

Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 25 July 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. Declarations of Interest

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

Minutes

2. Minutes of the meeting held on 27th June 2017 (*Pages 3 - 8*)

Planning Applications

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

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

3. Land adjacent to 16 Park View, Brierley - 2017/0084 - For Approval (*Pages 9 - 18*)
4. Land adjacent to 27 Windmill Avenue, Grimethorpe - 2017/0666 - For Approval (*Pages 19 - 28*)
5. 322 - 324 Barnsley Road, Cudworth - 2017/0509 - For Approval (*Pages 29 - 36*)
6. 26-32 Rufford Avenue, Athersley North - 2017/0785 - For Approval (*Pages 37 - 44*)
7. Millhouse Primary School, Lee Lane, Millhouse Green - 2017/0630 - For Approval (*Pages 45 - 50*)
8. Worsbrough Common Primary School - 2017/0794 - For Approval (*Pages 51 - 54*)
9. Tankersley Park Golf Club - 2017/0585 - For Approval (*Pages 55 - 60*)

Public Footpaths/Diversions

10. Application to divert public footpaths at Tankersley Golf Club (*Pages 61 - 70*)

Planning Appeals

11. Planning Appeals – 1st to 30th June 2017

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, M. Dyson, Franklin, Gollick, Grundy, Hampson, Hand-Davis, Hayward, Higginbottom, Leech, Makinson, Markham, Mathers, Mitchell, Noble, Richardson, Riggs, Spence, Stowe, Tattersall, Unsworth, Wilson and R. Wraith

Matt Gladstone, Executive Director Place
David Shepherd, Service Director Economic Regeneration
Paul Castle, Service Director Environment and Transport
Joe Jenkinson, Head of Planning and Building Control
Matthew Smith, Group Leader, Development Control
Andrew Burton, Group Leader (Inner Area), Development Management
Jason Field, Team Leader (Planning)

Parish Councils

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

Monday, 17 July 2017

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 27 June 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, Hampson, Hand-Davis, Hayward, Leech, Makinson, Markham, Mathers, Richardson, Riggs, Stowe, Tattersall, Unsworth, Wilson and R. Wraith

In attendance at site visit

Councillors D. Birkinshaw (Chair), Hayward, Tattersall, Unsworth and R. Wraith.

13. Declarations of Interest

Councillors Makinson and Unsworth declared Non-Pecuniary interests in **Planning Application No 2017/0436** [Application for variation of condition 3 of planning permission 2014/0735 to enable minor material amendments to the previously approved plans – Erection of 6 no. dwellings at land off Cobcar Lane, Elsecar, Barnsley] as they are Members of Berneslai Homes' Board.

14. Minutes of the meeting held on 23rd May 2017

The minutes of the meeting held on 23rd May 2017 were taken as read and signed by the Chair as a correct record.

15. Land to the north of Hawshaw Lane, Hoyland Common - 2016/1531 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1531** [Outline application for a development of approximately 100 dwellings (all matters of detail reserved apart from means of access) at land to the north of Hawshaw Lane, Hoyland Common].

Mr Mark Johnson spoke in favour of the officer recommendation to approve the application.

Ms Lynne Horton spoke against the officer recommendation to approve the application.

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to S106 agreement (provision of education, public open space, affordable housing and a travel plan. In addition Members requested that any subsequent application for the approval of the reserved matters be determined by the Board.

16. Land South of New Smithy Avenue, Thurlstone - 2017/0088 - For refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0088** (Residential development of 21 no. dwellings (outline including means of access) at land south of New Smithy Avenue, Thurlstone).

Ms Aisling Kelly spoke against the officer recommendation to refuse the application.

Ms Sarah Barnett and Mr Ian Wright spoke in favour of the officer recommendation to refuse the application.

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

17. Land off Newland Avenue and Carrs Lane, Cudworth - 2017/0577 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0577** (Residential development of 278 no. dwellings with associated roads, public open space and landscaping) at land off Newland Avenue and Carrs Lane, Cudworth, Barnsley).

Mr Mark Jones spoke in favour of the officer recommendation to approve the application.

Mr D Horner spoke against the officer recommendation to approve the application.

RESOLVED that the application be granted in accordance with the Officer recommendation, subject to the completion of a S106 Agreement amounting to £1.8m of developer contributions (provision of education, public open space including off site formal recreation provision, off site affordable housing and a maintenance regime for the SUDS pond). In addition, the provision of a travel plan, grit bins and highway mitigation work during the construction phase were imposed as additional conditions.

18. Longcar Conference Centre, Longcar Lane - 2017/0488 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0488** (Proposed variation of condition 2 of outline planning permission 2015/1277 (erection of 32 dwellings and access road) to enable minor material amendments to the approved site layout plan) at land off Longcar Lane, Barnsley S70 6BB.

Mr Richard Burnham spoke in favour of the officer recommendation to approve the application.

Ms Anita Bailey spoke against the officer recommendation to approve the application.

RESOLVED that the application be granted in accordance with the officer recommendation and with the additional requirement for Highways to be instructed to investigate the possibility of introducing a safe pedestrian crossing on Longcar Lane.

19. Site of former Longcar Conference Centre, Longcar Lane, Barnsley - 2017/0251 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0251** (Erection of 32 no. dwellings and access road (reserved matters of outline planning permission 2015/1277) – appearance and landscaping at site of former Longcar Conference Centre, Longcar Lane, Barnsley, S70 6BB).

Mr Richard Burnham spoke in favour of the officer recommendation to approve the application.

Ms Anita Bailey spoke against the officer recommendation to approve the application.

RESOLVED that the application be granted in accordance with the officer recommendation and with the additional requirement for Highways to be instructed to investigate the possibility of introducing a safe pedestrian crossing on Longcar Lane.

20. Land off Cobcar Lane, Elsecar - 2017/0436 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0436** (Application for variation of condition 3 of planning permission 2014/0735 to enable minor material amendments to the previously approved plans – erection of 6 no. dwellings as land off Cobcar Lane, Elsecar).

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

21. Upper Belle Clive Farm, Hartcliffe Road, Cubley - 2017/0245 - For refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0245** (Application for erection of 1 no. detached dwelling house at Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE. .

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

22. Upper Maythorn Farm, Upper Maythorn Lane, Whitley Common - 2017/0383 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0383** (Relocation and erection of 1 no. wind turbine measuring 15m hub and 18.5m to blade tip) at Upper Maythorn Farm, Upper Maythorn Lane, Whitley Common, Barnsley.

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

23. 23 - 25 Carr Head Road, Howbrook - 2017/0173 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0173** (Erection of 1 no. detached welling house and detached garage – amended plans) at 23-25 Carr Head Road, Howbrook, Barnsley.

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

24. Planning Appeals - 1st May to 31st May 2017

The Head of Planning and Building Control submitted an update regarding planning appeals received during the period 1st May 2017 to 31st May 2017.

The report indicated that four appeals were received in May 2017:

2017/0010 - Painting of 9 no window frames (Listed Building Consent) at 30 Market Hill, Barnsley, S70 2QE – Written Representations – Non Determination.

2016/1080 - Conversion of existing garage to bungalow at 102 Sackville Street, Barnsley – Written Representations – Delegated.

2017/0403 - Conversion of existing 2 storey annex from garage to games room to dwelling with associated amenity space parking and new access to existing dwelling at Ivy Cottage, 108 Upper Hoyland Road, Hoyland, Barnsley - Written Representations – Delegated.

2014/1570 - Demolition of existing bakery and erection of 23 no. dwellings at A & E White Bakers, Charles Street, Worsbrough Bridge, Barnsley, S70 5AF - Written Representations - Delegated

No appeals were withdrawn in May 2017.

One appeal was decided in May 2017: **Planning Application 2016/1402** – Felling of Oak Tree (T2 within TPO 3/1980) and replacement at 73 Martin Croft, Silkstone, Barnsley, S75 4JS. The appeal was allowed.

Cumulative appeals totals indicate that one appeal has been decided since 1st April 2017. No appeals have been dismissed since 1st April 2017 (0%) and one appeal has been allowed since 1st April 2017 (100%).

25. Application to divert a footpath at Farm Road, Kendray

The Assistant Director, Highways, Engineering and Transport submitted a report to consider an application to divert an unrecorded public footpath at Farm Road, Kendray and stop up a second unrecorded footpath at the site and to consider proposals to divert Barnsley footpath no. 423 at the same site.

