

Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 18 April 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

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

	Site	Approx Time of Arrival
1.	Planning Application 2016/1078 – Erection of 77 no. dwellings with associated highways, drainage, parking, garages and gardens (amended plans) at former Royston High School, off Midland Road, Royston, Barnsley.	10.50 a.m.
2.	Diversion of public footpaths 1, 3, 4 and 5 and to extinguish part of Darfield footpath no. 19 and two short sections of undefined footpath at Tyers Hall Farm, between Ardsley and Darfield.	11.20 a.m.
3.	Planning Application 2016/1513 – Residential development of 3 no. split level two/three storey detached dwelling houses, access road and associated works at land between Windy Riodge, Hollinberry Lane, Howbrook.	11.55 a.m.

Return to Barnsley Town Hall at approximately 12.30 p.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 5 - 8)

To receive the minutes of the meeting held on 21st March 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 between Windy Ridge, Hollinberry Lane, Howbrook - 2016/1513 - For approval (Pages 9 - 22)
5. Former Royston High School, off Midland Road, Royston, Barnsley - 2016/1078 - For approval (Pages 23 - 36)
6. Former petrol filling station, Pontefract Road, Barnsley - 2016/0322 - For approval (Pages 37 - 46)
7. The Laurels, 24 Viewlands, Silkstone Common - 2017/0027 - For approval (Pages 47 - 56)
8. Barnsley Markets and adjoining land at Cheapside, Barnsley - 2017/0135 - For approval (Pages 57 - 68)
9. Unit A land at Capitol Park, Capitol Close, Dodworth - 2017/0248 - For approval (Pages 69 - 78)
10. Land west of Hopewell Street, Stairfoot, Barnsley - 2017/0117 - For approval (Pages 79 - 88)
11. 2 Baden Street, Worsborough Bridge, Barnsley - 2016/0118 - For approval (Pages 89 - 96)
12. Hunningley Primary School, Hunningley Lane, Stairfoot, Barnsley - 2016/1479 - For approval (Pages 97 - 104)
13. Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley - 2017/0159 - For approval (Pages 105 - 108)

Planning Appeals

14. Planning Appeals - 1st to 31st March 2017 (Pages 109 - 110)

Public Footpaths/Diversions

15. Diversion of public footpaths at Tyers Hall Farm (*Pages 111 - 122*)
16. Application to divert public footpaths at Tankersley Golf Club (*Pages 123 - 132*)

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

Thursday, 6 April 2017

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

MINUTES

Present

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

In attendance at site visit

Councillors D. Birkinshaw (Chair), Gollick, Makinson, Noble, Tattersall, Unsworth and R. Wraith.

88. Declarations of Interest

Councillor Birkinshaw declared a Non-Pecuniary interest in **Planning Application No 2016/0322 – Minute no. 91** [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)]. as he knows the applicant.

Councillor Hayward also declared a Non-Pecuniary interest in **Planning Application No 2016/0322 – Minute no. 91** as he is a local ward member.

89. Minutes

The minutes of the meeting held on 21st February 2017 were taken as read and signed by the Chair as a correct record.

90. Land at Gunthwaite Lane, Gunthwaite - 2016/0215 - For Approval

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

RESOLVED that the application be granted in accordance with the Officer recommendation and with additional conditions to remove permitted development rights and impose occupancy condition on the parts of the farmhouse under the control of the occupant, if possible, after any necessary investigations.

91. Former Petrol Filling Station, Pontefract Road - 2016/0322 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0322** [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)].

Mr Mark Bailey addressed the Board and spoke in favour of the officer recommendation to approve the application

Mr Glyn Staves addressed the Board and spoke against the officer recommendation to approve the application.

RESOLVED that the application be deferred to enable officers to liaise with agent on the potential to revise layout and scale/height of bays alongside possible noise reduction measures.

92. Westfield Farm, Royd Moor Road, Thurlstone - 2016/0960 - For Refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0960** [Installation of a 50kw wind turbine on a 24m monopole mast (34m to blade tip) at Westfield Farm, Royd Moor Road, Thurlstone, Sheffield, S36 7RD]

Mr Robert Barraclough and Mr ?? addressed the Board and spoke against the officer recommendation to refuse the application.

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

93. Land off New Road/Lidgett Lane, Tankersley - 2016/1027 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1027** [Reserved matters (2013/1007) Residential development for 56 dwellings including means of access (outline) at land off New Road/Lidgett Lane, Tankersley]

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

94. Land between Windy Ridge, Hollinberry Lane, Howbrook - 2016/1513 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1513** [Residential development of 3 no. split level two/three storey detached dwelling houses, access road and associated works at land between Windy Ridge, Hollinberry Lane, Howbrook, Wortley Sheffield S35 7EL]

RESOLVED that the application be deferred to enable a site visit to take place.

95. West Street, Worsbrough Dale - 2015/1089 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2015/1089** [Outline application including details of access and associated works for residential development (Resubmission of 2014/0125) at land at West Street, Worsborough Dale, Barnsley]

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

96. Former Dearne Valley Motor Co. Ltd., Cathill Road, Darfield - 2017/0039 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0039** [Continuation of siting of temporary portakabin unit and ambulance parking at former Dearne Valley Motor Co Ltd., Cathill Road, Darfield, Barnsley, S73 9JG]

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

97. Planning Appeals - 1st to 28th February 2017

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

The report indicated that four appeals were received in February 2017:-

- **Planning Application 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.
- **Planning Application 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 at Phase 2 Development, Off Barnburgh Lane, Goldthorpe, Rotherham (written representations) – delegated.
- **Planning Application 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 at land at Ellwood, Off Wilson Grove, Lundwood, Barnsley, S71 5JF (written representations) – delegated.
- **Planning Application 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.

One appeal was decided in February 2017:

- **Planning Application 2015/0416:** Change of use of land to gypsy/traveller site (8 no. pitches) including associated buildings and infrastructure at land adjacent Burntwood Cottages, Moor Lane, Great Houghton, Barnsley (Written representations/Committee – dismissed)

It was reported that since 1 April 2016, 19 appeals have been decided, 16 of which (84%) have been dismissed and 3 of which (16%) have been allowed.

98. Diversion of public footpaths at Tyers Hall Farm

The Assistant Director, Highways, Engineering and Transportation submitted a report 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.

RESOLVED that the application be deferred to enable a site visit to take place.

Chair

2016/1513

Applicant: Stephen G Wragg, C/o 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 windy ridge 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 planning permission subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 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.

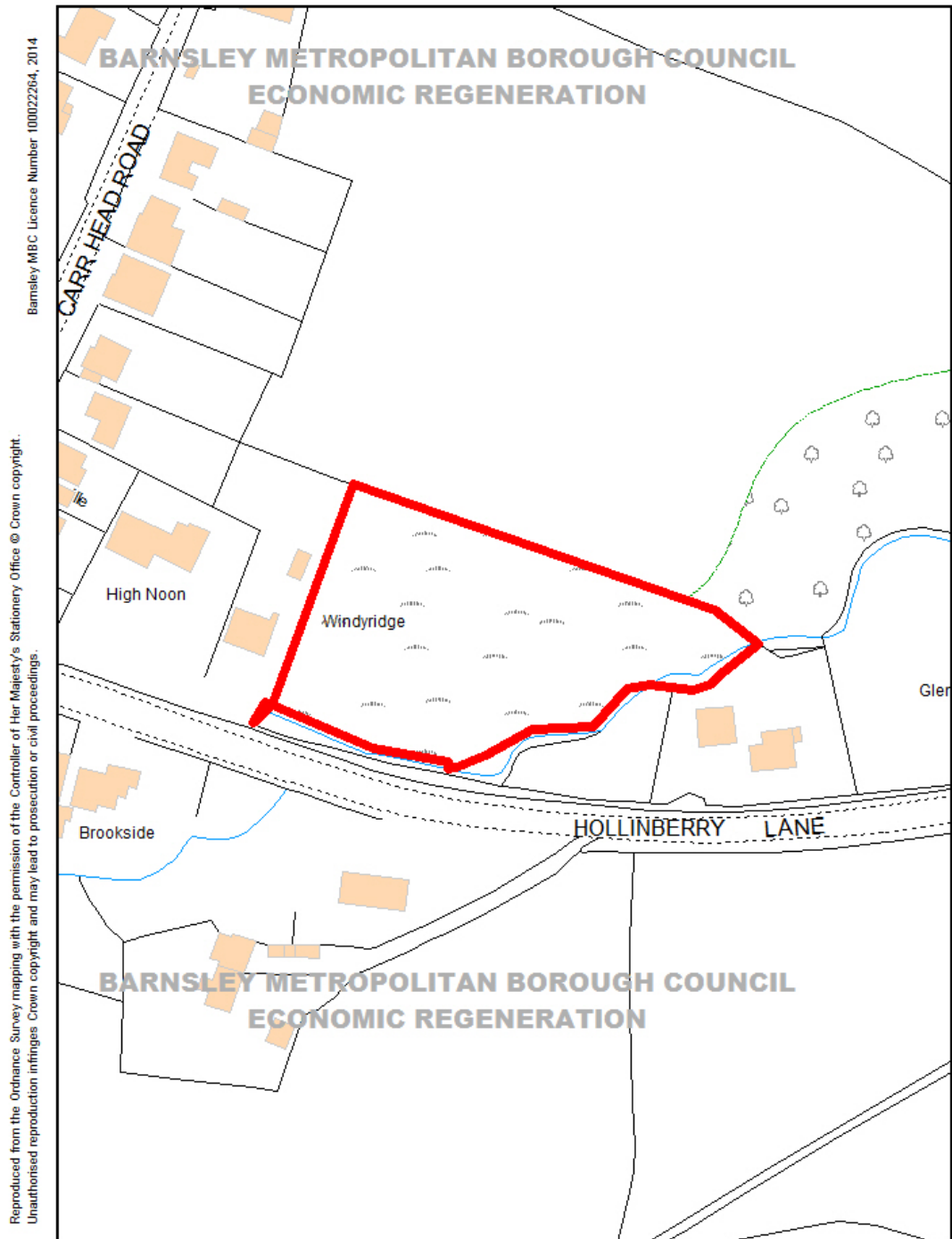
- 8 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings), unless otherwise stated on the approved plans, and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into 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



BARNSELEY MBC - Economic Regeneration

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



Scale 1:1250

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2016/1078

Applicant: Kier Living Northern

Description: Erection of 77 no dwellings with associated highways, drainage, parking, garages and gardens (amended plans).

Site Address: Former Royston High School, Off Midland Road, Royston, Barnsley, S71 4QP

9 representations from local residents. Councillors Cheetham and Clements object to the proposed development.

Site Description

The site consists of the remaining land belonging to the former Royston High School site in Royston. The site is 2.1ha in size and is located to the north of Midland Road, the west of The Lane, the east of Station Road and the south of a new housing estate of 143 houses already under construction on part of the former school site.

The site is predominately open and clear of features. However a former multi use games court exists in the south east corner of the site within a fenced enclosure. In addition a footpath passes through the western part of the site connecting Midland Road and Warren Walk. A small electricity substation building is located in the south western most corner of the site. Other than that the majority of the site is overgrown with scrub grass.

The site is located in a predominately residential area and is overlooked by a number of houses located on Midland Road in particular. However other uses located nearby include a small Asda supermarket located to the east on The Lane, Royston Methodist Church to the south and Royston Leisure Centre to the west of the site on Station Road.

Public open space associated with the housing development under construction abuts the northern boundary of the site. This is scheduled to contain a LEAP play area and an informal play area.

Previously planning permission was granted for the site to be developed to contain a retail foodstore, an associated petrol filling station (full planning permission) and a health centre (outline) in addition to the development of 143 houses already under construction. This happened subsequent to the site becoming vacated following the closure of the school (ref 2012/1337).

Proposed Development

The application seeks planning permission for a development of 77 houses. The development is proposed to be made up of a mixture of 2, 3 and 4 bed properties that would be housed in layout consisting solely of detached and semi-detached houses.

Access into the development is proposed via the new road located to the East of the site that has been constructed to serve the housing estate already under construction on part of the former school site (The Lane) which was originally intended to also serve the retail development, petrol filling station and health centre. This route contains a new roundabout that has been constructed on The Lane and Old Royston Avenue.

All of the house types would be of two storey construction. The elevations would be of a traditional yet contemporary appearance with a mixture of external facing materials including dark red brick, light brown brick and white render.

Relevant History

2012/1337 – Full application for erection of 143 dwellings, supermarket (Class A1), petrol filling station, additional parking for community campus, public open space, landscaping access, parking and outline application for health centre (Class D1) with all matters. Outline and full planning permission granted with conditions 19/03/2013.

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).

Local Development Framework Core Strategy

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

Saved UDP Policies

UDP notation: Existing Community Facility

SPD's

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

Other

South Yorkshire Residential Design Guide

Publication version of the Draft Local Plan

Proposed allocation: Urban Fabric

NPPF

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

Consultations

Affordable Housing – Requested 15% of the number of dwellings to be provided as affordable housing under policy CSP15.

Biodiversity Officer – No objections provided that the development is carried out in accordance with the mitigation and enhancement measures detailed in the ecological reports.

Coal Authority – No objections

Contaminated Land – No objections have been received.

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

Education – State that a contribution of £234,734 is required to fund additional school place capacity at local primary schools.

Highways – No objections subject to conditions.

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

Tree Officer – No objections subject to conditions.

SYAS – No objections have been received.

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

Ward Councillors – Objections from Cllrs Cheetham and Clements based upon the following concerns:-

- Lack of community benefit – Concerns are raised that a housing development would not benefit the community in the same way that the previously approved plans for a supermarket for the site would have done. This is in terms of the contribution that would have made to increasing parking provision for the neighbouring community campus. In addition it is stated that community consultations carried out subsequent to the closure of the school site expressed a strong preference against a development solely made up of new houses.
- Concerns that the development would add to existing traffic congestion problems experienced on Midland Road
- It is queried whether the development would provide a contribution to enhance green space

Yorkshire Water – Do not object to the development subject to the imposition of conditions. However YW would wish to see further evidence to discount the use of infiltration drainage, or discharge into a local watercourse prior to accepting attenuated flows into the sewer network.

Representations

The application was originally advertised by neighbour notification letters, site and press notice. In addition amended plan notification letters were issued following the changes to the proposed site layout plan. 9 representations have been received. In summary the main concerns expressed are as follows:-

Harm to the living conditions of existing properties by way of overlooking/loss of privacy, loss of light, security, light pollution, noise, concerns about the potential for trespass and littering.

It is asserted that Royston should be regarded as a village that cannot accommodate additional development

An argument is made that other previously developed sites should be developed for housing in preference to a site which was previously school playing field.

Concerns that additional traffic using Midland Road and elsewhere in Royston would increase the risk of accidents due to the built up nature of the road network, the high amounts of on street parking and a lack of safe stopping places.

Lack of school places – Concerns are raised that children are already having to travel outside Royston to attend school.

It is questioned whether the development would lead to the loss of the greenspace due to be provided as part of the housing development already taking place on the other part of the former school site. Residents from the new estate would object to this as it would take away provisions were a reason for the purchasers to buy the new houses. Councillors are asked to note that the open space approved as part of the existing development would not be affected by the proposal.

Children's play – It is requested that the public open space under construction in association with the existing housing development includes a play area or skate park to provide a play

facility for local children. Councillors are asked to note that this land is located outside of the site and is scheduled to include an equipped play area by the time it has been completed.

Assessment

Principle of Development

The site is proposed to be designated within the Urban Fabric of Royston in the Local Plan. Royston is designated as a Principal Town in both the proposed local plan and the adopted Core Strategy making it a priority to accommodate new housing growth. In addition the site is in a sustainable location near to Royston Town Centre. All of these factors point strongly in support of the application being considered in land use planning policy terms.

For the time being the site is subject to an out of date land use designation dating back to the year 2000 adopted UDP which identifies the site as being an Existing Community Facility' in association with its previous use as part of the former school site. However the Council has previously granted planning permission for the site to be redeveloped for an alternative land use (retail) following the closure of the school on the opening of Carlton Community College, establishing an acceptance on the Council's part that the site can be redeveloped for a non community purpose based use. In any case the site specific UDP policy would be classed as being out date by the NPPF. In which case the NPPF is explicit that:-

- 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 NPPF indicate development should be restricted.

Currently the Council is unable to demonstrate a 5 year housing land supply which is another important material consideration weighing in favour of the proposal being supported in principle.

Taking into account these factors the case weighs strongly in favour of the residential development being supported in land use planning policy terms.

Representations from 2 of the Ward Councillors have expressed disappointment that the application proposes that the site is redeveloped for residential purposes instead of retail. However the defined centre of Royston does not extend to within the site and the site does not benefit from a retail land use planning policy designation. Based upon this a strong argument would not exist to argue the case that the site should be safeguarded for retail use purposes.

Visual Amenity

There are few existing features within the site to prevent a constraint to the development. This is with the exception of existing trees which exist on or outside the western and southern site boundary. An arboricultural implications assessment has been received to show that these trees would not be affected by the development. The Arboricultural Officer therefore has no objections to the application subject to suitable tree protection barrier fencing being in place during the construction period.

The main visual amenity considerations are therefore with regards to the form of the development itself. The plans for it include a mixture of house types (2, 3 and 4 bedroom houses) which accords with the aims of policy CSP14 and the SPD.

In addition the provision of 77 dwellings would make efficient use of the land available giving rise to an amount of development which is near to what would be aimed for by policy CSP14.

The plans have achieved that whilst at the same time meeting spacing between building and private rear garden standards within the site, although at the time of writing this report Officers are still working to resolve minor discrepancies with the layout to ensure that SPD spacing standards are fully complied with (see below section on residential amenity). In addition the plans utilise a range of parking solutions so that unbroken rows of parking spaces are avoided in the majority of locations. In addition the layout plan includes space for soft landscaping to the fronts of dwellings in and around the parking spaces.

Regarding the house types, 11 different varieties would be included which would achieve variation and prevent the development from appearing monotonous. The houses would all be conventional two storey houses avoiding any issue about incompatibility. Also a varied palette of materials would be used.

Overall the proposals are considered acceptable with regards to visual amenity considerations having regard to the Designing Residential Development SPD and policies CSP29 and CSP26 of the Core Strategy.

Residential Amenity

The application is sensitive from a residential amenity perspective given that it is overlooked by existing dwellings located in Midland Road. The relationship between the site and these dwellings is complicated further by the fact that a number of these dwellings are located in backland locations pushed up close to the site boundary.

The plans have been amended with the aim of designing more suitable relationships. Back to back distances between new and existing properties need to achieve the minimum 21m distance aimed for by the SPD. Officers are working with the applicants to resolve this issue and this is expected to be resolved prior to the plans being considered by the Board. These are considered to be capable of being resolved without materially affecting the layout and so if they are not resolved prior to members considering the application the recommendation seeks to give officer delegated authority to resolve prior to issuing the decision. The most difficult properties to design the development around are Nos 33-39 Midland Road and No.49. The applicant has afforded consideration to this by amending the plans to orientate the nearest dwellings to be side on to those properties at tight angles to avoid direct overlooking relationships. Whilst not ideal it is not felt that the relationships would give rise to concerns sufficient to warrant refusal of the application. Within the development the plans achieve the spacing between building and private rear garden standards ensuring that a suitable standard of residential amenity shall be provided for future residents.

Noise was identified as a potential issue from the following 3 sources:-

- Road traffic noise from the surrounding road network.
- Plant noise and intermittent delivery noise from the adjacent ASDA supermarket.
- Plant noise from Royston Leisure Centre / Civic Hall (audible but not significant or loud).

Throughout the majority of the site the only form of sound insulation that is required is standard double glazing. However the report has identified that enhanced double glazing and mechanical ventilation is required on some of the dwellings located adjacent to the Asda service yard. Regulatory Services are content that the proposed mitigation measures would

be sufficient for the affected houses to be occupied without noise being an amenity issue. As such they have resolved not to object under policy CSP40 'Pollution Control and Protection'.

Highway Safety

The potential effect of the development on the highway network is one of the most sensitive issues with the application due to the potential effect of the development on the capacity of the Midland Road/High Street/Church Street cross roads located in the centre of Royston

The application is accompanied by a Transport Assessment which summarises the forecasted effects of the development on the public highway network. In addition the Council have commissioned consultants to undertake a modelling exercise.

