

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 23 May 2017
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## AGENDA

1. Declarations of Interest

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

### MEETING:

2. Minutes (*Pages 3 - 8*)

To receive the minutes of the meeting held on 18<sup>th</sup> April 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](mailto:developmentmanagement@barnsley.gov.uk) or by telephoning (01226) 772593.

3. Land north of Hawshaw Lane, Hoyland - 2016/1531 - For Approval (*Pages 9 - 28*)
4. Lidgett Lane, Pilley - 2016/1308 - For Approval (*Pages 29 - 48*)
5. Land south of New Smithy Avenue, Thurlstone - 2017/0088 - For Refusal (*Pages 49 - 60*)
6. Kingswood Peak Venture, Huddersfield Road, Penistone - 2017/0240 - For Approval (*Pages 61 - 70*)
7. Dovecote Farm, Westfield Lane, Barnburgh - 2016/1400 - For Approval (*Pages 71 - 80*)
8. Land to the rear of 11 and 13 Hillside Crescent, Brierley - 2017/0310 - For Approval (*Pages 81 - 88*)
9. Land at Sandygate Lane, Stairfoot - 2017/0206 - For Approval (*Pages 89 - 96*)
10. Dorothy Hyman Sports Centre, Snyderdale Road, Cudworth - 2017/0453 - For Approval (*Pages 97 - 106*)
11. Cannon Hall Museum, Bark House Lane, Cawthorne - 2017/0213 and 2017/0239 - For Approval (*Pages 107 - 114*)

## Planning Appeals

12. Planning Appeals - 1st April to 31st April 2017 (*Pages 115 - 116*)

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

Monday, 15 May 2017

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

## MINUTES

### Present

Councillors D. Birkinshaw (Chair), G. Carr, Coates, Franklin, David Griffin, Grundy, Hampson, Hayward, Higginbottom, Leech, Makinson, Markham, Mathers, Mitchell, Richardson, Riggs, Stowe, Tattersall, Unsworth, Wilson and R. Wraith

### In attendance at site visit

Councillors D. Birkinshaw (Chair), G. Carr, Leech, Makinson, Mathers, Tattersall, Unsworth, R. Wraith and Wilson

## 99. Declarations of Interest

Councillors Makinson and Unsworth declared a non-pecuniary interest in **Planning Application No 2016/0118 (Minute no. 108)** – [demolition of existing terrace dwellings and erection of 8 no. dwellings at 2 Baden Street, Worsborough Bridge, Barnsley S70 5PA due to being Members of Berneslai Homes Board.

Councillor Hayward declared a non-pecuniary interest in **Planning Application No 2016//0322 (Minute no. 103)** – [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) at former Petrol Filling Station, Pontefract Road, Barnsley, S72 8AY] as he is a local ward member.

Councillor Unsworth declared a non-pecuniary interest in **Planning Application 2017/0027 (Minute no. 104)** - [demolition of existing house and erection of 3 new houses (outline) at The Laurels, 24 Viewlands, Silkstone Common, S75 4QP] due to him knowing the agent for the applicant in a personal capacity for over thirty years.

## 100. Minutes

The minutes of the meeting held on 21<sup>st</sup> March 2017 were taken as read and signed by the Chair as a correct record subject to a minor amendment to Minute no 88 to reflect that Councillor D. Birkinshaw knows the solicitor assisting the objector to the application, not the applicant as stated in the minutes.

## 101. 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 granted in accordance with the Officer recommendation.

**102. Former Royston High School, off Midland Road, Royston, Barnsley - 2016/1078 - For approval**

The Head of Planning and Building Control submitted a report on **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 S71 4QP]

**RESOLVED** that the application be granted in accordance with the Officer recommendation subject to completion of a S106 agreement to include commuted sums for education and off site public open space enhancements. In addition, provisions are to be made in relation to the re-establishment of a memorial tree and an extension to the leisure centre car park.

**103. Former petrol filling station, Pontefract Road, Barnsley - 2016/0322 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0322** – [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) at former Petrol Filling Station, Pontefract Road, Barnsley, S72 8AY]

Victoria Marsden addressed the Board and spoke in favour of the officer recommendation to grant the application.

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

**RESOLVED** that the application be granted for an additional limited time period of eighteen months and that the conditions subject of the officer recommendation are included within the decision.

**104. The Laurels, 24 Viewlands, Silkstone Common - 2017/0027 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0027** [demolition of existing house and erection of 3 new houses (outline) at The Laurels, 24 Viewlands, Silkstone Common, S75 4QP]

Mr Clynch addressed the Board and spoke in favour of the officer recommendation to grant the application.

Mr Tyas addressed the Board and spoke against the officer recommendation to grant the application.

**RESOLVED** that the application be refused, against Officer recommendation, due to concerns that the reasons to refuse the previous application in 1989 in respect of backland development; intensification of a substandard access and harm to the amenity of the residents of the dwellings located adjacent to the proposed access (increased loss of privacy and general disturbance) had not been overcome.

In accordance with agreed protocol, a recorded vote was taken on this planning application with the amendment to refuse the application being:-  
MOVED by Councillor Franklin and SECONDED by Councillor Makinson, with voting being as follows:-

In favour of the amendment to refuse the application:-  
Councillors D Birkinshaw (Chair), G Carr, Coates, Franklin, Griffin, Grundy, Hampson, Hayward, Higginbottom, Leech, Makinson, Markham, Mathers, Mitchell, Richardson, Riggs, Stowe, Tattersall and Wilson.

No Councillors voted against the amendment to refuse the application. Councillors Unsworth and R Wraith abstained from voting.

**105. Barnsley Markets and adjoining land at Cheapside, Barnsley - 2017/0135 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0135** [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) at Barnsley Markets and adjoining land at Cheapside, Barnsley]

**RESOLVED** that the application be granted in accordance with the officer recommendation, subject to an amendment to condition 2 to include reference to the shopfront design guide and an additional condition securing refinements to the design of the two entrance towers.

**106. Unit A land at Capitol Park, Capitol Close, Dodworth - 2017/0248 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0248** [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) at Unit A Land at Capitol Park, Capitol Close, Dodworth, Barnsley]

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

**107. Land west of Hopewell Street, Stairfoot, Barnsley - 2017/0117 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0117** [Erection of battery storage facility at land west of Hopewell Street, Stairfoot, Barnsley]

**RESOLVED** that the application be granted in accordance with the Officer recommendation, which includes the need for a S106 agreement to prevent implementation of the existing planning permission 2016/0296 in addition to the application proposal.

**108. 2 Baden Street, Worsborough Bridge, Barnsley - 2016/0118 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0118** – [demolition of existing terrace dwellings and erection of 8 no. dwellings at 2 Baden Street, Worsborough Bridge, Barnsley S70 5PA].

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

**109. Hunningley Primary School, Hunningley Lane, Stairfoot, Barnsley - 2016/1479 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1479** [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 at Hunningley Primary School, Hunningley Lane, Stairfoot, Barnsley S70 3DT]

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

**110. Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley - 2017/0159 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0159** [Fell T1 – T5 within TPO 1/1964 at Barnsley Crematorium, Doncaster Road, Ardsley, Barnsley S71 5EH]

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

**111. Planning Appeals - 1st to 31st March 2017**

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

The report indicated that 3 appeals were received in March 2017:-

- **Planning Application 2016/1035** Erection of 1 no detached dwelling with detached garage at Knowles Street, Spring Vale, Barnsley (written representation) – delegated.

- **Planning Application 2017/0090** Removal of Sycamore Tree (T1) TPO 2/2006 on footpath to rear of Hornthwaite Close, Thurlstone, Sheffield (written representation) – delegated.
- **Planning Application 2015/0725** Erection of 97 no. dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers at land off Lowfield Road, Lowfield Road, Bolton upon Dearne, Rotherham (written representation) – delegated.

No appeals were withdrawn in March 2017.

One appeal was decided in March 2017:

- **Planning Application 2016/1234** Raising of roof level to existing garage to create additional accommodation (resubmission) at 118 Smithies Lane, Barnsley S71 1NL (written representations – delegated) – dismissed.

It was reported that 21 appeals have been decided since 1 April 2016, 18 of which (86%) have been dismissed and 3 of which (14%) have been allowed.

## **112. 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:

- (i) 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, subject to the applicant being agreeable to covering the cost of future maintenance, and that
- (ii) 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.
- (iii) 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.
- (iv) 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.

## **113. Application to divert public footpaths at Tankersley Golf Club**

The Assistant Director, Highways, Engineering and Transportation submitted a report to consider an application to divert Tankersley public footpaths 31, 33, 34 and 35 and to extinguish part of Tankersley public footpath no. 34 at Tankersley Park Golf Club.

Before any discussions took place, the Board were advised that this item had been withdrawn to enable proposals for protection fencing to be assessed by the Planning Authority alongside the proposals to divert the footpath.

**RESOLVED** that Members note that the application be withdrawn.

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Chair



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**Ref 2016/1531**

Applicant: Hoyland Developments Ltd

Description: Outline application for a development of approximately 100 dwellings (all matters of detail reserved apart from means of access)

Site Address: Land to the north of Hawshaw Lane, Hoyland Common

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10 objections have been received from local residents. The application is also objected to by the Campaign to Protect Rural England (CPRE). No comments have been received from any of the Ward Councillors.

## **Site Description**

The proposal site is a 3.9ha section of a field which is located to the north west of Hoyland Road and Hawshaw Lane in Hoyland Common. The site is irregular in shape and adjoins open green land on either side and to the north, which is uninterrupted for a considerable distance to the north before reaching the A6135 on the section between the roundabouts at Birdwell and Shortwood.

To the south the site is closely related to the existing built up area of Hoyland Common with the site sharing a boundary with many houses which have addresses on Hoyland Road and Hawshaw Lane. Birdwell and Upper Hoyland are located to the north east and north west respectively with medium distance views through those areas. In addition the site is located near to Kirk Balk Academy and West Meadows Primary School which are both located to the east within a short walking distance of the site. Hoyland Lowe Stand and the Church of St Peter are located in the vicinity of the site which are both grade II listed heritage assets.

The site is relatively open and clear of features with varied topography. The majority of the site is located behind the existing houses on Hoyland Road and Hawshaw Lane. However the site does possess a road frontage via a wide gap situated between No.119 Hawshaw Lane and 124 Hoyland Road in the north east corner of the site. In addition there is a smaller gap located further south in between 110 and 112 Hoyland Road. The latter is not apparent at present where the site is screened by a thick line of mature conifers and a boundary wall which does not contain an entry point at present.

## **Proposed Development**

The application is in outline form and proposes a development of approximately 100 dwellings. All matters of detail are reserved for a future application apart from means of access which is proposed by way of a 'T' shaped give way priority junction in the gap between 119 Hawshaw Lane and 121 Hoyland Road.

The application is accompanied by a concept masterplan which identifies the areas of the site which are proposed to be developed and that which are to form greenspace. The proposal is for the majority of land to be developed with the exception of the western part of the site which would form greenspace. In addition the plan indicates that a surface water drainage attenuation pond would be constructed in the field located to the north west of the site. Furthermore the plans indicate that a new pedestrian and cycle access would be created in the gap between Nos 110 and 112 Hoyland Road. This would pass through the area of greenspace to connect with an existing public footpath which runs alongside the north west boundary of the site.

## Relevant History

The majority of land associated with the proposal has not been the subject of any previous planning applications. The application appears to include land currently or previously belonging to 114 Hoyland Road. This particular property has been the subject of a variety of householder planning applications, including B/01/0404/HN which granted planning permission for a new access/driveway for the property.

## Policy Context

Planning decision should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy 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: Safeguarded Land (HN6, GS10)

## Local Development Framework Core Strategy

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

## SPD's

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

## Others

Planning Advice Note 33 'Financial Contributions to School Places'

South Yorkshire Residential Design Guide

The site is within the Hoyland-Wombwell Housing Zone, which was designated by the Homes & Communities Agency earlier this year with the aim of delivering accelerated housing construction.

## Publication version of the Draft Local Plan

Proposed allocation: Housing Proposal (H16)

The development will be subject to the production of a masterplan covering a number of sites including housing site references H16, H77, AC29 and employment site references HOY2, HOY3, HOY4 and HOY5. This should ensure that:-

- All hedgerows and woodland blocks must be maintained, enhanced and managed
- A wildlife corridor should be created across the site
- All hedgerows and woodland areas within the site are protected and enhanced
- Appropriate access is provided
- Appropriate acoustic measures are provided to mitigate against noise from the road
- Development shall be expected to respect the historic setting of Hoyland Lowe Stand and the churchyard of St Peter's Church to the east by the use of an appropriate site layout, sympathetic design that reflects the setting, appropriate scaling, massing, details and materials.
- Archaeological remains may be present on this site therefore proposals must be accompanied by an appropriate archaeological assessment (including a field evaluation if necessary) that must include the following:-
  - Information identifying the likely location and extent of the remains, and the nature of the remains*
  - An assessment of the significance of the remains*
  - Consideration of how the remains would be affected by the proposed development.*

## NPPF

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

## Consultations

Affordable Housing Officer – Request 15% affordable housing provision in accordance with Core Strategy policy CSP15.

Biodiversity Officer – No objections subject to the imposition of a condition requiring full details of the proposed mitigation and enhancement measures to be provided in association with an application for the approval of the reserved matters. These features should be guaranteed to be maintained for a minimum of 5 years post completion of the development.

Coal Authority - The Coal Authority concurs with the recommendations of the Geoenvironmental Desk Study Report; that coal mining legacy potentially poses a risk to the proposed development. However they are content that the desk study report has been informed by an appropriate range of sources of information including a Coal Authority Mining Report, published geological maps, and coal mine abandonment plans. As such provided that a condition is imposed requiring further intrusive surveys to inform any mitigation required to protect the development from land instability they are content not to object to the proposed development.

Contaminated Land – No comments have been received.

CPRE – Object to the application due to current status of the land being Safeguarded Land in the UDP. In their view this is a speculative application which is proposing to pre-emptively use up Safeguarded Land that may result in a potential shortage of safeguarded sites and create a pressure for an additional site to be removed from the Green Belt for safeguarding. In addition they consider that no weight should be afforded to the proposal to allocate the site for housing pending the outcome of the local plan examination and consideration of the objections.

Drainage – No objections subject to conditions.

Education – Require a contribution for the development towards funding additional secondary school capacity. Based upon a development of 100 dwellings a contribution of £211,530 would be required. No contribution is required with regards to primary school places.

Highways – No objections in principle subject to conditions..

Pollution Control – No objections at the outline application stage. However it is identified that proposals need to accompany the reserved matters stage to ensure that the dwellings are constructed with adequate soundproofing measures.

SYAS – No objections. The potential for previously unrecorded archaeological remains was considered to be low in light of the fact that the majority of the site has been subject to open cast mining. SYAS agrees with this conclusion and considers the archaeological potential to be negligible. No further archaeological investigation is required.

SYMAS – No objections. They advise that the site is likely to be affected by shallow coal workings and backfill from open cast mining. As such engineering solutions would be expected therefore to ensure that the site is not at risk of unstable ground. A condition to require details of intrusive investigations and mitigation measures to prevent the application being objected to.

Trees - No objection to the proposal. A full tree survey will be required with the reserved matters application so that the potential impacts of the construction can be fully assessed and the information in it be used to inform the scheme. Protection details will also be required for this proposal and as there are potentially excavations etc. close to existing trees for the new access roads as well as potential implications from the construction of dwellings and their associated features when they are approved.

Waste Management – Have commented on the need for the layout to provide appropriate facilities for waste collection and lighting.

## **Representations**

The application was originally advertised by neighbour notification letters, site and press notice. 10 representations of objection have been received. In summary the main concerns expressed are as follows:-

Change to living conditions – Concerns that the development would remove the open outlook experienced by the residents of the houses which adjoin the site, which was the reason for many of the residents buying their houses in the first place. In addition concerns are raised about loss of privacy and increased noise.

Change to settlement character – Concerns are raised that the development would further contribute towards the semi-rural character of Hoyland being altered as a result of the new developments taking place in the area. In addition concerns are raised that the changes are being dictated to local residents, rather than being local community led.

Harm to local landscape/loss of green character.

Concerns that Hoyland is becoming a dormitory town feeding Sheffield and Leeds.

The need for additional housing is questioned given the existence of unsold properties in the area and vacant units on industrial estates.

Environmental concerns are raised about the loss of vegetation and natural habitat. In addition it is questioned where local residents shall walk and play because of the development taking place in the area.

Access/Highway safety – It is stated that access to the development should be via the A6135 rather than Hoyland Road/Hawshaw Lane to reduce the risk of accidents occurring due to existing problems with high traffic speeds and conflicts with accesses to existing developments and Kirk Balk Academy and West Meadows Primary School. Concerns are also raised about the potential for accidents to occur during the construction phase.

Network capacity – Concerns that the development would contribute to existing problems in the area with network capacity.

School Place availability - Concerns about the ability of local schools to accommodate children from the development.

Concerns that Barnsley Hospital and other health care related services in the Borough shall not be able to cope with the increased demands on services.

Concerns that the development would lead to an increase in noise, air and light pollution.

Public participation – Concerns are raised that the views of local people are being ignored. In addition it is stated that evidence has not been provided to substantiate the increase in housing numbers proposed in the area despite requests.

Alternatives – It is asserted that sufficient previously developed land exists to build new houses as an alternative to greenfield sites.

The site is mistakenly referred to as being located within the Green Belt.

It is stated that future generations should not be made to pay for the mistakes of the current generation.

Loss of habitat for numerous types of birds, foxes, rabbits, hedgehogs, frogs, toads and a variety of insects.

It is asserted that the development is unsuitable for building on due to both historic and open cast mining and abandoned mine equipment.

It is stated that the site has a high water table.

Concerns that high levels of Methane gas exist beneath the ground.

It is asserted that a give way priority junction would not create a suitable or safe access because of the alignment on Hoyland Road/Hawshaw Lane in relation to the two junctions . It is therefore asserted that traffic signals, along with a pedestrian controlled crossing would be required to create a safe access.

Non-compliance with proposed Local Plan Policy H16 in that the application is not accompanied by a masterplan covering the site and how it should link in with housing site references: H16; H77; AC29 and employment site references: HOY 2; HOY3; HOY4 and HOY5.

Requests for the permission to be limited - It is requested that the Council impose a variety of conditions to limit the development should it be allowed. These should include imposing an upper limit of 120 houses and preventing permanent and vehicular access from the potential entry point at the side of 110 and 112 Hoyland Road and ensuring the provision of the greenspace corridor on the western boundary of the plans.

Concerns about the disruption in the area when development is taking place on the site and elsewhere in the area and the effect on the quality of life for existing residents. A concern is also expressed that the effects could combine with HS2 depending upon which route is eventually built.

It is identified that the site could be directly affected by HS2 if the route reverts back to the Meadowhall route.

## Assessment

### Principle of development

For the time being the saved site specific land use planning policy designation affecting the site is Safeguarded Land. The site is not located in the Green Belt as is asserted in some of the objections from local residents. The Safeguarded Land designation dates back to when the UDP was adopted in the year 2000. Councillors shall be aware from previous cases that this is a policy classed to be out of date following the publication of the National Planning Policy Framework due the age of the policy. In such circumstances paragraph 14 of the NPPF states that planning permission should be granted for a development proposal unless:-

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

In addition, case law has established that safeguarded land policies restrict the supply of housing and should not be considered up to date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. This is the present situation that the Council finds itself in prior to the adoption of the new Local Plan. Furthermore Safeguarded Land was land kept out of the Green Belt to allow for development if and when needed. In order to be designated safeguarded land, the characteristics had to be such that it was genuinely capable of development when needed.

The site is located in a priority area intended to accommodate new housing growth in the adopted Core Strategy and this is another consideration that needs to be afforded significant weight. The site is in the Hoyland Principal Town which was targeted to deliver up to 1800 new houses before 2026. Furthermore the site is proposed to be allocated for housing development in the emerging local plan (draft policy H16). This latter consideration can only be afforded limited weight at this time pending the outcome of the forthcoming examination by the Secretary of State. The position therefore reverts back to the presumption in favour of sustainable development stipulated in the NPPF whereby planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, or where policies in the NPPF indicate development should be restricted.

The site does only form part of proposed housing allocation site H16 and the draft Local Plan policy states that proposals to develop the land should form part of a masterplan, along with the two other proposed housing allocation sites to the north east (AC29 and H77) and employment land allocation sites HOY2 and HOY5 located to the north and north west. As such it has been necessary to consider whether the release of part of proposed site H16 should be regarded as piecemeal development and whether it would prejudice the remainder of the land being developed. This would seem unlikely to be the case for the reason that the intended access to sites HOY2, HOY5, AC29 (and to a lesser extent from H77) is direct from the A6135 in the location where the roundabouts are located at Rockingham and Shortwood. The draft policies also state that a new link road should be provided between the sites when those sites are developed. The proposed development would not prevent this from happening because of how far south it is in relation to those sites. Also it would not be desirable for the B6096 to be used as the permanent access for the HGV's that would be associated with sites HOY2 and HOY5.

Currently the Council, the applicant and the other land owners involved with these sites are in discussions about the preparation of a masterplan linked to the award of Sheffield City Region Investment Funding (SCRIF) which is intended to ensure that the development of the wider safeguarded land and group of proposed Local Plan allocations around J36/Dearne Valley Parkway is not prejudiced. It is also important to note that the site is within a Housing Zone designated by the Homes and Communities Agency to deliver accelerated construction of housing. The requirement to produce a detailed masterplan in advance of determining this planning application would therefore undermine this objective by delaying the planning process. In itself this isn't a reason not to seek the masterplan but given that the applicant controls land adjoining this site and that the remaining land is in the control of just two other landowners, who are working with the applicant via the SCRIF process, it is in the interest of all parties to work collaboratively to ensure that sites H16, H77, AC29 and HOY2, HOY3, HOY4 and HOY5 are capable of being comprehensively developed if allocated for residential and employment use following examination of the Local Plan.

Aside from those points it is considered appropriate that development on this part of H16 is accessed from and is connects with the existing Hoyland settlement to the south to services to the shops, services and public transport services on offer for sustainable development reasons. Also the fact that the application is in outline form and the layout is a reserved matter allows for flexibility for the plans to be designed to maintain access routes through to adjoining land as longer term development options. I do not feel that this is an issue worthy of resisting the application therefore.

#### Visual amenity

The proposal could be considered sensitive from a visual amenity perspective given that the northern part of the site adjoins a considerable area of open greenfield land. However as has been explained above the site forms part of an area of UDP Safeguarded Land and was therefore kept out of the Green Belt to allow the site to be developed if needed.