RESOLVED:

- I. That, in exercise of statutory powers, the Council makes a Public Path Order under the provisions of section 257 of the Town and Country Planning Act

1990 for the stopping up and the diversion of 2 unrecorded public footpaths joining Farm Road and a Public Path Order under the provisions of section 118 of the Highways Act 1980 for the diversion of Barnsley footpath no. 423, as shown on the plans attached to this report.

- II. That the Executive Director, Core Services and Solicitor to the Council be authorised to publish the Orders and to confirm them himself in the event of there being no objections thereto.
- III. In the event objections are received which cannot be resolved, the Executive Director, Core Services and Solicitor to the Council be authorised to submit the Orders to the Secretary of State for confirmation and to take all necessary steps to support the Orders at any public inquiry, informal hearing or written representation as necessary.
- IV. That the Executive Director, Core Services and Solicitor to the Council be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area.

26. Exclusion of Public and Press

RESOLVED that public and press be excluded from this meeting during consideration of the following item because of the likely disclosure of exempt information.

27. Planning Enforcement Update

The Head of Community Safety and Enforcement submitted a report to update members on the activities of the Planning enforcement Service for the period January to mid-June 2017, during which time 259 Planning Enforcement service requests were received. Available enforcement actions include the issuance of an Enforcement Notice, Community Protection Notice, Building Act Notice Section 79, Section 215 Notice and finally, Injunction and Prosecution.

RESOLVED that the detailed update report regarding planning enforcement activity be noted.

Chair

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2017/0084

Applicant: Ms Dunlavey, C/o White Agus Partnership

Description: Residential Development of 14 no. dwellinghouses (Site 1 Plots 1-5) and site 2 (Plots 6-14).

Site Address: Land adjacent to 16 Park View, Brierley, Barnsley, S72 9EN

5 local residents have objected to the scheme

Background

2013/0166 Erection of 2 Residential Units (Full) – Approved

Description

Park View is a residential street off Common Road which lies to the east of Brierley. The street comprises mainly red brick semi-detached dwellings set fairly close to the highway.

Plot 1 of the application site includes a small plot of grassed land to the west of Park Road. The open space comprises an elongated parcel of grassland which is bounded by a dwelling to the north east and Park View to the east. The width of the space varies from 26m at its widest point, to approximately 13m at its narrowest and is approximately 60m in length. It is narrowest at the junction with Common Road, extending northwards and eastwards to the boundary with 16 Park View. The site is mostly maintained grass with a mature hedgerow, trees and brambles to the western boundary with adjacent properties. The boundary with No.16 is demarked with a circa 1.8m fence.

Plot 2, on the opposite side of Park View is part of an area known as Pudding Hill and allocated as Urban Green Space. The site fronts onto Park View with the rear edge demarked by a maintained hedge beyond which is an additional area of green space and Common Road. The site is maintained grass with a few small trees.

Proposed Development

The proposed development is to erect 14 new dwellings, 5 units on Plot 1 and the remaining 9 units on Plot 2. One dwelling faces onto Common Road with the remaining facing Park View.

The properties vary in size and type with 6 four bedroomed properties (all two storey but 4 have rooms in the roof) and 8 three bedroomed properties (2-storey). The majority are semi-detached with two detached properties located at the junction with Common Lane. All the properties allow for two off street parking places, with 7 of the properties proposed to have a garage. The materials proposed are red brick and red clay pantiles.

The majority of the existing trees on the site will be removed.

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).

Core Strategy

CSP2 'Sustainable Construction.

CSP4 'Flood Risk'

CSP10 'The Distribution of New Homes'

CSP14 'Housing Mix and Efficient Use of Land'

CSP26 'New Development and Highway Improvement'.

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'

Saved UDP Policies

GS34 'Urban Green Space'.

H4 'Development on Housing Sites'

H8A 'Existing Residential Areas'

SPDs

'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:

General principles para's 17

Delivering a wide choice of high quality homes para's 47 – 55

Design para's 58 – 65

Consultations

Highways DC – No objections subject to conditions

Ward Councillors – Cllr Higginbottom is concerned that the proposal would add to existing on-street parking problems.

Design – Raised a number of concerns regarding design which have been discussed in detail with the applicant and a revised scheme has been submitted.

Trees – No objections subject to conditions

Drainage – No objections subject to conditions

Ecology – Requested an ecology report which has been provided, including proposed mitigation. No objections subject to conditions

Pollution – No objections subject to conditions

Representations

The application was advertised through neighbour letters and a site notice. 5 residents have objected, raising concerns regarding:

- loss of valued green space,
- impact on wildlife,
- negative impact on visual amenity,
- loss of privacy,
- lack of school places
- impacts on water pressure,
- highway safety and parking issues,
- over development of the site

There has also been an objection regarding a possible land ownership dispute and the line of the gas main which has been passed to the applicant for their information.

Assessment

Material Consideration

Principle of Development / Loss of Green Space

Visual Amenity

Residential Amenity

Highway Safety

Trees and Wildlife

Principle of Development

Plot 1 is a greenfield site and is on the greenspace register; however, it is allocated in the UDP as being in the Housing Policy area. In addition, residential development for two bungalows was approved here in 2013. Therefore, the principle of residential development is accepted on this part of the site.

Plot 2 is allocated as green space and forms part of a wider allocation known as Pudding Hill. In accordance with CSP35 we will only allow development proposals that result in a loss of green space where the site is surplus or compensatory provision is provided. The site has no formal recreational facilities on it and serves as an informal open space. The site was sold by the Council; however, it was made aware to purchasers that there would be a requirement for a contribution for the loss of greenspace which could be put towards improving existing recreational facilities in the area. Brierley has suffered an incremental loss of green space over the past ten years and so a compensation payment will allow the remaining spaces to be improved in both their quality and function to serve both existing and future residents. It has been agreed with the applicant to provide £3,000 for each dwelling located on plot 2; this is a total contribution of £27,000. This can be secured via a S106 agreement

The number of dwellings proposed is under the threshold that would require any affordable housing or open space contributions.

Therefore, residential development is considered acceptable subject to meeting the criteria outlined in both the NPPF and the Core Strategy.

Visual Amenity

The layout of the proposed has been through a number of iterations to address concerns regarding design and residential amenity. The current layout is now considered to be an acceptable solution which fits comfortably within the existing street scene on Park View. The houses are a mix of detached and semidetached properties, all two storey with pitched roofs and off street parking. As far as possible, parking to the front has been kept to a minimum and the layout includes a good mix of soft and hard landscaping to property frontages. There is space for good boundary treatments to the front, details of which can be conditioned, and it is considered that the density of the site reflects that of the surrounding area.

Concerns have been raised regarding the design of the elevations, particularly the window detailing and the dormers on 4 of the properties. Some changes have been made to accommodate the concerns, however, the wider area is made up of a range of property styles and there are properties with similar Cills and Lintels as well as small dormers within close proximity to the site. The overall design is, therefore, in keeping with the character of the area. Furthermore careful use of materials can ensure that the appearance does not become overly ornate or fussy.

Overall the proposed development is acceptable in visual amenity terms.

Residential Amenity

The layout has been amended to address concerns regarding the space between dwellings and external amenity space. The rear gardens of plots 7-10 have been amended improving the space available and removing the previously awkward triangular shaped plots.

Plot 5 has been of particular concern; initially it was shown very close to the boundary with No.16 Park View which has windows in the side elevation. This plot has now been pulled away from the boundary with No.16 and the garage removed. This gives a distance of 10m between the proposed which is considered an acceptable taking account of the orientation of the properties and wider constraints on the site. The removal of permitted development rights for this plot will be conditioned to further protect the amenity of No.16.

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 reasonable sized gardens.

Highway Safety

On street parking and the potential for conflicts with residents reversing from driveways has been raised as a concern by residents and Cllr Higginbottom. However, the proposal provides suitable access and sufficient off street parking spaces to meet the requirements of the SPD. Highways did request that the access for plot 1 be taken from Park View rather than Common Road which has been accommodated without changing the orientation of the dwelling on this plot.

Highways therefore have no objection to the proposed subject to conditions.

Trees and Wildlife

The Council's Tree Officer has inspected the scheme and has noted that, whilst some trees are to be removed, these are relatively poor and not a constraint to the development. A suitable landscaping scheme to provide additional planting on the site is recommended.