The residential development would be expected to produce less trips than predicted to occur as a result of the foodstore, petrol filling station and health centre development included within the existing planning permission but which are yet to be implemented. The results of the junction assessments suggest that the Midland Road / Church Street / High Street / Station Road junction will be operating at capacity in the 2021 PM Peak without the addition of development traffic. However, the assessment predicts that the potential increase of trips from the development affecting this junction is small and within daily fluctuations of background traffic passing through the junction. Furthermore the assessment has identified that the location of the site in the centre of Royston means that the site has very good access by bus and the surrounding residential area provides an opportunity for many trips to be made on foot or by bicycle. As such the findings have concluded that the development would not give rise to residual cumulative effect that would be regarded as severe, the threshold by which the Government regards that development may be resisted on transport grounds.

Highways have not identified any reasons to contradict the conclusions of the report and are satisfied with the proposed new junction to serve the development. They are also satisfied with the internal circulation routes and parking areas but are still working with the applicant to resolve minor discrepancies with the internal layout (e.g. road widths not quite achieving 5.5m, no. of dwellings served off a private drive). Again these are considered to be capable of being resolved without materially affecting the layout and so if they aren't resolved prior to members considering the application the recommendation seeks to give officer delegated authority to resolve prior to issuing the decision. Overall, subject to resolving the minor discrepancies highways have resolved not to object to the proposed development taking into account of the advice within the NPPF and considered acceptable and Core Strategy policy CSP26 'New Development and Highway Improvement'.

Other Considerations

Drainage/Flood Risk

The site is not located in an area that is categorised to be an above low risk of flooding and therefore the part of policy CSP4 and national policy requiring developments to be steered towards areas of low flood risk is complied with.

The application is accompanied by a proposed drainage strategy. This indicates that sub-soil conditions are unlikely to support the use of soakaways. As such, and due to the lack of space available the method of attenuation for the surface runoff on site is proposed to oversized pipes under the proposed carriageways prior to discharge into the sewer network.

Policy hierarchy for the discharge of surface water is that first priority should be given to infiltration drainage. If that is not viable discharge to a local watercourse at an attenuated

rate should be followed. Only then should a proposal be made to discharge into the public sewer network. Yorkshire Water's position is therefore that a condition would need to be imposed on any granting of planning permission requiring further evidence in support of the applicant's proposal, or an alternative means of surface water to be found. The Council's drainage officer is of the same view with neither resolving to object to the development, subject to this condition being in place.

Ground Conditions

The site is not located in a high risk coal mining referral area and as such the development is not likely to be affected by any problems associated with shallow coal workings or mine entries. Neither the Coal Authority, nor SYMAS have raised any objections on that basis. The site does contain made ground and as such an intrusive site investigation would be required to inform any mitigation measures. This would need to be conditioned.

Biodiversity

The ecological report submitted with the application has not identified any constraints to the development as the value of the site and the potential for protected species to be affected by the development is low. Mitigation recommended includes undertaking any works affecting existing vegetation between September and February (inclusive), taking a precautionary approach to the felling of a tree assessed to have a low potential for bat roosts by leaving it on the ground for 24 hours after felling to allow any undiscovered bats to escape. In addition the provision of a lighting plan for the area of the development adjacent to the western boundary is recommended to maintain its functionality for commuting and foraging bats. The provision of a number bird nesting boxes throughout the development is proposed as enhancements. The Biodiversity Officer accepts the findings and has raised no objections against policy CSP36 'Biodiversity and Geodiversity' subject to the imposition ensuring that the proposed mitigation and enhancement measures are delivered.

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

Education have confirmed that a contribution is required towards funding additional primary school places as a result of the development. The amount required would be £239,734.00. A S106 Agreement would be required to ensure the provision of this payment. A contribution for secondary provision is not required.

Public open space – Green space provision would be required for the development in accordance with the Open Space Provision on New Housing Developments SPD. Due to the provisions which have been agreed to be provided as part of the existing development bordering the site to the north that is to include the provision an equipped play area it has been determined that provision would be best met via a contribution towards off site green space in its entirety. Using the formula in the SPD the commuted sum required is £135,642.82. Again this would need to be secured via a S106 Agreement.

AH – Under policy CSP15 15% of the houses should be provided as affordable housing in this area of the Borough. However a viability appraisal submitted with the application contends that the effect of paying the sum would prejudice the viability of the development. The District Valuation Service were commissioned by the Council to carry out an independent assessment of the applicants appraisal. They disagreed that the development was unable to support the payment of the education and public open space contributions. However they were in agreement that the viability of the development would be marginal if affordable housing policy were to be applied. Given that policy CSP15 is subject to viability and given the other contributions that the development would make to housing growth and

delivery this is not considered to be an issue warranting the application being resisted in this case.

Archaeology

A desk based assessment report has been identified stating that the potential for the site to contain archaeological remains is low. No objections have been received from SYAS to the contrary.

Conclusion

In summary the proposal to develop the site for housing purposes is supported in land use planning policy terms for the following summary of reasons:-

- The saved land use policy relating to the site in the UDP (existing community facility) is out of date following the closure of the school.
- The previous decision to grant planning permission for a development of a retail foodstore, petrol filling station and a health centre has established that the Council is not intent on retaining the site for an alternative community use.
- Royston is a principal town and a priority to accommodate new housing growth within the adopted Core Strategy.
- The site is in a central and accessible location within Royston making the site sustainable.
- The development would contribute towards addressing the shortfall in the Council's 5 year housing land supply.
- The site does not form part of the designated centre of Royston and is not proposed to be allocated for retail purposes in the emerging Local Plan. As such the grounds do not exist to refuse the application in preference for the site to be safeguarded for retail purposes.

In terms of the detail of the development itself, the proposals would deliver a mixed development that would include a range of 2, 3 and 4 bedroom houses that would be suitable to meet the needs of a variety of households. In addition the plans represent an efficient use of land. Through the inclusion of 11 different house types and a varied palette of materials the development would create sufficient visual interest. In addition the plans would now include sufficient soft landscaping to the fronts of properties.

Residential amenity is an important consideration given the proximity of existing dwellings overlooking the site on Midland Road. The relationships between new and existing properties would be regarded as acceptable subject to minor modifications to the plans to ensure that they would achieve the minimum 21m distance aimed for by the SPD. The recommendation therefore seeks delegated authority to resolve this matter with the applicants prior to a final decision being made, subject to changes being accommodated without the layout being materially affected.

It is acknowledged that the effects of the development on the local highway network are a sensitive consideration. However the development would give rise to considerably fewer trips than the plans for the development for the foodstore, petrol filling station and health centre which already benefit from planning permission. Again however minor modifications are required to ensure that the layout satisfies the required highway design standards.

Mitigation is required for the provision of additional primary school places as a result of the development in the form of the commuted sum stated. The development would also require

a contribution towards the enhancement of public open space located off the site, again by way of a commuted sum.

Other matters considered include drainage, trees, biodiversity, archaeology and air quality. No areas of specific harm have been identified subject to conditions being in place to ensure that the recommendations contained within the various supporting reports are followed through.

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

Recommendation

Grant planning permission subject to conditions and a S106 Agreement (commuted sums for the provision of education and public open space off the site) and if minor issues with the internal layout are not resolved prior to the meeting, give officers delegated authority to negotiate a solution that meets with the Council's guidance prior to issuing the decision.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the following plans and specifications as approved unless required by any other conditions in this permission:-
 - Geoff Perry Associates Limited 'planning layout' rev
 - Geoff Perry Associates Limited house type brochure containing plans for Cedarwood, Chelmsford, Chelwood, Collingwood, Cranwood, Hareford, Hatton, Hazelwood, Holmewood, Lindwood, Garages
 - Geoff Perry Associates Limited house type Chelwood Special Render
 - the recommendations contained in the Preliminary Geoenvironmental Investigation report 2321/1 from Lithos.**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 4 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.
Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with LDF Core Strategy Policy CSP 29, Design.

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

- 10 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.
- 11 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 12 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 13 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.
- 14 Prior to commencement of development an investigation and risk assessment to assess the nature and extent of any contamination on the site shall be submitted to and approved in writing by the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- (i) a survey of the extent, scale and nature of contamination;
 - (ii) an assessment of the potential risks to:
 - human health,
 - property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
 - adjoining land,
 - groundwaters and surface waters,
 - ecological systems,
 - archeological sites and ancient monuments;
 - (iii) an appraisal of remedial options, and proposal of the preferred option(s).
- This must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11'.

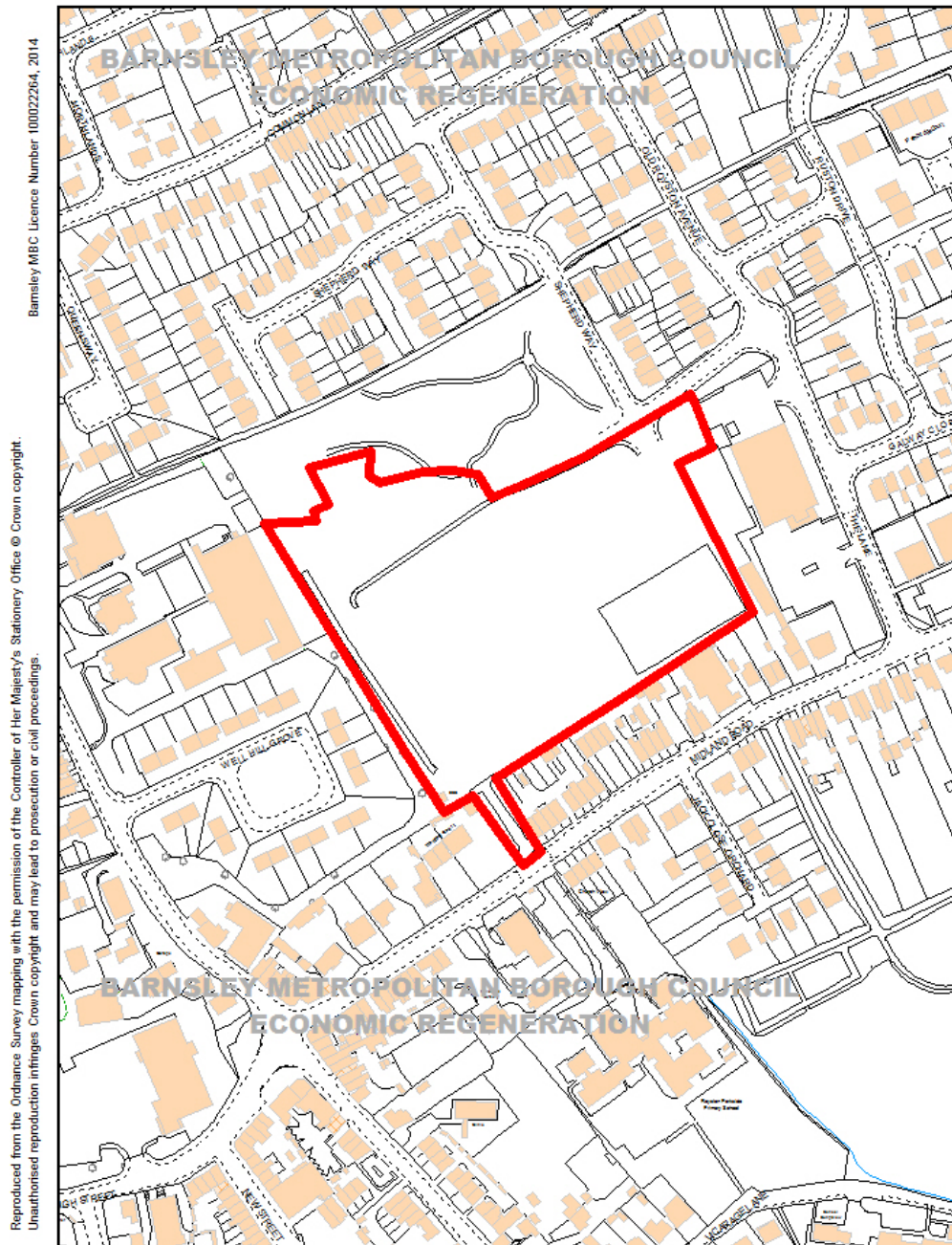
The development shall be carried out in accordance with the approved report including any remedial options.

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

- 15 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.
- 16 The development shall be carried out strictly in accordance with the noise mitigation measures set out in the noise assessment report submitted by Environmental Noise Solutions Limited dated 4th November 2016. Measures to be incorporated comprise:-
a) Plots 1-4 and Plots 6-7 windows which overlook the ASDA service yard shall have enhanced glazing rated at least 41 dB Rw (such as 6 mm glass / 6-16 mm cavity / 8.8 Pilkington Optiphon, or equivalent).
b) Plots 1-4 and Plots 6-7 bedrooms with enhanced glazing shall be provided with mechanical ventilation. Appropriate ventilation solutions include;
- A fully ducted mechanical ventilation system with heat recovery (MVHR).
- A System 3 mechanical extract ventilation (MEV) system (e.g. Airflow Developments Ltd.)
- A whole house positive input ventilation (PIV) system (e.g. Nuaire Drimaster 365).
- An individual room ventilator, such as the Titon Sonair unit (or equivalent).
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 17 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas located outside of the curtilage of private gardens, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan and retained as such thereafter.
Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.
- 18 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.
- 19 No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the 160mm water main i.e. a protected strip width of (6) metres, that enters the site. If the required stand-off distance is to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker
Reason: In order to allow sufficient access for maintenance and repair work at all times.

PA reference :-

2016/1078



BARNESLEY MBC - Economic Regeneration

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



Scale 1:2500

2016/0322

Applicant: Applicant, C/o 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.

Update

Members will recall that this application was deferred from the March Planning Board in order to determine whether the agent would be willing to amend the scheme in order to address concerns over impacts on residential amenity and the ability for larger vans to use the car wash. The agent has responded by amending the bays in the following ways:

- The introduction of a horizontal bar within the bays at a height of 2.2m to ensure no vehicles over that height could get through the car wash bays.
- The introduction of PVC strip doors on the northern elevation of the bays which can be closed to prevent spray spreading to neighbouring gardens.

The agent has considered the option of a revised layout or re-orientation of the bays but considers that this is likely to raise new issues and would result in difficulties with regards to vehicles entering and exiting the site.

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 effect on 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, imperforate 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.

Since the March Planning Board the applicant has also proposed further measures to provide a limit to the size of vehicles that can enter the car wash and additional PVC strip doors which would further help to mitigate the spray coming from the site.

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

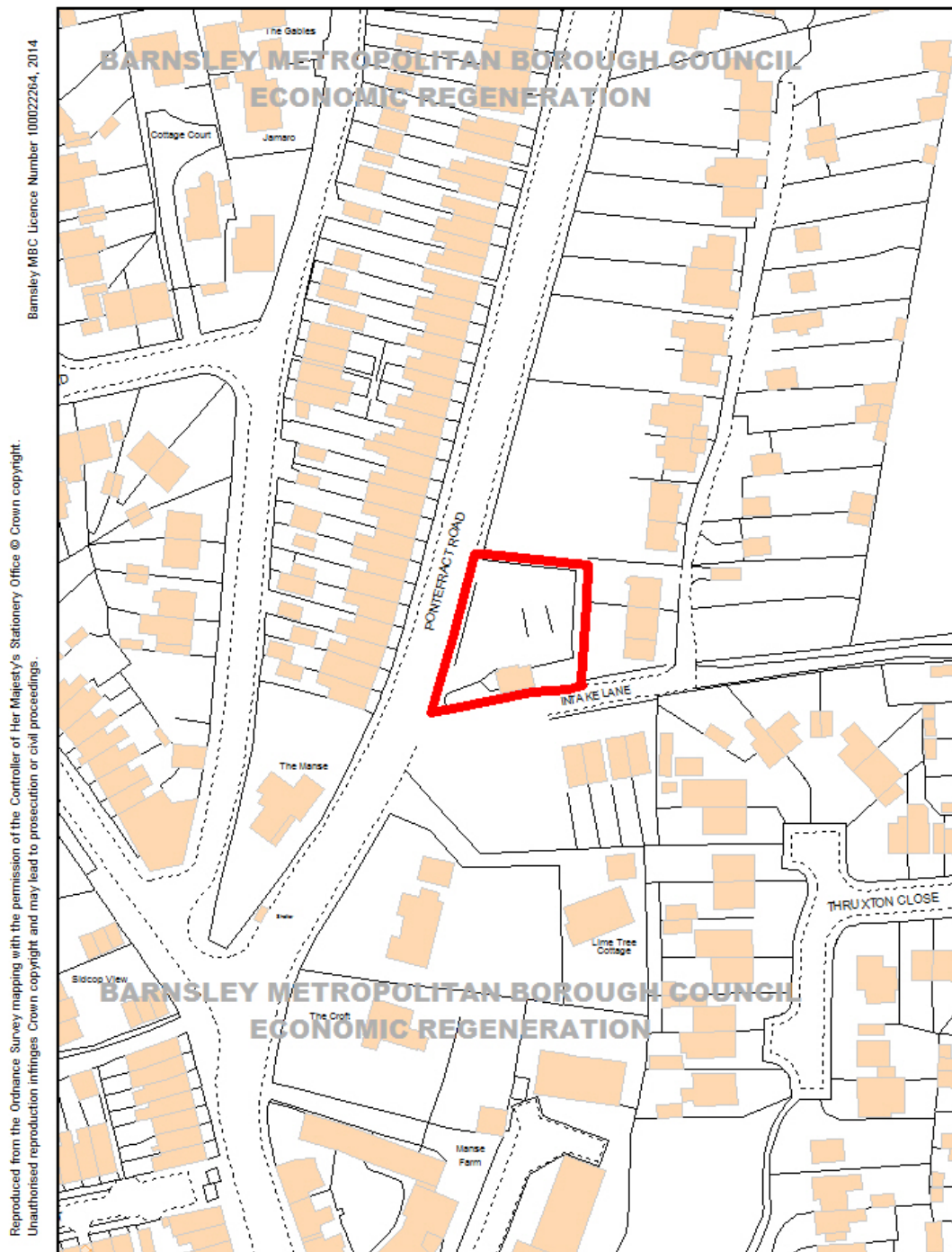
- 1 The development hereby approved shall be carried out strictly in accordance with the plan no. 2109-01-Rev G, proposed elevations drawing 2109 02 Rev B, and recommendations outlined in Appendix C of the Management Plan as approved unless required by any other conditions in this permission.

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-RevG 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 If the vacuum machine shown on plan 2109 01 Rev G is ever taken out from its acoustic fence to be used it should be contained in an acoustic box in order to seek compliance with condition 8.
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 Local Planning Authority (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



Scale 1:1250

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2017/0027

Applicant: Greg Mcgrath, C/o Michael A Clynych

Description: Demolition of existing house and erection of 3 new houses (Outline).

Site Address: The Laurels, 24 Viewlands, Silkstone Common, S75 4QP

10 representations have been received from neighbouring residents Silkstone Parish Council object. Cllr Barnard has expressed concerns regarding the proposed development and has requested that it is determined by the Planning Board.

Description

The application site is set off Viewlands a residential cul-de-sac of detached, semi-detached and terraced two storey properties and semi-detached bungalows, within the village of Silkstone Common. The property is a traditional two storey detached dwelling set at an angle in a large plot. The dwelling is accessed from a private driveway set between number 23 and 26 Viewlands. Number 25 Viewlands is a detached bungalow which is set to the south east and shares this access. It is understood that currently three dwellings have a right of access over the private driveway, which includes the applicant's dwelling, number 25 and 26.

The site slopes gently from the south to north and is well screened due to the trees set along each boundary. The main garden areas are laid to grass. A public footpath runs along the north eastern boundary of the site adjacent to the detached properties set along Hall Royd Walk. To the north west are small bungalows set on Moorland Place.

Proposed Development

The application is in outline form with all matters reserved and proposes the demolition of the existing property and a residential development of 3 dwellings. The red line boundary to the site includes the existing private shared driveway, set between numbers 23 and 26 Viewlands.

An indicative layout plan has been submitted which demonstrates three detached dwellings located in a linear pattern accessed from a shared driveway which links to the existing access. No other detail has been provided at this stage.

History

89/1354 – Residential development of two detached dwellings (outline) – Refused for the following reasons:-

1. The development of this backland site would be materially detrimental to the amenities of the occupants of the dwellings adjoining the vehicular access by reason of increased loss of privacy and general disturbance.
2. The erection of two additional dwellings would result in a loss of trees to the material detriment of the visual amenities of the area.
3. The proposal involves an unsatisfactory form of tandem development which would lead to the intensified use of a narrow, substandard access that already serves four properties, to the material detriment of the safety of users of the highway.