There are few existing features within the site to prevent a constraint to the development with the majority of the site being open. There are a small number of trees and hedgerows located on and adjacent to the boundaries of the site. However being as layout and landscaping are reserved matters the Tree Officer is content that a tree survey is carried out at that stage to inform the design of the layout.

Because layout, appearance, scale and landscaping are all reserved for a future application it is not possible to carry out a detailed assessment of visual amenity considerations at this stage. These would all have to be assessed as part of a reserved matters application therefore where the plans would need to comply with the relevant SPD in order to be judged acceptable. I am satisfied however that at 4ha the site is of a size to accommodate 100 dwellings and could be designed to comply with the spacing standards in the SPD.

The reserved matters application shall also need to detail the variety and form of the houses proposed, proposed levels and future landscape, parking solutions and boundary treatment proposals. Hoyland Lowe Stand and St Peter's Church are located in the vicinity of the site and are grade II heritage assets. However neither are located immediately adjacent to the site and so the effects on their setting would be relatively minor and akin to existing developments in the area.



## Residential Amenity

The application is sensitive from a residential amenity perspective given that it is overlooked by many existing houses located on Hoyland Road and Hawshaw Lane which currently benefit from views across the site in its existing open form. In addition the proposed new vehicular and pedestrian accesses would be located in gaps between two existing houses, No.119 Hawshaw Lane and 124 Hoyland Road and 110 and 112 Hoyland Road respectively. However loss of view is not a material planning consideration and as such provided that the relationships between new and existing dwellings are designed to meet the standards in the SPD the Council shall not be in a position to resist the application on such considerations as the change to conditions of outlook, privacy and daylight. This will be a matter to be assessed at the reserved matters stage when the detailed site layout and unit type plans are considered and is not a consideration for this application.

The gap in the houses where the road would be constructed is a wide gap that is approximately 35m wide and the alignment is such that a separation distance of several metres would be afforded to the nearest property No.119 Hawshaw Lane. Traffic noise is already a feature of the area for the residents of existing dwellings because of Hoyland Road/Hawshaw Lane being a classified road. Furthermore the noise survey has identified that noise can be heard from traffic using the A6195 and the M1 which are further afield. As such the change in living conditions would not justify planning permission being refused over this issue.

Regarding the new dwellings the noise assessment has determined that the new dwellings would need to be constructed with sound insulation measures to ensure that adequate amenity standards are provided for future residents. This is acceptable to Pollution Control in principle, although it shall be necessary for the proposed scheme to be submitted with the detailed reserved matters application. A suitable condition would need to be imposed therefore. The usual conditions would need to be imposed to limit the effects of noise and disturbance during the construction phase.

The provision of the footpath and cycle link in the gap between Nos 110 and 112 Hoyland Road would inevitably lead to some disturbance experienced by existing residents. However conditions could be used to ensure that suitable planting is put in place as a buffer. Also the footpath would connect to the existing public footpath located to the south west of the site which would open up a recreation route open for all local residents to use.

## Highway Safety

The proposal is an outline application to develop the site to provide approximately 100 dwellings. However the Transport Assessment has tested the site for delivery of up to 120 dwellings with the aim of providing a robust analysis.

As has already been stated the proposal is to access the site via a new priority junction with the B6096 Hoyland Road/Hawshaw Lane along the site's southern frontage, to the east of West Street. In addition a dedicated pedestrian / cycle only access into the site is also proposed connecting to the existing footway provision located along the north side of the B6096 Hoyland Road, opposite its junction with the B6097 Fearnley Road.

The access arrangements provide visibility splays of 2.4 x 82.5m to the north and 2.4m x 70.4m to the south. The site access has been located as far north as possible in order to maximise the stagger distance to West Street and visibility to the south.

Internal design matters including the new roads and parking provision are for a future reserved matters application due to layout being a reserved matter.

The assessment has identified that the site is in an accessible and inclusive location which is conveniently located in relation to local services and amenities. The site would also benefit from an acceptable level of access to public transport with the distance and the range of service provision being located within recommended standards. 2 of the bus services, 72 and 72A stop at Elsecar Train Station which has service provision to Barnsley, Leeds, Meadowhall and Sheffield. A travel plan is proposed as a formal means of working with the residents of the development to reduce the amount of car journeys. This can form part of any S106 Agreement.

The transport assessment has also considered the effect of the development on network capacity, including the A6135 Sheffield Road / B6096 Hoyland Road / Tankersley Lane four armed signalised junction. The development is predicted to give rise to generate 90 and 85 two-way vehicle trips during the Weekday AM and PM peak hours respectively. It has been identified that this junction shall operate above saturation levels on occasions during the future in its present format. As such the report proposes that mitigation should be provided at that junction in the form of the provision of more formalised / clearer lane markings along the B6096 Hoyland Road arm and opposing right turn 'box' markings along the A6135 Sheffield Road.

Subject to this mitigation 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 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 located in an area that is categorised to be at 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. Other sources of flooding have been assessed to be low.

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 discharge to a local watercourse is proposed (Shortwood Dike). Discharge would be at a restricted rate of 10.3 litres/second which would be achieved via the construction of a surface water storage attenuation pond which would be built adjacent to the development. Following consideration of this information Council's drainage engineer and Yorkshire Water are content not to object to the proposals subject to suitable conditions being in place.

### Ground conditions

The site is likely to be affected by shallow coal workings and backfill from open cast mining. As such engineering solutions are likely to be required to ensure that the development is not the subject of any problems arising from land instability. SYMAS and the Coal Authority have considered the information with the application and have resolved not to object subject to a condition being in place requiring intrusive investigations to be carried out prior to the commencement of development to inform the precise nature of the mitigation measures that shall need to be put in place. This is acceptable in principle to the Council's land drainage section and Yorkshire Water who have not raised any concerns with the application subject to a condition being in place to agree the specific details prior to the construction of the development.

### Archaeology

No objections have been received from SYAS. This is because any archaeological remains that did exist within the site were likely to have been destroyed when it was the subject of open cast mining.

### Biodiversity

The ecological report has identified that the value of the site is low due to it mainly consisting of improved grassland which is mainly open and clear of features. In addition no harm to protected species has been identified. The survey did identify a hedge worthy of retention on the north east boundary. This would need to be retained along with the range of other mitigation and enhancement measures proposed by the ecological survey which includes the following:-

- The planting of native trees in the landscaping scheme
- The removal of Japanese Knotweed
- The provision of an open SUDS pond to create a habitat suitable for amphibians, reptiles and invertebrates
- The provision of bird nesting boxes in the development
- The provision of bee nest boxes
- The protection of all retained vegetation

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.

### Trees

The application has not been accompanied by a tree survey. However the Tree Officer is content that this is not required in the circumstances that layout is a reserved matter and as there is not any vegetation of note within the site, with what vegetation there is limited to the boundaries. He has therefore determined that a survey should be carried out prior to the submission of a reserved matters stage to inform the design of the proposed layout. As such there is not an objection subject to suitable conditions being in place.

### 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.

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

Education have confirmed that a contribution is required towards funding additional secondary school places at Kirk Balk Academy Based upon a scheme of 100 dwellings a contribution would be required amounting to £239,734.00. Education are not seeking a contribution towards primary school provision based upon current forecasts.

Public open space – Green space provision would be required for the development in accordance with the Open Space Provision on New Housing Developments SPD. The development would need to provide a minimum of 15% of the developable area of the site public open space which would need to include a mixture of formal and informal play. In addition it is likely that a contribution for formal recreation provision off the site would be required. A suitable condition would need to be imposed at the outline stage and it is likely that a S106 Agreement would be required at the reserved matters stage once the detailed design is known.

AH – Under current policy CSP15 15% of the houses should be provided as affordable housing in this area of the Borough. This is proposed to change to 10% within the emerging local plan. It was been agreed with the applicant that the 10% threshold shall be applied if the reserved matters application is made if the new policy is adopted following the local plan examination. If it isn't for any reason, or prior to that point in time the 15% requirement would be applied to the development. This can be secured by way of a S106 Agreement.

### **Conclusion**

In summary, the saved site specific land use policy dating back to the Unitary Development Plan is Safeguarded Land. However this policy is classed to be out of date by the National Planning Policy Framework. In such circumstances paragraph 14 of the NPPF states that planning permission should be granted for a development proposal unless:-

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

The site is located in the Hoyland Principal Town which is a priority to accommodate new housing growth. In addition the Council is currently unable to demonstrate a 5 year housing land supply. As such considerable weight has to be afforded to the benefits associated with the development in terms of the contribution that the development would make towards boosting housing land supply and the economic benefits associated with the development of the houses. This is particularly so given the site is located within a designated Housing Zone and the fact the proposal will not prejudice the wider delivery of adjoining sites proposed to be allocated in the emerging Local Plan.

The site is not in the Green Belt. In addition it is not the subject of any special designations and subject to the completion of a S106 agreement and the inclusion of the suggested conditions, it is judged to be accepted when assessed against the development plan as a whole and having regarding to other material considerations. Accordingly, it is considered that the presumption in favour of sustainable development applies and the application is therefore recommended for approval.

### **Recommendation**

Grant planning permission subject to conditions and a S106 Agreement (provision of education, public open space, affordable housing and a travel plan)

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

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

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

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

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

3 Plans at the reserved matters stage should have regard to the details indicated on drawing 2053-2001 rev A 'concept masterplan for the residential development of Hoyland Lowe' and the KPP Architects Design, Access and Heritage Statement and the PWP Design 'Landscape Strategy Handbook' ref PWP164 100 (rev02) 12.12.16.

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

4 Vehicular access to the development shall be carried out in accordance with Fore plan ref 3406 SK004 001 'Preliminary Access Arrangement onto B6096 Hawshaw Lane' which forms part of the Transport Assessment Version 1 dated 14th December 2016.

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

5 Visibility splays, having the dimensions 2.4m x 82.5m to the north and 2.4m x 70.4m to the south, shall be safeguarded at the junction with the B6098 Hoyland Road/Hawshaw 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.**

- 6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Provision of new signing/ lining at the junction of Sheffield Road/ Hoyland Road/ Tankersley Lane junction.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 7 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 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.**
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

10 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.**

11 No development shall take place until:

(a) Full foul and surface water drainage details, including a scheme to maintain or reduce surface water run-off from existing 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 and the scheme shall be retained throughout the life of the development.

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

12 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 protective barrier details
- Tree protection plan
- Arboricultural method statement

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 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.**

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

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

14 Detailed proposals shall accompany the reserved matters submission of a scheme of sound insulation measures to ensure that adequate amenity standards are provided for future residents. Proposals shall be designed in accordance with the recommendations contained within the Kilmartin, Plowman and Partners Planning Noise Assessment report ref DC2106-R1

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

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

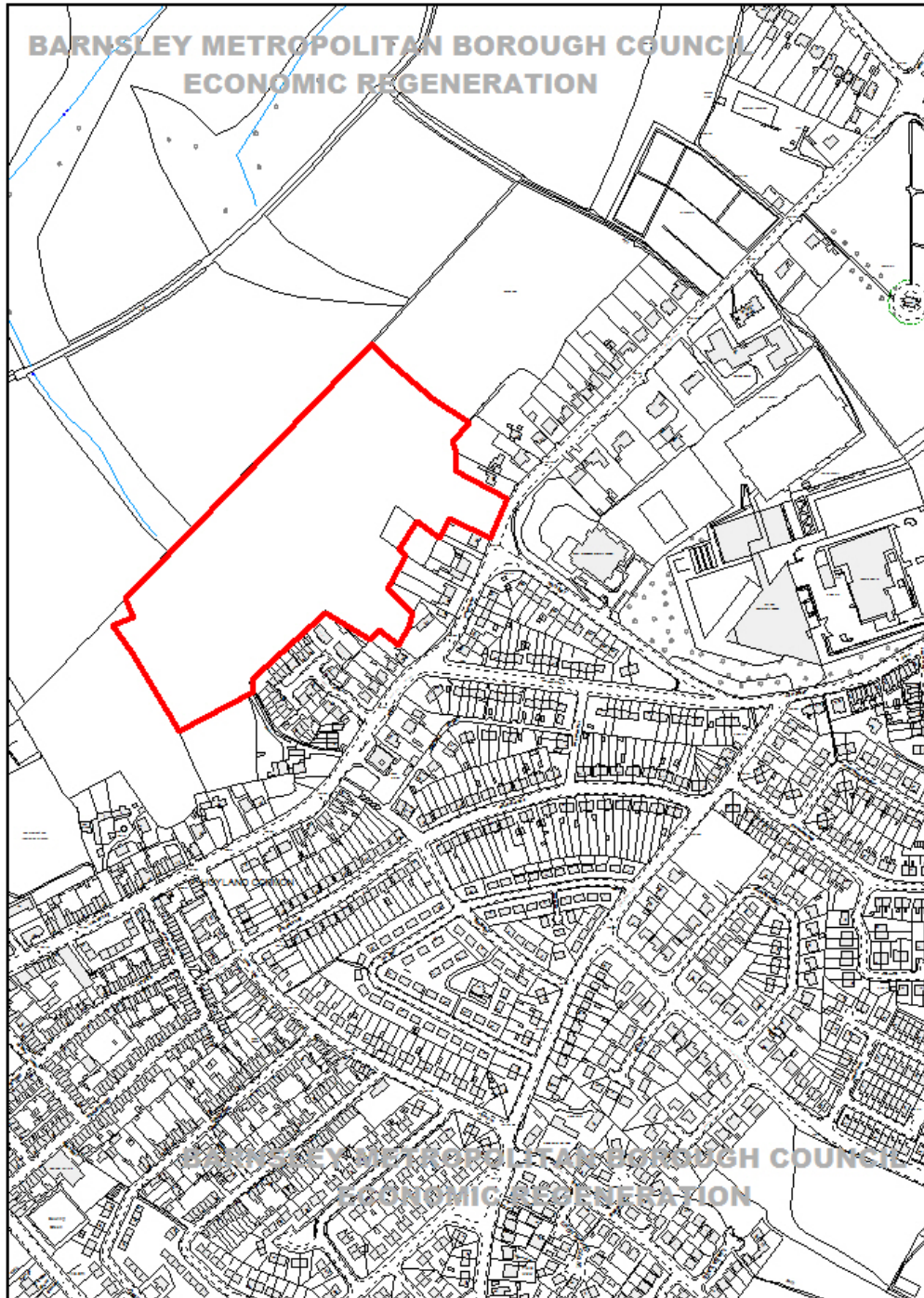
**Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property in accordance with Core Strategy policy CSP 29.**



- 16 Detailed proposals shall accompany the reserved matters submission of a scheme of biodiversity mitigation and enhancement. Proposals shall be designed in accordance with the recommendations contained within EnviroTech report 3457, version 4 received by the Local Planning Authority 5th April 2017.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 17 An intrusive site investigation shall accompany the reserved matters submission. The investigation must be undertaken by competent persons and a written report of the findings must be produced. The report of the findings must include:
- The submission of a scheme of intrusive site investigations for the high walls within the site for approval;
  - The submission of a scheme of intrusive site investigations for the shallow coal workings for approval; and
  - The undertaking of both of those schemes of intrusive site investigations.
  - The submission of a report of findings arising from both of the intrusive site investigations, including the results of any gas monitoring undertaken;
  - The submission of a layout plan which identifies the opencast high walls and the definition of suitable 'no-build' zones;
  - The submission of a scheme of remedial works for the shallow coal workings for approval.
- Thereafter the development shall be carried out in accordance with the approved report including any remedial options.  
**Reason: To ensure that the development meets the requirements of the NPPF by demonstrating that the application site is, or can be made, safe and stable for the proposed development.**

- 18 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:
    - o human health,
    - o property (existing or proposed) including buildings, crops, livestock, pets, woodland and service lines and pipes,
    - o adjoining land,
    - o groundwaters and surface waters,
    - o ecological systems,
    - o archaeological 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.**
- 19 The development hereby permitted shall not begin until a scheme has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with the Open Space Provision on New Housing Development SPD. The provision or enhancement of the off-site open space shall be provided prior to completion of the development in accordance with the approved scheme.
- Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 29.**
- 20 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

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**BARNESLEY MBC - Economic Regeneration**



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# Item 4

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**2016/1308**

**Applicant:** Jaguar Estates

**Description:** Proposed development of 48 dwellings and associated roads and infrastructure

**Site Address:** Land off Pilley Green/ Lidgett Lane, Tankersley, Barnsley, S75 3AE

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37 letters of objection have been received  
Cllr Barnard has objected to the application & requested a site visit  
Tankersley Parish Council have objected

## **Site Location and Description**

The site comprises of a roughly rectangular piece of land which measures approximately 2.4ha in area. The site has a longstanding agricultural use, it is located relatively central to the village of Pilley and is bounded by residential development to the north (Lidgett Lane), west (Pilley Green) and southern boundaries (Silkstone Close). A recreation field is located across the eastern boundary.

The site is contained by existing field hedges and trees to each boundary, levels fall to the south eastern corner by approximately 19m from Lidgett Lane. There are no landscape features of any significance within the site itself.

To the North Western corner of the site is St Pauls Church Pilley, which is not within the site boundary and is to remain.

## **Site History**

2013/1006 – Outline application, including means of access, for up to 35 dwellings with access taken from a central location on the Northern boundary with Lidgett Lane. Approval was granted for the widening of Lidgett Lane to accommodate improved on street parking for existing residents and 2m wide footways would be provided to both sides of the highway. The application also included footpath linkages to the adjacent recreation ground.

## **Proposed Development**

The applicant seeks full planning permission for 48no. dwellings. The dwellings fronting Lidgett Lane would be accessed via 3no. private drives, each one having a separate entrance onto the adopted highway and serving 5no dwellings. However, the majority of the dwellings would be served by a new central road within the site, accessed off Pilley Green.

17no. house types are proposed, the majority of which have accommodation over 2 stories (25no.) but 19 bungalows are also proposed. In addition, to the North west corner of the site a 2 storey apartment block containing 4no. 2 bedroom apartments is also proposed.

With the exception of the apartments and 2 pairs of semi-detached dwellings, all the dwellings would be detached. Every property would have the benefit of in curtilage parking and the majority of the plots, with the exception of 9no. bungalows, would have access to a garage.

## Policy Context

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

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

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

### Local Development Framework Core Strategy

CSP1 'Climate Change'  
CSP2 'Sustainable Construction'  
CSP3 'Sustainable Drainage Systems'  
CSP4 'Flood Risk'  
CSP5 'Including Renewable Energy in Developments'  
CSP8 'The Location of Growth'  
CSP9 'The Number of New Homes to be Built'  
CSP13 'The Release of Allocated Housing Land'  
CSP10 'The Distribution of New Homes'  
CSO13 'The release of Allocated Housing Land'  
CSP14 'Housing Mix and Efficient Use of Land'  
CSP15 'Affordable Housing'  
CSP25 'New Development and Sustainable Travel'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP33 'Green Infrastructure'  
CSP35 'Green Space'  
CSP36 'Biodiversity and Geodiversity'  
CSP37 'Landscape Character'  
CSP39 'Contaminated and Unstable Land'  
CSP40 'Pollution Control and Protection'  
CSP42 'Infrastructure and Planning Obligations'

### Saved UDP Policies

UDP notation: Safeguarded land

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

## SPD's

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

## Planning Advice Note's

33 -Financial Contributions to School Places

## Local Plan

SAF34 – Safeguarded land

## Other

South Yorkshire Residential Design Guide

## NPPF

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

Paragraphs of particular relevance to this application include:

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

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

Para's 58 & 60 – Design considerations

## **Consultations**

Affordable Housing Officer: No objections subject to contribution

Biodiversity Officer: No objections subject to conditions

BMBC Drainage: No objections subject to conditions

Coal Authority: No objection subject to condition

Contaminated Land officer: No objection subject to condition

Design: No objections

Education: No objections subject to contribution

Forestry Officer: No objections following revision of plots 17 & 48 & subject to conditions

Highways DC: No objections subject to conditions

Policy: No objection

Regulatory Services: No objections subject to conditions

SYMAS: No objection subject to condition

SYPALO: No objections subject to recommendations

Tankersley Parish Council: Object to the scheme for the following reasons;

- Inaccuracies in application
- Pressure on local schools
- Drainage/flooding
- Ground stability
- Highway safety
- Flats/apartments not in keeping with the area

Waste Management – No objections subject to recommendations

Yorkshire Water: No objection subject to conditions

Ward Councillors – Cllr Barnard has objected to the application for the following reasons;

- Flooding
- Access issues
- Geological fault on the site
- Mine workings under the site

## **Representations**

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

As a result of the above 37 letters of objections have been received. The main points of concern are outlined below;

- Over development of a site within a unsustainable location which local services cannot support.
- Development should be focused towards brownfield sites and not unspoilt Greenfield areas.
- Poor access and highway infrastructure would create unacceptable safety issues, the existing roads are too narrow to accommodate further demand,
- There is insufficient room at the local primary school to accommodate additional pupils.
- Ecological impact and overall harm to biodiversity. The site is haven for wildlife and provides important habitat, this would be lost.
- There is not enough capacity to accommodate additional sewage from the development.
- Public Transport is inadequate to provide an alternate option for residents, Pilley is only served with one bus an hour.
- The ground is unstable and nearby properties have been subject to subsidence, this would apply to the development site.
- The development would result in the loss of important agricultural land.



- There is no need for further new housing.
- The scale of the development would erode the village's character, the land forms a strategic break between existing development the proposals represents unacceptable form of urban sprawl linking Pilley to Lower Pilley and Tankersley.
- There would be significant added disturbance/noise from the development which would adversely affect existing residents.
- The site is Green Belt and should be protected.
- Inadequate mitigation can be achieved to the local highways infrastructure.
- Loss of privacy/increased overlooking.
- Flats/apartments do not reflect the character of the area.
- Increase in street lights & lights from the houses will lead to light pollution.
- Loss of outlook, reduced visual amenity.

## **Assessment**

### Principle of development

The site is currently in agricultural use and is allocated as safeguarded land in the UDP and proposed Safeguarded Land in the submission Draft of the Local Plan. However, the principle of residential development has previously been set on the site with the approval of application 2013/1006. As established in the previous permission, the residential development on the site is supported for the following reasons;

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

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

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

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

*It is therefore recognised that the NPPF is a material consideration that carries substantial weight in the decision making process. Assuming the development is considered sustainable, paragraph 49 is clear that where no five year supply can be demonstrated, the presumption in favour of sustainable development at paragraph 14 of the NPPF should be used to determine planning applications and that relevant policies for the supply of housing should not be considered up to date. Other relevant development plan policies and material considerations should, however, still be considered.*

As the principle of residential development has already been established for 35 dwellings, this report will focus on the impact of increasing that number to 48 and also the matters which were not previously considered such as appearance, layout, design and landscaping. The impact will be explored under the following headings:

### Sustainability

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

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

### Affordable Housing

The site falls within Penistone East which is part of the Rural West whereby a 25% affordable housing requirement is needed in accordance with policy CSP15. The subtext of the policy alludes to the fact that this need can also be met offsite. Indeed Members will be aware that offsite contributions have been considered on recent developments elsewhere in the Borough including the previous permissions on this site.