In terms of wildlife, the applicant has submitted an extended Phase 1 habitat survey. This has evaluated that the site has little ecological importance and the development would not impact on any designated sites or habitats of importance, The Council's biodiversity officer has assessed the report and is satisfied with the findings.

Recommendation

Grant subject to S106 agreement for loss of greenspace and conditions

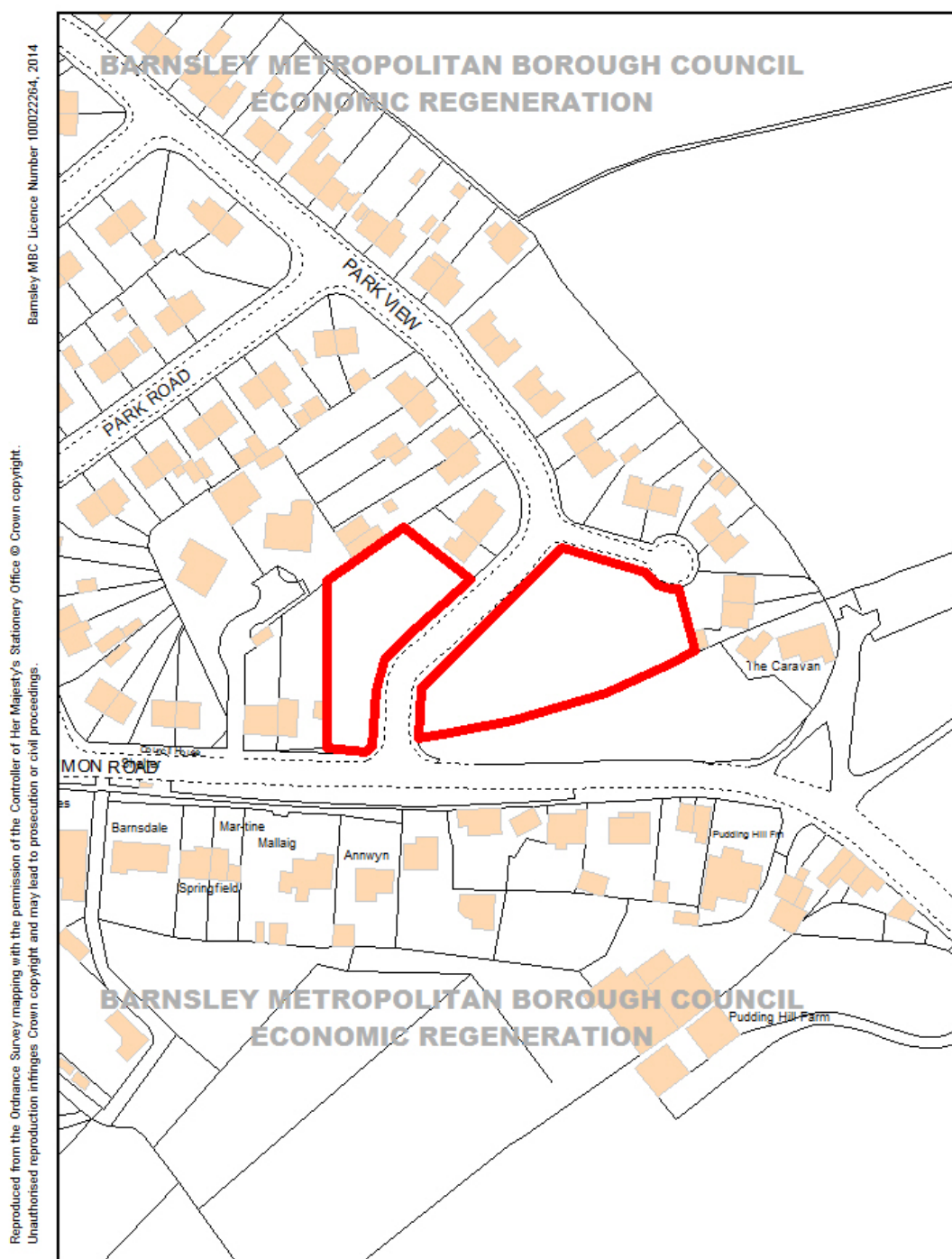
- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos.16-117 01 Rev.C, 16-117 02 Rev.D, 16-117 04 and 16-117 06) 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 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 planThe scheme shall proceed in accordance with the approved details.
Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity.

- 6 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.
Reason: To safeguard existing trees, in the interest of visual amenity in accordance with CSP36.
- 7 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).
Reason: In the interests of the visual amenities of the locality in accordance with CSP29
- 8 Prior to commencement of development full details of the mitigation and enhancement measures, as mentioned in the Recommendations Section of the submitted Extended Phase 1 Habitat Survey dated 28th March 2017, including a timetable for their implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
Reason: To conserve and enhance biodiversity in accordance with Core Strategy Policy CSP 36.
- 9 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 10 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.**

- 11 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.
- 12 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 13 Sightlines shall be safeguarded at the drive entrance/exit(s), such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 14 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 on Plot 5 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.
- 15 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.
- 16 No development shall take place until:
- (a) Full foul and surface water drainage details, including a scheme to maintain surface water run off at greenfield rates and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) Porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways;
 - (c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways;
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

PA reference :-

2017/0084



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

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2017/0666

Applicant: Mr Alexander Cook, C/o White Agus Partnership

Description: Erection of 2no. pair of semi detached dwellings and 1no. block of 3 town houses with associated parking.

Site Address: Land Adjacent 27 Windmill Avenue, Grimethorpe Barnsley, S72 7AN

One letter of objection and one letter of support from local residents

Site History

2015/0447 – Erection of 7 no. dwellings (Outline), Land at Windmill Avenue, Grimethorpe, Barnsley, S72 7AW

Site Location and Description

The site forms an open area of Green Space located to the northern side of Windmill Avenue within the outskirts of the village of Grimethorpe, approximately 5 miles to the east of Barnsley Town Centre.

The area is made up of predominately 1960s semi-detached brick built Council housing. Immediately opposing the site is a similar area of open Green Space. To the north east of the site is Sandhill Grove which runs to the south of Brierley Road and forms a garage site at the end. Elsewhere the surroundings are predominantly residential.

There is an access road / drive crossing the site to the rear of properties on the northern boundary (166-170 Windmill Avenue) and a single garage located on the site.

The site slopes considerably in level in line with Windmill Avenue falling from an east to west direction and in a north south direction.

Proposed Development

The proposed development is for 7 town houses split into 2 pairs of semidetached properties and a row of 3 terraced. The houses all have kitchen / diners and a lounge at ground floor level with W/C. Two of the three bedrooms are on first floor with a family bathroom. The third bedroom is located within the roof space.

The proposed dwellings all have small porches to the front and roof lights in the front and rear elevations. The roof line steps down east to west as the site slopes down creating a stepped effect. Level access and parking is created through cutting into the site and the use of retaining walls. Rear gardens provide the private amenity spaces to the dwellings.

No details have been provided with regards to materials at this stage. Parking for two cars is located to the front or side of the properties.

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).

Core Strategy

CSP2 'Sustainable Construction

CSP4 'Flood Risk'.

CSP10 'The Distribution of New Homes'

CSP14 'Housing Mix and Efficient Use of Land'

CSP26 'New Development and Highway Improvement'.

CSP29 'Design'

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'

Saved UDP Policies

GS34 'Urban Green Space' proposals for the development of such areas will be assessed for their effect on the present and potential formal and informal function of the area.

H4 'Development on Housing Sites' promotes residential development

H8A 'Existing Residential Areas'

SPDs

'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 CABE '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:

General principles para's 17

Delivering a wide choice of high quality homes para's 47 – 55

Design para's 58 – 65

Consultations

Yorkshire Water Services Limited – No comments received

Highways DC – No objections subject to conditions

Ward Councillors – No comments received

Drainage - No objections

Pollution – No objection subject to conditions

SYMAS – The site can be considered as stable with regards to deep mining subsidence. The risk of mining legacy issues affecting the land is considered low.

Representations

The application was advertised both through site notice and neighbour notification letters to which one letter of objection has been received raising concerns over access rights to their property. This is, however, a land ownership issue and cannot be taken into consideration as part of the planning application process. The agent has been made aware.

One letter of support has been received stating that the development would be an improvement to the area by reducing the presence of fly tipping on the site.