Policy Context

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

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

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

Saved UDP Policies

UDP Housing Policy Area

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

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

Core Strategy

CSP 26 – New Development and Highway Improvement

CSP29 – Design

SPDs/SPGs

SPD ‘Designing New Housing Development’

SPD ‘Parking’

SPG Silkstone Parish Design Statement

Other material considerations

South Yorkshire Residential Design Guide – 2011

NPPF

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

Consultations

Silkstone Parish Council - This is a backland development. The planning application goes against Silkstone Parish Council's Village Design Statement (adopted by the Planning authority as Supplemental Planning Guidance 35) which is against the construction of additional dwellings in existing gardens. Members raised concerns regarding emergency vehicle access to the new properties and increased number of owner's vehicles impacting on parking on Viewlands. Members also highlighted that the track proposed to be laid to tarmac is in shared ownership of all properties backing onto the track. The suggestion of the properties forming a gated development was considered to be out of keeping in a village setting.

Drainage – No objections subject to conditions

Regulatory Services – No objection subject to conditions

Highways – No objections

SYMAS – No objections subject to conditions

Tree Officer – No objection at outline stage, full tree survey required with any reserved matters application

Representations

Cllr Barnard raised the following concerns and requests that the application is taken to the Planning Board for decision:-

- The proposal appears to constitute a backland development and from the plans submitted there are serious concerns that access to the properties, especially by vehicles such as fire engines, would be difficult if not impossible.
- The proposed development is not in conformity with the Silkstone Parish Design Statement which does not envisage this type of intensification and it would not be in-keeping with the character of the village.
- The proposal would generate additional vehicle movements and does not provide adequate parking for the number of vehicles likely to be introduced by this development assuming it followed the same pattern as similar housing types in the Parish.
- There are concerns about both surface water run-off and the capacity of the local drainage system.

10 representations have been received from neighbouring residents which raise the following objections:-

- Noise and disturbance
- Loss of light and overshadowing impact from new dwellings
- Overbearing impact from new dwellings
- Concerns regarding access, parking and visibility
- Impact on visual amenity of the area
- Concerns regarding bin collections
- Drainage concerns

The following comments have also been made:-

- Queries over the location of the access
- Visibility spays should be created at the access with number 25 Viewlands
- The overbearing hedges along the boundary with 25 Viewlands are requested to be reduced in height
- There are large poplar trees along the boundary which have become unstable, construction works may disturb the roots and result in them becoming a danger
- The plots should be positioned a sufficient distance from the boundary with 25 Viewlands
- No vehicular access should be made to the footpath at the rear along Hall Royd Walk

Other non-material objections relate to disturbance during construction works

Assessment

Principle of Development

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

Residential Amenity

The previous proposal submitted in 1989 involved the retention of the existing dwelling, which is set almost centrally within the site and at an angle, and the construction of two further properties within the garden area. This proposal to include the retention of the existing dwelling, would have resulted in an awkward development, squeezing two further properties into this site and was resisted by the Council. In this case, the current proposal includes the demolition of the existing dwelling, which would allow for a comprehensive redevelopment of the site. Whilst the indicative layout plan would not be regarded acceptable in design terms, it does demonstrate that three properties can be designed to ensure that sufficient separation distances can be maintained. Furthermore being as the development would involve the demolition of an existing property to leave behind a sizeable open area of land within a built up residential area it is considered that the proposal would not represent an unacceptable form of backland development.

Given the proposal is a comprehensive redevelopment of this large site and as the access to the site is existing and already serves three properties, it is not felt that this proposal is a

traditional 'backland development' where additional dwellings are being built within the back gardens of existing properties.

The Supplementary Planning Document 'Designing New Housing' provides guidance in terms of separation distances, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. As with all infill residential developments where they are surrounded by existing dwellings, it is recognised that there will be some impact on the residential amenity of existing residents. A number of objections have been received from neighbouring residents with regard to the impact on residential amenity and a loss of outlook and view. Whilst the loss of this garden is regrettable the plot is of a sufficient size in order to accommodate three new dwellings comfortably in order to meet the separation distances required within the SPD and to ensure that there will be no significant overlooking, overbearing or loss of light would occur to the existing residents.

Objections have been received with regard to potential increased disturbance to adjacent dwellings; however the site is large, currently used for residential purposes and is well screened along each boundary. The proposal results in an additional two residential units, which would not cause significant impact upon the adjacent dwellings once the properties, have been constructed. The access is existing and its surface would be improved as part of the reserved matters scheme therefore any additional increase in disturbance from the access would be minimal. Concerns have been raised with regard to the impact of the construction works upon residential amenity. Regulatory Services have been consulted and have no objection to the proposal subject to conditions. Whilst disturbance during construction is not a material planning consideration, working hours conditions should be applied to any approval.

Overall, the development is considered acceptable in terms of residential amenity in compliance with UDP Policy H8D and the Council's Supplementary Planning Document "Designing New Housing".

Visual Amenity

In terms of visual amenity, the immediate area features various sizes of dwellings, including detached, semi-detached and terrace properties of one and two storeys in height. The site is a large plot and is surrounded on all sides by residential properties, however it is also well screened by existing trees along the boundaries. The current dwelling has been built at an angle on the site and does not fit in with the pattern of development which surrounds. As this application is in outline with all matters reserved, the details of the scale, design, siting and landscaping are a reserved matter for future consideration and it is felt that the properties could be designed and sited in order to fit in with the surrounding properties and the Silkstone Parish Design Statement. The proposal is considered in compliance with the NPPF, Core Strategy policy CSP29, and the Council's Supplementary Planning Document "Designing New Housing."

Highway Safety

The previous application submitted in 1989 was refused in part due to the intensified use of a narrow, substandard access that already serves four properties, however it was understood that only three properties have a right of access over the road. With the demolition of the existing dwelling and a potential three additional units, the access would serve no more than five properties which is the maximum number allowed for from a private driveway. The highways section have raised no objection to the proposals for three dwellings and consider that the width of the driveway is acceptable for the amount of properties it would serve, and adequate visibility exists at the driveway entrance/exit.

As the application is at outline stage with all matters reserved, the proposal could be designed to provide sufficient parking areas for at least two cars within each plot. The private shared driveway and any improvements to the surface would allow for the safe turning and manoeuvring of vehicles, and the proposed access has sufficient visibility in each direction.

Concerns have been raised with regard to the access to the site with fire appliances, however highways have confirmed that a fire appliance will be able to access the site and sufficient turning areas could be provided within the site so that a fire appliance could manoeuvre within the site. No objection is raised from a highway safety point of view.

Impact on Trees

There are a number of trees along the boundary which provide significant screening and amenity to the area. These trees would need to be protected as part of any development proposal. The Tree Officer has been consulted and considers that the proposal could be designed so that the trees along the boundaries are not significantly affected. Concerns have been raised with regard to the safety of the trees along the boundary and overshadowing issues. Conditions are recommended in order to ensure that a full tree survey and protection measures are submitted at reserved matters stage.

Drainage

Concerns have been raised with regard to the impact of the proposal upon both surface water run-off and the capacity of the local drainage system; however the Council's Drainage Officer has raised no objection to the proposal subject to conditions.

Conclusion

In conclusion, the site lies within a Housing Policy area where infill residential development is normally considered an acceptable form of development. It is considered that the proposal represents a sustainable development which accords with the objectives and principles of the UDP policies H8A, H8D, Core Strategy policies CSP 26 and 29 and SPD 'Designing New Housing Development' in that it would be capable of successfully integrating into the existing residential environment without harming the amenity of existing residents, subject to a suitably set of plans being provided at the reserved matters stage. The proposed access is considered to be acceptable and there should be no significant highways issues. The proposal has therefore been assessed to be an acceptable form of development and is recommended for approval accordingly.

Recommendation

Grant outline planning permission with all matters reserved, subject to conditions

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

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

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

- (a) the layout of the proposed development.
- (b) scale of building(s)
- (c) the design and external appearance of the proposed development.
- (d) means of access
- (e) landscaping

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

3 No development shall take place until:

- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
- (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
- (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;

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

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

4 The site is located in a Coal Authority coal mining referral area due to the probable presence of shallow coal. The land could therefore be at risk from ground instability due to the presence of shallow mine workings or associated mining legacy health and safety risks, such as fugitive gas migration. Site investigations must therefore be undertaken by a suitably qualified person to evaluate the ground conditions and potential risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 'Construction over abandoned mine workings' where applicable. A report detailing the findings of the investigation and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority prior to the commencement of development. The development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe development rests with the developer and/or landowner.

Reason: Land stability NPPF sections 120 and 121.

5 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 survey
- Tree constraints plan
- Arboricultural impact assessment
- Arboricultural method statement
- 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.

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

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

7 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.

8 The development hereby approved shall not exceed a maximum of 3 residential dwellings, the details of which shall be submitted under an application for the approval of the reserved matters.

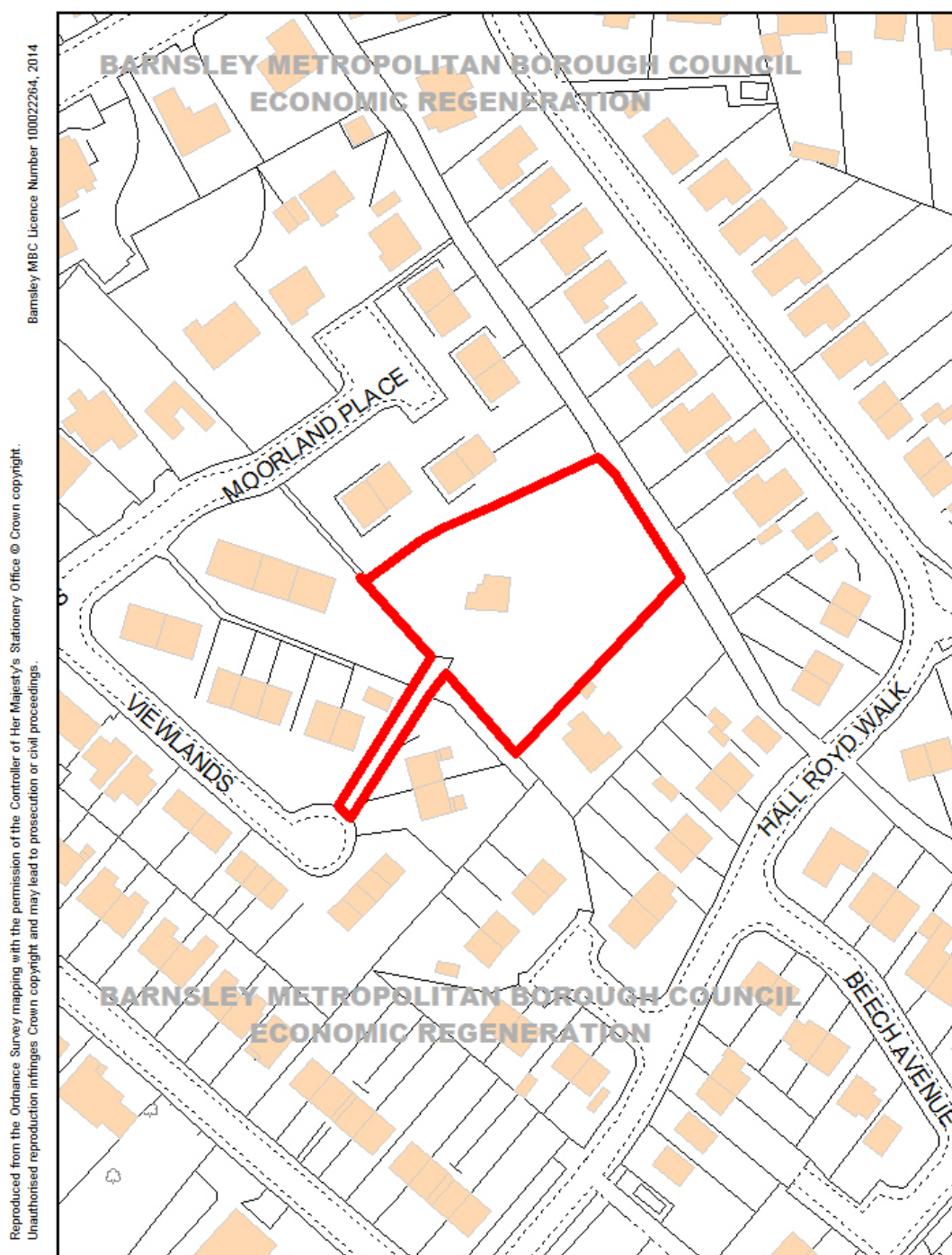
Reason: To ensure the development conforms with the outline planning permission and stays within the maximum assessed level of development.

9 The approved development shall be limited to a maximum scale of two storeys in height.

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

PA reference :-

2017/0027



BARNESLEY MBC - Economic Regeneration

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



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2017/0135

Applicant: Property and Procurement, C/o IBI Group

Description: Proposed refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1 ,A3, A4), and leisure (D2) uses - Reserved matters of outline planning permission 2015/0549 (access, appearance, layout and scale, excluding landscaping).

Site Address: Barnsley Markets and adjoining land at Cheapside, Barnsley

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

Site Description

The proposal relates to the latest phase of the 'Better Barnsley' proposals for the development of the Town Centre following the approval for the detailed set of plans relating to the new Library. This particular phase encompasses the Metropolitan Centre, the Market Hall and their associated shop fronts on Cheapside and May Day Green. The site also includes part of the existing multi storey car park that is accessed is from the south east to the rear via Wesley Street and Lambra Road.

The existing buildings are a form of brutalist post war architecture that are a product of their time. Facing materials include brown concrete panels, which dominate the appearance of the building as well as concrete and red brick. The buildings have a top heavy and unfriendly appearance, with shop fronts recessed behind a covered walkway and the majority of shop fronts possessing shutters and panels that reduce the amount of glazing visible still further. A large and clumsy stairwell to the first floor entrance from Cheapside obscures the visibility of many of the shop fronts still further and acts as an obstruction to pedestrian footfall and two way visibility. The multi storey car park is also an eye sore for many of the same reasons and its lack of user friendliness for the up to date era.

Proposed Development

The application seeks approval of the details of access, appearance, layout and scale relating to the works to refurbish the Met Centre and the Market Hall. Details of landscaping remain reserved for a future reserved matters application for the public realm works relating to all of the development included within the original outline application.

The proposal would be the next phase of development relating to outline planning permission 2015/0549 (the 1st part being the new central library that is under construction). The proposal is to refurbish and re-construct the buildings to house replacement retail units, the markets, food and drink and a leisure unit (a gym). The building would contain 3 internal floors. The ground floor would contain retail units on all 4 sides of the building, market stalls, food and drink outlets, car parking, plant and waste rooms. The first floor would contain further retail units and market stalls, a food court, the leisure use (gym). The 2nd floor would contain offices. Lift and stairwells would provide access between the floors.

The appearance of the buildings would be fundamentally changed and altered. The areas of the building faced with glazing would be substantially increased. Previous cladding would be replaced with Portland stone, modern rainscreen cladding with a lighter palette of colours used including light grey and light brown.

The proposal is for the development to link in with the library phase and future phases via new public realm works which would see the existing pedestrian areas in the vicinity remodelled. As part of this a new market square is envisaged to the north of the development and a new pedestrian arcade provided to the existing rear and south east side of the building to expose the building to footfall on all 4 sides. However the detail of this shall form a part of a future application specifically for the public realm and landscaping works and as part of the phase 2 application known as the Glassworks.

A pedestrian entrance would be provided to the new market hall would be provided the front of the building on Cheapside and the north west side on May Day Green.

Access for service vehicles and market traders would be via the existing service access Kendray Street to the north of the development. In addition the outline application indicated that a new service road shall be constructed to serve the development and phase 2 part of the Better Barnsley development known as the 'Glassworks' which shall also provide a future route to access the development from Lambra Road to the south east.

History

Outline planning application 2015/0549 was approved 08/07/2015 with all matters reserved. This approved *a mixed use development of Barnsley Markets and adjoining land following demolition of existing offices, bridge, part of existing market hall and multi-storey car park to provide a replacement refurbished retail / market floorspace, new retail / food and drink (Use classes A1, A3, A4), a cinema (Use Class D2), a library (Use Class D1), and new public open space, access road and associated servicing arrangements, car parking and a pedestrian footbridge across the adjacent railway to the site of the former CEAG building.*

Application 2015/0730 determined that Permitted Development Prior approval was not required for the *Demolition of Council Offices (Kendray Street) / TEC Centre & Retail Units (Eldon St / Kendray St) / Multistorey Car Park & associated structures / Zero Ice (Alhambra Road)* on 23rd September 2016.

Approval over the reserved matters for the 1st phase development of the new central library was approved 27/10/2016 and under applications 2016/0924 and 22/02/2017 (amended plans -ref 2016/1504).

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: Principal Shopping Frontage

Local Development Framework Core Strategy

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

SPD's

- Residential amenity and the siting of buildings
- Parking

Publication version of the Draft Local Plan

Proposed allocation: The Markets Area/Better Barnsley Development Area/Primary Shopping Frontages

NPPF

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

Consultations

Air Quality – No objections at this stage. An air quality assessment, including details of proposals to mitigate the air quality impact of the development is due to be provided prior to the commencement of development.

Biodiversity Officer – Enhancements should include the provision of bat bricks within the development.

Contaminated Land – No objections subject to conditions.

Civic Trust- a summary of the comments provided is as follows:-

- The quality of the materials has been questioned. It is felt that investing more money in higher quality materials would be a better long term investment and lead to a better quality finish.
- The Trust are hopeful that the entrance to the market shall not be obscured by pop up events taking place in the market hall.
- The entrance lobby for access to the evening economy is welcomed.
- The entrance towers are viewed as a key aspect of the design and need to be robust and well presented.
- The large amount of glass is positive provided that it will not be intruded upon by unsuitable signage.
- The Trust are hoping that the interior stalls shall reflect the goods on sale and the individuality of the stallholders.
- The Trust are keen to see the future application for the public realm works.

Drainage – No objections given that matters of principle associated with drainage considerations were considered at the outline stage.

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

Highways – No objections.

Network Rail – No objection subject to a number of informative comments being passed onto the applicants.

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

Pollution Control – Would wish to see details of any proposed air conditioning or extraction systems to ensure that they would not cause a noise nuisance affecting existing properties in the locality. In addition they would need be consulted regarding details of the proposed construction method statement at the approval of details reserved by conditions stage to ensure that suitable mitigation proposals would be in place regarding the suppression of dust and noise.

SYMAS – No objections provided that the precautionary measures detailed in the ground investigation report accompanying the outline application to safeguard against the possibility of historical coal workings are adhered to.

SY Police ALO – The Police ALO has made a variety of recommendations with regards to detailed design measures to make the development suitable from a secured by design and counter terrorism perspective.

Ward Councillors – No comments have been received.

Urban Design Officer – No objections have been received.

Yorkshire Water – Yorkshire Water has no objection in principle to:

- i) The proposed building position over/near to public sewer subject to control under Part H4 Building Regulations 2000.
- ii) The proposed separate systems of drainage on site and off site.

- iii) The proposed point of discharge of foul to the existing foul connections on site and ultimately into the public combined sewer to the north-east of the site.
- iv) The proposed use of the petrol/oil/grit separator/interceptor.

Representations

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

Assessment

Principle of Development

Outline planning permission 2015/0549 granted approval for a mixture of retail, food and drink, a library and leisure uses. The maximum floor space parameters for each use were detailed within the application. In addition the outline planning permission committed to the refurbishment of the Metropolitan Centre building.

The details of the application have been assessed and are deemed to comply with the parameters set within the outline planning application. This is illustrated within the following table:-

Use Class	Floor Space approved within the Outline Application (ref)	Floor Space Approved as part of the Library RM Application (Ref)	Floor Space proposed as part of the Metropolitan RM Application	Total Floor Space Proposed to date.	'Remaining Allowance'
A1 / A3 / A4	30,500	315	15,100	15,415	15,085 (subject to approval of this RM application)
D1	3000	3000	0	3000	0
D2	4500	-	1581	1581	2919

The development also would include office space at first floor. However this would be used in association with the uses being carried out from site and is therefore regarded as being ancillary. The proposal does include a gym rather than a cinema as a leisure use within this phase with the cinema now to form part of the future phase 2. However this cannot be opposed given that both cinema and gym uses fall into the same use class (D2).

Furthermore the size of the gym would be well within the maximum parameters established by the outline planning permission for D2 uses. Overall therefore the proposals are considered to comply with the limitations set by the outline planning permission which established the forms of development that could be built out in land use planning policy terms.

Visual Amenity

The development would see a wholesale transformation of the building to give it a modern appearance to bring it up to date with the modern age. The substantial increase in the amount of glazing and the light coloured material palette would make the appearance of the building much softer and lighter and therefore much more visually appealing. The development occupies a location in the heart of the retail part of the Town Centre. As such the development would benefit the appearance of the Town Centre for residents and its attractiveness to visitors from outside the Borough. The development is considered to comply with policy CSP 29 'Design' accordingly.