The previous application (2013/1006) was considered alongside a further outline residential development at land off New Road/Lidgett Lane. The applicants committed to the delivery of a combined 18 offsite affordable units which would have been constructed at the former Rockingham Colliery site which was owned by the applicants and obtained planning permission under application B/02/0986/WB for the construction of 41 dwellings. With the exception of the 18 units the site has been constructed, being developed in the mid 2000's by Ben Bailey Homes. The planning permission therefore remains extant. The delivery of the affordable units was included within a s106 agreement.

As mentioned above, the application site and another site at New Road/Lidgett Lane were previously linked by one s106. However, the New Road/Lidgett Lane site recently gained planning permission for 56 dwellings (2016/1027) and was subject to its own S106 which separated the contributions of the two sites. That S106 required the New Road/Lidgett Lane site to provide 10. of the dwellings on the Rockingham Colliery site, as well as 3. units on site and a contribution for 1no. unit off site.

In accordance with CSP 15 this site would result in a requirement for 12 affordable units. 8 of these units would be provided on the Rockingham Colliery site to add to the 10 provided by the New Road/Lidgett Lane site. The remaining units would be provided on site, the plot numbers and types of dwelling are still being discussed with colleagues in the Affordable Housing Team. A condition has been recommended for full details to be submitted prior to commencement and, as with the previous application, this would be secured through a S106 agreement.

## Education

The Education Officer was consulted on the application and calculated that there is a surplus at primary schools within the surrounding area but a deficit of places at secondary schools, as such; compensation would be required for the additional 8 secondary school places generated by the development. The contribution per place for secondary schools equates to £14,102, therefore, an overall contribution of £112,816 (8 x £14,102) is required as a result of the development. As with the Affordable housing contribution above, this will be subject to a S106 agreement.

## Design / Visual Amenity

Residential development would represent a significant departure from its Greenfield Status where the site is currently used for agricultural purposes. Many of the objections have raised this as a concern, with the consensus being that this would represent a sprawl into open countryside. It needs to be stressed that the site is not subject to any special designations, including Green Belt, SSSI's, Landscape Value or Conservation Area, its visual amenity attributes would therefore not be sufficient to outweigh the NPPF's presumption in favour of sustainable housing development. Furthermore, the principle of residential development on the site has previously been established and a similar development for 56 units has recently been approved on a similar agricultural site to the East.

The site is defined by strong boundaries provided by the highway as well as to the recreation ground. Given that there is existing residential development to the North, West and South of the site the proposal would present itself as a natural extension to the existing settlements of Pilley.

Concerns have been raised from both the Parish Council and residents over the scale of the development proposals. The Pilley and Tankersley area has seen several residential developments over the years, it is perceived that no further development should be encouraged for fear of the village losing its unique character. It is acknowledged that the density of the development would increase compared to the previous approval on the site but it is still lower than the majority of new build sites, and those advocated by CSP 14 'Housing Mix and Efficient Use of Land' especially given the site constraints such as the level change. The lower density generally reflects a more rural grain which is akin to that of Pilley and Tankersley Village.

Locally architectural styles vary significantly, the proposed dwellings are more akin to those of more recent residential developments at Silkstone Close, Thorncliff Way and Stone Leigh where detached family housing is the predominant house type. In addition, the recent approval on the Lidgett Lane/New Road site incorporates detached family dwellings of a similar style. The proposals would therefore provide an element of cohesion with the existing/proposed housing stock.

Furthermore, unlike the recently approved scheme to the East, which is more rural in character and predominantly relates to larger detached dwellings, this site is immediately adjacent to ex Local Authority properties and smaller detached and semi-detached dwellings. As a result, this site contains more of a mix of housing stock including detached, semi-detached, 2 storey dwellings, bungalows and apartments. This would accord with CSP 14 and provide options for future purchases, not just catering to the more affluent family purchaser. Given the mix of properties it could also aid younger buyers from the village to stay within the village and, given the number of proposed bungalows, elderly residents to remain in the village following downsizing.

In terms of existing features, there are few constraints which significantly influence the design or layout. The agricultural nature of the sites means that tree cover and hedgerows are generally located on or just outside of the development boundary. The layout shows that the majority of the existing trees and hedgerows can be retained and that a substantial amount of tree planting can also be planted throughout the site, . It is acknowledged that the hedgerow to the North of the site would be removed, but that was the case with the previous approval. The removal of the hedgerow benefits highway safety, as discussed in the Highway Safety section below, furthermore, the applicant has proposed a new relatively continuous landscaping strip along the Lidgett Lane frontage to replace the hedge and soften the development.

The applicant has proposed 17 house types which complies with CSP 14 and adds visual interest across the site. The proposed house types are considered acceptable for the site and are positioned so that they have an acceptable relationship with the existing and proposed road layouts, in order to create attractive streetscenes. The level changes across the site are acknowledged and the majority of the retaining walls required are incorporated as rear boundaries so as not to be prominent from the highway or public vantage points.

It is acknowledged that the proposal incorporates an apartment block within a relatively prominent position on the corner of Lidgett Lane and Pilley Green. Apartments are not a common feature of the village and some neighbours have objected to this element of the development, however, the building is only 2 stories in height and is positioned adjacent to the church. It is also set back from the highway and both the building and associated parking court are surrounded by mature landscaping. The design of the apartment building will reflect the proposed dwelling and would harmonise with the development as a whole.

In summary of the considerations on design/visual amenity grounds, the application is not considered to raise any significant issues. It is considered that a high-quality development would be achieved at the site which incorporates sustainable techniques and complies with CSP29 'Design' and relevant criteria of SPD.

#### Residential Amenity

It is acknowledged that the site is currently in agricultural use and the introduction of 48no. dwellings would result in noise and disturbance associated with residential activity and vehicular movements. However, as previously mentioned, the principle of residential development on the site has already been set. The introduction of an addition 13no. of units would not significantly increase the noise and disturbance within the area to the detriment of residential amenity.

The site directly borders residential properties to the south which includes a total of 4no. of properties, fronting onto Pilley Green and Silkstone Close. There are residential properties to the West, but these are separated from the site by Pilley Green, and further residential properties to the North, which are built on a higher level and separated from the site by Lidgett Lane. There is also a property to the east of the site

The proposed dwellings to the North and West of the site are an acceptable distance from the existing properties, opposite the adjoining highways, and comply with the separation distances set out in SPD 'Designing New Housing Development'. The proposed dwellings on the Southern boundary of the site, directly adjoining boundaries shared with existing neighbouring properties, have habitable room windows circa 21m plus from existing principle elevations and are at least 10m from shared boundaries with private amenity space, again in accordance with the SPD. The property to the east has its side elevation facing the site and the nearest part of this dwelling is over 50m from the site,

With regards to the separation distances within the site between the proposed dwellings, it is acknowledged that some of these fall short of the requirements of the SPD. However, this is generally where bungalows back on to each other or the two storey dwellings are built on a lower level than the neighbouring bungalow. A number of cross sections have been produced to accompany the application in the majority of areas where this relationship occurs. The cross sections demonstrate that given the level differences, retaining structures and orientations the proposed dwellings would still retain reasonable levels of residential amenity.

It should also be noted that the SPD states that separation distances maybe relaxed depending on a number of factors including site level relationships. Furthermore, it goes onto to say that a reduced distance maybe acceptable for bungalows provided they meet garden size standards and ensure adequate levels of amenity for occupants in terms of outlook, privacy and daylight.

The proposed dwellings generally meet or exceed the internal spacing requirements of the South Yorkshire Residential Design Guide and also meet or exceed the required external spacing/garden sizes set out in the Design Guide and the SPD.

### Green Space

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

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

The contribution calculation for off-site provision, as part of appendix 2 of SPD 'Open Space provision on New Housing Developments Consultation', can be utilised. There are 48 no. dwellings proposed in total. 17no. with 4 bedrooms which generate a contribution of £2013.13 per dwelling (£34,223.21), 14no. 3 bedroom properties which generate a contribution of £1723.66 per dwelling (£24,131.24) and 17no. 2 bedroom properties which generate a contribution of £1436.82 per dwelling (£24,425.94). As such, a total off site contribution of £82,780.39 is required. This can be secured through a legal agreement.

### Highways Safety

The site lies to the south of Lidgett Lane, an all-purpose road which is subject to a 30mph restriction. It connects Pilley Green (West) to New Road (east). The road provides direct access to frontage properties located on the north side of Lidgett Lane the majority of which are dependent on on-street parking. In the vicinity of the sites frontage to Lidgett Lane the carriageway has a 5.5m width and is served with a 1.8m wide footway and 0.5m wide verge. The visibility at the junction to Pilley Green exceeds the 2.4m x 43m recommendation of Manual for Streets. Extending beyond the site to the east, Lidgett Lane becomes far more rural in character being subject to several pinch points and not having a continuous footway.

There are bus stops within the vicinity of the site, but, the bus services are limited to one per hour. These bus stops are of a high standard and SYPTTE do not request any improvements. Two national cycles network routes (no's 6 and 67) run within close proximity of the site which provides wider connectivity. The nearest railways station is located at Elsecar approximately 4.3km away. This is served with hourly off peak and half hourly on peak services to Barnsley, Sheffield, Huddersfield and Leeds.

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

It should be acknowledged that a previous outline application has been approved on the site for up to 35 dwellings, 13 less than are currently proposed. That previous application included access and proposed a new road and junction directly onto Lidgett Lane. The current application proposes 3no. smaller access points onto Lidgett Lane, serving the apartments and 3no. private drives, with the main access serving the majority of the properties directly off Pilley Green. Highways have assessed the proposed access points onto the existing road network and have raised no objections, given the proposed visibility and proximity to existing junctions.

Similar to the previous approval, the proposed access arrangements provide for the widening of Lidgett Lane along the sites frontage, this would accommodate a 5.5m wide carriageway, dedicated lay-by parking for existing residents, 2m wide footways and appropriate visibility splays.

To address concerns over pedestrian safety along Lidgett Lane the application seeks to introduce a footpath through the adjacent recreation field linking through to the approved New Road Site. The purpose of this is to provide a safer and more direct access to New Road for parents and children attending St Peters School. This would not only directly serve the development sites themselves but would also offer an option for existing pedestrians walking between Pilley and Tankersley. This has been met with the approval of highways and is considered to be significant safety benefit to the proposals.

It is considered that the proposed mitigation measures would deliver significant improvements that more than offset the impacts associated with the additional traffic generated. Therefore, taking into account policy CSP26 and paragraph 32 of the NPPF, the development would not have a detrimental impact upon the highway network.

In terms of the internal road arrangements of the site, the 4no. private drives proposed serve no more than 5no. properties each, in accordance with the South Yorkshire Residential Design Guides. The proposed roads which would be adopted have been assessed by Highways DC and meet their requirements in terms of widths, pavements, hard margins, visibility spays etc. In addition, the parking for the individual plots accords with the requirements of SPD 'Parking'.

#### Drainage & Flood Risk

No watercourses run directly through the site and the site lies within Flood Zone 1 on the Environment Agency's Flood Risk map. Development located within Flood Zone 1 is identified as being suitable for all types of development and the risk of flooding from rivers etc. is low. The Environment Agency has been consulted and raised no objection to the application subject to details of surface water disposal being conditioned.

The site would be developed with separate foul and surface water drainage systems. Geological records indicate the presence of sandstone underlying the majority of the site which suggest that soakaways may be feasible. This will however, require further investigation. Notwithstanding this, the proposed surface water drainage systems would have to be designed with an allowance for climate change and restricted to the greenfield discharge rates with appropriate attenuation proposals incorporated.

There are no objections in principle to the proposals, but due to the size of the development and potential impact on the watercourse, full drainage details would be required via condition.

Subject to the compliance with the above, the proposed development can satisfy the requirements of the National Planning Policy Framework, its accompanying Technical Guidance in relation to flood risk and accords with Core Strategy policies CSP1, CSP 3 and CSP4.

### Ecology and Biodiversity

A preliminary Ecological Appraisal (Brooks Ecological, Jan. 2016) has been submitted alongside the application. The site is a single field of improved grass which is considered to be of little ecological value. Some value can be attributed to the site boundaries, although this is reduced through human disturbance associated with roads, housing etc. The Northern hedgerow would be removed as part of the application, however, this was the case with the previous approval. The Eastern and Southern boundaries would be retained, along with the limited ecological value associated with them.

The Councils Ecologist has assessed the proposal, and associated documentation, and has not raised objection to the scheme, subject to conditions.

### Land Contamination and stability

The preliminary site investigation report identifies that there is potential for some onsite contamination risks associated with Agricultural activities and Mining Legacy. This should not be to an extent that should comprise residential development, especially given the previous approval on the site. As is common with most developments it is recommended that a condition is applied requiring an intrusive site investigation to be undertaken. Accordingly, the contaminated land officer has raised no objections.

In terms of coal mining legacy the site has potential risks from mining legacy hazards in the form of unrecorded shallow mine workings, associated land instability and fugitive mine gasses, there is also a fault recorded across the site. This is not an uncommon situation within the Borough given the coal mining heritage. SYMAS recommend further intrusive ground investigations are conditioned so that conditions can be fully evaluated and suitable remedial works (if necessary) put in place. This would accord with the principles of CSP39 and sections 120 and 121 of the NPPF.

### Conclusions

The principle of residential development has been set with the approval of application 2013/1106. In addition, the proposals are considered to be sustainable taking into account the three dimensions of sustainable development (economic, social and environmental) referred to in the NPPF. Accordingly, the NPPF Presumption in Favour of Sustainable Development applies.

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

**Recommendation:**

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

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
  
- 2 The development hereby approved shall be carried out strictly in accordance with the plans and specifications as approved unless required by any other conditions in this permission. The plans are outlined below;
  - 0125/14/01/100 - Q
  - 0125/14/02/50 - Housetype A1 - Floor Plans
  - 0125/14/02/51 - Housetype A2 Timber - Elevation
  - 0125/14/02/51 - Housetype A2 Timber - Plans
  - 0125/14/02/52 - Housetype A3 Tile-hung - Elevations
  - 0125/14/02/52 - Housetype B2 timber - Floor Plans
  - 0125/14/02/52 - Housetype A3 Tile-hung - Floor Plans
  - 0125/14/02/52 - Housetype A4 - Elevations
  - 0125/14/02/53 - Housetype B1 Elevations
  - 0125/14/02/53 - Housetype B2 Timber - Elevations
  - 0125/14/02/54 - Housetype B3 tile-hung - Floor Plans
  - 0125/14/02/55 - Housetype C1 - Elevations
  - 0125/14/02/55 - Housetype B3 Tile-hung - Elevations
  - 0125/14/02/56 - Housetype C1 - Floor Plans
  - 0125/14/02/57 - Housetype C2 Timber - Plans
  - 0125/14/02/58 - Housetype C2 Timber - Elevations
  - 0125/14/02/58 - Housetype C3 Tile Hung - Elevations
  - 0125/14/02/58 - House type C3 Tile-Hung - Floor Plans
  - 0125/14/02/58 - Housetype C4 Asymmetric - Floor Plans
  - 0125/14/02/58 - Housetype C4 asymmetric - Elevations
  - 0125/14/02/58 - Housetype E - Floor Plans
  - 0125/14/02/59 - Housetype E - Elevations
  - 0125/14/02/62 - Housetype F - Floor Plans
  - 0125/14/02/63 - House Type F - Elevations
  - 0125/14/02/66 - Type D Apartment Block - Floor Plans
  - 0125/14/02/66 - Type D Apartment Block - Floor Plans
  - 0125/14/02/67 - Type D Apartment Block - Elevations
  - 0125/14/02/67 - House Type G - Floor Plans
  - 0125/14/02/68 - House Type G - Elevations
  - 0125/14/02/69 - House Type H - Floor Plans
  - 0125/14/02/70 - House Type H - Elevations
  - 0125/14/02/70 - House Type J - Plans



**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 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 9 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 10 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
  2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
  3. An appraisal of remedial options, and proposal of the preferred option(s).
  4. A remediation statement summarising the works to be undertaken (if required).
- The above 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 thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".
- 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.**

11 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:

- Tree protective barrier details
- Tree protection plan
- Arboricultural method statement

**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**

12 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.**

13 The development shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in Annex 2 of the NPPF or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 25% of housing units/bed spaces;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

**Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.**

- 14 No development shall take place unless and until
- (a) Full foul and surface water drainage details, including a scheme to maintain or reduce surface water run-off from existing greenfield rates, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
  - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and
  - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways are all approved in writing by the Local Planning Authority.
- Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.**
- 15 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
- Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading.**
- 16 No development shall take place until a scheme for disposing of surface water by means of a sustainable drainage system is approved by the Local Planning Authority.
- The scheme shall include the following details:
- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and
  - the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
  - o A timetable for its implementation; and
  - o A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.
- The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.
- Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.**

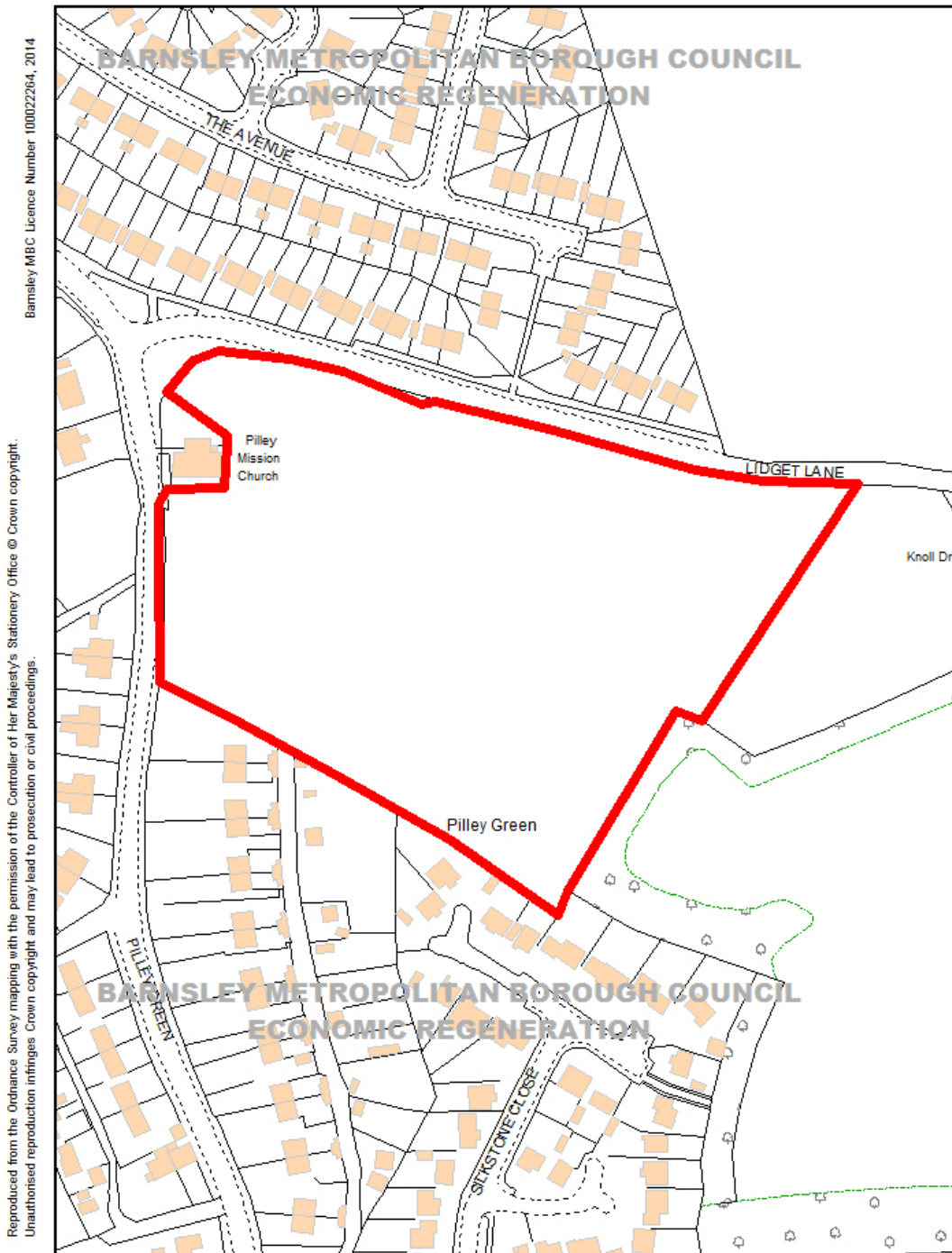
- 17 Pedestrian intervisibility splays, having the dimensions 2m x 2m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 18 Visibility splays, having the dimensions 2.4m x 43m, shall be safeguarded at the junction of the access road with Pilley Green and all internal site access roads, 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.**
- 19 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 20 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
- Widening of Lidgett Lane to provide a 5.5m carriageway and a 2m wide parking layby;
  - Provision of 2m wide footway along entire site frontage;
  - Measures to prevent parking at the junction of Lidgett Lane/ Pilley Green;
  - Provision of roundabout at the junction of Pilley Green/New Road/Carr Lane;
  - Provision of /any necessary alterations to street lighting;
  - Provision of /any necessary alterations to highway drainage;
  - Reconstruction/resurfacing as necessary.
- The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.  
**Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.**
- 21 Development shall not commence until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

- 22 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.**
- 23 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.**
- 24 Prior to the occupation of the building a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented, in the interests of sustainable development.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 25 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-  
-The parking of vehicles of site operatives and visitors;  
-Means of access for construction traffic;  
-Loading and unloading of plant and materials;  
-Storage of plant and materials used in constructing the development;  
-Measures to prevent mud/debris being deposited on the public highway.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

- 26 Prior to the commencement of development, details of the ecological enhancements, including a timetable of their implementation, shall have been submitted to and agreed in writing with the Local Planning Authority. The enhancements shall be in line with the recommendations as set out in Brooks Ecological Preliminary Ecological Appraisal (Ref: R-2463-01) dated January 2016. The scheme shall then proceed in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 27 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of plots 6-14, 20-26, 31-36 & 45-46 which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.  
**Reason: In the interest of residential amenity in accordance with CSP29.**
- 28 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 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 in accordance with CSP4**

PA reference :-

2016/1308



**BARNESLEY MBC - Economic Regeneration**

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



Scale 1:2500



# Item 5

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**2017/0088**

**Applicant:** Mr & Mrs Phil Mullins

**Description:** Residential development of 21 dwellings (Outline including means of access)

**Site Address:** Land south of New Smithy Avenue, Thurlstone, Sheffield, S36 9QZ

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110 Letters of objection  
1 letter of support  
Penistone Town Council objects  
Angela Smith MP objects

## **Site Description**

The application site comprises a rectangular shaped 0.9ha area of land set to the immediate south of New Smithy Avenue and to the north of High Bank / Manchester Road within the village of Thurlstone. The Thurlstone Conservation area runs along the eastern boundary of the site. The site previously formed part of a larger agricultural land holding, known as White House Farm.