Assessment

Material Consideration

Principle of Development

Green Space

Design and Layout

Residential Amenity

Highway Safety

Other Matters

Principle of Development

The site lies within an existing housing estate and forms a linear gap adjacent the north side of Windmill Avenue. Outline planning permission has already been granted for residential development of the site back in 2015.

In terms of UDP allocation the site is allocated as a Housing Policy Area and it is within a predominantly residential area. However it is considered to function as greenspace and is on the Green Spaces register. As such proposals for development should be considered against policy CSP35 and will not be acceptable unless the area is surplus to requirements or appropriate compensation is provided.

Green Space

The application site forms part of GS252 Windmill Avenue North Open Space. In accordance with CSP35 we will only allow development proposals that result in a loss of green space where the site is surplus or compensatory provision is provided.

The site currently functions as local neighbourhood green space and offers an informal amenity/recreation function although there is no formal recreational equipment on the site. The immediate locality does have a lack of green space in relation to formal children's play and outdoor sports facilities. As the site is small and adjacent to residential properties it is however considered to offer limited potential to reduce those deficiencies whilst meeting distance standards and thus protecting the residential amenity of existing residents. There are also other informal green spaces within the locality. Given these factors it is considered that in this case, the loss of the Green Space can be appropriately compensated for with a monetary contribution which could go to improving other recreational areas.

Given an offsite contribution, a sum of £17500 has been agreed which is the same as was agreed under application 2015/0447, the principle of development is considered acceptable subject to all other criterion being adhered to. The proposal is therefore considered to satisfy the requirements of policy CSP35 of the Core Strategy and the principle of the development is therefore considered acceptable given it borders onto existing residential properties.

Design and Layout

The elevation design and scale of the properties are in keeping with the area. Townhouses are potentially an unusual feature as the wider street is dominated by semidetached properties; however, as the 3rd floor accommodation is in the roof space the roof line fits well within the street scene; as demonstrated by the sections. Further, the split into two sets of semidetached and a small terrace breaks up the frontage of the proposed scheme.

The existing levels on the site have impacted the layout with the proposed cut into the slope and retaining walls between plots. Plots 1, 2 and 6 all have parking to the side whilst plot 7 has parking at the front due to the steeply sloping land between it and No 37. Plots 3-5 are set back from the road to allow for a small parking court at the front with shared access. This allows for parking requirements to be met on the site without dominating the site frontage. The use of appropriate boundary treatments and landscaping will soften the appearance of the parking spaces and the changes in level. These factors, along with materials, can be conditioned on any approval.

Residential Amenity

The proposed layout allows for the majority of the space standards to be met on the site and each plot has sufficient external amenity space. However, No.27 and No.37 Windmill Avenue located either side of the proposed development site, have windows in their side elevations. Usually less consideration is given to side windows as the principal elevations that are protected are front and rear elevations where the habitable room windows are predominantly located. Notwithstanding this, between plot 7 and No. 37 there is a distance of 9.2m and given the change in levels between the plots and the retention of the existing hedge it is considered there is enough mitigation to prevent any significant loss of amenity to this near dwelling.

Between Plot 1 and No.27, the distance is tighter, being just 5.4m at the nearest point. The applicant has therefore provided detailed levels and a section, to allow assessment of the impact. These show that plot 1 is circa 2m higher at ground level than No.27 and there will undoubtedly be an impact on No.27 in terms of a loss of light to the side windows. However, No.27 is set at a slight angle and orientated so that the side elevation aspect faces the east, in this respect only the early morning sunlight will be affected by the proposed. Further, the removal of existing trees to the front of the plot (between No.27 and Plot 1) will lessen the impact, allowing increased light through. It is also of note that it is characteristic of properties on Windmill Avenue to have windows in the side elevation and be located in close proximity to adjacent properties. Furthermore, historic mapping shows that there was a line of houses on this plot in 1990.

There is no impact in terms of privacy as the only windows in the side elevation of Plots 1 and 7 are small hallway / bathroom windows. Permitted Development rights can also be removed for these plots to ensure that no additional windows or side extensions can be erected without fully assessing the impact.

Therefore, the proposed is acceptable in residential amenity terms.

Highway Safety

The proposal provides for vehicular access off Windmill Avenue and provides 2 off street parking spaces for each dwelling. The Council's Highways Section have raised no objections to the development and consider sufficient car parking and access facilities have been provided.

Other Matters

An objection has been received from No.166 Windmill Avenue who claims to have a right of access over the proposed site and there is a tarmac drive crossing the site to the rear of No.166 and 168. In addition, there is a garage located on the site, albeit it is not clear who owns / uses this. The applicant has been made aware of this claim, however, it is not a planning issue and cannot be taken into account in the decision making process.

Recommendation

Grant subject to S106 agreement for loss of greenspace and the following conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos. 16-166 DWG 01 RevB and 16-166 02 RevA) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a plan indicating the position of boundary treatment to be erected. The boundary treatment shall be completed before the dwelling is occupied. Development shall be carried out in accordance with the approved details and shall thereafter be retained.
Reason: In the interests of the visual amenities of the locality and the amenities of occupiers of adjoining property and in accordance with Core Strategy Policy CSP 29, Design.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration (including the formation of new windows) of plots 1 and 7 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 amenities of neighbouring properties in accordance with CSP29.

- 6 No development shall take place unless and until:
- (a) full foul and surface water drainage details, including a scheme to maintain surface water run-off at greenfield rates and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority;
 - (b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways 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 and are all 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 the proper drainage of the area in accordance with Core Strategy Policies CSP 3 and CSP 4.

- 7 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the 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.

- 8 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.

Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 9 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.

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

- 10 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access.

Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 11 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.

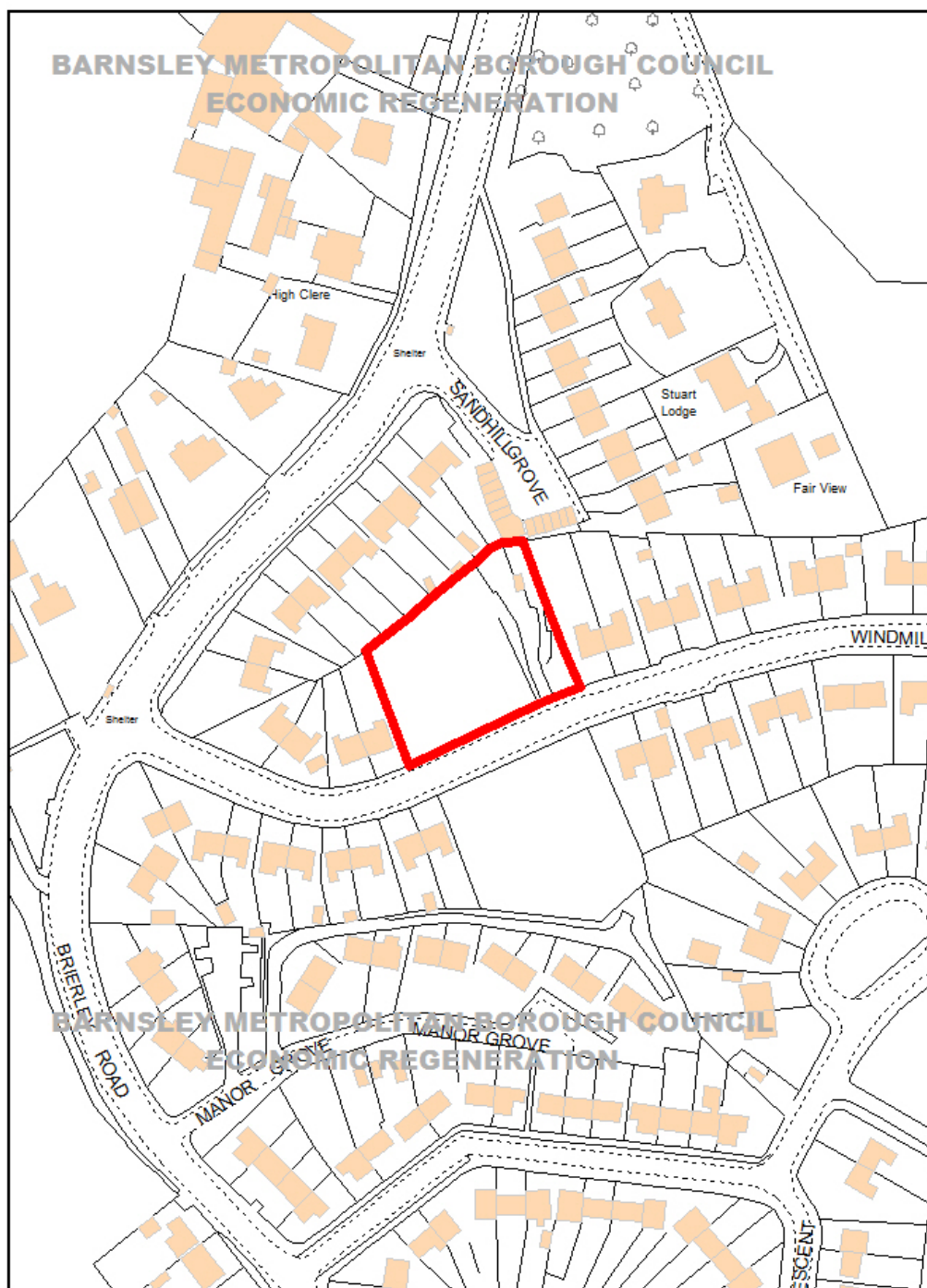
- 12 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: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

PA reference :-

2017/0666

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BARNESLEY MBC - Economic Regeneration

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Scale 1:1250

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2017/0509

Applicant: Fred Silverwood

Description: Demolition of former butchers shop and erection of 1 no. block of 3 flats.