Residential Amenity

There are no residential properties located in the immediate vicinity of the building. In addition the building is existing and so the potential for any new effects to result in harm occurring to the living conditions for existing residents is very low regarding considerations such as scale and massing, noise and odour. However Pollution Control would still wish to be provided with details of the proposed air handling and air conditioning units prior to their installation to ensure that the models intended to be used would not give rise to any problems occurring. In addition the outline planning permission includes a requirement for a construction method statement and so this requires proposals to be submitted detailing measures to limit noise and disturbance during the construction phase. These would need to be conditions therefore.

Highway Safety

Traffic and generation capacity issues were considered at the outline stage both within the Transport Assessment accompanying the application and the assessment carried out by Highways Officers. The application was not objected to in network capacity terms subject to the following works being carried out:-

- a) provision of a signal controlled junction at the Wesley Road/Lambra Road
- b) provision of a signal controlled junction at Lambra Road/Pontefract Road;
- c) provision of VMS at various locations throughout the town centre;
- d) any necessary changes to street lighting;
- e) any necessary changes to drainage;
- f) provision of and any necessary changes to Traffic Regulation Orders;
- g) carriageway/footway resurfacing/reconstruction on all affected highways;
- h) any necessary signing/lining;
- i) provision of signal engineer parking bay at the signal controlled junctions;
- j) provision of motorcycle/cycle parking
- k) provision of coach parking facilities

Parking provision for the development is to be addressed via the provision of a new multi storey car park which is to replace the existing multi storey car park situated to the rear of the Met Centre. However this is to form part of a future application for phase 2 of the Better Barnsley town centre development works. Again Highways are content with this approach. In addition the demolition of the existing multi storey car park is permitted development and cannot be objected to.

Servicing is proposed to continue take place within the under croft of the building which shall allow that to take place outside of the public realm in the way rather than externally via the shop fronts preventing conflicts. Highways are comfortable with the proposals and have resolved not to object to the proposed development taking into account of the advice within the NPPF and Core Strategy policy CSP26 'New Development and Highway Improvement'.

In addition condition 3 of the outline planning permission makes it a requirement that a method statement is provided in association with the development. This would provide highways with control over the following areas:-

- The parking of vehicles of site operatives and visitors
- Means of access for construction traffic
- Phasing of the development
- 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

Other Considerations

Drainage

The application is accompanied by a document outlining the drainage strategy for the development. Attenuation storage will be constructed to achieve a 30% reduction in surface water discharge rates from the development. In addition Sough Dyke has been identified as being a suitable outfall for the development. Yorkshire Water and the Council's drainage officer have assessed the details and are content with the proposals.

Yorkshire Water network

Condition 11 of the outline planning permission was imposed at the request of Yorkshire Water with the intention of preventing damage to sewers, watercourses and culverted watercourses in the ground within the vicinity of the development. As a consultee on the application Yorkshire Water have assessed the details of the application and raised no objections in relation to these matters.

CO2 emission reduction

Condition 6 of the outline planning permission requires the application to be accompanied by measures detailing how the development shall achieve a 15% CO2 emission reduction. The application is accompanied by a report which sets out how this would be achieved using a variety of means including a fabric first approach to improving thermal elements to incorporate low U-values, detailing to minimise thermal bridging and air infiltration, and energy efficient boilers and control. In addition the building is to be fitted with air source heat pumps and photovoltaic panels to achieve a 15.12% reduction in CO2 emissions. In addition there is the potential for this to be increased further if proposals are taken forward for a district heating network as part of the phase 2 development proposals.

Biodiversity

Condition 8 of the outline planning permission requires details of biodiversity enhancement measures for the development. The expectation of the Biodiversity Officer is that this phase of the development shall include bat bricks within the development. As this has not been detailed within the application a condition would be required to ensure this forms part of the development and to agree the detail in relation to the number and locations.

Police ALO recommendations

A condition is proposed to require details of how the recommendations of the Police ALO are going to be incorporated within the detailed construction drawings.

Conclusion

In summary the plans relating to the layout of the proposed development, the scale of the building, design and external appearance and means of access have been assessed to be acceptable for the phase of the Better Barnsley redevelopment relating to the refurbishment of the Metropolitan Centre and Markets building. In arriving at this view weight has been afforded to the following considerations:-

- The proposed uses to be carried out within the building and its scale are consistent with the details approved at the outline stage.
- The changes to the external appearance of the building would be transformed via the reprofiling of the building and recladding using a modern palette of cladding materials and via significantly increasing the amount of external glazing.
- No specific areas of harm have been identified that would be likely to occur as a result of the development.
- The continued use of the undercroft for servicing would minimise conflicts between service vehicle traffic and pedestrians.

Overall therefore the proposed development is considered to be acceptable following an assessment of the implications of the proposal being carried out against relevant planning policy considerations and all other material considerations which have been identified within the assessment process. Notwithstanding a need for conditions has been identified to agree the final materials following a review of samples, to agree the precise measures that will be provided to ensure that the development achieves a 15% reduction in CO2 emissions, to ensure the provision of bat bricks and to ensure that external plant is of a suitable specification.

Recommendation

Grant approval of reserved matters for the phase of work relating to the refurbishment of the Metropolitan Centre and Markets Hall (matters of layout of the proposed development, the scale of the building, design and external appearance and means of access)

- 1 Application for approval of the landscaping reserved in Condition No. 2 of outline planning permission 2015/0549 shall be made to the Local Planning Authority before 08 July 2018 as the expiration of three years from the date of the permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

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

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

- Existing Site Location Plan (BBTC_IBI_MC_A_F100_SP_EX_01)
- Proposed Site Plan (BBTC_IBI_MC_A_F100_EL_XX_01)
- Phase 2 Met Centre Ground Floor (BBTC_IBI_MC_A_F100_PL_00_01)
- Phase 2 Met Centre First Floor (BBTC_IBI_MC_A_F100_PL_01_01)
- Phase 2 Met Centre Basement Plan (BBTC_IBI_MC_A_F100_PL_B1_01)
- Phase 2 Met Centre Roof Plan (BBTC_IBI_MC_A_F100_PL_RF_01)
- Sections AA, BB, CC & DD (BBTC_IBI_MC_A_F100_SE_AD_01)
- Phase 2 Met Centre Second Floor (BBTC_IBI_MC_A_F100_PL_02_01)
- Phase 1 Met Centre Proposed - Gross External Areas (BTTC_IBI_MC_A_F200_PL_XX_01)
- Met Centre Existing - Gross External Areas (BTTC_IBI_MC_A_F200_PL_XX_02)
- Phase 1 Met Centre Proposed GIA by Planning use (BTTC_IBI_MC_A_F200_PL_XX_05)
- General Arrangement Elevations (BBTC_IBI_MC_A_F100_EL_XX_01)
- Wall Detail North East Façade 1 - Boulevard (BBTC_IBI_MC_A_G251_DT_NE_01)
- Wall Section NW-2: Internal Void - Long Section (BBTC_IBI_MC_A_G251_DT_NW_02)

- South East Facade - Market Entrance (BBTC_IBI_MC_A_G251_DT_SE_01)
- South West Facade - Cheapside - Terracotta (BBTC_IBI_MC_A_G251_DT_SW_01)
- Wall Section SW-4 Cheapside (BBTC_IBI_MC_A_G251_DT_SW_04)
- The recommendations in the Drainage Strategy (Mott MacDonald)
- The recommendations in the Energy Strategy & LZC Feasibility Assessment (Stroma Tech)
- The recommendations in the Preliminary Ecological Appraisal (Mott MacDonald)
- The recommendations in the Preliminary Land Contamination and Geotechnical Risk Assessment (nps group)

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

- 3 Prior to the commencement of works on the new external façade of the development, full details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The construction of the building shall only take place after a sample panel of all external materials has been constructed on site and the details approved in writing by the Local Planning Authority. The approved panel shall be retained on site until construction of the building has been completed. Development shall be carried out in accordance with the approved details.

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

- 4 Prior to the occupation of the building, full details of externally mounted plant or equipment for heating, cooling or ventilation purposes, nor grilles, ducts, vents for similar internal equipment, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being brought into use and shall be retained as such thereafter.

Reason: In the interest of visual and residential amenity in accordance with Core Strategy Policy CSP 40.

- 5 Prior to the commencement of works on the new external façade of the development a scheme for the provision of bat bricks within the development as a means of providing biodiversity enhancements be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being brought into use and shall be retained as such thereafter.

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

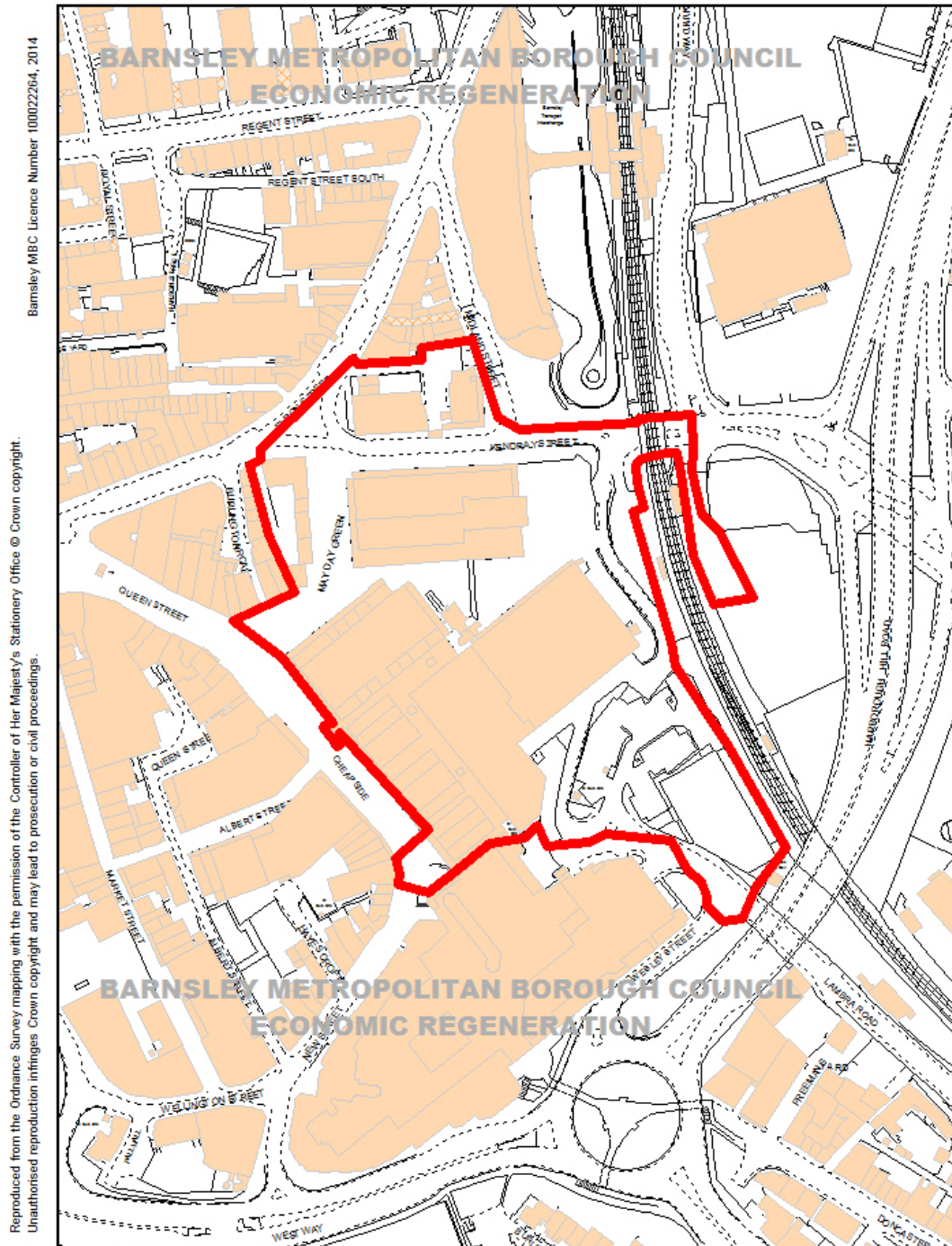
- 6 Prior to the occupation of the development details of a scheme for responding to the recommendations of South Yorkshire Police Crime Reduction Officer in the completed development shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the development being brought into use and shall be retained as such thereafter.

Reason: In the interest of crime prevention and counter terrorism.

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

PA reference :-

2017/0135



BARNSELY MBC - Economic Regeneration

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



Scale 1:2500

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2017/0248

Applicant: Miss Miranda Steadman

Description: Proposed 7,225 sq m (gross external area) industrial unit at Plot A for general industrial (B2) and storage and distribution use (B8) with ancillary office (B1) (Reserved Matters pursuant to outline planning permission 2016/0713 - appearance, landscaping, layout and scale).

Site Address: Unit A Land at Capitol Park, Capitol Close, Dodworth, Barnsley

Site Location and Description

The site lies within the Sheffield City Region Enterprise Zone.

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

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

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

Planning History

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

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

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

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

2016/0713 - Outline planning application including means of access for general industrial (B2) use and storage and distribution (B8) use with ancillary office (B1) use. Approved 7 October 2016.

Proposed Development

The proposal is a 7,225 sq m (gross external area) industrial and warehousing unit at Plot A. The intended occupier proposes to use the building to take pallets for storage, full height, which will be stored and then taken out for delivery in full packs not individual items.

However, to preserve flexibility for other uses in the future permission is sought for general industrial (B2) and storage and distribution (B8) with ancillary office (B1) use.

The inside wall measurements of the building will be 79.3 metres x 84.7 metres. The height to eaves is 13m (12 metres to underside of haunch) and to the ridge it will be 15 metres high.

The unit will be of steel framed construction. Materials will principally comprise dark grey horizontal profile cladding with paler grey vertical clad panels. Office elevations to be of composite cladding with powder coated aluminium framed curtain walling and windows.

The proposal is expected to provide employment of 20 employees in the office unit and a further 35 employees in the warehouse;

The hours of operation will initially be as shown below, although going forward a 24hour operation would be required:

Office, 0900 to 1700, Monday to Friday; Warehouse, 0800 to 1600, Monday to Friday, and 0800 to 1400 on a Saturday

Traffic generated is proposed to be approximately 10 HGV movements per day, Monday to Friday, and approximately 3 HGV movements on a Saturday. The Transport Statement indicates this equates to 38 two movements in Peak Hours.

A car park with 72 parking spaces accessed off the main access road into the wider site at the front (north) of the unit including disabled parking. Due to the changes to the Illustrative Masterplan in respect of the first phase of the development resulting from the occupier's requirements for a single, larger unit, the secondary access that was agreed by the outline consent is no longer required and will not be pursued. Instead, all vehicular movement will be via one access to the north of the site.

A service yard is proposed to the rear (south) of the unit, accessed via the turning head of the main access road into the wider site. The service yard includes a 25 m turning circle and provides access to two no. proposed surface level doors and four no. proposed dock levelling doors.

Landscaping Proposals include wildflower meadow grassland, to enhance the biodiversity of the site, and a range of heavy standard and extra heavy standard trees, with a native hedgerow to the western side with additional tree and shrub planting. Existing perimeter landscaping to be retained. The perimeter of the building, car park and service yard will be protected by 2.4m high V guard security fencing in dark green with matching gates.

The application was accompanied with proposed measures to reduce CO2 emissions which were required to be submitted under condition 8 of the outline permission and have been separately discharged.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and 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).

Unitary Development Plan (UDP)

Employment Proposal DO3

Coal Authority Coal Mining Referral Area

Core Strategy (CS):

CSP 1 – Climate Change
CSP 2 - Sustainable Construction
CSP 5 – Including Renewable Energy in Developments
CSP 8 - Location of growth
CSP11 – Providing strategic employment locations
CSP12 – Distribution of new employment sites
CSP19 – Protecting Existing Employment Land
CSP26 – New Development and Highway Improvement
CSP29 – Design
CSP36 - Biodiversity and Geodiversity
CSP40 – Pollution Control and Protection

Unitary Development Plan (UDP) (Saved policies):

ED4 – Economic Development and Residential Amenity.

NPPF

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

where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

In respect of this application, relevant policies include:

Para 9 Sustainable Development – positive improvements

Para 17 Core Planning Principles

Para 32 Transport Assessment

Para 58 Good design – considerations

Para 123 Noise

Para 124 Air Quality

SPDs/SPGs

Parking

Emerging Local Plan (Publication Draft 2016)

Identifies the site as part of Employment Policy Area UB8 and lies within the Sheffield City Region Enterprise Zone. Development on the greater site will be expected to retain the woodland planting on the sites northern embankment and the section of hedgerow and associated mature trees running adjacent to Higham Lane.

Consultations

Air Quality Officer – no further comments following condition attached to outline permission

Biodiversity officer – No objections have been received. In addition a condition has been imposed on the outline requiring mitigation and enhancements. A condition is proposed on this application to require the detail of that to be submitted for this phase of the development.

Coal Authority – no objections

Contaminated Land Officer – no comments received although a condition at the outline stage requires intrusive site investigation

Design – no comments received, there were no objections at outline stage

Drainage – No objection subject to conditions

Enterprising Barnsley – Enterprising Barnsley support the proposed development, which will secure investment, generate a business rate income and lead to potential increase in employment opportunities in the borough

Forestry Officer - no objections to what is proposed for this part of the site as trees to be retained are outside the red line boundary and will be unaffected by the development

Highways DC – No objections have been received.

Highways Agency – No objection subject to being kept informed of future reserved matters applications on the larger site, and subject to comments set out in response to the Transport Assessment and Travel Plan submitted as part of the outline application.

Pollution Control – No objections

PROW- no objections

Superfast Broadband – Guidance for developers provided

SYAS – no comments received

SY Police- The development would benefit from secured by design standards

SYPTTE – no comments received

SYMAS – No objections

Ward Councillors – no comments received

Yorkshire Water – no objection, request for conditions which were imposed at outline stage.

Representations

The application has been advertised by way of a press and site notices. In addition commercial and residential properties close by have been consulted in writing. No objections have been received.

Assessment

Principle of Development

Members will recall the granting of outline permission under reference 2016/0713 for general industrial (B2) use and storage and distribution (B8) use with ancillary office (B1) use including means of access for 5.61 ha of land remaining a Capitol Park. An indicative masterplan set out anticipated development in four units of varying sizes which could generate between 200 and 450 jobs in total set out in the following units:

Description	Use	Floor Area (Sq ft)	Floor Area (Sq m)	No. of Parking Spaces
Unit A	B2/B8	27,500	2,554	42
Unit B	B2/B8	30,000	2,787	63
Unit C	B2/B8	70,000	6,503	118
Unit D	B2/B8	50,000	4,655	74
TOTAL		177500	16,499	297

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

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

Design, Scale and Layout

The proposed building is of a modern design and of high quality materials and appropriate for the proposed use. The indicative masterplan submitted for the outline application suggested 4 units of varying sizes could be accommodated on the whole site.

The proposal is a warehouse and office building 6716 square metres in size, which would include 713 sqm of ancillary office space, over 2 floors. This unit is similar to the expected size of the largest unit envisaged by the masterplan.

The layout of the site proposes car parking to the north of the unit, and service yard to the south of the unit with the eastern elevation of the unit would face the Whinby Road/Capitol Close roundabout. It is acknowledged that the site would be prominent when viewed from Whinby Road as a consequence of level differences. However, this layout of a square unit sitting centrally within a triangular site allows the elements of the site with lowest visual impact (ie parking and storage areas) to be closest to the highways, enabling the building to be set back from Whinby Road and Capitol Close, thereby reducing visual impact.

Overall it is considered the scale of the development, both in terms of size and height is appropriate to the local context.

With regard to parking arrangements the car parking layout and scale is considered appropriate and complies with the adopted SPD Parking.

Having full consideration to the design merits of the proposal and the layout of the scheme it is considered that the development would deliver a high quality building of modern design and layout appropriate for an employment use. The scale reflects that in the indicative masterplan and is considered acceptable.

It is therefore, considered that the proposal adheres to the objectives of CSP Policy 29 which stresses the importance of achieving high quality design.

Residential Amenity

The site lies a considerable distance from the nearest residential dwellings on Barnsley Road to the south, separated from them by Whinby Road and the Penistone railway line. The dwellings face away from the site and lie at a lower level. The site would be unlikely to be visible from the vast majority of the dwellings. The proposed offices would face to the north towards the site car park and other employment uses beyond Capitol Close on the establish Capitol Park site. Taking into account the existing traffic and existing employment and other uses in the area, I do not consider that the proposal would have any effect on residential amenity.