The site currently has a gated access directly off New Smithy Avenue and access is provided via a pedestrian gate located in the south-east corner, which serves the adjoining White House Farm. The site is surrounded by residential properties on three sides to the north, east and south and to the west is further agricultural land separated by an existing Public Right of Way which runs between High Bank and Westfield Avenue/Westfield Lane. The site rises from the south-east to the north west.

## **Proposed Development**

The application is in outline form and proposes a development of up to 21 dwellings. All matters of detail are reserved apart from means of access which is proposed via New Smithy Avenue.

The application is accompanied by an indicative site layout plan showing a mixture of detached and semi-detached houses. The properties are arranged around a single cul-de-sac road which features a turning area adjacent to plots 10, 11 and 12. A pedestrian link is proposed through to the existing public footpath along the west. The plans do not show an access through to the remaining safeguarded land to the west.

Whilst the application is in outline, the planning statement states that all dwellings proposed would be two storeys in height. The indicative layout shows a range of house types, ranging in size from 2 to 5 beds. Six of the dwellings (three pairs of semi-detached houses) are proposed to be set aside for affordable housing purposes.

The following documents have also been submitted with the application:-

- Drainage Strategy by Eastwood and Partners Engineers
- Phase 1 and Phase 2 Geo-technical and Geoenvironmental assessment by Eastwood and Partners Engineers
- Transport Assessment by Paragon Highways
- Archaeology desk-based assessment by LS Archaeology
- Preliminary Ecological Appraisal and Preliminary Tree Survey and Arboricultural Impact Assessment by Brooks Ecological

## **History**

No previous planning applications have been made on the land.

## **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'  
CSP26 'New Development and Highway Improvement'  
CSP29 'Design'  
CSP30 'Historic Environment'  
CSP36 'Biodiversity and Geodiversity'  
CSP39 'Contaminated and Unstable Land'  
CSP40 'Pollution Control and Protection'  
CSP43 'Education Facilities and Community Facilities'

## Saved UDP Policies

UDP Penistone Community Area Proposals Map: Safeguarded Land  
The site is also set adjacent to the Thurlstone Conservation Area Boundary

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

Saved UDP Policy H7 'new residential development should safeguard access and service opportunities for adjacent land which is allocated for housing or protected under policy GS10 or GS11.'

## SPD's

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

## Other

South Yorkshire Residential Design Guide

Planning Advice Note 22 'Financial Contributions to School Places'

## Publication version of the Draft Local Plan

Proposed allocation: Safeguarded Land: SAF21

Policy GB6 – Safeguarded Land states that safeguarded land can only be released in exceptional circumstances which may include a lack of five year land supply or a local need. Where there is a local need a safeguarded land site may be considered, for example, through a neighbourhood plan.

## 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 – Current policy requirement of 25% affordable housing for this area (5 affordable units required from the total of 21 units). The applicant is proposing to provide 6 affordable units on site (2 x 2-bed houses and 4 x 3-bed houses). This would be acceptable from our perspective, but we would ask that an overall mix of 80% affordable rented and 20% intermediate housing be provided, in line with the Strategic Housing Market Assessment 2014.

Biodiversity Officer –The Ecological Assessment (Brooks Ecological, October 2016) and with its evaluation is acceptable. The recommendations and ecological enhancements suggested in sections 39 – 42 should be detailed to the satisfaction of the LPA at Reserved Matters stage and the report can be referred to by way of condition. It is requested that any mitigation measures agreed at that stage are evidenced by way of photographic evidence provided to the LPA by the developer within a reasonable period following construction.

Contaminated Land – The levels of contamination encountered are below threshold levels, so there will be no requirement to undertake any remediation.

Drainage – No objections raised subject to conditions

Education – The Financial Contributions to School Places PAN 33 sets out that development of 20 or more dwellings will be required to make a contribution to provision of primary and secondary places. 21 dwellings will generate the need for an additional 5 primary school places and 4 secondary school place. There are sufficient primary school places in the local area but there is a shortage of secondary places.

Highways – Concerns raised with regard to the impact on road safety and the suitability of the highway network to facilitate safe vehicular and pedestrian access to/from the proposed development.

Penistone Town Council – Objects due to serious access issues, and impact on the Conservation Area

Regulatory Services – Due to the site being surrounded by existing residential developments, we would require some conditions to ensure the residents are not adversely affected by noise and dust issues during the development works.

SYMAS – The site is not located within a Coal Mining Referral Area therefore a Coal Mining Risk Assessment is not required in this instance.

Tree Officer – Any trees which were in the centre of the site have been removed (as reported by residents) and as such the only arboricultural constraints are located off site or on the boundaries. An unknown number and quality of trees have been removed from site prior to the tree survey and the submission of this application and as such the planting of a substantial number and size of new trees will be required as part of the landscaping scheme.

Yorkshire Water – Do not object to the development subject to the imposition of conditions.

## Representations

The application was advertised by neighbour notification letters, site and press notices. 110 individual letters of objection have been received (from 95 separate addresses) Angela Smith MP also objects to the proposal

The following concerns have been raised:-

- The proposal is contrary to the Council's existing and proposed future planning policy designation for the site as Safeguarded Land
- BMBC has already demonstrated it can achieve a 5 year land supply with the site identified within the Local Plan
- The Penistone Neighbourhood Plan is currently being developed in consultation with residents
- The site has already previously been rejected for development due to its village location
- The proposal would harm the character of the village
- Impact on the Conservation Area
- Land should remain safeguarded
- Approving the development would set a precedence for further development in Thurlstone
- Potential impact upon heritage/archaeology
- Loss of trees and ecological impact
- Increased pollution from cars
- The utilities are already overstretched within Thurlstone (Gas/Electricity/Water)
- There is already a lack of school places, increased homes will result in more demand
- Loss of privacy and overlooking to adjacent properties
- Loss of view/overbearing impact/loss of light
- The development would restrict access to properties on High Bank that would need to use the site as a fire escape in an emergency
- The development may impact the retaining wall at High Bank and undermine the structural integrity of these properties at a lower level
- The proposal includes all luxury homes and there is no provision for starter homes
- Photographs submitted with the Transport Statement are misleading
- Parking occurs on the bend of New Smithy Avenue reducing its width
- The majority of properties on New Smithy Avenue do not have off street parking
- Communal garages are not used for parking
- Towngate is heavily trafficked and on street parking occurs which results in passing vehicles and HGV's an issue
- The junction of Towngate and Manchester Road is dangerous and vehicles cannot turn easily towards Penistone
- The bus times used in the traffic statement are incorrect
- The school drop off/pick up times result in Thurlstone becoming congested
- Additional houses would result in significant vehicle movements (110 a day) and would result in more on street parking
- Emergency services would not be able to access due to congestion and parking
- Thurlstone is a small village and is already at saturation point for traffic
- Impact upon highway safety/pedestrians/cyclists
- BMBC previously rejected the site due to serious access issues
- Impact during construction, heavy vehicles, noise, dust, disturbance
- Unsustainable location
- Design/layout does not respect Thurlstone or the Conservation Area which consists of mainly terraced and semi detached dwellings

- The proposed layout does not meet the minimum separation distances and as there is a change in levels on site then greater separation distances should be proposed
- Drainage/flood risk to properties on High Bank

1 letter of support has been received which states:-

- Of all the proposed development sites within Thurlstone this is most suitable
- We have been assured that access from this site to the safeguarded land will not be granted so the prospect of sprawling development is contained
- There are few detached houses in Thurlstone so this enables people to progress up the housing chain
- The houses will provide more council tax and would provide additional business for the local shops and pubs

A letter has also been received from the New Smithy Drive Residents Association which states that NSDRA recognises the very real concerns and distress felt by residents regarding access and future safety and wishes to see these comments adequately addressed by the Planning Committee, beyond this we are unable to comment. NSDRA reserve the right to lodge future detailed objections in light of detailed plans being submitted.

## **Assessment**

### Principle of development

The current Safeguarded Land designation dates back to when the UDP was adopted in the year 2000. Councillors shall be aware from previous cases that this is a policy classed to be out of date following the publication of the National Planning policy Framework due to the age of the policy. In such circumstances paragraph 14 of the NPPF states that planning permission should be granted for a development proposal unless:-

- *Any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the NPPF taken as a whole; or*
- *Specific policies in the NPPF indicate development should be restricted*

In addition, case law has established that safeguarding land policies restrict the supply of housing and should not be considered up to date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites. This is the present situation the Council finds itself in prior to the adoption of the new Local Plan.

This site is not located in a priority area intended to accommodate new housing growth in the adopted Core Strategy. The site is not located within Urban Barnsley nor is it located in a Principal Town. As the site is located in a village, the proposal is contrary to the spatial strategy set out in the Adopted Core Strategy 2011. Core Strategy CSP8 'The Location of Growth' states that development in villages will only be allowed if it is consistent with Green Belt policy or is necessary for the viability of the settlement and to meet local needs. The spatial strategy for the Borough is aimed at accommodating the majority of new housing growth in Urban Barnsley and the Principal Towns. This is reflected in the proposals maps accompanying the Publication Version of the Local Plan, which does not propose any housing development allocations in the villages and this application site is proposed to remain Safeguarded Land through to the year 2033. Allowing this site to be developed would be contrary to the aims of the spatial strategy for new housing development in the Borough as set out in the adopted Core Strategy and the emerging Local Plan.

The Safeguarded Land allocation (site ref SAF21) has also been carried over to the Publication version of the Draft Local Plan which establishes policies and proposals for the development and use of land up to the year 2033. Policy GB6 within the emerging Local Plan, states that 'safeguarded land can only be released in exceptional circumstances which may include a lack of five year land supply or a local need. Where there is a local need a safeguarded land site may be considered, for example, through a neighbourhood plan.'

The Local Plan Publication Draft was consulted upon for eight weeks 2016. Following this consultation and as part of the Local Plan Examination, the Council submitted the emerging Local Plan to the Secretary of State for Communities and Local Government on the 23<sup>rd</sup> December 2016. The examination to determine whether the plan is sound will be conducted by an independent Inspector with the first of the examination hearings commencing on the 16<sup>th</sup> May 2017.

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).

In terms of the above, the Council's Statement of Consultation 2016 considered the representations received following the consultation on Barnsley's Local Plan Publication Version 2016. This document sets out how many representations were received and summarises the main issues raised by the representations and contains response to the main issues raised.

The Local Plan Publication Version 2016 was out to consultation for a period of eight weeks from 24 June to 19 August 2016. The document states that 613 representations had been tagged to consultation point Policy GB6, which relates to Safeguarded Land, as the individual sites that are proposed as Safeguarded Land were not individual consultation points. In reference to the application site, known as SAF21, the following comments had been made: 'The eastern edge of this site adjoins the boundary of the Thurlstone Conservation Area. The Council has a statutory duty under the provisions of the Planning (Listed Buildings and Conservation Areas) Act, 1990 to pay "special attention" to "the desirability of preserving or enhancing the character or appearance" of its Conservation Areas. However, there appears to be no evidence of any assessment having been undertaken of the potential impact which the loss of this open area and its eventual development might have upon the character or appearance of the Conservation Area.' No significant objections have been made in relation to the re-allocation of this land as safeguarded from future development and it is considered that greater weight may be given to this allocation.

In addition to the above, the site is not considered to be a sustainable location. The site was assessed as part of the Local Plan Housing Site Selection process (Site Ref: 255) and was rejected as it scored poorly against a number of sustainability indicators. The site is located in a village, is greenfield, is not well served by public transport and is remote from a Doctor's surgery (a key service). Serious access issues were also identified as a reason for the sites rejection as a Local Plan housing site. The site has therefore been rejected as it is within a village location, at the bottom of the settlement hierarchy, in a location that is not sustainable, and as such it is considered the proposal is contrary to development plan policy.

### Impact on future development

The site forms a small part of a much larger area of Safeguarded Land which is set to the west of the site. The plans do not show an access through to the remaining safeguarded land nor has consideration been made to the impact of this development on the adjacent Safeguarded Land. The purpose of Safeguarded Land is to retain land on the edge of settlements which may be required for future development needs. It is important to protect areas designated as Safeguarded Land from being constrained in the future by access/development difficulties. The development of this land is considered to be piecemeal development, which would restrict access to and prejudice the potential comprehensive development of the larger area of land, should it be allocated in a future plan period, contrary to The SPD Designing New Housing Developments.

Saved UDP Policy H7 also states that new residential development should safeguard access and service opportunities for adjacent land which is allocated for housing or protected under policy GS10 or GS11. This proposal does not allow for access to the adjacent safeguarded land and would therefore prejudice access and would not allow for the comprehensive redevelopment of the site, if it was allocated as such, in the future contrary to Policy H7.

### Highway Safety

A number of objections have been received from residents with regard to the impact of additional traffic upon the highway network. Thurlstone is a traditional village which has developed over the years, resulting in narrow roads and a lack of off street parking. The village is accessed from the main Manchester Road which runs to Penistone to the east and Millhouse Green to the west.

Highways Development Control have raised concerns about the impact on road safety and the suitability of the highway network to facilitate safe vehicular and pedestrian access to/from the proposed development. The transport statement which accompanies the application states that the development would result in an additional 110 vehicle movements per day. The highway network from the junction with Manchester Road is substandard in many places, with narrow carriageway widths, poor pedestrian provision and is the subject of extensive on street parking. The junction with Manchester Road has a severely substandard alignment, resulting in vehicles having to enter the opposing carriageway, to the detriment of the free and safe flow of other traffic on the highway. No improvements to this junction are proposed as part of this application.

The site is accessed via a residential cul de sac off New Smithy Avenue. Significant on street parking occurs to New Smithy Avenue which is only 5m in width, this results in a restricted access to the site. A fire appliance requires a minimum clear running width of 3.1m, therefore would struggle to access the site with parking occurring on both sides of the road as it is at present. The Transport Statement states that many properties rent garages within the garage courts on New Smithy Drive, this is to establish that there is not an on street parking problem. It is apparent from site visits that the garages may be used at night, however, during the day it is more likely that residents would park on the street in front of their houses. In addition the garage courts are private parking arrangements that could cease at any point. As many of the properties do not have the ability to provide their off street parking bays, this has potential to exacerbate the parking issues further.

It is therefore considered that the development fails to provide a suitable and safe access and concerns are raised with regard to the suitability of the highway network to facilitate safe vehicular and pedestrian access to/from the proposed development. The proposal is considered to be contrary to policy CSP 26 of the Core Strategy.



### Residential Amenity

Objections have been raised with regard to the impact of the proposal upon the residential amenity of the adjacent dwellings. An indicative site plan has been submitted, however the layout of the development would not be considered at this stage.

More detailed information would be required within the reserved matters application including siting, dimensions and elevational details of the proposed dwellings, positions of windows and doors and section plans due to the difference in levels between the existing and proposed dwellings. The relationships between existing and new properties shown on the indicative plan would potentially be satisfactory in relation to the spacing standards required by the Designing New Housing Development SPD.

In terms of any impact during construction, due to the site being surrounded by existing residential developments, conditions would be required to ensure the residents are not adversely affected by noise and dust issues during the development works.

### Visual amenity

The land is allocated as Safeguarded Land in order to retain land on the edge of settlements which may be required for future development needs. The application is in outline form with all matters of detail reserved for a future application, with the exception of the proposed means of access to the development. An indicative layout plan has been submitted which shows a mixture of detached and semi detached properties which could be designed and built to a high standard in order to complement the adjacent Conservation Area. There are no objections raised at this stage from a visual amenity perspective.

In terms of impact upon trees, the Tree Officer states that any trees which were in the centre of the site have been removed (as reported by residents) and as such the only arboricultural constraints are located off site or on the boundaries. An unknown number and quality of trees have been removed from site prior to the tree survey and the submission of this application and as such the planting of a substantial number and size of new trees will be required as part of any future landscaping scheme.

### Drainage/Flood Risk

Yorkshire Water and the Council's Drainage Officer have not raised any concerns at this stage subject to the imposition of conditions. The proposal is considered as being acceptable with regards to flood risk and drainage impacts.

### Contamination/Coal Mining Risk

The levels of contamination encountered are below threshold levels, so there will be no requirement to undertake any remediation.

SYMAS state that the site is not located within a Coal Mining Referral Area therefore a Coal Mining Risk Assessment is not required in this instance.

### Biodiversity

The Biodiversity Officer is satisfied with the Ecological report and no objections are raised on biodiversity grounds subject to conditions requiring the recommendations to be followed.

## S106 – Affordable housing, public open space, education

Affordable Housing – Current policy requirement of 25% affordable housing for this area (5 affordable units required from the total of 21 units). The applicant is proposing to provide 6 affordable units on site (2 x 2-bed houses and 4 x 3-bed houses). This would be acceptable from however an overall mix of 80% affordable rented and 20% intermediate housing is requested to be provided, in line with the Strategic Housing Market Assessment 2014

Education - The Financial Contributions to School Places PAN 33 sets out that development of 20 or more dwellings will be required to make a contribution to provision of primary and secondary places. 21 dwellings will generate the need for an additional 5 primary school places and 4 secondary school place. There are sufficient primary school places in the local area but there is a shortage of secondary places. A S106 contribution would be required for the 4 additional secondary pupils at £14,102 per pupil, which equates to a total contribution of £56,408.

Public open space – In accordance with CSP35, CSP42 and the Supplementary Planning Document (SPD): Open Space Provision on New Housing Developments, all residential development proposals of 20 or more dwellings are required to provide a minimum of 15% of the gross site area as appropriate open space. Where this is not possible off site improvements will be sought.

The indicative layout provided does not indicate any green space provision on site. However, it is considered that the site affords little opportunity to accommodate a green space of sufficient size. In the context of the greenspace assessment, it is likely that an off-site contribution will be sought in entirety.

Based on the layout plan provided by the applicant, and in accordance with the figures provided in Appendix 2 of the SPD, the off-site contribution for this application would be as follows:-

£1436.82 x 2 two bed dwellings = £2,873.64  
£1723.66 x 8 three bed dwellings = £13,789.28  
£2013.13 x 11 four bed dwellings = £22,144.43  
21 dwellings totalling £38,807.35

Additional Commuted Sums - The applicant is proposing to make an additional fixed contribution of £58,000 towards sustainability initiatives within Thurlstone. The applicant is also proposing to allocate a fixed fund of £20,000 towards car parking improvements on New Smithy Avenue.

## **Conclusion**

The site is designated Safeguarded Land in the UDP and this allocation has been carried over to the Publication version of the Draft Local Plan \*Safeguarded Land Allocation SAF21) which establishes policies and proposals for the development and use of land up to the year 2033.

The release of the site for housing would not comply with the aims of the spatial strategy for the Borough that is contained within the Core Strategy, or the emerging Local Plan which aims to direct new housing growth to Urban Barnsley and the Principal Towns. This is reflected in the proposals maps accompanying the Publication Version of the Local Plan which does not propose any housing development allocations in any of the Western Rural villages, including the application site, which is proposed to remain Safeguarded Land through 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. Given that the site is located in a village, the proposal is contrary to the spatial strategy set out in the Adopted Core Strategy 2011 and the proposals maps accompanying the Publication Version of the Local Plan. The site is greenfield, located in a village, it is not well served by public transport and is remote from key services. The site is not considered to be in a sustainable location and as such, the proposal is contrary to development plan policy.

The development of this land is also considered to be piecemeal development, which would restrict access to and prejudice the potential comprehensive development of the larger area of Safeguarded Land contrary to The SPD Designing New Housing Developments and contrary to Saved UDP Policy H7.

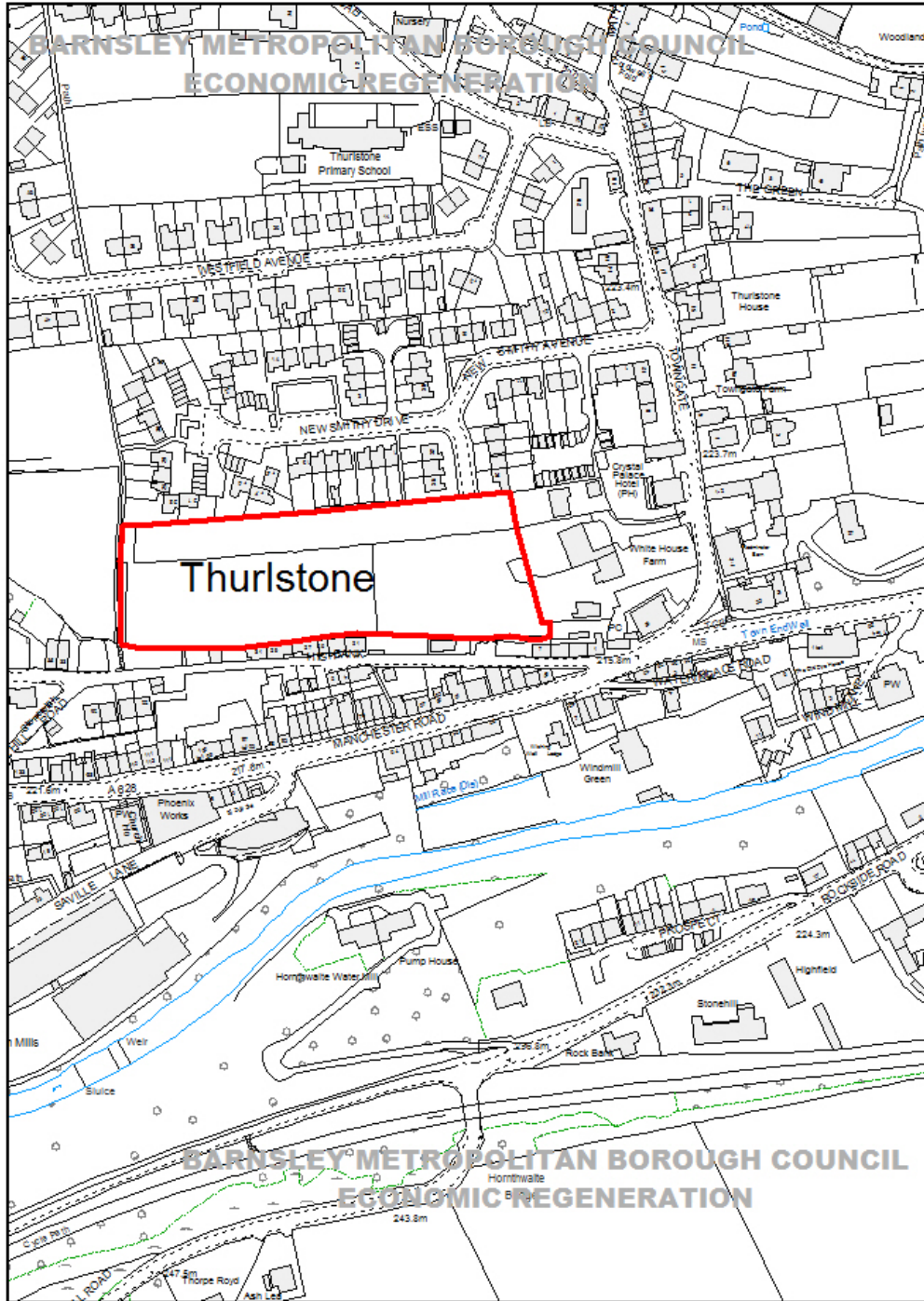
In addition to the above, the access to the site is constrained by existing on street parking. The proposal fails to address this issue and does not provide a suitable and safe access. Significant concerns have also been raised with regard to the suitability of the highway network to facilitate safe vehicular and pedestrian access to/from the proposed development. The applicant has failed to demonstrate that the impact of vehicular movements associated with a residential development of the scale proposed would not add to highway safety problems and detrimentally impact on the efficiency of the highway for all road users. On this basis the scheme is contrary to Core Strategy policy CSP 26.