Site Address: 322 - 324 Barnsley Road, Cudworth, Barnsley, S72 8TD

No objections from local residents

Councillors Houghton and C. Wraith have objected to the scheme due to the number of flats in the vicinity and the social issues they raise.

Site History

There are no past applications of relevance to this scheme on the application site. However, planning permission was granted in 2016 for the erection of a two storey building containing two shops at ground floor and two apartments at first floor at 326 - 330 Barnsley Road, Cudworth, (2016/0175)

Description

322-324 Barnsley Road is a detached former butchers shop located adjacent to a parade of existing shops on Barnsley Road, Cudworth. The building is a single storey, red brick building with pitched roof and double shop front. There is a gated vehicular access to the side of the building and an open yard to the rear.

There is a row of 6 terraced properties to the south of the site which are all currently occupied by retail/service uses. To the north, there is a new development of two shop units with flats above (not completed) and a terrace of 6 properties beyond this occupied by a carpet store. A health centre is located to the rear. Properties directly opposite on Barnsley Road are residential.

Proposed Development

It is proposed to demolish the butchers shop and erect 3, one bedroom flats on the site with parking to the rear. The proposed building will be a two-storey building with a pitched roof and undercroft vehicular access through the middle of the building.

Each flat has a separate pedestrian access to the rear. The accommodation of two of the flats is over two storeys with the third apartment located on one level at first floor. No pedestrian access is proposed to the front.

Materials are proposed to be red brick with grey roof tiles.

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'

CSP14 'Housing Mix and Efficient Use of Land'

CSP26 'New Development and Highway Improvement'

CSP29 'Design'

Publication Draft Local Plan

The site is allocated as being within the Urban Fabric as shown on the emerging Local Plan Proposals Map.

Policy SD1: Presumption in favour of Sustainable Development and GD1: General Development applies, promoting sustainable development.

The site is not located in Cudworth District Centre which has been reduced in the Local Plan process. Cudworth is described in the Local Plan as: *"one of the smaller district centres with the main retail and service provision located along the main Barnsley Road. It is average in terms of vitality and viability. Its strengths include the amount of shopping floorspace, the absence of floorspace outside the centre, the lack of charity shops and good pedestrian flows and availability of public transport..... The strategic direction for Cudworth is to intensify, (that is to realise its potential within its existing boundaries by redeveloping and reconfiguring to intensify the level of current town centre uses)".*

SPDs/SPGs

'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

Consultations

Ward Councillors – Cllr C.Wraith and Cllr Houghton have both objected to the scheme due to the number of flats in the vicinity and the social issues they raise.

Highways DC - Following changes to the parking layout,. Highways have confirmed no objections.

Drainage – No objections subject to conditions

Pollution – No objections

Yorkshire Water – No objections

Representations

The application was advertised through neighbour letters and a site notice. No comments have been received.

Assessment

Material Consideration

Principle of Development

Visual Amenity

Residential Amenity

Highway Safety

Principle of Development

The site is located in a Housing Policy Area and as such residential development is acceptable in principle.

Concerns have been received from Councillors regarding the proposed residential use and its suitability in this location. However, although the site is part of a wider parade of shops it is not located within Cudworth District Centre as defined on the UDP or the emerging Local Plan Proposals Map. Furthermore, the emerging Local Plan identifies the strategic direction for Cudworth as *“to intensify, (that is to realise its potential within its existing boundaries by redeveloping and reconfiguring to intensify the level of current town centre uses)”*. To accommodate this emerging Local Plan shows the district centre shrinking from its current length to concentrate more around the centre of Cudworth.

There are houses directly opposite the site and whilst there is residential accommodation above nearby shops it is not considered that there is an over-concentration of flats in this area. In addition, the recently approved development at 326 - 330 Barnsley Road has set a precedent in relation to the acceptability of residential development. The management of the flats would not be a planning issue but this would fall to the occupier/owner to ensure standards are suitably adhered to.

Cudworth District Centre provides a range of retail and services and there is good access to public transport and as such the proposed scheme is in a sustainable location. Furthermore, the site is allocated in the UDP as within the Housing Policy Area. Therefore residential development is acceptable in principle.

Visual Amenity

The design and scale of the proposed will sit comfortably within the street scene. The original scheme submitted showed a hipped roof, however, this has been amended to be pitched to reflect that of adjacent properties. A section has been provided showing that the proposed at 7.8m to the ridge is slightly below the height of the adjacent property (326-330 Barnsley Road) which is 8.2m to the ridge.

The undercroft access to parking at the rear is a unique feature in the street but is not unsightly and allows for the provision of two car parking spaces reducing the need for parking on the street which is of benefit.

The proposed is acceptable in visual amenity terms.

Residential Amenity

There is potential for some conflict with the medical centre to the rear which is located at a lower level and has a number of windows along the rear elevation, facing the site which are assumed to include consulting rooms. However, whilst the proposed does have habitable room windows at first floor level, it has been designed so that the rear elevation is 12m from the Health Centre (at its closest point). Furthermore, privacy in the health centre can be retained when needed through the use of blinds / curtains.

The internal layout of the proposed flats provides sufficient living space to meet the guidance in the South Yorkshire Residential Design Guide. No garden space is provided but the rear yard is sufficient in scale (94m²) to offer opportunities for residents to sit outside whilst also retaining space for vehicle parking and turning (a condition can be applied to secure a suitable hard and soft landscaping scheme). In addition, Cudworth Welfare Park and the Dorothy Hyman are located less than 0.4miles from the site providing opportunities for outside recreation.

The proposed is therefore acceptable in residential amenity terms.

Highway Safety

Highways initially objected to the parking provided as there was insufficient space at the rear to park 3 cars and allow for turning. This would have resulted in vehicles reversing out onto Barnsley Road impacting on highway safety. Revised plans have been submitted showing parking reduced to 2 spaces which, although below the 3 required under the SPD, does allow space for turning and is a better solution in highway safety terms. Given that the proposal is located in a sustainable location with good access to public transport this is considered acceptable in this instance.

Therefore the proposed is acceptable in highway safety terms.

Recommendation

Grant subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Site Plan Revision A and Layout Plan Revision A) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 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 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 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.