Highway Safety

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

However, Members may recall that outline planning permission was granted for a phased development of the larger site in order to control the amount of traffic at peak hours and prevent additional congestion.

Condition 26 of the outline permission envisaged 2 phases; the first phase comprising three units of a maximum 11844 sqm in total, resulting in 64 and 63 two way trips at peak hours. This Phase of development would not require any mitigation to the local highway network prior to the occupation of any units.

The fourth unit would form phase 2 with a maximum size of 4655 sqm of development and no more than 24 and 25 two way trips during peak hours and would require a scheme of mitigation.

The proposed unit in this application is slightly larger than indicative unit C above, which was expected to be developed under phase 1 of the site. As such, it complies with the indicative quantum of development anticipated during the first phase, leaving 4619sqm for 2 further units in the first phase. The number of trips expected to be generated by the proposal are proposed to be a maximum of 38 two way movements as set out in the Transport Statement. This is considered acceptable as they fit well within the maximum allowed at peak hours for the first phase under conditions attached to the outline permission.

Overall the proposal is considered to comply with Core Strategy Policy CSP 26 and para 9 of the NPPF.

Conclusion

In summary, this application seeks approval for the details of the layout, scale, appearance and landscaping of the proposed 7,225 sq m (gross external area) industrial unit at Plot A for general industrial (B2) and storage and distribution use (B8) with ancillary offices (B1). The principle of allowing the site to be development for employment purposes, and the location of the means of access have already been established by the decision to grant outline planning permission on application 2016/0713.

The development would be set within part of the remaining Capitol Park employment area, and whilst the unit is large, it is of high quality modern design and materials and fits into the quantum of development anticipated in Phase 1. The proposal will result in approximately 55 jobs and the two way peak traffic levels anticipated as a result of the proposal is acceptable. Overall sustainable objectives can additionally be achieved through the building's design and ecological enhancement.

It is considered that there are no other material considerations to indicate that a decision should be made at variance to the above policies. There are no significant or demonstrable adverse impacts associated with the development and the application has successfully demonstrated that the Reserved Matters have been successfully addressed.

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

Recommendation

Grant Reserved Matters approval subject to conditions

- 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

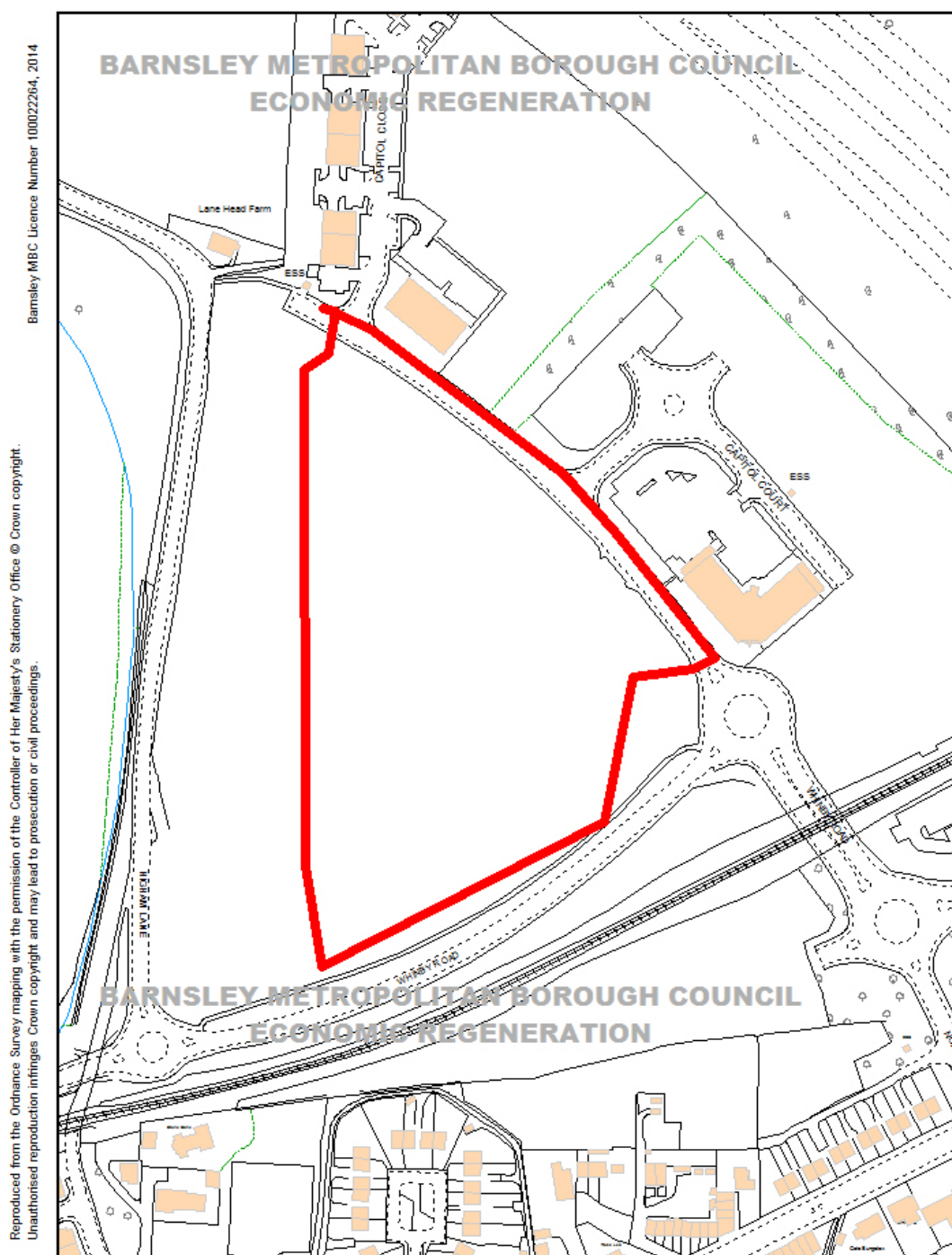
- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission:
The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission as follows:
M3016-00-SK4 Location Plan
M3016-01-SK5 Site Layout
M3016-02-SK4 Floor Layout Plan
M3016-03-SK4 Elevations
M3016-05-SK4 Site Sections
M3016-07-SK4 Proposed Roof Plan
2450.2017-DSK1 Drainage Layout
SF2651 LL01 REV A Landscape Proposals
Phase 1 Transport Statement dated 15 February 2017 by Aecom
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

- 3 The approved Capitol Park - Phase 1 Transport Statement dated 15 February 2017 by Aecom shall be fully implemented for the duration of the development.
Reason: In the interests of sustainable travel and in accordance with CSP 25.

- 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 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (ie not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: to ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.
- 6 Prior to the occupation of the development a detailed scheme of ecological mitigation and enhancement and maintenance shall be submitted for approval to the Local Planning Authority. The scheme shall broadly follow the measures set out in Section 5 of the ERAP Ecological Assessment and shall identify a timetable for implementation and maintenance for 5 years. The scheme shall be accompanied by a plan which clearly identifies what ecological features are proposed to be retained, mitigated and enhanced. Thereafter the development shall be carried out in accordance with the approved measures.
Reason: In the interests of biodiversity and in accordance with CSP 36.

PA reference :-

2017/0248



BARNSLEY MBC - Economic Regeneration

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



Scale 1:2500

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2017/0117

Applicant: ADD Renewables Ltd. C/o Jake Stentiford, Surface Planning

Description: Erection of battery storage facility.

Site Address: Land West of Hopewell Street, Stairfoot, Barnsley

Two representations have been received from local residents. No comments have been received from any of the Ward Councillors. The application is referred to the Planning Regulatory Board for determination as the recommendation is subject to a S106 Agreement. In addition the proposal represents a minor departure to the land use planning policy designation affecting the site.

Background

Planning permission reference 2016/0296 was granted on 20 July 2016 subject to conditions, for 'Erection of enclosed battery storage area to assist with the balance of supply and demand of the national grid', on 'Land adjacent to existing Electricity Substation, West of Hopewell Street, Stairfoot, Barnsley.

The site lies to the **west** of the substation.

Site Location and Description

The site of the proposed development lies adjacent and to the **east** of an existing substation, located within a wider right triangular area of scrubland located immediately to the west of Hopewell Street (nearest residential properties), Stairfoot, from which it is accessed via a private track some 36m long.

The northern boundary of the scrubland is marked by the Trans Pennine Trail which runs towards Barnsley Town Centre to the west and further to the north is the Oaks Business Park, Hoyle Mill. The southern boundary is marked by a railway line some 105-165m away from the application site.

Proposed Development

The applicant is seeking planning permission for the installation of a battery storage facility. The proposal would contribute to the National Grid's requirements for frequency response development, which provides electricity to the grid only at times when demand rises above the supply available from conventional power stations.

The facility which would have a capacity of 40MW would consist of an array of battery containers (8 number) in a north to south alignment, with transformers and other components located between them, and enclosed by a 2.4m high perimeter palisade fence with gated access on the southern side, and would be connected to the adjacent substation via underground cabling. The system would be fully automated with infrequent visits (once per month on average) by a maintenance engineer.

The compound would occupy an area 44 x 52m. Battery containers would be the largest components at 2.5m x 15.7m x 2.7m high (excluding attached cooling components).

Materials are essentially galvanized steel with standard polyester coating. The colour is not specified in the application. A 4m wide planting belt would be established on the northern,

western and eastern boundaries of the compound and a 3m wide belt on the southern boundary adjacent to the access road.

The applicant states that the proposal is a revision of the previous planning permission 2016/0296, necessitated by a change in the precise location of the proposal, requested by Northern Powergrid.

Policy Context

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

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

Barnsley Unitary Development Plan adopted 2000 (UDP) (Saved policies):

The site is allocated as 'Urban Greenspace'.

There are no relevant saved policies.

Barnsley Local Development Framework Adopted Core Strategy (CS):

CSP26 – New Development and Highway Improvement – states that new development will be expected to be designed and built to provide safe, secure and convenient access for all road users.

CSP29 – Design – sets out the overarching design principles for the borough to ensure that development is appropriate to its context and states that high quality development will be expected.

CSP35 – Green Space – refers to the criteria where we will allow the loss of Green Space to development.

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.

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.

Publication version of the Draft Local Plan

Proposed allocation: Green Space

National Planning Policy Framework (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.

Core planning principle 4 states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Principle 9 promotes mixed use developments and recognises that some open land can perform many functions such as for wildlife, recreation, flood risk and carbon storage.

Requiring good design:

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

Conserving and enhancing the natural environment.

- The planning system should contribute to and enhance the natural and local environment by amongst other matters, minimising impacts on biodiversity, preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of noise pollution.
- Decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Consultations

BMBC – Regulatory Services – No objections or comments.

BMBC Highways – No objections subject to the imposition of conditions on any grant of planning permission.

BMBC Public Rights of Way – No comments.

BMBC Policy – No comments received.

BMBC Drainage – No objections.

BMBC Biodiversity Officer – No objections subject to the imposition of conditions.

South Yorkshire Mining Advisory Service – No objections.

National Grid – No comments received.

Health and Safety Executive – No comments received.

Ward Councillors – No comments received.

Representations

The application has been publicised as being a departure from the local development plan and of local interest, by way of neighbour notification, press and site notices. Two representations have been received commenting as follows:

- A storage facility is the last thing we want on our doorstep. We already have unsightly allotments, power station and pylons to contend with. We don't have much of a view from our back yards. Would the people who put this in motion want such a structure in their back yard? I am also concerned about the potential health implications.
- The 'anticipated' noise level is 28 db. This is quite different to someone stating categorically that this is what it is going to be.

Assessment

Principle of Development

The National Grid has a statutory duty to ensure that the supply of electricity remains within certain limits in relation to demand. At times, the generation from baseload power stations is insufficient to meet demand when there are spikes in consumption. In order to avoid the need for blackouts and other extreme demand control measures at these times, the National Grid procures a range of balancing services.

The National Grid forecasts that the amount of frequency response required will increase by 3-4 times from the current level by 2030. The applicant states therefore that there is an urgent need for new frequency response assets to be secured and that battery storage has the benefits of requiring less physical infrastructure and faster response times whilst avoiding the emissions associated with reserve generators and would significantly improve the efficiency and security of the national grid. The technology also receives electricity from the grid which would otherwise be lost at times of over-supply. The application site represents an opportunity to secure the development close to an existing substation with a grid connection.

The applicant further states that meeting frequency response requirements from battery storage, does not involve curtailing of energy use by industrial users, does not have the same potential impacts on neighbouring land uses associated with short term generator schemes, and the scale/land take of development is smaller.

As noted above, the site of the proposed facility lies within an area designated as Urban Greenspace. The key policy therefore in terms of the principle of development is CSP35 which states that we will only allow development proposals that result in the loss of green space where:

- An assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or

- An appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provided in the area which it serves; or
- The development is for small scale facilities needed to support or improve the proper function of the green space.

Green space is defined as green open areas which are valuable for amenity, recreation, wildlife or biodiversity.

The green space in question however, cannot be said to be valuable in terms of recreation as it is in private ownership and there is no public access. It does perhaps have some small benefit in terms of amenity in that it is visible from the TPT and a small number of residential properties.

With regard to biodiversity, the submitted ecological survey concludes that:

- The construction of the proposed facility would result in the loss of a small area of poor semi-improved grassland/scrub mosaic of low intrinsic nature conservation value. The loss of the scrub would be compensated for by the proposed woodland/scrub belts using native species.
- An area of Japanese knotweed lies immediately to the south of the access road which needs to be treated, prior to the commencement of construction works.
- From the information available, it is considered unlikely that reptiles occur on the site.
- The site is considered likely to support a limited range of birds. In order to reduce any impact, the site would be cleared outside of the main bird breeding season. If not possible, then a search for active bird nests would take place by a suitably qualified ecologist. Should any active bird nests be found, then they will be retained, along with a buffer zone, until fledging has occurred. In addition, two willow tit nest boxes would be erected on posts within the site or on the inside of the perimeter fence.
- There would be no appreciable impact upon the local bat population but in order to enhance the site for roosting bats, three bat boxes would be erected on the inside of the perimeter fence or a tall post within the fence.

The Council's Ecologist is content with the submitted Ecological Impact Assessment and its recommendations and has no objections subject to the imposition of conditions.

It is considered that the proposed development does not obviously meet the requirements of policy CSP35. However, it is also considered that the green space within which the site is located is not strictly functioning as green space as it has no value in terms of recreation and limited value in terms of amenity and biodiversity. Furthermore, bearing in mind the need for the type of facility proposed, the fairly modest size of the facility and that the proposed landscaping associated with its installation would have some significant benefits for the remainder of the green space in terms of ecological diversity and enhancements, the development could be considered to be a small scale facility which would support/improve the proper function of the green space. The fact that there is an existing substation within the green space is not only a material consideration in favour of the proposal in its own right but it also has the advantage of providing a grid connection for the proposal. On balance therefore, and subject to the imposition of conditions in respect of landscaping/ecological enhancements it is considered that the proposal is acceptable in principle.

Design/Residential and Visual Amenity

With regard to the design of the facility and visual amenity, none of the residential properties to the east off Hopewell Street and adjacent streets would directly face towards it. As noted above, a business park lies to the north across the TPT and there are no residential properties directly to the west. The rear elevations of the nearest residential properties to the south across the railway line would face towards the facility. However, the nearest property

is a minimum of 118m away and the facility would be largely screened by the proposed planting belt and existing vegetation running along the railway line. Furthermore, within the facility itself, the largest components, the battery containers, would be aligned in such a way that the width of each container (2.5m) would face towards the dwellings, limiting the visual impact, and the compound would be within a palisade fence. Views from the TPT would similarly be screened by existing vegetation running along the track and the proposed planting belt. In the circumstances, it is considered that there would be no significant adverse impact on visual amenity.

An updated noise statement submitted by the applicant concludes that the noise emission level of the proposed facility is 14 dB lower than the measured night time background noise level at the dwellings off Ashleigh Vale to the south and 9 dB lower in respect of the nearest sensitive receptor dwellings on Hopewell Street. Having considered the information, the Council's Regulatory Services is content with the proposed development from a noise perspective and has not raised any other concerns.

In view of the above, the proposal is considered to be consistent with policies CSP29 and CSP40, and the relevant planning policy statements in the NPPF.

Highway Safety

Considering that the facility would be served by an existing infrequently used access, the Council's Highways Section has no objections subject to the imposition of conditions including in respect of parking/manoeuvring and the submission of a construction method statement in compliance with policy CSP26.

Other Matters

As the proposal is stated to be a revision to the precise location of the previous approval, and in the interests of residential and visual amenity, it is considered that any planning consent should be subject to a unilateral undertaking to not implement planning permission 2016/0296 or seek compensation, statutory or otherwise, for foregoing the right to develop, amongst any other pertinent matters as advised by Legal Services.

Recommendation

Grant planning permission subject to the signing of a unilateral undertaking to not implement planning permission 2016/0296 or seek compensation, statutory or otherwise, for foregoing the right to develop, amongst any other pertinent matters as advised by Legal Services, and the following conditions:

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

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall only be carried out in accordance with the following documents:

- a) Drawing titled 'Location Plan', numbered P16-0851 01 and dated 15 March 2016;
- b) Drawing titled 'Existing Site Plan', numbered P16-0851 02 and dated 15 March 2016;
- c) Drawing titled 'Proposed Site Plan', numbered P16-0851 03 and dated 15 March 2016;
- d) Drawing titled 'Battery Container and HVAC Cooling Systems', numbered P16-0851 04 and dated 15 March 2016;

- e) Drawing titled 'Components', numbered P16-0851 05 and dated 15 March 2016;
- f) Ecological Impact Assessment (EclA) of proposed battery storage facility, SLR reference 424.06749.00001 version 2, dated December 2016; and
- g) Updated Noise Statement produced by Environmental Noise Solutions Limited, for Proposed Battery Facility, Hopewell Street, Barnsley, and dated 28 October 2016.

Reason: For the avoidance of doubt and in the interests of residential and visual amenity in accordance with CS policies CSP29 and CSP40 and the relevant planning policy statements in the NPPF.

3. All on-site vehicular areas indicated on the approved 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 are provided, in the interests of highway safety and free and safe flow of traffic, and in accordance with CS policy CSP26.

4. No development shall commence, 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:
 - a) The parking of vehicles of site operatives and visitors;
 - b) Means of access for construction traffic;
 - c) Loading and unloading of plant and materials;
 - d) Storage of plant and materials used in constructing the development;
 - e) The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
 - f) Measures to prevent mud/debris being deposited on the public highway;
 - g) Wheel washing facilities; and
 - h) Measures to control noise levels during construction.

Reason: In the interest of highway safety, residential and visual amenity, and in accordance with CS policies CSP26, CSP29 and CSP40.

5. 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 submitted to, and 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 to, and approved in writing by, the Local Planning Authority, and 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 submitted to, and agreed in writing by, the Local Planning Authority.

Reason: In the interest of highway safety and to accord with CS policy CSP26.

6. Construction of the development hereby permitted shall only be carried out between the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays, and at no time on Sundays and Bank/Public Holidays.

Reason: In the interests of residential amenity and to accord with CS policy CSP40.

7. No development shall commence until a landscaping scheme incorporating the recommendations set out within the approved Ecological Impact Assessment report has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall provide details (plant species, size, planting distance, numbers and planting method) of tree and shrub planting to be carried out. All tree and shrub planting as approved in the scheme shall be carried out in the first planting season following the completion of the development. Any trees or shrubs planted as part of the scheme which are removed, or in the opinion of the Local Planning Authority become severely damaged or are found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with trees or shrubs of a similar size and species to the satisfaction of the Local Planning Authority.

Reason: To ensure that a landscaping/planting scheme is submitted and implemented in the interests of visual amenity and biodiversity, and to accord with CS policies CSP29 and CSP36, and the relevant planning policy statements in the NPPF.

8. The development shall not be brought into use until two willow tit nest boxes and three bat boxes have been erected on posts within the site or on the inside of the perimeter fencing. The willow tit nest boxes shall be placed 2m above ground level, facing east, and shall be filled with sawdust or wood shavings. The bat boxes shall be installed 3m or more above ground level and be of a design which is self-cleaning. Photographic evidence of the installation of the willow tit nest boxes and bat boxes shall be submitted to the Local Planning Authority within 2 weeks of their installation and the facilities shall be maintained for the life of the development.