## **Recommendation**

Refuse for the following reasons:

- 1 In the opinion of the Local Planning Authority, due to the site's current allocation as Safeguarded Land, which is due to be carried forward within the Local Plan Publication Draft, and its location outside of Urban Barnsley and the Principle Towns, the proposal for residential development would be contrary to the Core Strategy Policy CSP8 which states that development in villages will only be allowed if it is consistent with Green Belt policy or is necessary for the viability of the settlement and to meet local needs. In addition the site is considered to be in an unsustainable location and is therefore contrary to Paragraph 14 of the NPPF.
- 2 In the opinion of the Local Planning Authority the development of this land is considered to be piecemeal development, which would restrict access to and prejudice the potential comprehensive development of the larger area of Safeguarded Land should it be allocated in a future plan period, contrary to the SPD Designing New Housing Development and Saved UDP Policy H7.
- 3 In the opinion of the Local Planning Authority the access to the site is constrained and narrowed by existing on street parking. In addition the applicant has failed to demonstrate that the impact of vehicular movements associated with a residential development of the scale proposed would not add to highway safety problems and detrimentally impact on the efficiency of the highway for all road users. On this basis the scheme is contrary to Core Strategy policy CSP 26.

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BARNSELY MBC - Economic Regeneration



Scale 1: -----

# Item 6

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**2017/0240**

**Applicant:** Mr. Richard Cutler

**Description:** The erection of eleven pods, two club lodges, one yurt, one WC/shower block and associated paths and landscaping

**Site Address:** Kingswood Peak Venture, Huddersfield Road, Penistone, Sheffield, S36 7GF

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Penistone Town Council have no objections  
3 letters of objection received

## **Description**

The Kingswood Peak Venture Centre is located on outskirts of Penistone and occupies approximately 5 hectares of land on the north side of Huddersfield Road, adjacent to Scout Dyke Reservoir and within the Green Belt countryside. The centre currently comprises the main centre building which is a mix of one and two storeys together with single storey structures to the rear. These buildings comprise bedrooms, toilet/ shower rooms, canteen, teaching rooms, media suites, a kitchen area and storage facilities. The remainder of the site comprises of hardstanding, landscaped grassed areas with a range of outdoor activity equipment including a zip line and climbing tower. The existing trees provide significant screening of the site from Huddersfield Road.

The site is accessed from two points, with the access from Manchester Road being limited for deliveries and the main access point being situated along Carr Head Lane to the north western boundary, which leads to a secure entrance and car park.

The application site is a grassed recreational area set to the north east of the main buildings. The western side of the proposed accommodation area is bounded by established trees and the north eastern boundary of the site incorporates the existing zip wire. To the south west of the application site is a residential property known as School House, which is not connected to the centre. The rear of the property and its garden area faces onto the site. There are three other properties, Dentwait View, The Moorlands and Carr Lodge Farm which are set adjacent to the northern western boundary with the main access road along Carr Head Lane.

The centre is a long standing outdoor recreational facility, and currently provides accommodation for approximately 218 visiting children mainly of primary school age, and 21 accompanying teachers within the existing buildings on site. It allows children to undertake outdoor education and physical activities both on site using existing adventure equipment and at the nearby Scout Dyke reservoir in a controlled and supervised manner.

Kingswood is a leading educational activity provider operating 10 centres around the UK and northern France. It provides residential educational and adventure activity holidays for school children aged 8-18 and other paying guests. The range of guests are outlined below:-

## *Schools*

The Kingswood brand caters for schools (primary and secondary) and other groups. The children visit the centres in groups of twelve upwards and are accompanied by their teachers and parent assistants. School groups visit at every time of the year except Christmas and the summer holidays.

Kingswood Peak Venture generally provides educational activity breaks of 2 to 5 days for up to approximately 200 school children aged 8 – 18 although most of the children visiting the centre are of primary school age. The centre generally operates at a maximum of 75% capacity due to gender splits and configurations in dormitory rooms.

## *Children's Summer Camp*

Kingswood operates a camp for seven weeks in the summer. Its guests are children aged 6 – 16 who are normally unaccompanied by adults.

## *National Citizenship Service*

Since its pilot year in 2010 Kingswood have delivered the adventure phase of the National Citizenship Service (NCS) to over 75,000 young people making Kingswood the lead provider of this phase 1 programme in England.

## *Scout Association*

Kingswood has an established relationship and provides overnight stays to the Scout Association and enables young people to take part in outdoor, adventure activities and enables them to learn skills and have experiences which they may otherwise not have the opportunity to try.

## **Proposed Development**

The proposed development comprises the erection of eleven camping pods, two club lodges, one yurt, one WC/ shower block and associated paths and landscaping.

The proposed camping pods are approximately 6m by 3m timber structures, finished with rust coloured metro tile cladding, set on concrete pads. There are eleven in total, with six being child pods (sleeping up to 8 people) and five teacher pods (sleeping up to 4 people).

To the west of the site a yurt is proposed with a diameter of 12.2m and a maximum height of 3.65m. The yurt would provide a dry seating area and would be covered in green canvas with clear PVC and timber decked flooring.

The two proposed club lodges are set adjacent to the yurt, and would sleep 16 people. The lodges would be single storey and would measure approximately 8.4m by 7.5m (including deck), made from a canvas material constructed over a wooden post frame. The roof of the lodges will be olive green in colour with a camel coloured inner tent featuring PVC windows. A timber decked terrace area is proposed at the entrance to the lodge.

The proposed shower block measures approximately 22m by 3.6m and 2.7m in height and is sited adjacent to the existing reception area and car park. The shower block would be clad in Siberian larch cladding.

The plans have been amended during the course of the application following objections being received from neighbouring residents. In response to the concerns raised by neighbouring residents, the fire pit has been removed and a 1.5m planted earth embankment is to be formed adjacent to the pods and club yurts close to the south west of the site.

In support of the application, the applicant has submitted a planning statement. The applicant states:

'Kingswood has decided to invest in this centre, through the provision of an alternative type of accommodation. The proposed development will offer an exciting new 'glamping style' experience for visiting children and teachers. In addition to providing additional bed spaces on the site, this new development will provide an alternative type of accommodation for visitors and help to sustain the future of the centre for Kingswood, whilst contributing to the economy of the local area through additional jobs created.

The centre currently provides 239 bed spaces. The proposed development will increase the maximum theoretical capacity to 334 bed spaces. The increase in bed spaces is required to meet the anticipated demand for the camping style accommodation and enable two schools to visit the centre at any one time, whilst catering for a varying gender mix. Whilst the proposed development will mainly be occupied between spring and autumn, it is proposed that the accommodation and other infrastructure would remain in-situ all year round.

There is currently a deficit of accommodation at the centre. None of the existing buildings on site are capable of providing the additional accommodation required for visiting children and teachers as they are occupied by other uses integral to the use of the site as an educational activity centre.

There are several benefits which would be provided by the proposed development, in summary:

- The development would enable Kingswood to continue to meet the demand for its outdoor education courses and therefore enable it to provide more young people with the benefits of a Kingswood residential holiday.
- Enabling Kingswood to meet demand for residential holidays will contribute to the longevity of the business operating at the Peak Venture site.
- The development would expand the provisions at the centre for disabled children.
- The development would attract more people to the area (staff and visitors) and create nine jobs, supporting the local economy.'

### **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).

### Barnsley UDP Saved Policies

#### UDP Allocation – Green Belt

GS8 'Development within the Green Belt' states that the construction of new buildings will not be permitted unless it is for purposes including essential facilities for outdoor sport or outdoor recreation, for cemeteries, or for other uses of land which preserve the openness of the Green Belt and which do not conflict with the purposes of including land in it.

### Local Development Framework

#### Core Strategy

Policy CSP21 - Rural Economy

Policy CSP26 – New Development and Highway Improvement

Policy CSP34 - Protection of Green Belt

Policy CSP36 – Biodiversity and Geodiversity

### NPPF

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

Paragraphs of particular relevance to this application include:

80. Green Belt serves five purposes:

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



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

- provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it;

28. Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To enable this to happen plans should:-

- support the sustainable growth and expansion of all types of business and enterprise in rural areas, both through conversion of existing buildings and well-designed new buildings

### **Consultations**

Penistone Town Council – No objections

Highways – No objections

Regulatory Services – No objections

Tree Officer – No objection

Drainage – No objection subject to conditions

Biodiversity Officer – Recommends appropriate mitigation measures if the site is shown to have low ecological value

### **Representations**

3 Letters of objection have been received which raise the following concerns:-

- The increase in numbers of children and potential noise and disturbance to adjacent residential properties
- The proposal is not camping but a group of buildings resembling a holiday camp from the 1950's with plumbed in facilities
- The permanent and semi-permanent structures will result in a reduction in the openness of the Green Belt
- The site currently operates at 75% capacity, no evidence has been provided of alternative accommodation within the existing buildings being properly evaluated or even extensions to the existing structures on the existing developed sites.
- Camping experiences could be provided in tents if required. The proposal is effectively a residential development in the Green Belt.
- Very special circumstances have not been provided and the scheme does not comply with policy CSP34
- Granting permission for 'glamping' may allow for a change in use of the customer base
- Concerns have been raised with regard to older children being allowed to leave the camp and roam at night
- Potential impact on wildlife
- Potential buried asbestos on the site from previously demolished WW2 buildings

- Impact of increased traffic on the safety of Carr Head Lane and the 4 properties on it, The Moorlands, Denthwaite View, Carr Lodge Farm and Carr Head Farm. It is a designated bridle path and is very frequently used by walkers as it is part of the Boundary Walk.
- Impact of increased vehicle movements upon residential amenity, by way of noise and smells/fumes
- The proposed fire pit will encourage further evening activity and noise and smells/fumes

## **Assessment**

### Principle of Development

The site is located within the Green Belt as allocated within the UDP proposals maps. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence.

Paragraph 88 of the NPPF states that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. Paragraph 89 also states that a Local Planning Authority should regard the construction of new buildings as 'inappropriate' in Green Belt. Exceptions to this include the 'provision of appropriate facilities for outdoor sport, outdoor recreation' as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it.

The site is situated within the Green Belt and the proposal results in the siting of new buildings in the Green Belt, however this is an existing site which provides an important outdoor recreational facility for children and young adults. It is considered that the use would provide 'appropriate facilities' to an existing outdoor recreation centre and is therefore in principle in accordance with paragraph 89, subject to the assessment of the impact of the proposal upon the openness of the Green Belt.

In terms of local policy, CSP21 of the adopted Core Strategy relates to the Rural Economy and supports tourism/recreation developments in the rural parts of the Borough, however ideally proposals should look to utilise or extend existing buildings. A statement of justification has been submitted which justifies the need for the new buildings, due to the improvement of the facilities on site and the increase in visitor numbers, there is a demand for the improvement of the facility and the proposal would provide additional recreational benefits.

Objections have been raised with regard to the Centre only currently operating at a maximum 75% capacity. Kingswood state that 'this as an approximate maximum occupation across all Kingswood sites as the school groups come in different sizes; each school group requires to be in an exclusive self-contained area; and each group will have a different proportion/split of boys and girls and will need to be dormed separately. The suggested erection of tents will be more difficult to manage and control and thereby potentially cause more of a noise issue to neighbouring properties.'

Due to the nature of the pods and lodges being used for 'camping style' purposes, it would be necessary to impose planning conditions upon any permission to ensure that they are not occupied as any person's sole or main place of residence. The proposal is considered to be justified and acceptable, subject to the impact of the proposal upon the openness of the Green Belt and other material considerations below.

### Visual Amenity

Camping pods fall within the statutory definition of a caravan. A caravan is any structure designed or adapted for human habitation which is capable of being moved from one place to another by towing or transported on a vehicle or trailer; however the pods would have a degree of permanence and would stay on site year round, therefore careful attention must be paid to their impact upon the landscape.

The proposed buildings are single storey and are sited within the site behind existing buildings within a small pocket of development, the impact on openness is limited as the site is largely contained in order to minimise the effect on the openness of the Green Belt. In terms of visual impact, significant tree planting along the boundaries successfully screens the site from view from the main Manchester Road and surrounding areas. The development will only be visible from close quarter or from within the site. The additional landscaping and earth embankment will further screen the proposal and enhance the site. The proposal is considered to be acceptable in terms of visual amenity and would not significantly affect the openness of the Green Belt in accordance with policy CSP34.

### Residential Amenity

Objections have been raised with regard to a loss of privacy and disturbance from the increased activity on the site, including additional vehicular movements along Carr Head Lane. Revised drawings have been submitted with a view to addressing concerns expressed by neighbouring residents in particular the closest property, School House.

The rear of School House is approximately 28 metres from the nearest proposed pods and an established area of trees and shrubs separates the two boundaries. An earth embankment is also proposed between the proposed pods and the boundary with School House in order to mitigate noise impacts from the proposed development. The proposed tree and shrub planting will cover this new embankment and would also provide a degree of enclosure for the camping facility whilst also providing further screening of the camping area from School House. The fire pit has also been omitted from proposals in order to address residents' concerns about smoke, odours and potential encouragement of evening activity. In addition, a condition is recommended to provide an acoustic barrier within the land between the pods and the neighbouring property. Given these measures, and that the centre have confirmed that no formal activities will continue beyond 9:00pm, Regulatory Services have raised no objections to the scheme.

In terms of increased vehicular activity the applicant has stated that a maximum of 2 extra coaches would visit the centre every Monday, Wednesday, Friday and Sunday to transport visiting children. Any additional staff would be accommodated within the existing minibus transport service which is considered to be acceptable and should not cause significant disturbance. The proposal is considered to be acceptable in terms of its impact upon neighbouring residents.

### Impact on Trees/Biodiversity

The Tree Officer has been consulted and does not object to the proposal. Given the minor nature of the works and the specimens present there should be no significant impact upon existing trees. A landscaping scheme has been provided and would improve the existing mix of landscaping on the site and would provide further screening to adjacent properties.

The ecological report submitted with the application states that there would be very limited impact on the local ecology as a result of the proposals, provided the recommendations and mitigation measures set within the report are carried out. A condition is therefore recommended to ensure provision of these appropriate mitigation measures.

### Highway Safety

The Highways Section have raised no objection to the proposed development. Any additional vehicular movements can be accommodated and sufficient parking and turning areas exist. The proposal is considered to be acceptable in terms of highway safety in accordance with policy CSP26 of the Core Strategy.

### Conclusion

The site is situated within the Green Belt and the proposal results in the siting of new buildings in the Green Belt, however this is an existing recreational site which provides an important outdoor recreational facility for children and young adults. It is considered that the proposal would provide for the 'provision of appropriate facilities for ...outdoor recreation' ' as they are connected to an existing centre and is therefore in principle in accordance with paragraph 89 of the NPPF. The proposal is considered to be acceptable in terms of impact upon the visual amenity and openness of the Green Belt and would not cause significant harm to residential amenity or highway safety.

### **Recommendation**

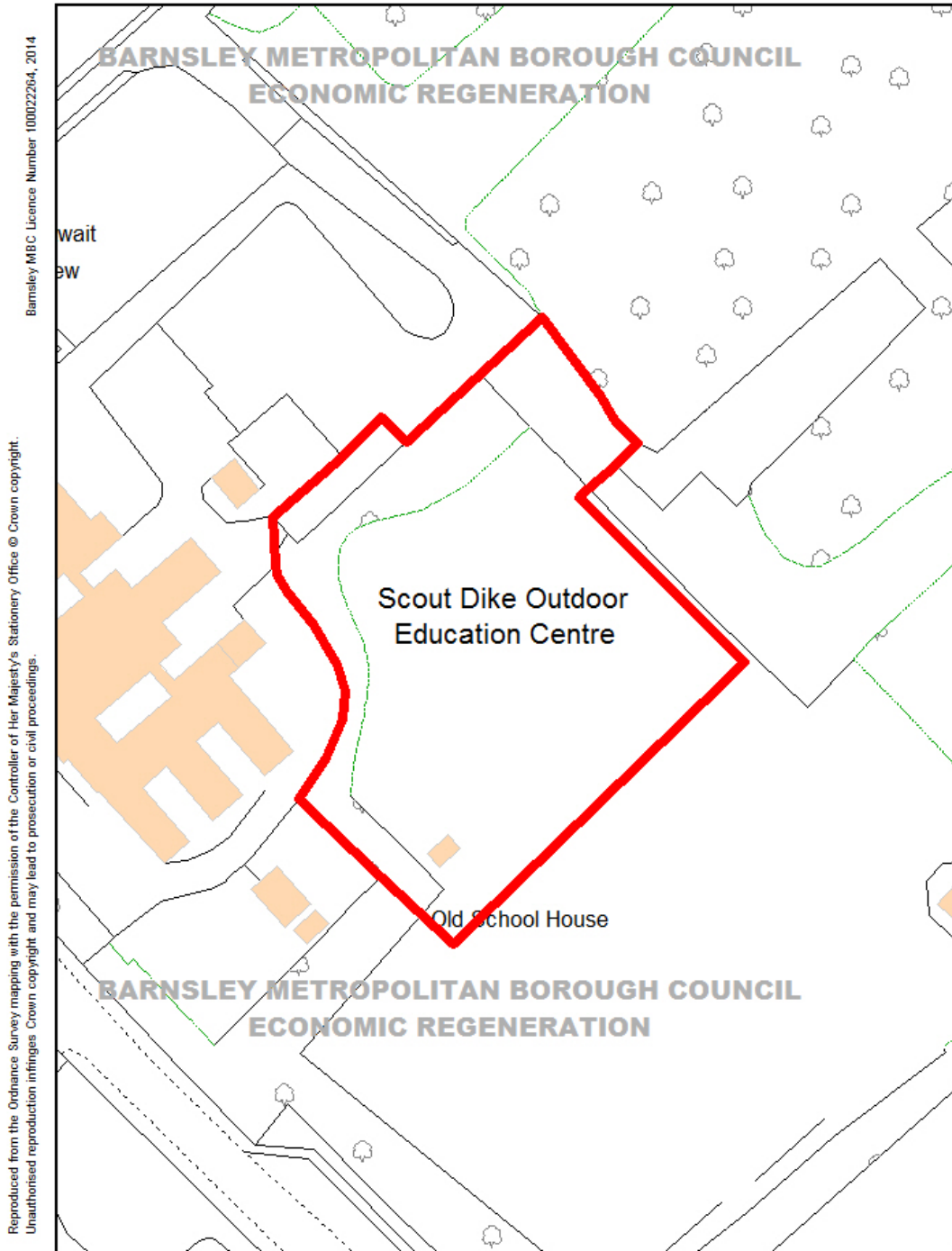
Grant subject to conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos: 1958-02-001, 1958-02-002 Rev C, 1958-02-003 Rev B, 1958-02-004 Rev B, 1958-02-005, 1958-02-006, 1958-02-007, 1958-02-009 Rev A, 17-09-001, Planning Statement dated February 2017, Arboricultural Impact Assessment dated February 2017, Ecological Appraisal Ascerta, Rev B, dated April 2017) 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 camping pods, club lodges and yurt hereby approved shall be used for holiday/recreational purposes only ancillary to the outdoor recreational activities carried out at the site by Kingswood Peak Venture. The pods, lodges and yurts should therefore not be used as permanent residences.  
**Reason: For the avoidance of doubt, to ensure the development is used appropriately to increase the supply of holiday/recreational accommodation on the site and to safeguard the appearance of the Green Belt.**

- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**
- 6 No development shall take place unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.  
**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 development, details of the ecological enhancements, including a timetable of their implementation, shall have been submitted to and agreed in writing with the Local Planning Authority. The enhancements shall be in line with the recommendations as set out in Ascerta Ecological Preliminary Ecological Appraisal (Ref: P.836.17) dated 14th February 2017. The scheme shall then proceed in accordance with the approved details.  
**Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.**
- 8 Prior to commencement of development, details of an acoustic barrier along the south western boundary of the site, in the land in-between the pods and the neighbouring property, shall have been submitted to and approved in writing by the Local Planning Authority. The acoustic barrier shall be erected prior to use of the approved development and shall thereafter be retained as such.  
**Reason: In the interests of neighbouring amenities in accordance with CSP40.**

PA reference :-

2017/0240



**BARNESLEY MBC - Economic Regeneration**

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



Scale 1:1250

# Item 7

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**2016/1400**

**Applicant:** Mr John Richardson

**Description:** Erection of detached agricultural workers dwelling (Re-submission of application 2016/0822).

**Site Address:** Dovecote Farm, Westfield Lane, Barnburgh, Doncaster, DN5 7HS

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## **Site Location and Description**

Dovecote Farm is located in the open countryside on land in between Goldthorpe and Barnburgh, close to the Barnsley borough boundary with Doncaster. The farm comprises of a range of livestock, produce and storage buildings together with agricultural land. The site is accessed off Westfield Lane.

The farm business has ownership of 216 acres of land and farms a further 201 acres under a tenancy agreement. The main farm business is based around the dairy herd of Jersey cows, however, the farm also deals in arable farming and sheep farming.