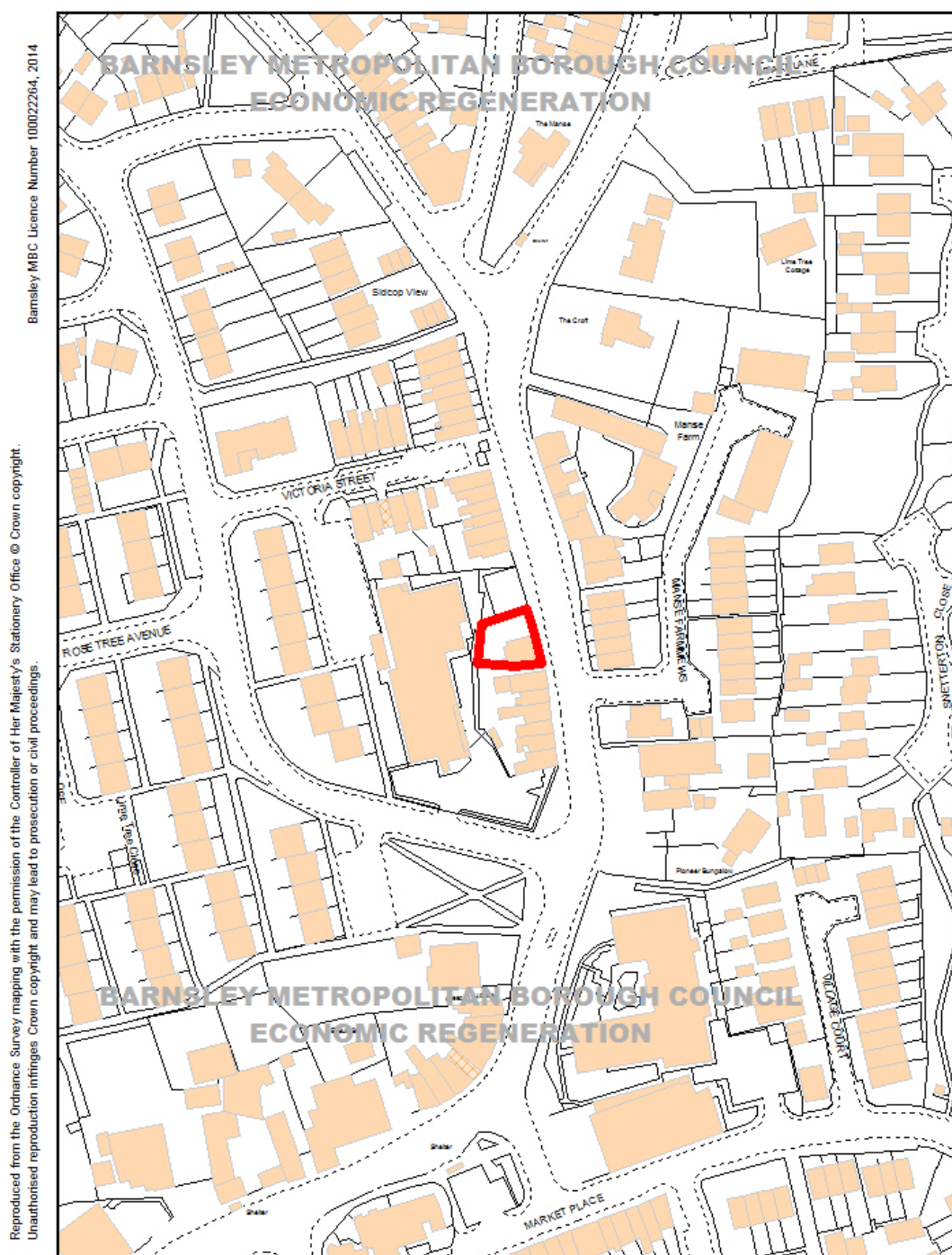
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.

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

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

PA reference :-

2017/0509



BARNSELEY MBC - Economic Regeneration

Service Director: David Shepherd
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2017/00785

Applicant: Berneslai Homes Ltd, C/o NPS Barnsley

Description: Conversion of existing building used as shops and flats into two dwellinghouses

Site Address: 26 - 32 Rufford Avenue, Athersley North, Barnsley, S71 3ED

No representations from local residents

Site Description

The site for the proposed development is a brick building situated on a large plot in between a row of semi-detached dwellings. The building is located on Rufford Avenue, at the junction with Kirkby Avenue in Athersley North. The property has been divided into two units with mixed-use retail on the ground floor and associated residential accommodation above. The whole building and plot is a Council-owned property and at present; is unoccupied, with the previous occupants being a charity shop and local convenience store.

To the eastern and western boundaries are residential properties and the rear of the site backs onto Laithes Lane, with a tree line and timber fence acting as a boundary treatment. The immediate area surrounding the site is predominantly residential, characterised by semi-detached dwellings that are of a uniform design and material construction – brick with off-white render and concrete tiled gable pitched roofs.

A public footpath runs adjacent to the eastern elevation of the property, providing a pedestrian link between Rufford Avenue and Laithes Lane.

Site History

B/04/0424/BA – Change of use from retail to cafe and catering business – 26 Rufford Avenue, Athersley North, Barnsley approved May 2004

2005/1722 – Vary condition 3 of Planning Consent B/04/0424/BA to increase opening hours to 6pm - 11.30pm Monday to Saturday and 6pm - 11pm Sunday – 26 Rufford Avenue, Athersley North, Barnsley approved November 2005.

Proposed Development

The applicant, Berneslai Homes, is seeking permission to change the use of the building from A1, A3 and C3 use class to C3 use class only, and convert the property into two semi-detached dwellings.

No's 26 & 28 will be converted into a 3 bedroom dwelling and No's 30 & 32 will be converted into a 4 bedroom dwelling.

Both properties will have a similar internal layout; with a living room to the front and a combined kitchen/dining room with WC and utility room on the ground floor. The first floor will accommodate the bedrooms and shared bathroom.

The existing shopfronts will be replaced with UPVC windows and doors to match what is already in place. The front and rear elevation of the properties will be rendered, with the existing brickwork retained on the side elevations.

New vehicular accesses will be created at the front of the property, with dropped kerbs being installed and a permeable hard surfaced area provided for off-street parking. A 1m boundary wall will be erected along the front of the properties and a 1.8m high fence erected along the boundary with the footpath to the east. A dividing fence – also 1.8m high – will be erected between the two dwellings in the rear gardens.

A new paved area will also be installed at the front and rear of the properties to create a pedestrian access. No extensions or outbuildings are proposed.

Policy Context

UDP Housing Policy Area

Planning decisions should be made in accordance with the current development plan policies unless material considerations indicate otherwise and the recently introduced NPPF does not change the statutory status of the development plan as the starting point for decision making.

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

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

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

Core Strategy Policies

Core Strategy Policy CSP 2 ‘Sustainable Construction’ states that all new dwellings will be expected to achieve at least a level 3 rating under the Code for Sustainable Homes or equivalent

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

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

Saved UDP Policies

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

Policy H8A – The scale, layout, height and design of all new dwellings proposed within the existing residential areas must ensure that the living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents

and those existing, particularly in respect of the levels of mutual privacy, landscaping and access arrangements.

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

SPD's

Supplementary Planning Documents (SPD) – Designing New Housing Development states that conversion of buildings to dwellings will be allowed where the following criteria are satisfied:

- I. The building and curtilage are of sufficient size to provide suitable facilities for residents.
 - a. In the case of dwellings, the garden sizes and external separation distances should reflect the requirements set out in the general criteria and meet internal spacing standards.
 - b. In all cases, internal spacing standards should meet the requirements set out in the general criteria.
- II. There will be no unacceptable noise nuisance for either existing neighbouring residents or occupants of the proposed residential unit(s)
- III. Satisfactory provision is made for off-street car parking in accordance with the Council's standards or, exceptionally, the development is considered unlikely to give rise to unacceptable conditions of congestion or safety on the adjoining public highway(s) by reason of inadequate off street car parking
- IV. The appearance of the building or its curtilage would not be altered to the detriment of the visual amenities of the area.

SPD – Parking supplements Core Strategy Policy CSP 25 New Development and Sustainable Travel and sets out the parking standards that the Council will apply to all new development.

South Yorkshire Residential Design Guide –Technical Requirements section 4A.2 sets out the internal space requirements for new development.

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

Consultations

Drainage – No objections to proposal

Highways DC – No objections to proposal, subject to conditions

Public Rights of Way – No objections, providing that adjacent footpath remains unaffected during construction

Ward Councillors – No objections to proposal, providing that the footpath adjacent to site remains unaffected.

Representations

Notification letters were sent to surrounding properties and a site notice was posted. No comments or representations were received from local residents.

One comment was received from Cllr. Tattersall, who supports the application providing that assurances are given that the path running alongside the plot will not be affected during and after development, as the path is well used by residents to access Laithes Lane.

Assessment

Principle of Development

The site is situated within a Housing Policy Area and as such local planning authorities are encouraged to approve change to residential use as this type of development can play an important role in ensuring the supply of housing accommodation within Housing Policy Areas. As the first floor has previously been used for residential purposes, the principle of housing has been established to some degree and so the scheme is therefore considered to be acceptable in principle.