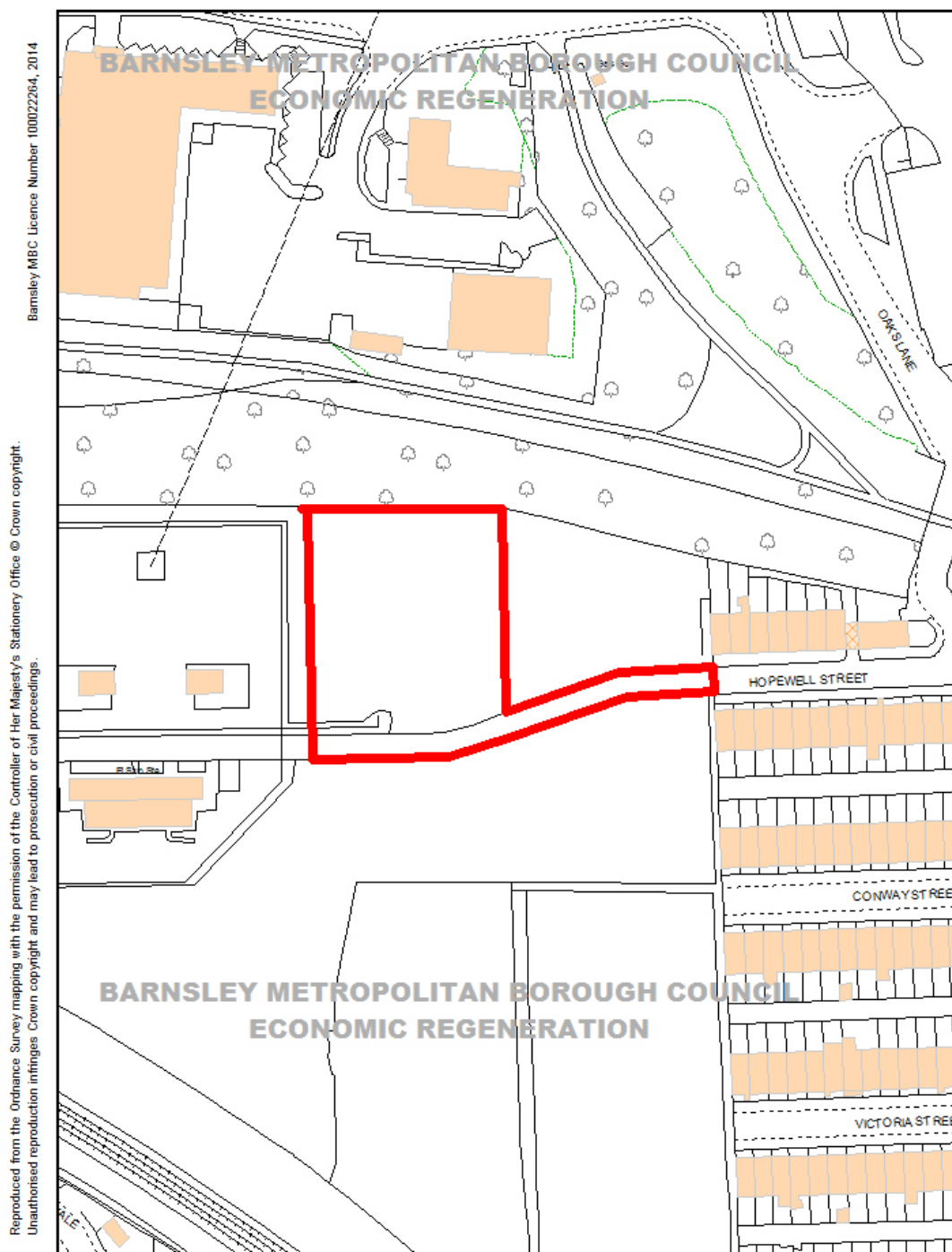
Reason: In the interests of biodiversity in accordance with CS policy CSP36.

9. No development shall commence until the colour of the proposed battery containers and the palisade fence have been submitted to, and agreed in writing by, the Local Planning Authority.

Reason: In the interests of the visual amenities of the locality in accordance with CS policy CSP29 and the relevant planning policy statements in the NPPF relating to requiring good design.

PA reference :-

2017/0117



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

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2016/0118

Applicant: Berneslai Homes, C/o NPS Barnsley Ltd

Description: Demolition of existing terrace dwellings and erection of 8 no. dwellings.

Site Address: 2 Baden Street, Worsbrough Bridge, Barnsley, S70 5PA

2 letters of objection received.

Site Description

The site consists of 12no. 2 storey, brick built terraced dwellings which are built immediately to the back edge of the footpath serving Baden Street. A number of the properties have been extended to the rear and all of them have rear yard areas which are accessed via a pedestrian alley way. There are recently built semi-detached dwellings to the North East of the site and semi-detached dwellings immediately to the rear (West) which front onto Ravenscourt. Immediately Opposite the site is the car park serving a medical centre and to the South is an area of Greenspace which has planning permission for a chemist.

Proposed Scheme

The applicant proposes to demolish the existing terraced row containing 12no. properties and create a new terraced row containing 8no. properties. The proposed dwellings would be set back from the footpath and incorporate an off parking area using an open car port/undercroft arrangement. Adjacent to the parking areas each dwelling would have a gated pedestrian undercroft access, this removes the need for the shared footpath to the rear of the properties, as is the current arrangement.

Plots 2-8 would be identical with an open plan kitchen/dining area and WC on the ground floor and a lounge, 2 bedrooms and a bathroom on the first floor. Plot 1 would be slightly larger and have accommodation arranged over 3 floors providing 3 bedroomed accommodation and an additional parking space.

The properties would be predominantly brick built with slate/slate effect roofs. To add interest and light to the undercroft parking/pedestrian areas white render would be used.

Policy Context

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

The Council has submitted our emerging Local Plan to the Secretary of State but we are at an early stage in the examination process. It establishes policies and proposals for the development and use of land up to the year 2033. The document is a material consideration and represents a further stage forward in the progression towards adoption of the Local Plan. As such increasing weight can be given to the policies contained within the document although, in accordance with paragraph 216 of the NPPF, the extent of this will depend on:

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

Core Strategy

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

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

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

Saved UDP Policies

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

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

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

SPDs/SPGs

SPD 'Designing New Housing Development'

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

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

where specific policies in the Framework indicate development should be restricted or unless material considerations indicate otherwise.

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

Consultations

Highways DC – No objections subject to conditions

Drainage – No objections subject to conditions

Yorkshire Water – No objections – control through Building Regs

Ward Councillors – No comments

Reg Services – No objections

Coal Authority – raised concern but would accept a pre commencement condition

SYMAS – No objection subject to pre commencement condition

Representations

The application was advertised by way of site notice and neighbour consultation letters to the properties immediately adjacent to the site. The layout was also amended during the application process which resulted in a re-consultation. As a result, 1no. letter was received to the original scheme and 2no. letters were received for the scheme currently under consideration. The main points of concern are;

- Parking – already a lack in the area and this scheme would add to the problems
- Drainage issues

Assessment

Principle of Development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps and Urban Fabric, i.e. land within the settlement with no specific allocation, in the consultation draft of the Local Plan. All new dwellings proposed within existing residential areas must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, infill development will only be granted where the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

Furthermore, the principle of residential development on the site has previously been established as it currently accommodates 12no. terraced properties.

Residential Amenity

The proposed development would not introduce significantly more noise and disturbance given that the scheme is for 7no. 2 bed dwellings and 1no. 3 bed dwelling compared to the existing 12no. 2/3 bed properties the site currently hosts. This is especially the case given the relatively dense residential development within the immediate area as well as commercial uses which bound the site such as the medical centre and recently approved chemist.

There are no residential properties immediately to the South, only 1 to the North, set in a large plot, and only 1 directly opposite Baden Street. The proposed dwellings would be set back from that property, compared to the existing dwellings, as such; the situation for that resident would arguably be improved.

There are a number of dwellings to the rear of the site (west) which front Ravenscourt and back onto the proposed dwellings. There would be a separation distance of circa 28m between the proposed rear elevations and the existing rear elevations, in excess of the 21m recommended in SPD 'Designing New Housing Development'. It is acknowledged that some of the proposed rear elevations would fall short of 10m from the boundary shared with the neighbouring private amenity space however that is similar to the existing situation. Furthermore, views from ground floor windows would be limited by boundary treatments and only 1no. habitable room window is proposed on the rear elevations of plots 2-8 at first floor level.

As a result of the comments above, the proposed situation would not be significantly different to the existing situation and it would arguably be an improvement given there would be 4 less properties.

With regards to the amenity of the future residents of the properties, the internal spacing would generally accord with the South Yorkshire Residential Design Guide and the external spacing meets or exceeds the requirements of the SPD and Design Guide. In addition, the space on offer is more generous than those properties which they replace.

Visual Amenity

The proposal is for a continual terraced row, similar to the current situation. The roofs of the proposed dwellings would step down the slope which aids to visually break up the long run and add interest. Only plots 1 and 2 would not have a roof break between them.

The proposed dwellings would have a wider frontage than those they replace but the main difference would be the inclusion of a carport/undercroft parking area. The previous dwellings were constructed a number of years ago when off street parking was not required. However, to comply with current standards set out in SPD 'Parking' 2 bedroom properties require 1no. space with 3 bedroom+ properties requiring 2no. spaces.

In order to incorporate parking, while still making efficient use of the site, the applicant proposes to incorporate an open carport arrangement similar to an integral garage. However, given the space limitation there is no room to provide a drive way to the front of the carport, or to provide a full depth parking space within the envelope of the building, as such the proposed situation is a combination of both with part of the car in the property and part out. A driveway could not be incorporated to the front of the dwelling as it would push the property back and fall short of the required separation distances to the properties at the rear. Furthermore, driveways to the side of the properties would significantly reduce numbers and not make the most efficient use of the site.

It is acknowledged that there is sometimes concerns with the layout proposed as it could lead to an in active frontage directly adjacent to the pavement serving the properties. However, the applicant has considered this and brought the front entrance of the property forward so that it is within close proximity to the highway. In addition a pedestrian access to the rear of the property is incorporated within the undercroft which would increase activity. Furthermore, the design of the undercroft has been carefully considered so that it does not appear a dark, bland space, especially when there are no vehicles parked in it. The applicants proposed the area to be rendered in off white to contrast the facing brickwork and also reflect light. Light would also be gained through the proposed pedestrian gates which lead directly to the rear amenity space.

The proposed dwellings would be set back from the highway, which is in contrast to the existing properties which are directly against the back edge of the footpath. Arguably this is an improvement on the current situation as the dwellings would not be as prominent and allow an element of 'breathing space'. It also provides an opportunity to incorporate a small area of landscaping and utilized contrasting paving/surfacing materials to add interest.

The proposed terraced row would have a more modern/contemporary appearance, but given that there is a relatively modern residential scheme recently completed to the North East of the site and the neighbouring medical centre is relatively contemporary in design, it would sit comfortably within the streetscene and would not appear an alien feature, to the detriment of visual amenity.

As mentioned above, the rear pedestrian access alley which currently exists would be removed as a result of this scheme and incorporated into the rear garden areas. However, each property would have pedestrian access from the front to the rear of the properties which would allow bins and recycling containers to be kept within the rear amenity space. This would help maintain the visual amenity of the streetscene and avoid 'clutter' to the front of the dwellings.

Highway Safety

The site currently accommodates 12no. terraced dwellings with no off street parking, as such, when the properties were occupied there was pressure for on street parking. The proposal is to erect 8no. of properties all of which would have off street parking in accordance with SPD 'Parking'.

It is acknowledged that vehicles would likely reverse out of the undercroft parking spaces, however, this would be done slowly and passing pedestrians would have a good view of the vehicles emerging. Views also open up for the vehicles once out of the undercroft given that the properties would be set back from the back edge of the footpath and would incorporate relatively low dividing boundary walls.

Highways DC have inspected the plans and raised no objections.

Mining

The site is located in a Coal Mining Referral Area due to the possible presence of shallow coal (Kent's Thin Seam). Although the risk is considered low, the presence of shallow unrecorded mine workings cannot be ruled out. If Mine workings are present within a critical depth, the site could be at risk from mining legacy risks such as land instability. Remedial Works and/or appropriate foundation design then maybe required.

As such, a condition will be recommended for further investigation works to take place, this is an approach recommended by both SYMAS and The Coal Authority.

Conclusion

The proposed development 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 not create traffic problems or prejudice the possible future development of a larger area of land in accordance with policies H8D, CSP 26, CSP 29 and SPD's 'Designing New Housing Development' and 'Parking'.

Recommendation

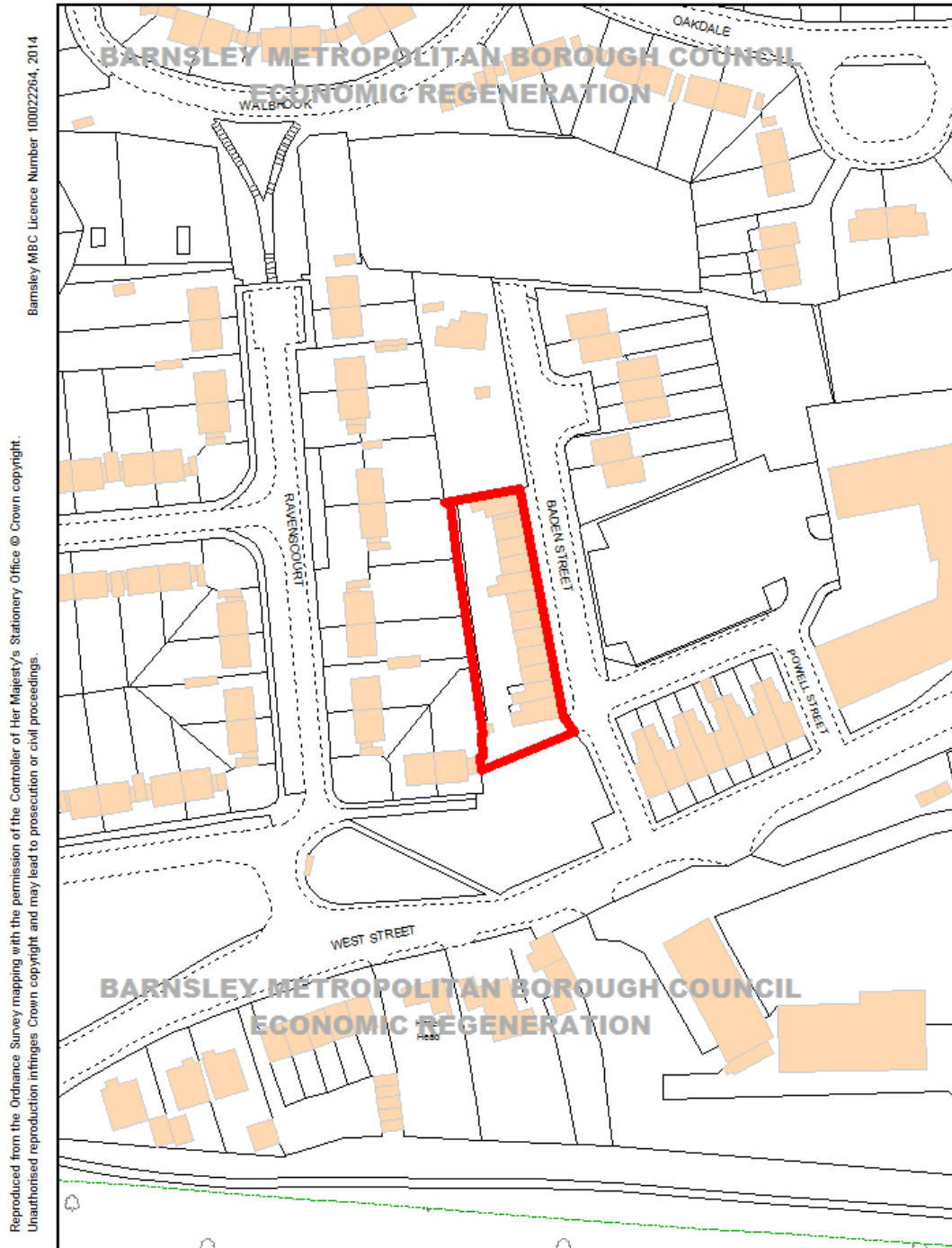
Grant planning permission subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos NPS-DR-A-(00)-012-P1, NPS-DR-A-(00)-020-P1, NPS-DR-A-(00)-021-P1, NPS-DR-A-(00)-100-P1 & NPS-DR-A-(00)-800-P2) 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 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.
- 5 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.

- 6 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to reduce surface water run off by at least 30% and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
- Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 7 Prior to the commencement of the 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. Thereafter the development shall be carried out in accordance with the approved details.
- Reason: In the interest of Land stability NPPF sections 120 & 121.**
- 8 The boundary treatments shall be completed before the dwellings are occupied. Development shall be carried out in accordance with the approved details shown on drawing number NPS-DR-A-(00)-800-P2.
- Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.**
- 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 :-

2016/0118



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

2016/1479

Applicant: Schools Assets and Project Manager, C/o NPS Barnsley

Description: Erection of single storey extension to school to form 2 additional classrooms, internal site layout configurations including provision of additional car parking and 2.4m high bin store enclosure and landscaping.

Site Address: Hunningley Primary School, Hunningley Lane, Stairfoot, Barnsley, S70 3DT

This report is before Members as it is a Council application.
No objections have been received from local residents.

Site Location and Description

Hunningley Lane Primary School is situated off Hunningley Lane (B6100) between Stairfoot and Worsbrough Bridge.

The school occupies a triangular piece of land bordered by Hunningley Lane to the west, the Barnsley-Sheffield railway line to the north and east with allotment gardens beyond, and a residential area off Lockeaflesh Crescent and Ardsley Cemetery to the south, and comprises of a number of buff brick buildings in an essentially north-east to south-west alignment, both pitched and flat roofed and with a mixture of roof materials, but mainly blue slate. A more recent flat roof extension to the rear however comprises of a buff facing brick plinth and rendered walls.

Vehicular and pedestrian access to the school buildings, which are set back some 100m from Hunningley Lane, is via a surfaced roadway and fence separated footway through the centre of a grassed area incorporating perimeter tree planting.

School playgrounds are currently to the front of the southern buildings and to the very rear whilst car parking is to the front of the northern buildings, or on the access road, or within a courtyard area to the rear of the frontage buildings.

Proposed Development

The applicant is seeking planning permission for the erection of a single storey, flat roof extension on the frontage of the most forward southern building (partially onto the front playground) to form two additional classrooms, and internal site layout configurations and associated fencing and gating works, including a new staff car park on the remainder of the front playground with associated landscaping, the re-establishment of a playground within the courtyard, a new bin enclosure area, the formation of an access ramp to classroom 4 and general refurbishment.

The new classrooms would assist in accommodating an expected increase in school pupil numbers from 377 to 391 by September 2017. The extension which would link into the flat roof corridor of the existing building would be 8.8m wide x 29.8m long x 4.6m high maximum above ground level. Materials would comprise of a buff brick plinth and alternate sections of cream rendered and Rockpanel clad walls in four shades (Ceramic Oak, Slate Oak, Rinestone Oak and Carbon Oak), and aluminium

windows and door. The extension would be similar in appearance to the modern extension to the rear.

Policy Context

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

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

Barnsley Unitary Development Plan adopted 2000 (UDP) (saved policies):

The site is allocated as 'Existing Community Facility'.

There are no relevant saved policies.

Barnsley Local Development Framework Adopted Core Strategy (CS):

CSP29 – Design – sets out the overarching design principles for the borough to ensure that development is appropriate to its context and states that high quality development will be expected.

CSP43 – Educational Facilities and Community Uses – states that we will support the provision of schools, educational facilities and other community facilities.

Publication version of the Draft Local Plan

Proposed allocation: Urban Fabric & School Grounds

National Policy Planning 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.

Core planning principles relating to high quality design and delivering sufficient community and cultural facilities and services to meet local needs are considered particularly relevant.

Requiring good design.

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

Promoting healthy communities.

- Local planning authorities should give great weight to the need to create, expand or alter schools

Supplementary Planning Documents (SPD):

Residential Amenity and the Siting of Buildings – supplements CSP29 and sets out the design principles that will apply to the consideration of planning applications for non- residential buildings in proximity to existing residential properties.

Parking – sets out the parking standards that the Council will apply to all new development.

Consultations

BMBC Highways – Requested clarification with regard to numbers of staff and pupils, an analysis of the proposal against the SPD: Parking, and access for refuse sized vehicles.

BMBC Regulatory Services – No objections or comments.

BMBC Drainage – No objections.

Yorkshire Water Services – No objections.

Ward Councillors – No objections or comments received.