The applicants, the Richardson family, own the farm and it has been in their family since 1930. There is an existing farmhouse on the site which serves as the only dwelling connected with the farm. This is occupied by Mr and Mrs Richardson (senior) together with their sons, Matthew and John Richardson and their young families. In total this means that there are 6 adults and 2 children currently living in the farmhouse. Mr and Mrs Richardson (senior) are now retired from the farming enterprise although Mrs Richardson (senior) does run a cattery from the site. It is therefore left to Matthew and John Richardson to meet the functional requirements of the farm

Currently the livestock on the site consists of 100 dairy cows, 25 in-calf and served heifers, 50 youngstock (6-15 months) and 25 calves under 6 months. All progeny from the dairy herd are kept as replacements and all bulls are reared and finished for beef with the heifers retained for replacements and to allow the continued expansion of the dairy enterprise. The application states that the farm enterprise is looking to expand the number of dairy cows to 150 within the next 18 months to two years.

## **Planning History**

B/04/0170/DE – Creation of a boarding cattery (Outline) – Refused March 2004

B/04/1585/DE – Creation of a boarding cattery – Approved September 2004

2009/0805 – Erection of a two storey side extension to dwelling – Approved September 2009

2016/0822 – Erection of a detached agricultural workers dwelling - withdrawn

## **Proposed Development**

The application seeks planning permission for the erection of a detached agricultural workers dwelling to the north west of the existing cluster of farm buildings. The dwelling is a one and a half storey property with a floor area over the two floors of approximately 165 square metres. The material proposed to be used are brickwork walls with a tiled roof in a similar appearance to the existing farmhouse on the site.

When the application was first submitted the applicant also proposed a detached double garage but this has since been removed from the scheme. A portion of an existing barn would also be removed to make way for the proposed dwelling

As the site is within the Green Belt, and the proposal is for an agricultural workers dwelling, the applicant has submitted a Planning Statement and an Agricultural appraisal. These provide a detailed account of the farm enterprise, labour requirements and comparison with the relevant planning policies. In addition a letter of support from the NFU has also been submitted.

## **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).

## UDP Saved Policies

UDP Allocation – Green Belt

GS7 Development within the Green Belt

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

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



last working, in the location in agriculture or in forestry, or a widow or widower of such a person, and to any resident dependents

g) Where permission is granted, on the basis of agricultural need, for an additional dwelling on a farm unit, then an occupancy condition will also be imposed on any existing dwellings on the unit which is under the control of the applicant, and is needed at the time of the application to be used in connection with the farm.

### Core Strategy

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

### Publication Version of Local Plan

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

### SPDs/SPGs

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

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

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

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

### NPPF

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

In respect of this application, relevant policies include:

Para 28 – Rural areas

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

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

Para 80,81, and 82 – Green Belts.

Para 58 and 60 – Design Considerations

### **Consultations**

Highways – No objections

Pollution Control – No objections

Yorkshire Water – Given that the scheme proposes foul to mains and surface water to soakaway Yorkshire Water don't need to comment further.

Drainage – No objections raised

Doncaster Council – No comments on this application but no objections were raised to previous application (2016/0822)

Ward Councillors – No comments received

### **Representations**

There are no properties that adjoin the site so the proposal was advertised by a site notice. No letters of representation have been received.

### **Assessment**

#### Principle of development

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

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

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

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

The first part of the criteria under GS8B requires the applicant to show that there is an essential need for the dwelling to sustain a demonstrably viable agricultural enterprise. In this case, as has already been stated, the applicants farm a significant area of land (416 acres). Farming operations have been taking place at the site for over 80 years and therefore the agricultural enterprises are well established. The business is mainly based on dairy farming but also involves arable farming and sheep. The applicant has submitted an assessment, based on The Agricultural Budgeting and Costing Book, to calculate the amount of labour hours required to carry out the various duties associated with the agricultural enterprise. They have not included the cattery business within these calculations.

Their calculations reveal that, for the dairy part of the business only, the labour requirements are for a permanent workforce of 2.43 full time positions, rising to 2.83 when the other elements of the farm enterprise are added on, and rising further to 3.23 full time positions if the enterprise increases to 150 cows as previously stated.

Given the enterprise is predominantly based on dairy farming, the applicant has stated the following:

“Care of the livestock may (and does) require workers to be available at short notice throughout the day and night for a variety of reasons. This includes the fact that calving takes place throughout the year, that young animals need constant attention, that artificial insemination needs to take place within a very narrow timeframe, and that emergency situations arise such as when animals are sick or distressed. As such there needs to be a rural worker within close proximity of the farm to respond to these events as they arise”

Given that Mr and Mrs Richardson (senior) are aged 75 and 65 respectively then the main activities of working with the animals falls to the two sons. It is therefore considered that there is a justification for the sons to be within sight and sound of the barns in order to deal with the activities mentioned and that, therefore, there is a justifiable need for suitable accommodation to provide for the application site.

There is, however, an existing dwelling on the site. This currently contains 6 adults and 2 children. The applicant has stated that the three families are now outgrowing the property with the property now proving impractical for all occupants to co-habit. The applicant has provided extracts from appeals for agricultural dwellings where Planning inspectors have concluded that extensions or subdivisions of an existing farmhouse would not provide a satisfactory independent residential unit for a family and it would be unreasonable for them to co-habit an existing dwelling. Furthermore, the applicant has said they are prepared to have an agricultural occupancy condition applied to both the new dwelling and existing dwelling to prevent either of them being sold off on the open market.

Under permitted development, the applicant could apply to convert the existing farm buildings to up to 3 dwellings. The principle of this would be acceptable but the applicant would still need to apply to the Local Planning Authority(LPA) for Prior Approval with the LPA able to consider factors including noise, transport, contamination, and whether the location or siting is practical and desirable. The applicant has stated that it is not practical to consider conversion as all the buildings are currently occupied for the farming business including machinery storage, grain storage, and livestock housing. The one part of the barn they are proposing to demolish to make way for the dwelling would be impractical and costly to convert and it also helps to mitigate the impact of the dwelling on the openness of the Green Belt.

Given the justification put forward it is considered that that an adequate case has been put forward of an ‘essential need’ to comply with the NPPF and part a of the criterion under Policy GS8B

In terms of the second and third criterion under Policy GS8B, there has been no separation of a farm dwelling from the agricultural land and the applicant has reduced the size of the dwelling from the previous proposal. The footprint of approximately 165 square metres (measured externally) is at the top end of what would be considered acceptable. Previous decisions have shown that a floor area of 150 square metres has been accepted. The dwelling is just above this but given that the garage has now been removed from the scheme, and that permitted development rights can also be conditioned to be removed, and that the first floor has been contained within the roof space, then the scheme is not considered to be of significant size to be of harm to the openness of the Green Belt.

In terms of the fourth and fifth criterion, the dwelling itself has been sited in close proximity to the existing complex of buildings. The demolition of part of the barn ensures that the overall impact on the openness of the Green Belt is minimised. The materials used are also in character with the existing farmhouse and the farm buildings that exist on the site.

In terms of the sixth and seventh criterion the applicant has accepted an agricultural occupancy condition for both the existing and proposed dwellings.

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

#### Residential Amenity

The proposed dwelling is remote from any neighbouring properties that do not form part of the agricultural enterprise, and so neighbouring amenities would not be detrimentally affected by the proposal. The scheme meets internal space standards for the occupants of the dwelling and the Council's Pollution Control team have raised no objections to the scheme.

#### Design and Visual Amenity

The property has been designed as a one and a half storey property which would therefore appear subservient to the existing two storey farmhouse and the large agricultural buildings that immediately surround the proposed dwelling. The materials used are in keeping with the rural surroundings and as such the proposal is not considered to be of significant detriment to visual amenities or the character of the Green Belt.

#### Highways

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

#### Conclusion

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

#### Recommendation

#### **Approve subject to conditions:**

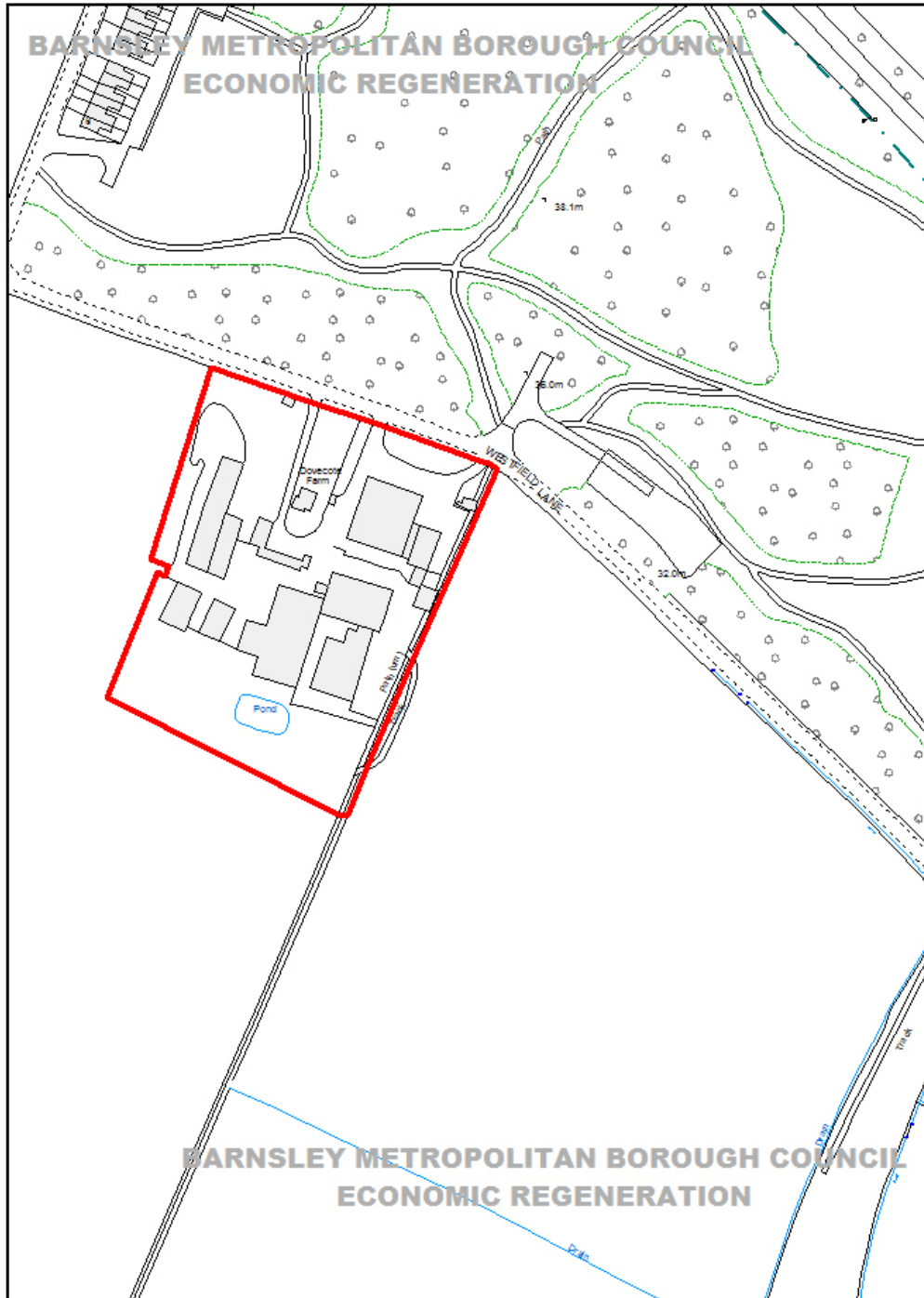
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**

- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (site plan and elevations plan received 2nd May 2017) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.**
- 3 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwelling which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.  
**Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Core Strategy Policy CSP 34, Protection of Green Belt.**
- 7 The dwelling hereby approved, and the existing farmhouse on the site, shall be occupied by persons solely or mainly or last so employed locally in agriculture as defined in Section 336(1) of the

Town and County Planning Act 1990, or in forestry and the dependants (which shall be taken to include a widow or widower) of such persons.

**Reason: In order to comply with Saved UDP Policy GS8B and Paragraph 55 of the NPPF.**

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**BARNSELY MBC - Economic Regeneration**



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# Item 8

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**2017/0310**

**Applicant:** Fred Ayres

**Description:** Erection of 1 no. detached dwelling with attached garage

**Site Address:** Land to the rear of 11 and 13 Hillside Crescent, Brierley, Barnsley, S72 9JL

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## **Description**

The site is a former sports ground to the rear of properties on Hillside Crescent and Brierley Road. Accessed via a 26m x 3.2m drive between No.s 11 and 13 Hillside Crescent, the site is a former hard surfaced sports pitch / MUGA. It is no longer in use with the fencing and goal posts removed and the surface showing sign of poor repair and damage. There is also littering and graffiti on the site and boundaries with properties adjacent.

The site is surrounded on 3 sides by the rear gardens of residential properties on Hillside and Barnsley Road. To the west is open fields located in the Green Belt. Footpath No.13 runs along the field boundary immediately adjacent the site. There appears to be an established access across the site to this footpath, although there is no dedicated right of way.

## **Proposed Development**

The proposed development is to erect a single detached dwelling on the site with integral garage and 4 parking spaces located at the front and garden to the rear. The property is a generously sized 4 bedroom property orientated facing north with a southwards facing rear garden. There are windows proposed to all 4 elevations.

The materials proposed are either brick or stone with Old English concrete interlocking tiles to the roof and grey UPVC windows.

## **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: Housing Policy Area.

H4 'Development on Housing Sites' promotes residential development.

H8A 'Existing Residential Areas'.

## Core Strategy

CSP10 'The Distribution of New Homes' commits a total of 1000 new homes in other areas of the Borough.

CSP14 'Housing Mix and Efficient Use of Land' states that proposals will be expected to include a broad mix of house size, type and tenure to help create mixed and sustainable communities. It also states that a minimum development density of 40 dwellings per hectare will be expected. In addition priority shall be given to the development of previously developed land with a target of 55% and 60% of the overall amount of new housing.

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

CSP29 'Design' sets out that high quality design shall be expected.

CSP 35 Green Space - We will work with partners to improve existing green space to meet the standards in our Green Space Strategy.

Green space refers to any land within or close to towns and village that has or could have demonstrable value for recreation or wildlife.

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

We will assess the need for green space against the standards in our Green Space Strategy.

CSP 36 ' Biodiversity and Geodiversity' development is expected to conserve and enhance the biodiversity and geological features of the borough.

## Publication Draft Local Plan

The site is proposed to be allocated as Green Space on the emerging Local Plan Proposals Map. Policy GS1 would therefore apply which includes the following with regards to the improvement of existing greenspace:

*Proposals that result in the loss of green space, or land that was last used as green space will not normally be allowed unless: an assessment shows that there is too much of that particularly 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.*

## SPDs/SPGs

The following LDF Supplementary Planning Documents have been adopted which are relevant to the proposal:-

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

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

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

## NPPF

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

In respect of this application, relevant policies include:

Para 7 – 3 dimensions to sustainable development

Para 14 – Presumption in favour of sustainable development

Para's 58 & 60 – Design considerations

Para 73-75 - Openspace

## **Consultations**

Highways DC – No objections subject to conditions

Ward Councillors – Cllr Ennis has confirmed that there is an ongoing drug trading issue at the bottom of Hillside Crescent and associated bad parking which the police are aware of.

Drainage – No objections are raised – details provided are sufficient.

PROW – No objections raised as does not affect PROW which runs adjacent to the site.

Pollution – No objections subject to conditions

Planning Policy – No objections subject to a compensation payment to offset the loss of greenspace.

## Representations

The application was advertised through neighbour letters and a site notice. 1 letter of objection was received raising concerns regarding the loss of an open space and rear access to their garden. However this letter has since been withdrawn and a total of 7 letters of support received, including one from the previous objector. All the letters confirm an ongoing issue of antisocial behaviour on the site and support the development proposed.

## Assessment

### Material Consideration

Principle of development / Loss of open space  
Visual Amenity  
Residential Amenity  
Highway Safety/PROW

### Principle of development/Loss of Green Space

The site is located in a residential policy area and as such the proposed residential dwelling is acceptable in principle. Notwithstanding this the site is a former sports pitch which was sold by the Council. At the time planning policy confirmed that: *“Brierley is severely bereft of green space with the only alternative space on Common Road. In accordance with the Green Space Strategy and Core Strategy CSP35, green space should be protected from development or its loss compensated for. The proposed removal of the MUGA and development of this site offers very little in the way of opportunity to serve an alternative green space function due to the location behind properties and constrained size. Therefore a compensation payment for loss of green is required in accordance with CSP35”*. The sales particulars included a statement regarding the need for a compensation payment on this basis.

Discussions with the applicant has resulted in an agreement to pay a compensation payment of £3,000. This is substantially less than the cost of a new MUGA but is consistent with the typical sum required to offset the loss of informal green space. It also reflects the scale of the development proposed, the fact that the site was recently sold by the Council as surplus and the current state of repair of the pitch along with ongoing antisocial behaviour issues associated with the site.

In addition to the loss of greenspace, the proposed, located to the rear of existing properties, is backland development as defined in the Residential Design Guide SPD. However, the SPD on Designing New Residential Development does state that “Backland development may be more acceptable in circumstances where there is an existing use at the rear of the dwelling and where residential use would benefit the amenities of existing residents and character and openness of the locality”. In this instance the site has had a past use as a MUGA with its own associated access. There was therefore a certain level of activity and disturbance associated with this use which would have impacted on local residents. From the letters that have been received from nearby neighbours, it is also apparent that the decline in use of the MUGA has been replaced by an increase in anti-social behaviour at the site. Given that the proposed dwelling would utilise the existing access, the development of the site has the potential to benefit the amenity of existing residents through the removal of an area prone to antisocial behaviour and a potential reduction in noise and disturbance compared to its previous use.. Furthermore the proposed will not impact on the potential comprehensive development of a larger area of land.

Therefore, residential development is considered acceptable subject to the agreed compensation payment and meeting the criteria outlined in both the NPPF and the UDP.

#### Visual Amenity

The design of the property, being a larger detached dwelling, is not in keeping with the wider area which is characterised by redbrick semi-detached properties. However, the site is unique in its location behind existing properties and not visible within the streetscene. Nor is it highly visible from longer distance views along Brierley Road which are obscured by mature hedgerows along the roadside. The site will be visible from various footpaths crossing the adjacent fields, however, the impact is reduced by the orientation of the dwelling (being side on to the fields) and can be softened through the use of appropriate materials and boundary treatment. Furthermore, the current sports pitch is in a poor state of repair creating an unsightly feature in the existing landscape.

Therefore, the proposed is considered to be acceptable in terms of visual amenity.

#### Residential Amenity

The proposed is located within a generous plot and the surrounding properties all have substantial gardens. As such the proposed dwelling does comply with the Residential Design Guide SPD with regards to external space standards. The exception being a bedroom window to the eastern boundary with properties along Brierley Road. This window is less than 4m from the adjoining gardens which is substantially less than the 10m required by the SPD however, to protect the privacy of neighbouring dwellings this can be conditioned to be obscure glazed, This won't impact on the overall house design or the amenities of near neighbours this can be removed by condition as a dormer and two skylights are also proposed for this room.

The internal layout provides a good standard of living space in accordance with the Internal Space Standards in the South Yorkshire Residential Design Guide and the proposed development includes a reasonable sized garden.

In addition to design considerations, the proposed development will help to alleviate an existing issue with antisocial behavior on the site. 7 of the surrounding residents have written to support the application on this basis. Berneslai Homes and one of the Local Ward Councillor's have also confirmed that this is a historic issue in the area. The development of the site will remove an open area which is not highly visible from the road and increase overlooking of the adjacent fields which will be of benefit to residential amenity.

#### Highway Safety/PROW

The proposal provides suitable access and sufficient parking space for the proposed development. Highways have no objection to the proposals subject to conditions. In terms of the PROW the development adjoins the footpath but the scheme does not encroach onto it so this right of way remains protected from the development.

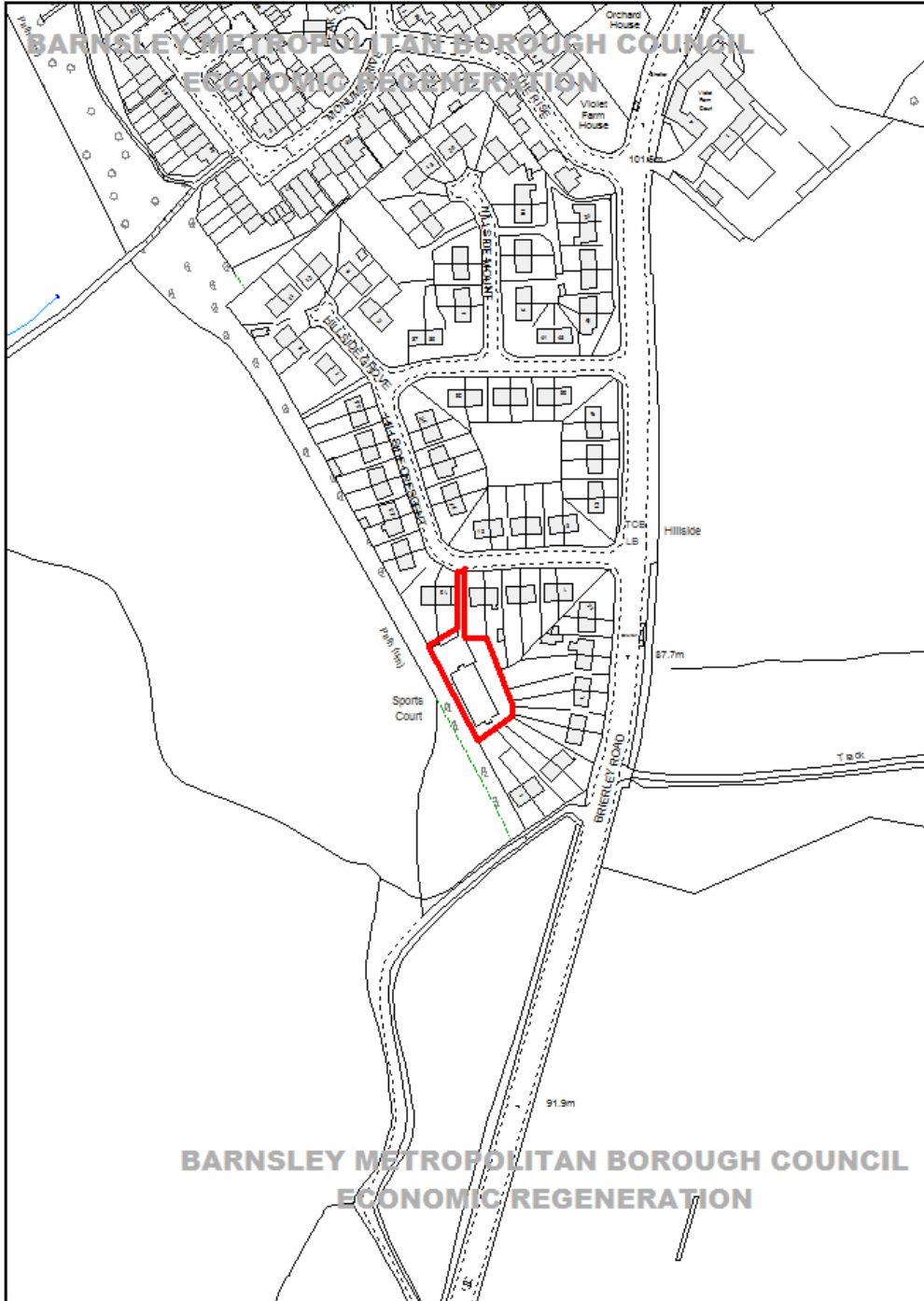
## Recommendation

**Grant** subject to conditions and the signing of a Section 106.

- 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 PG 159-1 and PG 159-2) 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           The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 5           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, in the interest of road safety.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 6           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, in the interest of road safety.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**

- 7 The window on the north east elevation of the building facing rear gardens on Hillside Crescent shall at all times be fitted with obscure glass and retained as such thereafter.  
**Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with Core Strategy Policy CSP 29, Design.**
- 8 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 9 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority 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.**

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**BARNSELY MBC - Economic Regeneration**



Scale 1: -----



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**2017/0206**

**Applicant:** Blackstone Developments C/o Townsend Planning Consultants

**Description:** Variation of condition 13 of outline planning permission 2016/0288 - landscape strategy for a link through the site from Sandygate Lane to the TPT, buffer to north and west of site to provide secure boundary to TPT relating to proposed residential development

**Site Address:** Land at Sandygate Lane, Stairfoot, Barnsley, S71 5AW

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## Site Location & Description

The site lies close to Stairfoot Roundabout on the eastern outskirts of Barnsley. It lies just off the main A635 Doncaster Road which lies to the north, accessed from it by Sandygate Lane, a non-through road which currently serves only 3 commercial premises, all of which lie on a raised embankment to the east of and overlooking the site.