Residential Amenity

The proposed new dwellings are located at an acceptable distance from other properties in the area. The existing and proposed boundary treatments help to provide screening to the rear of the properties, giving the amenity space an acceptable level of privacy from the footpath that runs alongside the property. A treeline along the rear boundary with Laithes Lane provides screening to the rear of the properties.

The separation distances also mean that the neighbouring dwellings will not be adversely affected by overlooking from the first floor of the proposed dwellings and so the existing amenity of the area is retained.

The proposal meets the internal space standards required as part of the SPD – Designing New Housing Development, and the South Yorkshire Residential Design Guide. In addition adequate private amenity spaces are provided for each property.

The proposal is therefore considered to be in compliance with policy and is acceptable.

Visual Amenity

The application proposes alterations to the front of the property in order that it could be used as a dwelling. The proposed materials of render on the front and rear elevations and existing brickwork on the sides are consistent with the visual appearance of other properties in the area.

The proposed properties also reflect local character in respecting the building line and having reasonable rear gardens. It is acknowledged though that use of the area to the front of the properties for off-street parking is not ideal visually. However, given that the parking is required to meet SPD – Parking, and that there are some grassed areas retained to the side of each access, it is considered acceptable in this instance.

It is considered that the proposed conversion would not have a significantly detrimental effect on the visual character of the surrounding area and so is in compliance with CSP 29 – Design & SPD guidance Designing New Housing Development and therefore is acceptable.

Highway Safety

New vehicular access and off street parking will be provided at the front of the property. The two tarmacked areas that will serve the properties measure approx. 42m² each, which provides more than adequate space for two vehicles to be parked in front of the properties. It is noted that no turning facilities are provided within the curtilages of the proposed dwellings and would require vehicles to reverse out onto the highway (unless reversed in) which whilst not ideal, this is the same for other properties on Rufford Avenue who have driveways.

It is also proposed to erect a 1m high wall at the front of the properties. However, this must be reduced for the first panel adjacent to the highway to 600mm to allow for visibility for vehicles exiting the site. This can be conditioned on any grant of planning permission. Highways DC have raised no objections to the proposal – subject to conditions – and it is not considered that the proposal will have a detrimental effect on highway safety along Rufford Avenue. The proposal complies with policies CSP26, H8A and H8D and the Council's SPD - Parking in respect of highway safety and so is acceptable.

With regards to the adjacent PROW, this should not be affected by the development but an informative is recommended to be placed on any approval to ensure the developer is aware of the proximity of the PROW to the site.

Recommendation

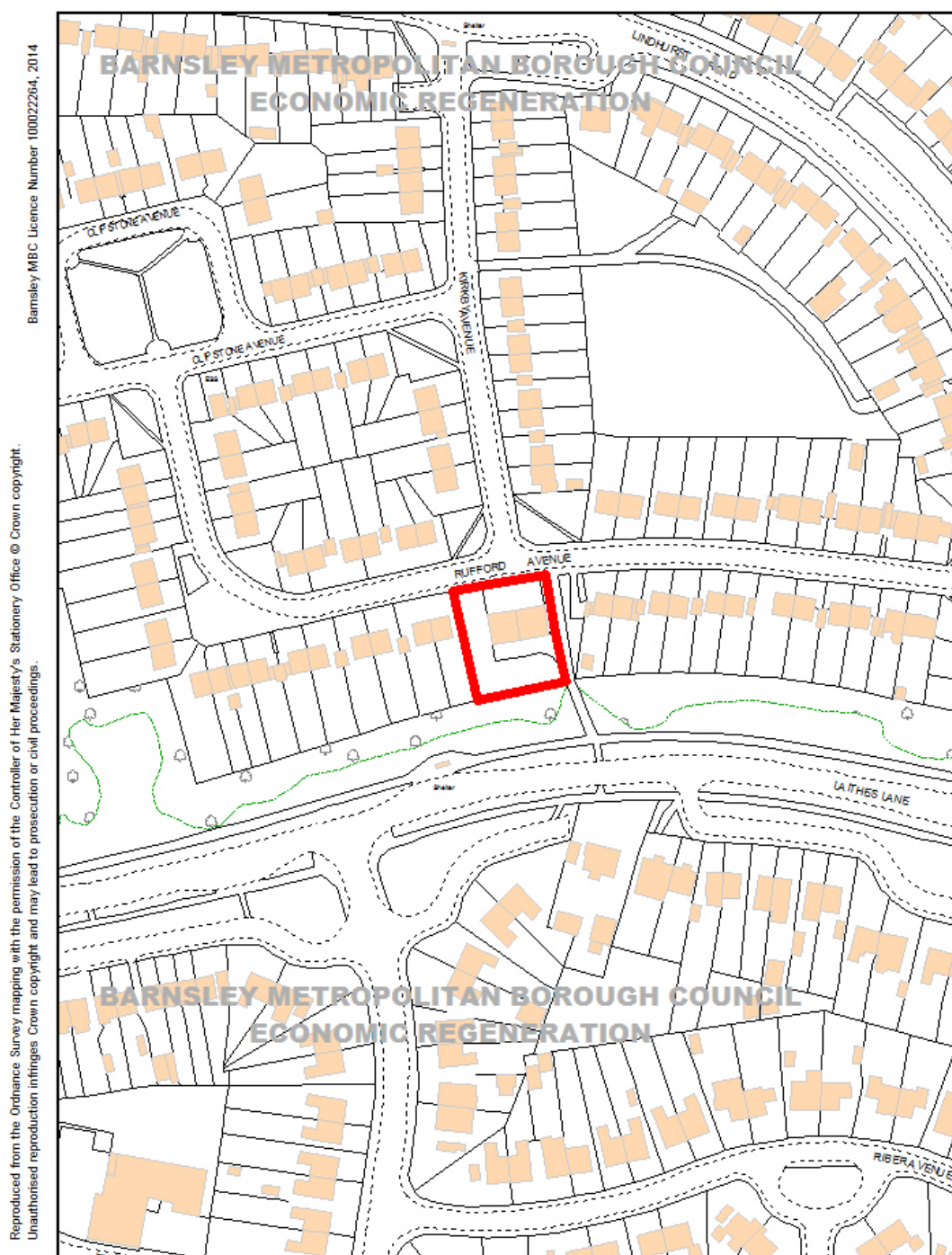
Approve subject to conditions

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing No. NPS-DR-A-(00)-012 Rev. P1, Drawing No. NPS-DR-A-(00)-021 Rev. P2 and Drawing No. NPS-DR-A-(00)-023 Rev. P1) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 The external render proposed to the front and rear elevations shall match that of adjacent properties on Rufford Avenue.
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 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 6 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 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 interests of road safety.
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.

PA reference :-

2017/0785



BARNESLEY MBC - Economic Regeneration

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



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2017/0630

Applicant: BMBC

Description: Formation of new playground to rear and associated external works

Site Address: Millhouse Primary School, Lee Lane, Millhouse Green, Sheffield, S36 9LN

No objections have been received

Site Description

Millhouse Primary School is set off Lee Lane within the village of Millhouse Green. To the east and western boundaries of the site are existing dwellings and the Blacksmiths Arms Public House. The rear of the site bounds onto the football ground and open fields. Along this boundary are a number of Willow and Ash trees.

The existing site layout consists of the school buildings occupying the central parts of the site adjacent to Lee Lane. The existing formal playground is located to the foreground of the school to the south of the site adjacent to Lee Lane. The areas to the north of the school building consist of informal playing fields and a Multi-Use Games Area (MUGA).

Proposed Development

The proposal involves the formation of a new hard surfaced playground to the rear of the school measuring approximately 17m by 19.5m, set adjacent to the existing MUGA. The works also include hard and soft landscaping along with further Willow tree planting. The proposed external works include an improved surface water drainage system with attenuation tanks and the resurfacing of part of the staff car park and main entrance with tarmac.

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).

Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP40 'Pollution Control and Protection'

Saved UDP Policies

UDP notation: Existing Community Facility

SPD's

Parking

Draft Local Plan

Proposed allocation: School Grounds

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

Penistone Town Council – No comments

Drainage – No objections

Tree Officer – No objections

Highways – No objections subject to conditions

Yorkshire Water – No objections

Regulatory Services – No objections subject to conditions

Ward Councillors – No objections have been received

Representations

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

Assessment

Principle of Development

The proposals involve ancillary works to serve the school which would result in an improvement of the play facilities and access to the site. This would be in line with Policy CSP43 'Educational Facilities and Community Uses' which aims to support existing educational facilities.

