adjacent fields. The proposed route is 60 metres longer than the existing path between points A and D but would provide an accessible traffic-free through route with improved views of the farm buildings.</p>
3.5	<p>Additional minor changes are also proposed around the farm buildings to resolve minor mapping errors, including moving the recorded legal line of the path between the farm track (near point A) and point K onto the walked line and extinguishments of non-definitive paths near points A and B where the recorded and walked lines do not match.</p>
3.6	<p>The following other changes are also proposed</p> <ul style="list-style-type: none"> • Darfield FP 3: divert from G-C-E-H onto G-D-F-J-H and • Darfield FP 4: divert from I-J onto I-J around the field edge, to fit in better with the diversion of the farm track and because the current cross-field lines are difficult to follow. The new routes would be easier to sign, with no loss of amenity. (Grass surface, 1.8 metre width.) • Darfield FP 1: divert from L-M onto L-N to allow the field to be divided into grazing strips, create a clear field edge path. (Grass, 1.5m width.) • Darfield FP 19: stop up the dead end section (O-P) where there is no physical path available and which is therefore not considered to be needed for public use.
3.7	<p>By way of a separate dedication agreement, the farm also intends to recognise as public footpaths 3 other routes at the site: The Dearne Way along the disused railway line (route 1 on the plan) and two paths to the west of the farm buildings which connect the River Dearne to the Dearne Way, existing dead end footpaths and Watering Lane (routes 2 and 3).</p>
3.8	<p>Informal consultations have been carried out with user groups, ward councillors and utilities companies. No objections have been received from any of those groups. Councillor Saunders raised queries about the diversion process and the degree of accommodation of the landowner. However, the Council is satisfied that procedure has been followed</p>

3.9	correctly, that the proposed changes will have a positive impact on public access at the site and that no objections have been raised about the proposed diversion routes.
3.10	A different set of proposals were previously considered at this site which was later withdrawn as the new routes were significantly less convenient for the public. The members of the public who expressed concerns about the original proposals were also consulted on the updated application.
3.11	3 responses were received. Two stated that they had no objections to the proposals. The third stated that they 'see no reason for them [the paths] to be moved or altered' but did not outline any specific objection to the proposed new routes.
4.0	<u>Statutory Criteria</u>
4.1	<p>Section 119 of the Highways Act 1980 enables a path to be diverted where it is considered expedient to do so in the interests of the owner, lessee or occupier of the land crossed by the path or in the interests of the public. Before confirming such an order the Secretary of State or the Council, as the case may be, must be satisfied that the diversion is expedient and that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which –</p> <ul style="list-style-type: none"> (i) the diversion would have on public enjoyment of the path or way as a whole, (ii) the coming into operation of the order would have as respects other land served by the existing public right of way, and (iii) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.
4.2	The proposed diversion of the path running through the farmyard is considered to benefit the landowner. The diversion would remove the existing conflict between vehicles on the farm track and the public using the footpath and would enable the farm to prevent public access to the site in the evenings, helping to improve security and management of the land.
4.3	It is considered that this diversion would have no negative effect on public enjoyment of the path as it would be of a similar character to the existing path with a 2 metre width, bound surface and fencing to separate it from the adjacent livestock field. The additional 60 metre length is relatively minor on what is primarily a rural leisure route, while the proposed new footpath would be traffic free and arguably provides an improved view of the farm buildings.
4.4	The other diversions move existing footpaths onto field edge locations and are considered to be of benefit to both the landowner and the public by clarifying their location. The new routes will be easier to sign and

	follow, causing less disturbance for landowners and greater clarity for pedestrians. They are considered to have a positive impact on both public enjoyment of the paths and management of the land.
4.5	The Council also has to have regard to the likely impact of the diversion on agriculture, forestry and biodiversity. The proposed diversions are not considered to have any negative impact on these matters.
4.6	Section 118 of the Highways Act 1980 enables a path to be extinguished on the grounds that it is not needed for public use. Before confirming such an order, the Secretary of State or the Council, as the case may be, must be satisfied that it is expedient so to do having regard to the extent to which the path or way would be likely to be used by the public; and the effect which the extinguishment of the path would have as respects land served by the path or way.
4.7	The Council is satisfied that the footpaths proposed to be extinguished are not needed for public use. The riverside path is a dead end route with no physical continuation along the river. Instead, the public use the Dearne Way which runs along the nearby disused railway line. The other short extinguishments will remove undefined sections of the footpath along the farmyard track, which are the result of mapping errors and will not connect to other rights of way if the diversions are approved.
5.0	<u>Options</u>
5.1	The Council makes the orders applied for. Officers are satisfied that the necessary statutory criteria are met and that the proposals are the best available.
5.2	The Council could decline to make the orders applied for, but as the relevant statutory criteria have been satisfied, it is not considered reasonable to do so.
6.0	<u>Local Area Implications</u>
6.1	There are no implications for the local area beyond minor changes to the rights of way network.
7.0	<u>Compatibility with European Convention on Human Rights</u>
7.1	These proposals are considered to be compatible with the Convention.
8.0	<u>Ensuring Social Inclusion</u>
8.1	The proposals will have no negative impact on social inclusion. The gradients, surfaces and widths of the new paths would be similar to those of the existing paths in order to ensure that they are no less accessible.