The site is approximately 0.5ha in size, approximately 35-40m wide and approximately 140m long, roughly rectangular in shape, bounded to the east by Sandygate Lane, and to the west by the Trans Pennine Trail, beyond which are commercial properties including a car wash and a McDonalds. To the west of those is Wombwell Lane.

The site has recently been cleared of vegetation, apart from a steep embankment at the Doncaster Road end and a narrow belt to the eastern edge fronting Sandygate Lane, the remaining vegetation consisting of scrub, and saplings of birch and hawthorn.

## Planning History

2016/0288 Outline application for residential development was granted under on 29/06/16.

## Proposed Development

This application seeks permission to vary Condition 13 of the existing outline planning permission granted under 2016/0288. Condition 13 states:

“A landscape strategy shall accompany the reserved matters submission. It shall identify a route for a link through the site from Sandygate Lane to the TPT, identification of boundary vegetation buffer to the north and west of the site and the location of a vegetation buffer strip on the southern end of the site adjacent to the Trans Pennine Trail. Where the plan details the footpath link to the TPT it should specify that the footpath link shall be surfaced in tarmac with concrete edging, shall be a minimum of 1.5m wide and be DDA compliant. Details of access control at TPT boundary shall be described and the boundary to TPT shall be secure.

**Reason: In the interests of visual amenity and the interests of ecology and biodiversity in accordance with CSP 36”**

This application proposes to vary the condition. The reasons given are that there are significant level differences between the TPT and Sandygate Lane and there is already an existing footpath just off site which links Sandygate Lane with the TPT, which is under the ownership of the Council. The applicant is therefore proposing to provide an upgrade to the existing footpath rather than provide an additional link. To secure these improvements to the footpath the applicant is proposing to enter into a S106 Legal agreement and is also seeking to vary Condition 13 to the following:

“A landscape strategy shall accompany the reserved matters submission. It shall identify boundary vegetation buffer to the north and west of the site and the location of a vegetation buffer strip on the southern end of the site adjacent to the Trans Pennine trail.”

## **Policy Context**

The principle of the permission has already been established and policy context relating to the principle of the development does not need to be reconsidered as part of this application.

The policy relating to the provision/improvement of a link to the TPT is CSP 29 Design - High quality development will be expected that respects, takes advantage of and enhances the distinctive features of Barnsley.

Development should

- contribute to place making and be of a high quality that contributes to a high quality safe and sustainable environment,
- enable all people to gain access safely and conveniently, providing in particular, for the needs of families and children, and disable people and older people

CSP42 Infrastructure and Planning Obligations – Development must contribute as necessary to meet all on and off site infrastructure requirements to enable development to take place satisfactorily.

## **Consultations**

Forestry Officer - No objections raised.

Highways DC – The footpath does not form part of the adopted highway network and therefore there are no comments on the variation of condition.

Public Rights of Way - The applicant has been provided with a specification for a standard 3m wide combined footway/cycleway to adoptable standards

Ward Councillors - No comments received

## **Representations**

The application has been publicised by way of a press notice, site notices and letters sent to neighbouring properties.

Two letters of support have been received. One supporter uses the existing path for cycling and is keen to see improvements to it for linking to the TPT, allowing people to feel safe whilst exploring local nature. The other letter appears to support the principle of developing the site rather than the variation of the condition which is the subject of this application.

## **Assessment**

### Principle of Development

The principle of residential development was granted on this site with the outline planning permission. This application deals only with the proposed variation of condition 13 of that permission, it does not revisit the principle of development on the site.

### Public Rights of Way

The Public Rights of Way Officer is satisfied with the applicant's proposal to undertake to improve the footpath which lies just outside the site which already links Sandygate Lane to the Trans Pennine Trail, rather than making a new link through the site. Providing this is done to adoptable standards by using the specification provided to the applicant for a 3m wide combined footpath/cycleway, this is an acceptable compromise.

### Residential Amenity

The upgrading of the existing footpath just outside the site would not have any effect on residential amenity as there are no dwellings in the vicinity. However, it would need to be taken into account during the design of the layout at reserved matters stage to ensure that dwellings and gardens are appropriately screened from the footpath that boundaries are secure and that users of the footpath do not affect the amenity of future residents

### Design and Visual Amenity

The effect of upgrading this footpath just outside the site would need to be taken into account during the design of the layout at reserved matters stage to ensure that dwellings and gardens are appropriately screened from the footpath, that boundaries are secure, and that users of the footpath do not affect the amenity of residents.

### Highway Safety

The footpath does not currently form part of the adopted highway network. However, any improvement work would be required to be undertaken to adoptable standards and the Public Rights of Way Section have provided the specifications that would need to be worked to.

### Ecology

There are no ecology issues relating to this proposal as the only impact is on the existing footpath. With regards to the residential development, a condition requiring a landscaping scheme is required with reserved matters application.

### Drainage

Providing the path is improved to adoptable standards there will be no drainage issues as a result of this proposed variation of condition.

### **Conclusion**

The improvement of an existing footpath/cyclepath linking Sandygate Lane to the Trans Pennine Trail which lies trail immediately outside the site to adoptable standards is acceptable to the Public Rights of Way Officer. The applicant is agreeable to entering into a S106 Legal agreement to secure this improvement. There are therefore no objections to the rewording of the condition to that proposed.

### **Recommendation**

Approve subject to variation of condition 13 and subject to a S106 Agreement to upgrade the existing footpath to adoptable standards.

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 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 in accordance with Core Strategy Policy CSP 29, Design.**

4 Detailed plans shall accompany the reserved matters submission relating to existing trees both within and adjacent to the site which should inform the layout of the development. These documents shall be prepared in accordance with BS5837: 2012 (Trees in relation to design, demolition and construction Recommendations) and shall include the following:

- Root Protection Area plan
- Tree constraints plan
- Tree protection plan
- Arboricultural impact assessment
- Arboricultural method statement
- Details of no-dig construction proposals for areas of car park areas and drives including cross-sections and plans showing relevant area.

No development or other operations shall take place except in complete accordance with the approved methodologies.

**Reason: To ensure the continued well-being of the trees in the interests of the amenity of the locality.**

- 5 The development hereby permitted shall not begin until a scheme, including a timetable for implementation and long term maintenance agreements, has been submitted to and approved in writing by the Local Planning Authority for the provision of or enhancement to off-site public open space in accordance with Core Strategy policy CSP35. The provision or enhancement of the off-site open space shall as a minimum mitigate for the loss of the sites existing Green Space function or potential and shall be provided prior to completion of the development in accordance with the approved scheme.

**Reason: In the interests of residential and visual amenity to ensure adequate provision of public open space in accordance with Core Strategy Policy CSP 29.**

- 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 commencement of development, details of the proposals to mitigate the air quality impact of the development as set out within section 4.2.8 of the submitted planning statement, for the installation of electric vehicle charging points to all new housing developed on site, and associated infrastructure, shall be submitted to and approved in writing by the Local Planning Authority. The specifications shall be in accordance with the BMBC Air Quality and Emissions Good Practice Guidance. The development shall thereafter be undertaken in accordance with the approved details.

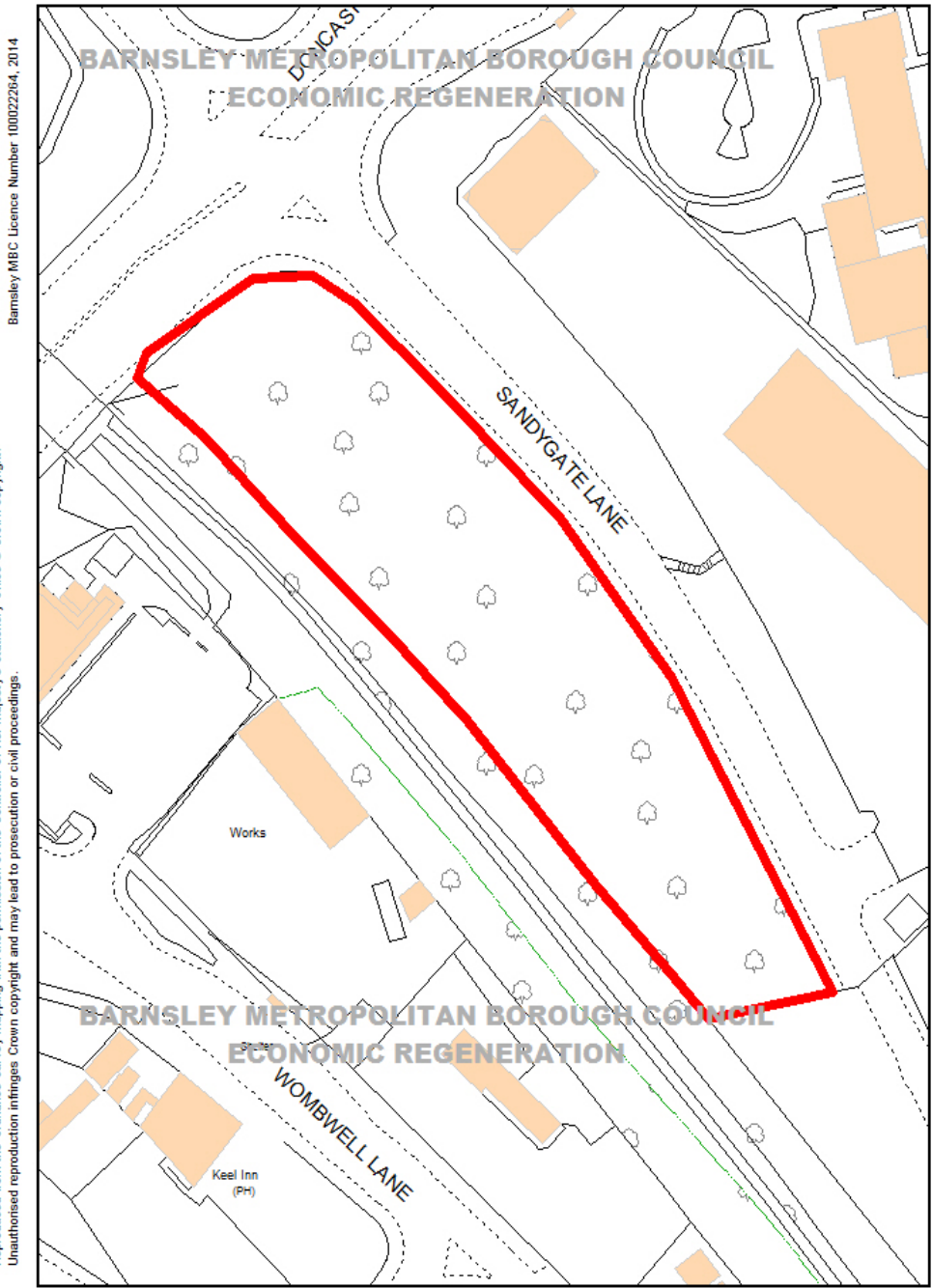
**Reason: In the interests of minimising the impact of the proposal on air quality in accordance with Core Strategy policies CSP 40.**

- 8 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
  2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
  3. An appraisal of remedial options, and proposal of the preferred option(s).
  4. A remediation statement summarising the works to be undertaken (if required).
- The above shall be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report. For further information, see BMBC's Supplementary Planning Guidance 28, "Developing Contaminated Land".
- Reason: To protect against pollution and in accordance with CSP 40.**
- 9 All on site vehicular parking/manoeuvring facilities 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.**
- 10 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 road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 11 Vehicular and pedestrian gradients within the site shall not exceed 1: 12
- Reason: To ensure safe and adequate access.**

- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- The parking of vehicles of site operatives and visitors
  - Means of access for construction traffic
  - Loading and unloading of plant and materials
  - Storage of plant and materials used in constructing the development
  - The erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
  - Wheel washing facilities
  - Measures to control the emission of dust and dirt during construction
  - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**
- 13 A landscape strategy shall accompany the reserved matters submission. It shall identify boundary vegetation buffer to the north and west of the site and the location of a vegetation buffer strip on the southern end of the site adjacent to the Trans Pennine trail
- Reason: In the interests improving opportunities for recreation and tourism and in the interests of Design, in accordance with CSP 33 Green Infrastructure, and CSP 29 Design.**
- 14 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
- Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.**


PA reference :-

2017/0206



**BARNESLEY MBC - Economic Regeneration**

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

  
Scale 1:1250



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**2017/0453**

**Applicant:** Barnsley Premier Leisure

**Description:** Refurbishment of existing artificial cross pitch, erection of extension to playing area, replacement fencing and floodlights, clean access, site furniture, maintenance equipment and associated storage.

**Site Address:** Dorothy Hyman Sports Centre, Snydale Road, Cudworth, Barnsley, S72 8LH

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No objections from local residents.

## **Site Location & Description**

The site is rectangular in shape, located to the north of the Dorothy Hyman Sports Centre complex which comprises a number of facilities including: sports hall, gym, athletics track and bowling green. There are houses to the northern and western boundaries of the site. The site falls from Snydale Road, eastwards with the existing Artificial Grass Pitch (AGP) located on a levelled platform. There is a bund along the northern boundary, between the pitch and residential properties. To the south, there is an athletics track at the same level. To the west the land levels continue to fall and the land use is agricultural.

The current AGP has a Total Playing Area (space within the fenced enclosure including the pitch and run-offs) of 105 x 67.5m and a Principal Playing Area (e.g. within the goal and touchlines of a football pitch) of 93 x 60m. The artificial surface covers 102 x 64m with the remaining area within the fenced enclosure being porous asphalt. The perimeter fencing ranges in height from 2.8m to 4.7m and comprises rolled mesh fixed to posts with clips and tension wire. The pitch and fencing is in a poor state of repair and was decommissioned in 2009.

There are concrete steps cut into the banking and bund along the northern and eastern boundaries of the pitch likely used for supporters. A total of 8 flood lights, being 15m high masts with 3no. flood lights (24 in total), are located around the perimeter of the pitch. There is a number of metal storage containers located to the south of the pitch.

## **Site History**

The site has been in use as a sports facility since circa the 1960s with various planning applications made to improve and add to the facilities. These include:

- B/74/0019/CO – Erection of extension to concert room (approved)
- B/78/2569/CU – Outline extension to sports hall
- B/78/1742/CU – Erection of 4 squash courts
- B/80/0099/CU – Erection of building for use as a club room (approved)
- B/85/1241/CU – Erection of cricket pavilion/changing rooms (approved)
- B/89/0327/CU – Erection of garage for storage of athletics equipment (approved)
- B/93/1379/CU – Provision of additional facilities, security fencing, car park etc. (approved)
- B/00/1280/CU – Erection of 2.4m high palisade fencing and erection of additional fencing over existing wall (approved)
- B/03/1584/CU – Installation of four 10m high floodlighting columns to lower bowling green (approved)

## Policy Context

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

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

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

### Saved UDP Policies

UDP notation: Green Belt and an Existing Community Facility

### The Core Strategy

CSP1 Climate Change  
CSP3 Sustainable Drainage Systems  
CSP 4 Flood Risk  
CSP29 Design  
CSP33 Green Infrastructure  
CSP34 Protection of Green Belt  
CSP35 Green Space  
CSP36 Biodiversity and Geodiversity  
CSP39 Contaminated and Unstable Land  
CSP40 Pollution Control and Protection  
CSP43 Educational Facilities and Community Uses

### Publication Draft Local Plan

The site remains located within the Green Belt as shown on the emerging Local Plan Proposals Map. In addition, it is proposed to be allocated for greenspace under Policy GS1 which includes the following with regards to the improvement of existing greenspace:

*We will work with partners to improve existing green space to meet the standards in our Green Space Strategy.*

*Green Spaces are green open areas which are valuable for amenity, recreation, wildlife or biodiversity and include types such as village greens, local open spaces, country parks, formal gardens, cemeteries, allotments, woodlands, recreation grounds, sports pitches and parks.*

## Relevant Supplementary Planning Documents and Advice Notes

-non relevant

### NPPF

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

Paragraphs of particular relevance to this application include:

Para 7 – 3 dimensions to sustainable development

Para 14 – Presumption in favour of sustainable development

Para's 58 & 60 – Design considerations

Para 73-75 - Openspace

Para 79-92 – Green Belt

Para 123 – Noise

Para 125 – Light Pollution

### **Consultations**

BMBC Drainage - No objections.

SYMAS -The site does not fall within a defined High Risk Area. No objections.

Highways DC – No objections to the development.

Pollution Control – broadly satisfied with the mitigation proposed in relation to noise and light, however a concern remains that the use or certainly the misuse of the facility may result in a nuisance being caused, for example the lights not being correctly programmed, noise from shouting (including bad language) whilst games are taking place. Therefore requesting that prior to the facility coming into use, a written management plan is submitted and approved detailing how steps will be taken to ensure that the use of the facility doesn't cause nuisance.

Ward Councillors – No Comments Received

Yorkshire Water – No objection subject to a condition restricting any building within 4m of the sewer.

Sport England – No Objection

## Representations

The application has been publicised by way of a notice and letters sent to local residents. No letters of representation have been received; however, a call was received from a neighbouring resident who is concerned about balls being kicked into his garden but agreed that the increased height of the perimeter fencing and its location adjacent to the pitch would help to alleviate this.

## Assessment

### Principle of development

The site is located within the Green Belt as identified on the UDP Proposals Map (GS6), as such policy CSP 34 of the Core Strategy and GB1 of the Emerging Local Plan apply. Both policies safeguard the extent of the Green Belt from development. The NPPF defines the fundamental aim of Green Belt as being *“to prevent urban sprawl by keeping land permanently open”*. Inappropriate development in the Green Belt is, by definition, harmful and should be refused. Exceptions to this include: *“the provision of appropriate facilities for outdoor sport, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it”* (para 89).

The proposed is for the refurbishment and extension of an existing artificial grass pitch (AGP) and associated works including: the replacement of fencing, flood lights, site furniture, maintenance equipment and storage.

The pitch as extended will be: 106 x 70m (7,420m<sup>2</sup>) with the total area including goal storage, respect spectator area, maintenance equipment store and mowing margin taking the total area to 8,163m<sup>2</sup>. The Total Playing Area of the existing pitch (the area within the existing fenced enclosure) is 105 x 67.5m (7,087m<sup>2</sup>).

However, the measurements provided for the existing pitch do not include areas used by spectators which are currently located to the north and west of the existing pitch and comprise concrete steps, set into a bund and the existing hillside. These will be removed and the hillside and bund reprofiled as part of the proposed development. In addition, the proposed maintenance store replaces an existing maintenance store on the site currently located outside of the Total Playing Area of the existing pitch. Consequently the increase in overall pitch area will have a minimal impact on the Green Belt.

The proposed includes a reduction in the number of flood light masts from 8 to 6 and whilst the height of the proposed fencing will increase the mesh design and green colour reduces its impact on the Green Belt.

Therefore, the principle of the proposed refurbishment and extension of the existing will not have an increased impact on the openness of the Green Belt or the 5 purposes of including land within it and is acceptable development in the Green Belt.

In addition to the designation as Green Belt, the site is allocated in the emerging Local Plan as Green Space where Policy GS1 applies. As the proposed will deliver an improvement to sports facilities on site the proposed development complies with this policy.

### Design & Visual Amenity

Core Strategy Policy CSP 29 requires all new development to be of a high quality design, taking advantage of and enhancing the distinctive features of Barnsley including green infrastructure.

The design of the pitch and associated facilities has been guided by the Football Association's (FA) technical guidance and current standards. The pitch is of a sufficient size and will have multiple pitch markings to meet the requirements for an adult football pitch as well as providing up to two youth (U11/U12) and mini soccer pitches for U9/U10, up to 4 mini soccer pitches for U7/U8 and 4 training areas. This will allow maximum football development outcomes and economic benefit to be gained from the pitch by the Sports Centre and its associated sports clubs and partner organisations.

The pitch surface is designed to be durable and meet FA technical requirements to deliver adequate performance characteristics for the intended sports. The green colour will blend in with the surrounding grass, representing an improvement on the current red/brown surface.

The ball stop fencing is 4.5m high located around full boundary of the pitch (including storage and spectator areas). Additional fencing between 1.2 and 2m is located along the pitch edge to the south, protecting spectators. All fencing is steel mesh, fixed to fence posts and powder coated dark green to minimise visual impact.

The maintenance storage container is 6m x 2.4m x 2.6m in height. It replaces an existing container of a similar scale but will be powder coated in dark green and located within the perimeter fencing, improving the appearance of this facility and increasing security.

Finally, the proposed floodlights are to be located on 6 x 15m self-coloured steel masts with a total of 14 luminaries (two on each of the four corner masts and three on the two masts located at opposite sides of the centre line of the pitch). This is an overall reduction in terms of the number of masts (from 8 to 6) and the number of luminaries (from 24 to 14) reducing the impact on visual amenity.