Representations

The application has been advertised as being of Local Interest by way of site notice and neighbour notification. No representations have been received.

Assessment

Principle of Development

Policy CSP43 makes it clear that the Council will support the provision of the kind of facilities in question and the NPPF promotes the expansion and alteration of schools.

In accordance with the SPD – Residential Amenity and the Siting of Buildings, however, for a development to make a positive impact, it needs to be successfully integrated into the wider built environment in which it is located. New developments must fit in with their surroundings in terms of height, spacing, massing, landscaping and design (e.g. materials, position of windows etc.) and not cause undue loss of amenity to existing residents. In this respect, outlook, amenity, privacy and daylight/sunlight are considered. Developers should consider design led solutions to ensure layouts deliver high standards by avoiding (amongst other things) the proximity of outside compounds or storage areas to existing dwellings and the overbearing or overshadowing effect of new buildings on an existing dwelling or its garden.

Similarly, policy CSP29 and the NPPF require development to be of high quality and appropriate to its context.

Design/Residential/Visual amenity

It is considered that the proposals essentially meet the criteria set out in the above policies, SPD and planning policy statements; in particular:

- The extension would successfully integrate/fit in with the existing mix of pitched and flat roof school buildings in terms of height, spacing, and massing. Whilst the design, including materials would not match the majority of the existing school buildings, some continuity would be provided by the inclusion of the buff brick plinth and it would match the modern extension to the rear. The extension would also provide a fresh modern element to a tiring façade and add interest with a mixture of materials and textures.
- There would be no loss of outlook, privacy, daylight/sunlight, or any overbearing/overshadowing effect, or any other adverse impact on residential amenity, as the extension would be single storey and the curtilage of the nearest residential property would be some 16m away off Lockeafish Crescent. Furthermore, the proposed extension and new car park would be screened from residential properties by the existing school buildings and a mature tree screen along the boundary between the respective uses and the proposed landscaping. The new bin enclosure area would be located on the northern boundary adjacent to the railway line; well away from any residential area. Windows on the extension would face into the school or out towards Hunningley Lane 100m distant.
- The proposed extension would have no significant impact on more general visual amenity, being of an attractive modern design and in any event, not being readily viewed from public areas.

However, to safeguard residential amenity during the construction period, it is proposed that a condition be imposed on any grant of planning permission in respect of working days/hours.

Drainage

The Council's Drainage Section having inspected the proposals with respect to the temporary and permanent drainage of the site is satisfied with the information submitted.

Following the receipt of further information indicating amongst other matters that there would be a building stand-off distance of at least 3 metres from the centre line of a public sewer, Yorkshire Water also has no objections.

Highway Safety

The Council's SPD – Parking requires one car parking space to be provided per three teaching/non-teaching staff. The number of staff employed at the school is 53 resulting in a minimum parking requirement of 18 spaces. The proposals include 25 new parking spaces and there are 10 existing providing a total of 35.

Refuse sized vehicles already access the northern part of the site for waste disposal and the kitchen area and are able to exit the site in forward gear.

In the circumstances, it is considered that there are no adverse impacts in terms of highway safety.

Conclusion

The planning policy background supports the provision and expansion of educational facilities subject to design and there being no adverse impact on residential amenity. The proposed classroom extension and other site improvements substantially comply with the policy requirements.

Recommendation

Grant subject to conditions:

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

Reason: To comply with the requirements of Section 91 (as amended) of the Town and Country Planning Act 1990.

2. The development hereby permitted shall only be carried out in accordance with the following documents:
 - a) Drawing titled 'Topographical Survey', numbered NPS-DR-A-(00)-014 Rev C1;
 - b) Drawing titled 'Location Plan', numbered NPS-DR-A-(00)-015 Rev P1;
 - c) Drawing titled 'Block Plan', numbered NPS-DR-A-(00)-016 Rev P1;
 - d) Drawing titled 'Proposed Site Plan and External Works', numbered NPS-DR-A-(00)-020 Rev P2;
 - e) Drawing titled 'Existing Plan Classroom Block', numbered NPS-DR-A-(00)-021 Rev P1;
 - f) Drawing titled 'Proposed GA Plans', numbered NPS-DR-A-(00)-022 Rev P1;
 - g) Drawing titled 'Existing Elevations', numbered NPS-DR-A-(00)-025 Rev C1;
 - h) Drawing titled 'Proposed Elevations', numbered NPS-00-00-DR-A-(00)-026 Rev P1;
 - i) Drawing titled 'External Door and Window Schedule', numbered NPS-DR-A-(00)-29 Rev P1; and
 - j) Drawing titled 'Proposed Roof Plan', numbered NPS-DR-A-(00)-034 Rev P1.

Reason: For the avoidance of doubt and to accord with CS policy CSP29, the relevant planning policy statements in the NPPF relating to requiring good design and SPD – Residential Amenity and the Siting of Buildings.
3. The development shall not be brought into use until the parking/manoeuvring facilities shown on the approved plan, have been made available for the parking and manoeuvring of motor vehicles and shall be retained for that sole purpose at all times.

Reason: To ensure that satisfactory off-street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic in accordance with CS policy CSP26 and the SPD – Parking.
4. Construction of the development hereby permitted shall only be carried out between the hours of 0800 to 1800 Monday to Friday and 0800 to 1300 on Saturdays, and at no time on Sundays and Bank/Public Holidays.

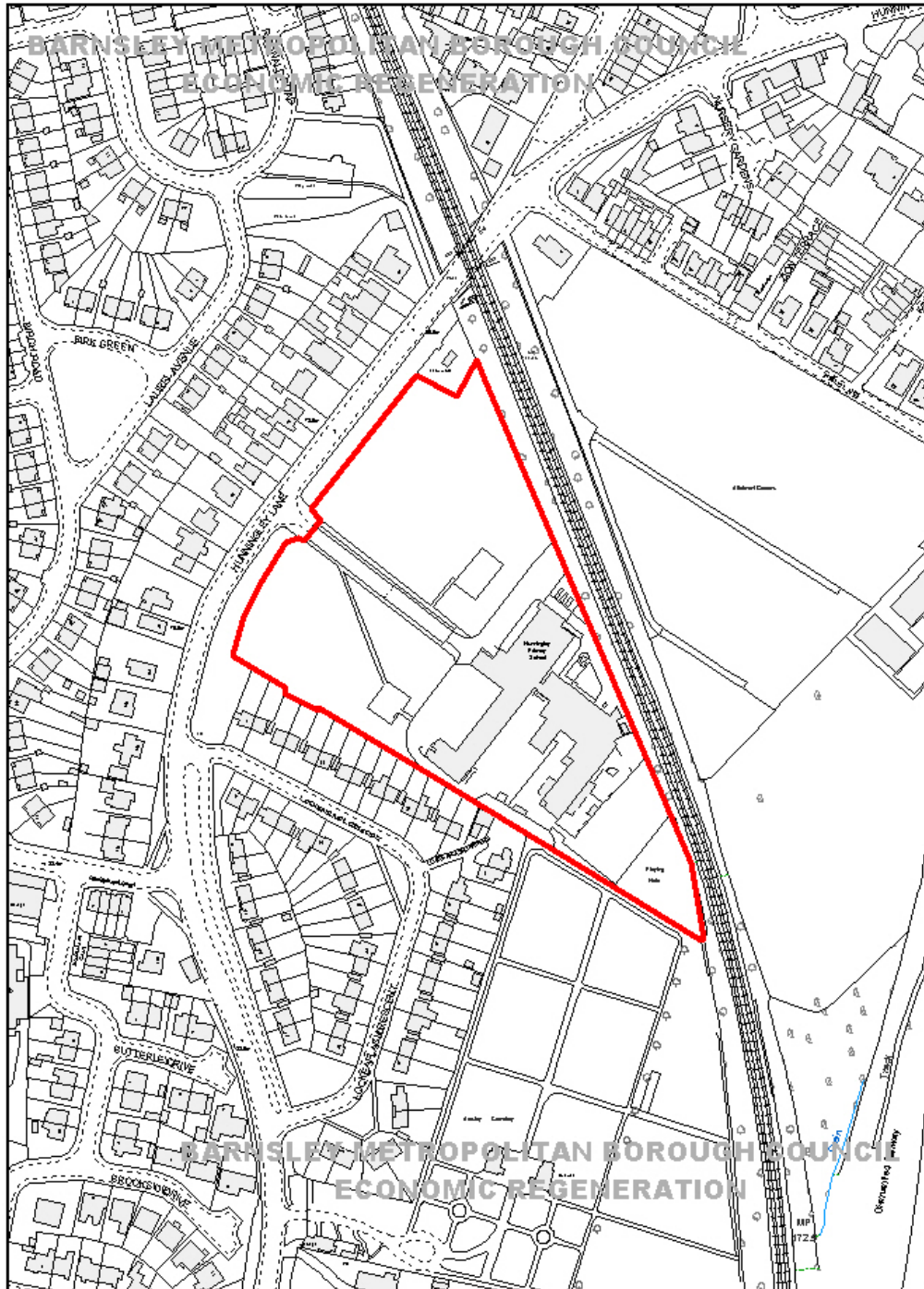
Reason: In the interests of residential amenity.
5. Within 6 months of the date of this permission, a landscaping scheme shall be submitted to, and approved in writing by, the Local Planning Authority. The scheme shall provide details (plant species, size, planting distance, numbers and planting method) of tree and shrub planting to be carried out. All tree and shrub planting as approved in the scheme shall be carried out in the first planting season following the completion of the development. Any trees or shrubs planted as part of the scheme which are removed, or in the opinion of the Local Planning Authority become severely damaged or are found to be dying or seriously diseased within five years of planting shall be replaced within the next available planting season with trees or shrubs of a similar size and species to the satisfaction of the Local Planning Authority.

Reason: To ensure that a landscaping/planting scheme is submitted and implemented in the interests of visual amenity and to accord with CS policy CSP29 and the relevant planning policy statements in the NPPF.

PA Reference:-

2016/1479

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BARNSLEY MBC - Economic Regeneration



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2017/0159

Applicant: Barnsley MBC

Description: Fell T1-T5 within TPO 1/1964.

Site Address: Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley, S71 5EH

Description

The trees form part of a woodland within Ardsley Crematorium and are situated adjacent to the rear boundary of the properties on Roehampton Rise. The site is steeply sloping with the woodland area elevated in relation to the dwellings.

Proposed Development

The applicant seeks permission for the removal of 4no Sycamore trees and re-growth from an Ash stump within TPO 1/1964 to facilitate the demolition and re-building of a stone boundary wall between the woodland and a residential property, No.87 Roehampton Rise. The application is accompanied by a condition survey which provides information that the proximity of the wall to the trees is placing thrust on the wall which shall eventually cause it to fall and collapse.

Policy Context

The statute law on TPO's is in the Town and Country Planning Act 1990 and in the Town and Country Planning (Trees) Regulations 2012.

Primarily the aim of making a TPO is to protect the amenity value of the tree or trees. Local Planning Authorities may make a TPO if it appears to them to be: 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

The Act does not define 'amenity', nor does it prescribe the circumstances in which it is in the interests of amenity to make a TPO. Normally trees should be visible from a public place e.g. road or footpath for a TPO to be made but the courts have decided that trees should be protected for "*pleasure, protection and shade they provide*". Taking this into account trees should be considered for other aspects of amenity that they provide other than visual amenity.

Government advice and guidance available on the administration of TPOs, is:- 'Tree Preservation Orders: A Guide to the law and Good Practice' 2000.

Consultations

Tree Officer – No objections subject to conditions.

Representations

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

Assessment

In line with good practice, primarily the aim of making a TPO is to protect the amenity value of the tree or trees. In considering TPO applications the LPA is advised:

- (1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and
- (2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

In the opinion of the Arboricultural Officer the trees could potentially be retained subject to a suitable repair. However the key issue is that in order to make that repair, significant root damage to the trees would occur due to the excavations that would be required. He considers that this work would then leave the trees potentially unviable and unstable and more prone to falling/wind throw. He therefore agrees their removal will be required due to the damage caused by that repair.

It is proposed that the felled trees are to be cut up and stacked within the woodland as a habitat for wildlife. No replacement planting is required in this instance due to the nature of the woodland. However as these issues occur the woodland edge is beginning to recede and as such it is likely that some replanting could be required where future tree removals are concerned.

Recommendation

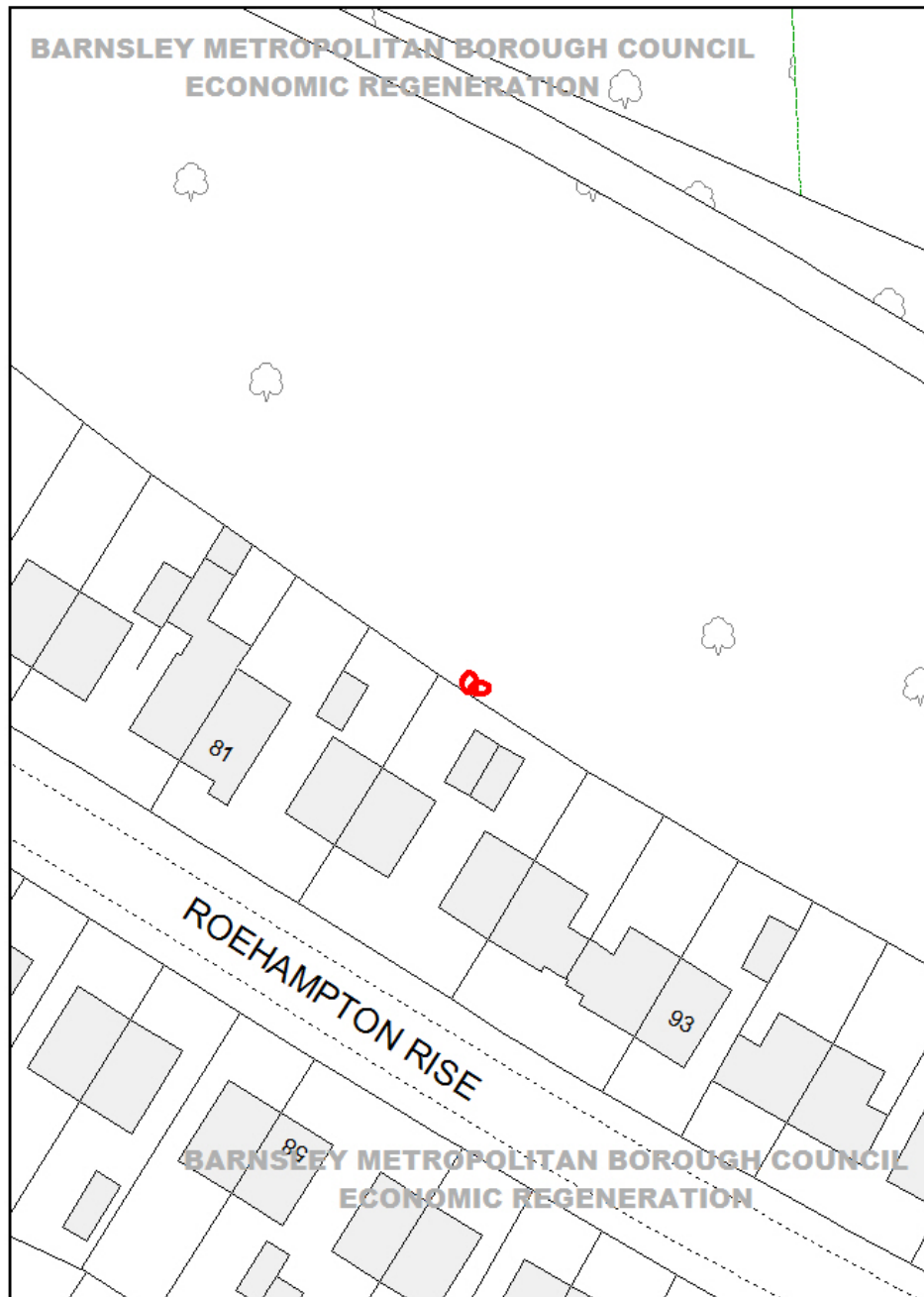
Approve with conditions:-

- 1 The proposed tree works should be completed within 2 years of the date of this consent.
Reason: To ensure that adequate notice is given for the works to be inspected and approved by the Local Planning Authority.
- 2 Not less than five working days notice of the date of the proposed work shall be given in writing to the Local Planning Authority and the tree surgery shall be carried out to the standards set out in BS3998.
Reason: To ensure the work accords with good arboricultural practice.

PA Reference:-

2017/0159

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BARNSEY MBC - Economic Regeneration



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BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 March 2017 to 31 March 2017

APPEALS RECEIVED

3 appeals were received in March 2017:

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2016/1035	Erection of 1 no. detached dwelling with detached garage Knowles Street, Spring Vale, Barnsley	Written Representations	Delegated
2017/0090	Removal of Sycamore tree (T1) TPO 2/2006 Footpath to r/o Hornthwaite Close, Thurlstone, Sheffield	Written Representations	Delegated
2015/0725	Erection of 97 no. dwelling with garages and/or parking spaces together with the provision of open space and associated roads and sewers Land off Lowfield Road, Lowfield Road, Bolton Upon Dearne, Rotherham	Written Representations	Delegated

APPEALS WITHDRAWN

No appeals were withdrawn in March 2017.

APPEALS DECIDED

1 appeal was decided in March 2017.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>	<u>Decision</u>
2016/1234	Raising of roof level to existing garage to create additional accommodation. (Re submission). 118 Smithies Lane, Barnsley, S71 1NL	Written Representations	Delegated	Dismissed

2016/2017 Cumulative Appeal Totals

- 21 appeals have been decided since 01 April 2016
- 18 appeals (86%) have been dismissed since 01 April 2016
- 3 appeal (14%) have been allowed since 01 April 2016

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BARNSLEY 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).