9.0	<u>Reduction of Crime and Disorder</u>
9.1	The proposals are partially motivated by concerns about crime at the site. Moving the public footpath away from the farm buildings will enable the farm and properties to be secured at night and is therefore considered to help reduce crime. In response to consultations, South Yorkshire Police's Crime Reduction Officer stated: 'Having visited this farm on several occasions in the past following reports of crime I would concur that the diversion will help the farmer to keep his property and stock more safe and secure. I have no objections to the diversion.'
10.0	<u>Financial Implications</u>
10.1	If the Orders are made and objections are received there will be additional costs to the Council that cannot be passed on to the applicant. This is especially the case if the matter has to be resolved at a public inquiry.
11.0	<u>Risk Assessment</u>
11.1	The Council has powers under the Highways Act 1980 to make the orders applied for. The statutory process provides an opportunity for objections which, if upheld, may result in the order not being confirmed by the Secretary of State.
11.2	Objections may be received to the application. However, the Council is satisfied that no relevant grounds for objection have been raised during the consultation period, that the application meets all of the statutory criteria and that the best possible alternative routes have been identified for the diversion orders.
12.0	<u>Consultations</u>
12.1	User groups (including the Barnsley Local Access Forum), ward councillors, other Council departments and utilities companies have been consulted on the application and notices have been placed on site.
12.2	No objections have been received.
13.0	<u>Proposal</u>
13.1	Councillors approve the recommendations in section 2.
14.0	<u>Glossary</u>
15.0	<p>Appendices</p> <p>Appendix A – Map 1: Overview.</p> <p>Appendix B – Map 2: Tyers Hall Farm close-up</p> <p>Appendix C – Map 3: Tyers Hall Farm post-diversions (if accepted)</p>