The proposed is of a high quality and will contribute to place making and a healthy, safe environment. It will transform an existing run down facility improving access to sports facilities for the benefit of the local community. Therefore the proposed complies with Core Strategy Policy CSP 29 and NPPF Para's 58 & 60.

### Residential Amenity

The site is located within Cudworth with residential properties located to the west on Snydale Lane and backing onto the site along the northern boundary. There is approx. 45m between the proposed scheme and properties on Snydale Road which are also located at a higher level. Properties backing onto the northern boundary are located circa 15m from the proposed pitch with a bund along this boundary providing some protection.

### *Light pollution*

NPPF paragraph 125 encourages good design which limits the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation. The accompanying guidance in the NPPG confirms flood lighting as a common cause for complaints to Local Authorities and as such new installations require particular attention. Core Strategy Policy CSP 40 requires development to demonstrate that it is not likely to result in light pollution which would unacceptably affect or cause a nuisance to the environment or people.

The applicant has provided details of the proposed floodlights, including contours of the light spillage. This shows some light spillage towards those houses immediately adjacent the northern boundary of the pitch. However, the design and direction of the proposed floodlights ensures lightspill is minimised to less than 2 for the majority of properties located immediately adjacent the northern boundary and on Snyderdale Road. One property (21 Belle Green Gardens), will experience between 2-5 illuminance light spill, however, this will only affect the side elevation and only one window which is likely to be a non-habitable room. The Institute of Lighting Professionals; Guidance Notes for the Reduction of Obtrusive Light provides some guidance as to acceptable light intrusion, stating that in suburban areas, light intrusion into windows should not exceed 10 before curfew (usually set at 11pm) and 2 post curfew. These levels will not be exceeded by the proposal. Light spill to the fields beyond the eastern boundary of the sports centre is minimal at less than 2 within 10m of the boundary of the sports centre.

In addition, the applicant has confirmed that the proposed will only be operation between 8am – 10pm Monday to Friday, 10am – 8pm Saturday and Sundays. These times can be conditioned or controlled through the proposed Management Plan (see below).

It is therefore considered that whilst the proposed will result in light pollution this will not unacceptably affect or cause nuisance and as such complies with CSP 40 and the NPPF.

#### *Noise pollution*

NPPF Para 123 states planning decisions should aim to: “*avoid noise from giving rise to significant adverse impacts on health and quality of life*” and “*mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development*”. Core Strategy Policy CSP 40 requires development to demonstrate that it is not likely to result in noise pollution which would unacceptably affect or cause a nuisance to the environment or people.

Sport England Guidance, Artificial Grass Pitch Acoustics – Planning Implications (2015) provides detailed advice with regards to noise associated with AGP’s. It lists the main sources of noise as being from: balls hitting perimeter fencing and other structures and from the voices of players and spectators.

The fence panels are proposed to be insulated from the fence posts using neoprene washers, fitted to every fence post / mesh fixing point, to aid noise reduction and acoustic attenuation by reducing rattle and vibration from noise impacts. In addition, panel connectors will be applied at horizontal panel joins to increase the overall rigidity of the fence. This is consistent with Sport England Guidance.

The main spectator area is located at the southern boundary of the pitch, away from residential properties and close to the entrance to the pitch (this is an improvement from the current situation). The bund, located between the perimeter fence and properties along the northern boundary, will also be retained. This is in accordance with Sport England Guidance and will help to alleviate issues associated with noise. In addition, a conditioned will be applied requiring the applicant to provide a detailed Management Plan setting out how the facility will be managed once operational and how complaints regarding noise and other nuisance will be dealt with. This is best practice as set out in the Sport England Guidance and is appropriate in this case given the close proximity of residential properties.

### *Other residential amenity issues*

Finally, concerns regarding balls being kicked into residential gardens will be alleviated by the 4.5m perimeter fence which is located directly adjacent the pitch. This is a significant improvement from the current situation whereby the fence is located away from the pitch along the residential garden boundary and is circa 2m in height.

### Other considerations

#### Highways

The proposed utilises the same access and parking arrangements as the existing Sports Centre and the Council's Highways Officer has raised no objections.

#### Drainage

The main policy for assessing drainage/flood risk is CSP4 'Flood Risk'. The site is not in an area classed to be at risk of flooding and there will be no new foul water discharged from the site. Accordingly the main issues relate to proposals for the management of surface water flows from the development.

The planning statement submitted provides details regarding the options for surface water disposal on the site which the Council's Drainage Engineer and Yorkshire Water have raised no objections.

Yorkshire Water has requested that a condition is applied to restrict the location of any building or other obstruction from being located within 4m (either side) of the mains sewer crossing the site.

### Conclusion

Whilst the proposed includes an extension to the pitch and is located within the Green Belt, it is for the provision of appropriate facilities for outdoor sports and will not impact on the openness of the Green Belt or the 5 purposes for including land within it. As such it is appropriate development.

The proposed is for the refurbishment of an existing AGP pitch, bringing it back into use after a considerable redundant period (since 2009). This will bring benefits to the local area, contributing to the health and well-being of the community in accordance with NPPF para 73, Core Strategy Policies CSP 35 and CSP 43 and Local Plan Policy GI1.

The design and layout is of a high quality in accordance with CSP 29 and has taken into consideration residential amenity in relation to issues of noise and light pollution in accordance with CSP 40 and is acceptable subject to appropriate conditions.

Therefore it is recommended to the Board that the application is granted planning permission, subject to the conditions listed below.

**Recommendation:-**

Grant planning permission with conditions

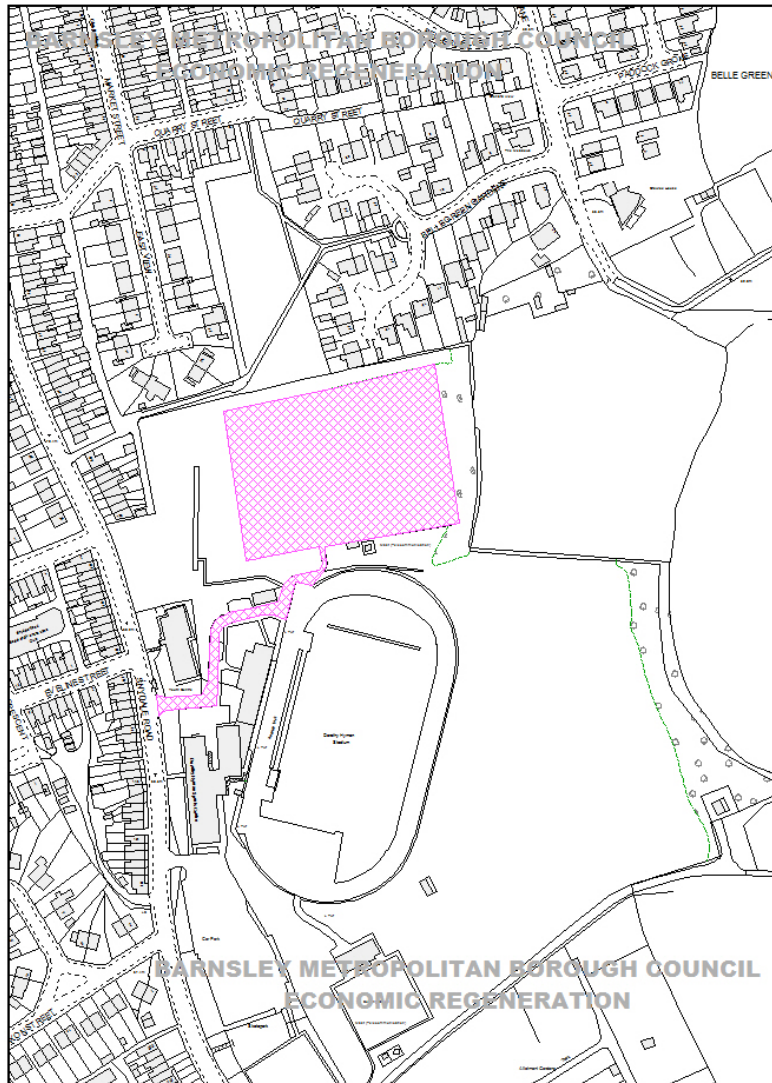
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (SS2221-03-REV.01, SS2221-08-REV.00, SS2221-05-REV.00, SS2221-07-REV.00, SS2221-02-REV.00, SS2221-06-REV.01, SS2221-04-REV.01 and SS2221-01-REV.01.) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 No building or other obstruction including landscape features shall be located over or within 4.0 (four) metres either side of the centre line of the sewer i.e. a protected strip width of (8) metres, that traverses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker (In order to allow sufficient access for maintenance and repair work at all times)  
**Reason: To prevent damage to the existing sewer or watercourse and to allow sufficient access for maintenance and repair work at all times.**
- 4 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 5 Before the development hereby permitted comes into use, a detailed Management Plan shall be submitted to, and approved in writing by the Local Planning Authority, which shall specify the provisions to be made for the control of noise and light emanating from the site when operational and the hours of operation. The scheme shall then proceed in accordance with the approved details.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.**



PA Reference:-

2017/0453

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**BARNSELY MBC - Economic Regeneration**



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# Item 11

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**2017/0213 and 2017/0239**

**Applicant:** Arts, Museum and Archive Service (BMBC) C/o NPS Barnsley

**Description:** Planning Application 2017/0213 - Erection of new entrance porch  
Listed Building Consent 2017/0239 – Erection of new entrance porch

**Site Address:** Cannon Hall Museum, Bark House Lane, Cawthorne Barnsley, S75 4AT

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The application is put to Members as the Council is the applicant.

No letters of objection have been received  
Cawthorne Parish Council has no objections

## **Description**

Cannon Hall Museum sits in 70 acres of historic parkland looking towards the village of Cawthorne, to the west of Barnsley and within the Green Belt. Cannon Hall is a Grade II\* Listed Building and the majority of the hall in its current form dates to the early eighteenth-century and has an association with two eminent architects of the time, John Etty and John Carr of York. It is listed at Grade II\* in recognition of the high level of architectural and historic interest it possesses.

A home farm complex lies immediately north of the Hall and consists of a range of buildings including stables, a coach house, cottages and a farmhouse of late C18 date (all listed Grade II). The northern and part of the eastern sides of the courtyard are private residential accommodation.

Cannon Hall Museum shares its immediate setting with Cannon Hall Farm, and Cannon Hall Garden Centre, both of which are privately owned businesses. The site is surrounded by parkland to the south and woodland to west. The park itself comprises of a mixture of formal landscapes, parkland, and structures that include a Grade II listed walled garden, a series of cascading lakes and a number of undesignated important heritage assets. The park boundaries comprise of mature trees to the northwest and south-west. The eastern boundary separates the park from Cannon Hall Farm and the southern boundary consists of meadow and small groups of mature trees. The main car park and cafe is set to the south western boundary, adjacent to the Garden Centre. The site is accessible by car and on foot from Bark House Lane. The main pedestrian access to the site is from Car Parks sited off Bark House Lane. The car park that is located immediately outside the museum is used solely for staff and disabled parking.

The Hall and Estate were sold to Barnsley Council in 1951 by the last member of the Spencer family, Elizabeth. Since then the Estate has been run by the council as a tourist attraction. It opened as a museum in 1957 and now hosts important collections of glassware, ceramics, paintings and period furniture. The site has approximately 450,000 visitors per year, with 150,000 people each year visiting the Museum itself and participating in a regular programme of visiting exhibitions, workshops and events.

In the 20 years from 1765 two single storey wings were added modelled on the ends of the old Hall. The rooms in the central section were remodelled in 1778 and the second stories to the two wings added in 1803-4. Final major additions to the house came in the late 19th century; they included the ballroom which was finished in 1891 and the Victorian Kitchens and Servants Quarters which were also built around this time, all of which survive intact.

## **Proposed Development**

The main entrance to the Museum is located through the timber and glazed stone portico. The glazed Doric portico thought to be a much later edition to the original Architecture is the area of proposed refurbishment. Due to the lack of maintenance the porch and single glazing is currently falling into disrepair and the condition of the existing stone work is poor. The stone frieze and cornice has become stained and biologically soiled from lack of maintenance and water damage.

The proposal is for alterations and improvements to the stone entrance portico located on the north facing rear elevation of the museum. The porch, located centrally on the rear elevation, is the main museum entrance and provides access from the adjacent car park. The proposal seeks to replace the existing enclosure with a lightweight glazed structure with limited framing. This will involve the loss of the existing Victorian timber frame. The structure will be set back from the front columns, and supported by 4 structural columns fixed via base plates concealed within the stone flag floor and timber ceiling panels. The proposals will include new automatic frameless glass entrance door and spotlights.

## **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).

### Core Strategy

CSP20: Promoting Tourism and encouraging Cultural Provision  
CSP26: New Development and Highway Improvement  
CSP29: Design  
CSP30: The Historic Environment  
CSP34: Green Belt

### Saved UDP Policy

None

## Local Plan

The Local Plan holds increasing weight at the present time as it is in the early stage of the examination process, although this is limited. The following policies are relevant:

Policy SD1: Presumption in favour of Sustainable Development

Policy GD1: General Development

Policy D1: Design

Policy T4: New development and Highway Improvement

Policy GB1: Protection of Green Belt

Policy HE1: The Historic Environment

Policy HE3: Developments affecting Historic Buildings

Policy GS1: Green Space

Policy I2: Educational Facilities and Community Uses

## NPPF

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

In respect of this application, relevant policies include:

Core Principle 7: Requiring good design

Core Principle 12: Conserving and enhancing the historical environment

Paragraph 131: conserving and enhancing the historic environment. This states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
- the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
- the desirability of new development making a positive contribution to local character and distinctiveness.

Paragraph 134: Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.

## **Consultations**

Cawthorne Parish Council – No objections

Conservation Officer – The application before the Council follows a number of pre-application meetings and site visits with Historic England who are in support of the proposal. The Heritage/ Design and Access statement was contributed to by the Conservation Officer, therefore it was important that engagement with Historic England was taken at an early stage. The Conservation Officer raises no objections to the scheme subject to conditions.

Historic England – No objections have been raised to scheme subject to conditions.

Ward Councillors – No comments received

## **Representations**

No Letters of objections have been received

## **Assessment**

Cannon Hall is set within the Green Belt and is a Grade II\* listed building within a Grade II registered landscape, with several associated buildings and structures listed at Grade II. The application therefore needs to be assessed in principle against Core Strategy Policy CSP 30 and CSP 34 and Government advice in the NPPF.

Cannon Hall, its park and its associated ancillary buildings have clearly undergone extensive alteration evolution and adaptation. However, much of the original building and its setting is intact and will remain so. Moreover, the location of the proposal would not disturb any new areas (beyond the existing footprint of the porch) where archaeological remains may be present. The removal of any historic fabric (C19 / C20 glazing and frame) risks diminishing this value. However as this value is likely to contribute minimally to the overall significance, this would need to be balanced against the 'net gain'.

### Impact upon Heritage Assets and Visual Amenity

The proposal is for the refurbishment of the main entrance to the museum which is located through a timber and glazed portico. Due to the lack of maintenance the porch and single glazing is currently falling into disrepair and the condition of the existing stone work is poor. The stone frieze and cornice has become stained and biologically soiled from lack of maintenance and water damage.

In determining the application the LPA should be satisfied that there is a clear and convincing justification for the harm that would be caused and then weigh the public benefits of the refurbishment against the harm, in accordance with paragraphs 132 and 134 of the National Planning Policy Framework. The main area of concern would be the impact of the development on the heritage value of the building. The need to ensure the heritage significance is sustained but balanced with the need to put the building at its most viable use.

Overall, the Council's Conservation Officer and Historic England are supportive and raise no objections to the proposal. Although parts of the proposal are quite contemporary, and it is agreed that the proposal does represent some minor harm to the heritage significance through the loss of the Victorian timber frame, this is justified by the minimal contribution made by the existing poor accessibility and quality of the porch, and the benefit that is

realised by the improvements. As this is the main entrance to the museum, the change will sustain the heritage values of the building whilst genuinely improving accessibility, security and legibility.

The proposed work is considered to be a minor refurbishment which would benefit the aesthetic values of the building. The public benefits of the works proposed are outweighed by any harm that would be caused, in accordance with the NPPF and Core Strategy Policy CSP30.

Following Historic England's requirement to ensure the enclosure is suitably recorded before demolition and in order to ensure the finer details are what would be expected in the context of a grade II\* building, pre comment conditions are recommended

#### Impact on Green Belt

The proposed works will refurbish an existing entrance porch. There is no increase in size or further impact to the surrounding Green Belt therefore the proposed use would not significantly harm the openness of Green Belt in accordance with Core Strategy Policy CSP34.

#### Residential Amenity

There is no increase in size or further impact to residential amenity.

#### Highway Safety

There is no increase in size or further impact to highway safety.

#### Conclusion

The proposal will improve the facilities at the museum and cater for a wider range of visitor needs. The works are supported by Historic England and the Council's Conservation Officer and should have no significant impact upon the Grade II\* Listed Building or the Grade II registered landscape in accordance with the NPPF and Core Strategy Policy CSP30.

#### **Recommendations:**

Grant subject to conditions:

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos. NPS-DR-A-(00)-10 P1; NPS-DR-A-(00)-20 P1; NPS-DR-A-(00)-500 P1; NPS-DR-A-(00)-023 P1; and Design Access and Heritage Statement (v2)) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.**

3 Part A (pre-commencement)

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

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

Part B (pre-occupation/use)

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

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

4 No construction or alteration will take place until full details are provided and approved in writing of:

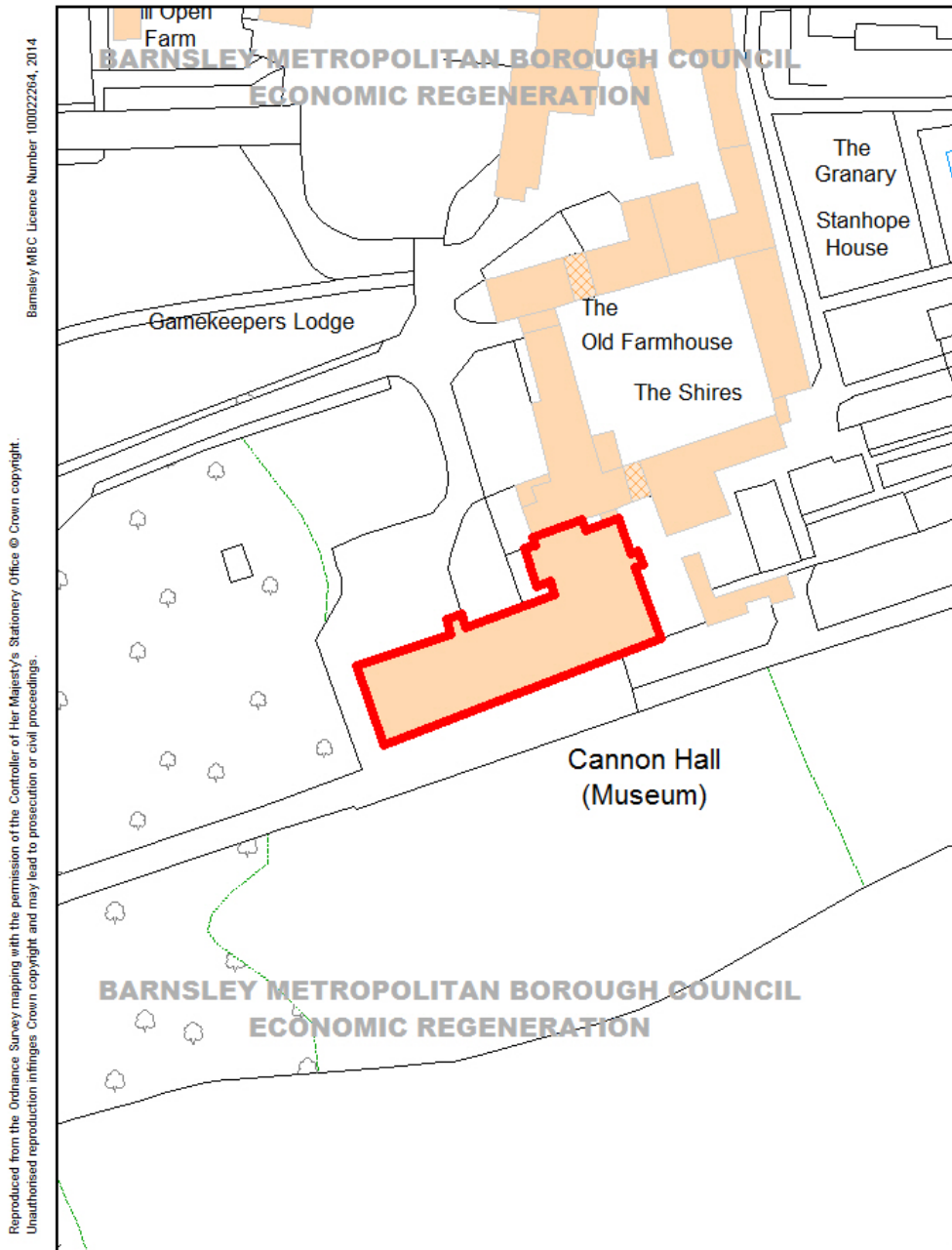
- the proposed lighting scheme;
- the location and number of any additional fixings;
- the method of stone cleaning (with method statement);
- the position, appearance and fixing of the new automated operation sensor and hardware to the existing entrance door (including furniture if appropriate);
- the design and appearance of the PCC frame and 'C' channel required to carry the door structure and new glazing.
- The design and appearance of any signage or glazing manifestations

**Reason: To safeguard the special architectural or historic interest of the building in accordance with Core Strategy policy CSP 30.**




PA reference :-

2017/0213



**BARNESLEY MBC - Economic Regeneration**

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

  
Scale 1:1250

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# Item 12

## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

01 April 2017 to 30 April 2017

#### **APPEALS RECEIVED**

1 appeal was received in April 2017:

<b><u>Reference</u></b>	<b><u>Details</u></b>	<b><u>Method of Appeal</u></b>	<b><u>Committee/ Delegated</u></b>
2016/1340	Erection of two storey side extension and a single storey front extension to dwelling <b>101 Genn Lane, Ward Green, Barnsley</b>	Written Representations	Delegated

#### **APPEALS WITHDRAWN**

No appeals were withdrawn in April 2017.

#### **APPEALS DECIDED**

No appeals were decided in April 2017.

#### **2017/2018 Cumulative Appeal Totals**

- No appeals have been decided in April 2017
- No appeals (0%) have been dismissed since 01 April 2017
- No appeals (0%) have been allowed since 01 April 2017

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