<p>3.3</p>	<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. <p>3.4</p> <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> <p>3.5</p> <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> <p>3.6</p> <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. <p>3.7</p> <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> <p>3.8</p> <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>
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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

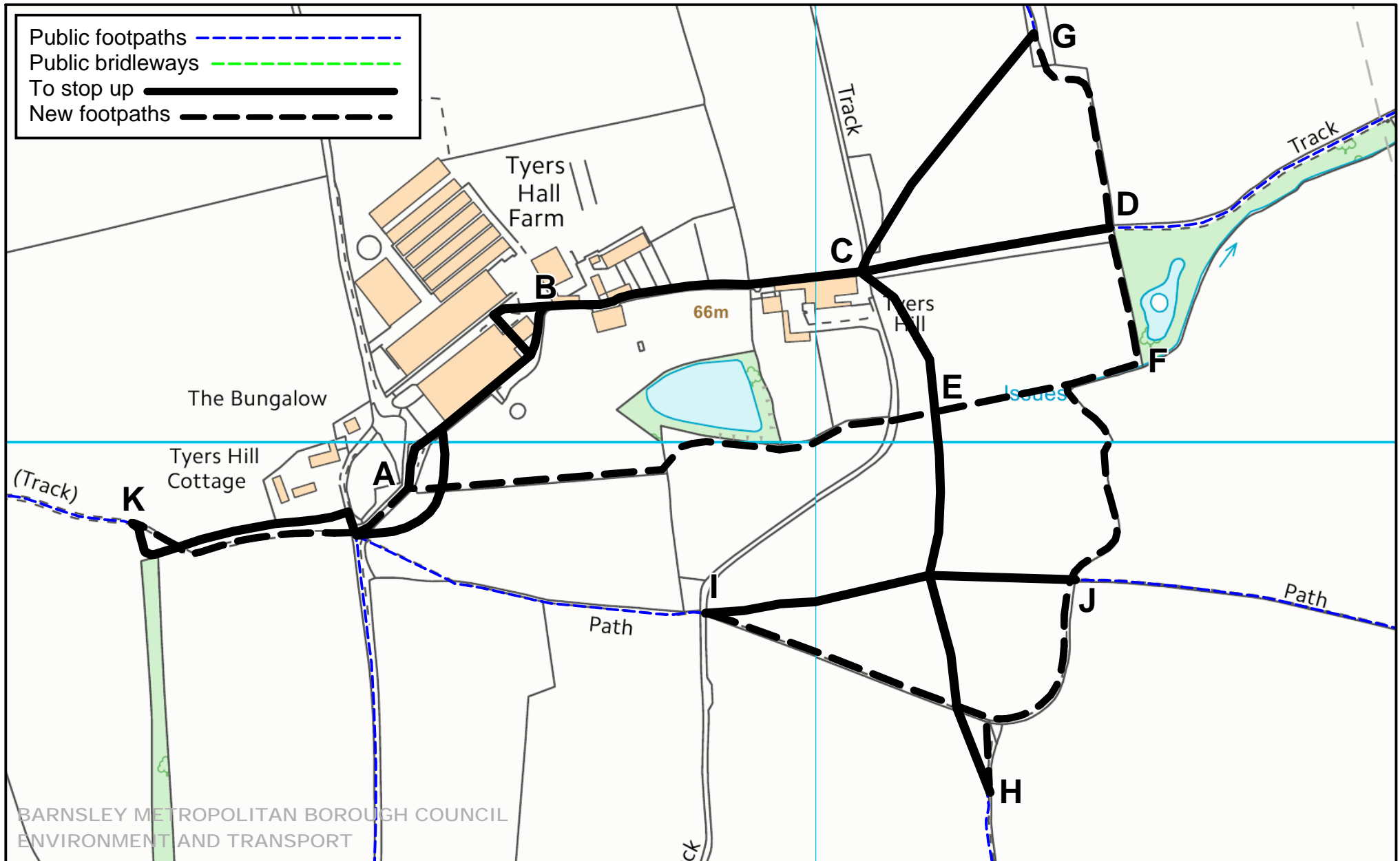
	follow, causing less disturbance for landowners and greater clarity for pedestrians. They are considered to have a positive impact on both public enjoyment of the paths and management of the land.
4.5	The Council also has to have regard to the likely impact of the diversion on agriculture, forestry and 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>

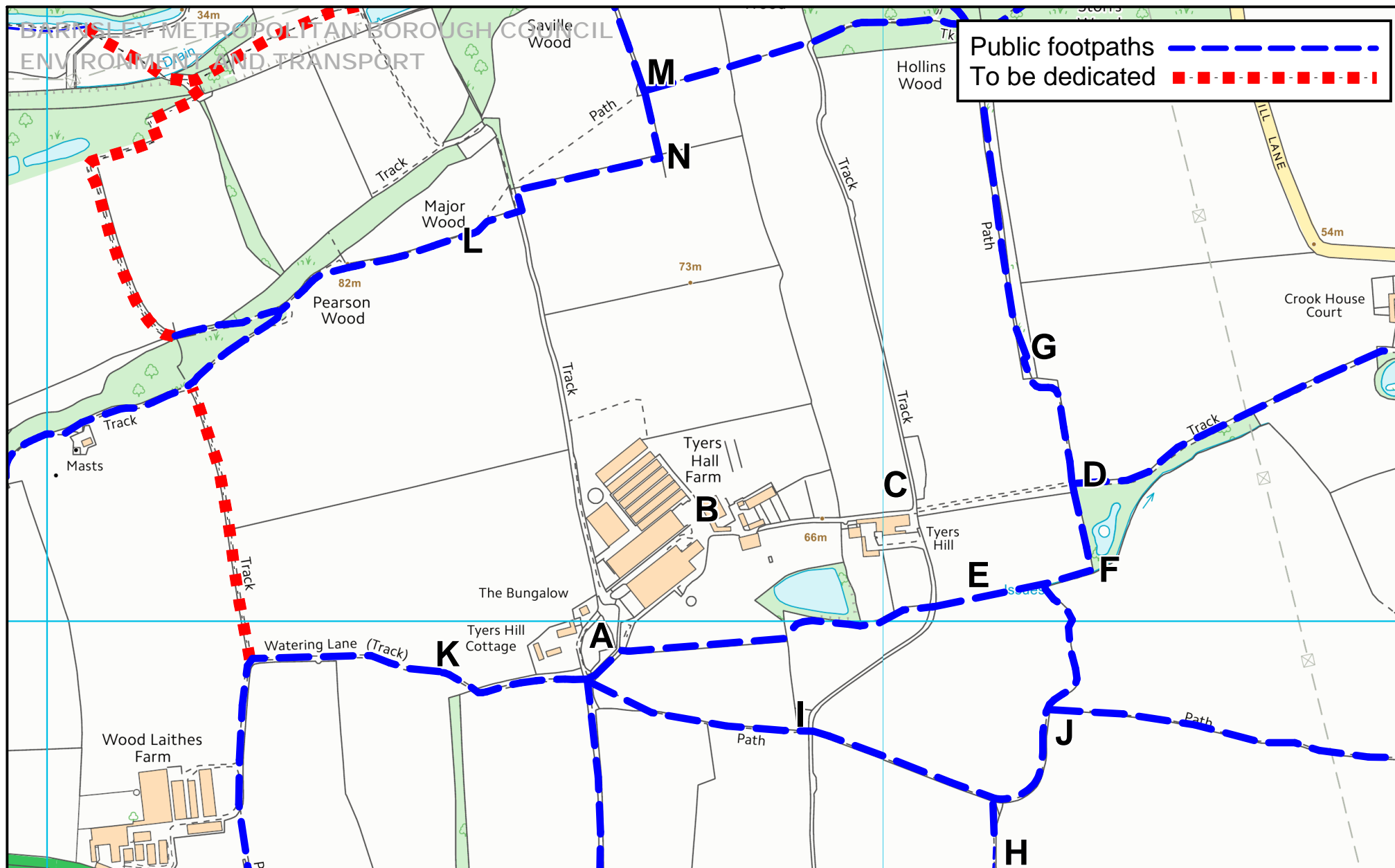
	Officer Contact: Rik Catling Tel: ext 2142
	Date: 21 st March 2017



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BARNSELY MBC - Environment and Transport

Environment and Transport.
 PO Box 604, Barnsley, S70 9FE.
 Tel: (01226) 770770 Fax: (01226) 772599

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

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Item 16

BARNSELEY METROPOLITAN BOROUGH COUNCIL

Report of Assistant Director,
Highways, Engineering and
Transportation to Planning
Regulatory Board on
18th April 2017

Diversion of public footpaths at Tankersley Golf Club.

1.0	<u>Purpose of Report</u>
1.1	To consider an application to divert Tankersley public footpaths 31, 33, 34, 35 and to extinguish part of Tankersley public footpath no. 34 at Tankersley Park Golf Club.
2.0	<u>Recommendations</u>
2.1	That, provided the applicant can satisfy the Council as to the matters set out in paragraph 3.4 below, the Council makes a Public Path Order under the provisions of section 257 of the Town and Country Planning Act 1990 for the diversion of Tankersley footpath 34, and Public Path Orders under the provisions of sections 118 and 119 of the Highways Act 1980 for the diversion of Tankersley footpaths 31, 33 and 35 and the extinguishment of part of Tankersley footpath no. 34 at Tankersley Park Golf Club as shown on the plan attached to this report.
2.2	That the Executive Director and Solicitor to the Council 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 Executive Director and Solicitor to the Council 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 Executive Director and Solicitor to the Council 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	Tankersley Park Golf Club has obtained planning permission to construct a new driving range (application no. 2015/0087).
3.2	The proposed driving range is crossed by Tankersley footpath no. 34 (A-B

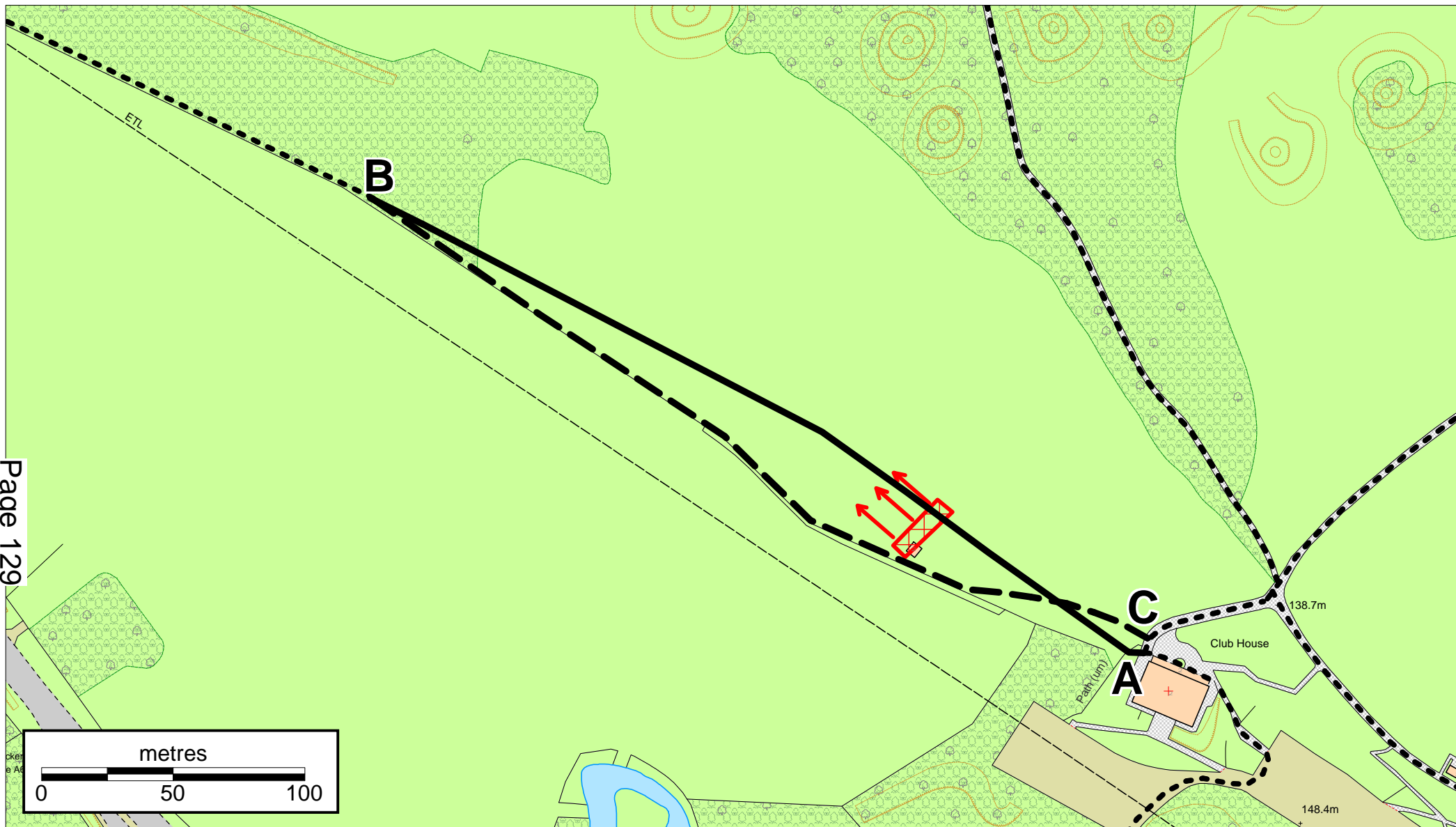
	on the plan at appendix A). To enable development, the golf club has applied to divert this path onto a new alignment alongside the edge of the range (A-C).
3.3	The new alignment is the most direct and most convenient for walkers, is the same length as the existing path and is the line favoured by local user groups. Provided that the measures set out below are provided to the satisfaction of the Council, it is also considered to be the safest available alternative as it borders the driving range on one side only. Alternative routes have been considered but rejected as they would have to run between or across other holes on the course, increasing the danger of pedestrians being struck by stray golf balls.
3.4	In order to protect members of the public from golf balls on the driving range, the golf club will erect fencing alongside the new footpath. The golf club commissioned Alan B. Partnership Limited, a firm of health and safety advisors, to conduct a safety assessment of the proposed diversion. The assessment recommends installation of a 3 metre high fence comprised of aluminium posts and 1.2mm knotted twine with a 28mm mesh, made from UV treated polyethylene, edged at the top and bottom. The golf club have agreed to install this fencing along the full length of the driving range.
3.5	The proposed fencing will require planning permission which is to be the subject of a separate application by the golf club. The proposed diversion order will not be published until such time as the required planning application has been submitted to the Council for approval and the golf club has made satisfactory arrangements with the Council to secure the future maintenance of the fencing by way of a unilateral undertaking.
3.6	The golf club also proposes 2 further diversions to reduce the existing conflict between walkers and golfers and improve public safety on the course.
3.7	Tankersley footpath no. 35 crosses 3 fairways, leaving walkers exposed to golf balls in several locations and causing interruptions and uncertainty for players (existing D-E).
3.8	The proposed diversion would instead turn at point D before reaching the fairways and run through the woodland parallel to hole 3 to join the existing footpath no. 23, which runs around the boundary of the course (D-F-E). The path would have a grass surface through the woodland.
3.9	This proposed route is significantly safer than the existing path as it completely avoids the 3 fairways. The new section D-F is separated from the closest fairway by an 'out of bounds' area of rough grass and between 5-15 metres of woodland. The new route would be approximately 135m longer than the existing path between points D-E, but the benefits of the new route are thought to outweigh the additional length, especially as this is primarily a rural leisure route. The new path would also pass a historical stone plaque noting the site of a former folly, which may be of interest to

	walkers.
3.10	Tankersley footpath no. 33 (existing G-H) crosses the fairway of hole 8 through a landing zone with poor visibility, immediately south of point G. The existing path enters the fairway between 2 small hills, which means that walkers can only see or be seen by golfers after they have stepped onto the playing area. The recorded line of the path then continues through the woodland before crossing the fairway of hole 1.
3.11	The proposed alternative runs around the hills, crossing the fairway at a point 75 metres further east where visibility is much improved. It would then continue along a surfaced path through the adjacent woodland, avoiding the fairway of hole 1 altogether. The proposed route is 110 metres longer than the current path.
3.12	Footpaths 31 and 34 are proposed to be diverted / stopped up around the clubhouse. These are minor changes to ensure that the paths recorded on the Definitive Map and Statement match those that are available on the ground, which is not currently the case.
3.13	Informal consultations have been carried out with user groups, ward councillors and utilities companies. No objections have been received to the proposals put forward in this report.
3.14	A different set of proposals was previously considered at this site which intended to divert the path onto the other side of the driving range without a protective fence. These proposals received numerous objections based on public safety concerns. Following discussions between the Council, Tankersley Parish Council, user groups and the Golf Club, the current plans were drawn up. No objections have been received to the new plans and those parties who objected previously have confirmed their support for the proposals, on condition that the new fence is built to a standard to protect walkers.
4.0	<u>Statutory Criteria</u>
4.1	Section 257 of the Town and Country Planning Act 1990 (as amended) enables public rights of way to be extinguished or diverted where the Council, as Planning Authority, is satisfied that it is necessary to do so in order to enable development to take place.
4.2	DEFRA Rights of Way Circular 1/09 provides guidance for local authorities and is used by inspectors when considering objections to public path orders made under the Town and Country Planning Act. It states in paragraph 7.15; 'That planning permission has been granted does not mean that the public right of way will therefore automatically be diverted or stopped up. Having granted planning permission for a development affecting a right of way however, an authority must have good reasons to justify a decision either not to make or not to confirm an order. The disadvantages or loss likely to arise as a result of the stopping

	up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.'
4.3	Tankersley footpath no. 34 runs directly across the proposed driving range and a diversion is required to allow development to go ahead. The Council is satisfied that the proposed new route provides a convenient link to the existing path through the woodland and is the best available option, provided that the required safety measures are satisfactorily implemented. The provision of fencing along the full length of the driving range will minimise as far as possible the risk of any golf balls being accidentally hit towards people using the footpath.
4.4	<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.
4.5	The proposed diversions of Tankersley footpaths 35, 33 and 31 are all considered to benefit both the landowner and the public by reducing or removing the existing conflict between people using the public footpaths and those playing on the golf course. Each of the diversions increases safety for walkers and provides greater certainty for golfers by either separating the paths from the fairways or else providing major improvements to vision and crossing points, which is considered to improve enjoyment for all parties. The additional length added to the footpaths is considered to be offset by the benefits provided.
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 section of Tankersley footpath no. 34 proposed to be extinguished does not physically exist and, as far as the Council is aware, is not walked by the public. Nearby alternative paths exist to connect the rest of the

	rights of way network in all directions, so extinguishment of the path is not considered to have a negative effect on public access and will have a positive impact on the land by clarifying the access rights on it.
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 not considered to have any effect on crime and disorder. In response to consultations, South Yorkshire Police's Crime Reduction Officer raised no objections.
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 Town and Country Planning Act 1990 and 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 orders 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	Appendices Appendix A – Map 1 Tankersley 34 (TCPA). Appendix B – Map 2 Tankersley 33 + 35 (HA)
	Officer Contact: Rik Catling Tel: ext 2142
	Date: 18 th April 2017



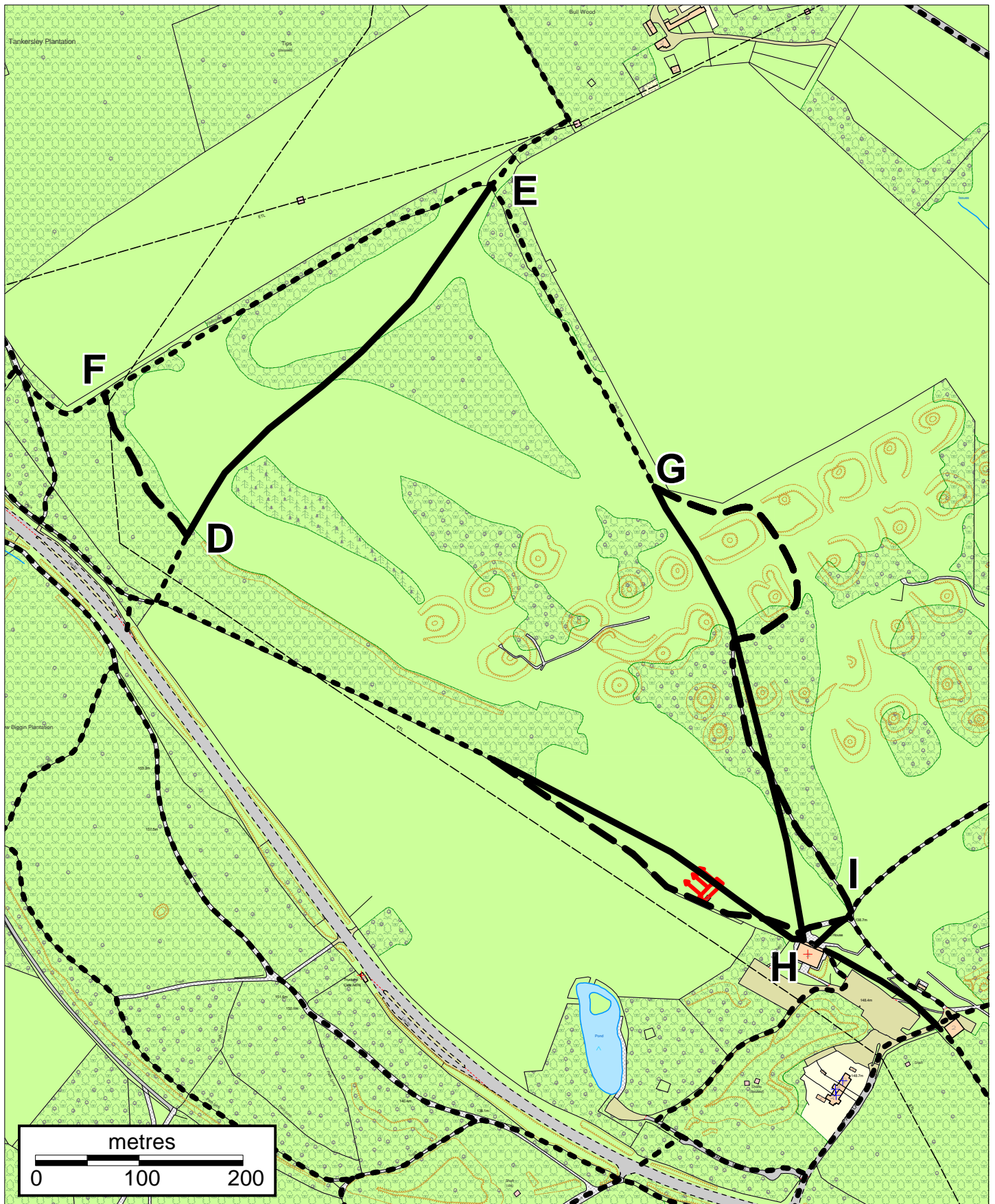
Proposed diversion of Tankersley public footpath no. 34 at Tankersley Park Golf Club (Town and Country Planning Act 1990)	
Drawn by BMBC	Scale 1 : 2000
Map 1	-

Footpath to be created
Footpath to be deleted
Unaffected rights of way

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Proposed diversion of Tankersley public
footpaths no. 33 and 35 at Tankersley
Park Golf Club (Highways Act 1980)

Drawn by BMBC

Scale 1 : 5000

Map 1

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Footpaths to be created

Footpaths to be deleted

Unaffected rights of way

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