	Officer Contact: Rik Catling Tel: ext 2142
	Date: 21 st March 2017



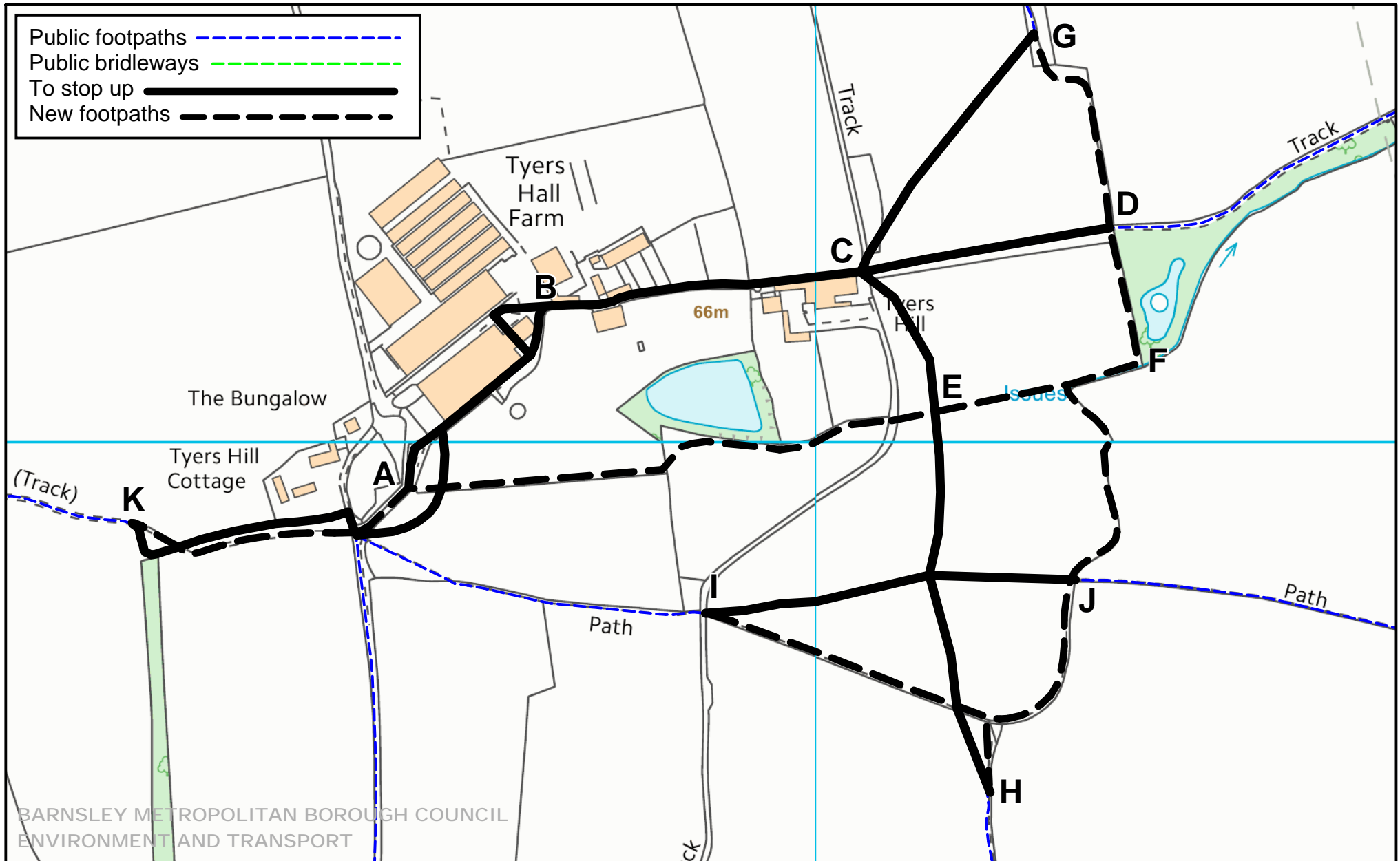
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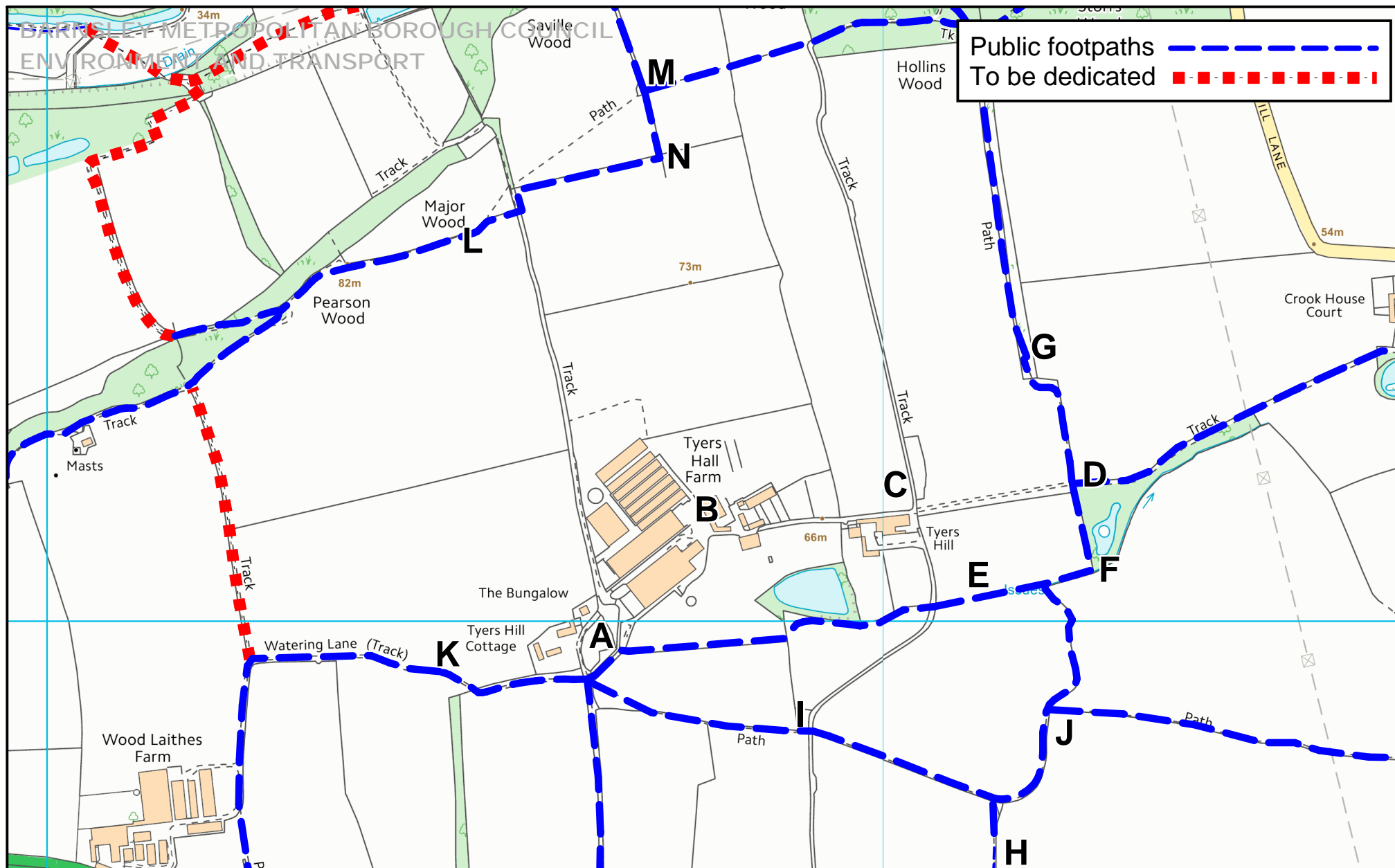
Map 1: Overview

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Map 3: Tyers Hall Farm footpaths post-diversions (if accepted)

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