Visual Amenity

The works to the playground are set within the site to the rear and would have minimal impacts on the appearance of the site. The new playground is to be constructed on areas that are currently green, however these areas do not have a particular function at present other than being amenity grassland and the proposals would still allow for the recreational aspect to be retained for the school children. The development of this area therefore does not raise any issues from a visual amenity perspective and the resurfacing of the access to the entrance of the site would be an improvement to the street scene, in accordance with policy CSP29.

Impact on Trees

The works will require the removal of a Cherry tree, and some small Willows from the group of trees to the north of the new playground. These are small trees of little value and as such there is no objection to this. The larger Ash trees on the boundary behind the Willows will be retained and will require protecting during the works. Tree Protection details have been submitted on one of the submitted plans and are acceptable.

Residential Amenity

The nearest houses are set to the east of the proposed playground, however there is a MUGA separating the proposed play area from these dwellings, therefore the development would be unlikely to give rise to any new amenity issues affecting living conditions subject to the imposition of the standard working/delivery times condition to limit the amount of disturbance during the construction phase.

Highway Safety

The highways section have no objection to the proposed resurfacing of the access and part of the staff car park. The works are considered to be acceptable in terms of highway safety in accordance with policy CSP26.

Drainage

The plans would increase the amount of hard surfacing within the school site. However the plans demonstrate that regard has been had for the management of the increased amounts of surface water within the site. This would be via the provisions of drains and an attenuation tank. Based upon this the plans are considered satisfactory to Yorkshire Water and the Council's drainage section.

Conclusion

The proposals involve ancillary works to serve the school which would be an improvement to the existing play facilities and would improve the access and car parking areas. The proposal is therefore considered acceptable and would comply with policies CSP 26, CSP29 and CSP43.

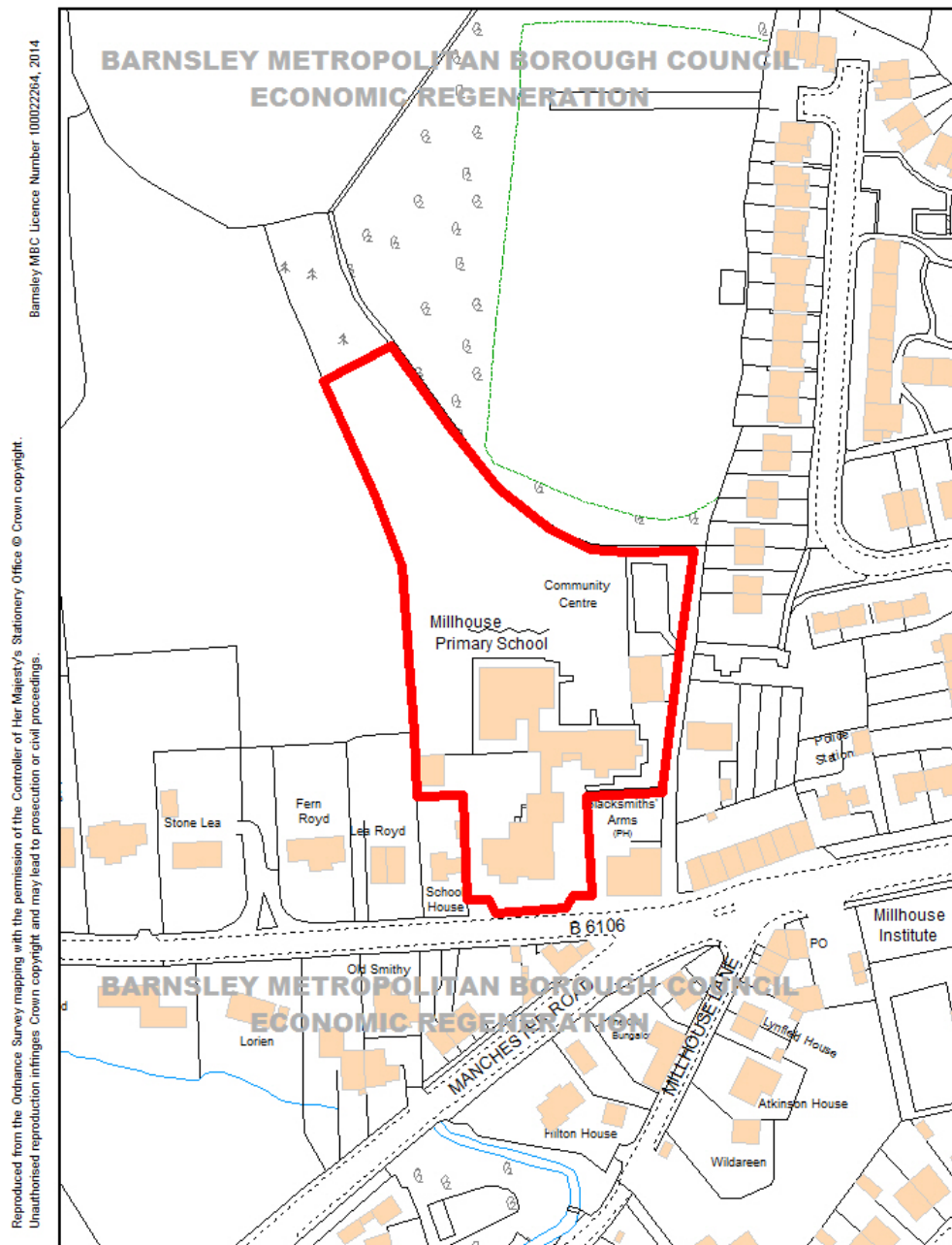
Recommendation

Approve subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos NPS-DR-A-(90)-010 REV P1, NPS-DR-A-(90)-020 REV P3, NPS-DR-A-(90)-021 REV P1, NPS-DR-A-(90)-800 REV P1, NPS-DR-A-(90)-801 REV P1) 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 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.
- 4 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.
Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.


PA reference :-

2017/0630



BARNESLEY MBC - Economic Regeneration

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


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2017/0794

Applicant: BMBC

Description: Conversion of courtyard into an additional classroom

Site Address: Worsbrough Common Primary School, Bruce Avenue, Worsbrough Common, Barnsley S70 4EB

No objections have been received.

Site Location & Description

Worsbrough Primary School is located to the south of Bruce Avenue. It is a typical primary school of the circa 1970's period, with the exception of a recent two storey extension. The site comprises of a series of single storey flat roofed buildings constructed from red brick with white timber fascia and UPVC windows. Extensions to the school were approved in 2013 which comprised of a split level extension which reflected the existing building in terms of the brick work on the ground floor but had a contemporary/modern appearance added through the addition of cream render, horizontal timber boarding and aluminium windows to the elevations.

Proposed Development

The applicant seeks permission to enclose the existing internal central courtyard by installing a roof and creating an additional classroom.

Policy Context

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

CSP 29 – Design – states that high quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley. Development should enable people to gain access safely and conveniently.

CSP 43 – Educational Facilities and Community Uses – states that the authority will support the provision of schools, educational facilities and other community facilities.

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

Barnsley Unitary Development Plan Saved Policies

Policy CF 2 – development will not be permitted which would lead to the loss of existing community facilities

Policy H8B – Non-residential uses in Residential Areas – aims to ensure the amenities of the surrounding area are maintained.

SPDs/SPGs

Supplementary Planning Document – Parking

Consultations

Highways DC – No objections subject to conditions

Drainage – No objections

Ward Councillors – No comments

Representations

A site notice was posted adjacent to the site; no comments have been received.

Assessment

Principle of Development

The erection of extensions to educational buildings are considered acceptable where they achieve good design standards and do not have a negative impact on residential amenity or highway safety.

Visual Amenity

The area subject to this application is an existing courtyard enclosed on 4 sides by the school and would not be highly visible from public vantage points or within the school grounds. The roof of the enclosure would sit 1.8m higher than the existing school roof immediately surrounding it. However, other parts of the school building are higher and it would be below the highest part of the school building as a whole.

The design and materials proposed harmonise with the original building and therefore it is considered that the proposed extension would not have a detrimental impact on the character of the street scene or upon the original building and as such are acceptable.

Residential Amenity

The building is to be located within the school site and would not be located in a way which would have a detrimental impact on the amenity of surrounding residents and as such is acceptable

Highway Safety

There is no proposed increase in staff or pupil numbers connected with this proposal. The proposed building would provide additional ancillary accommodation and as such the proposal does not generate any requirement for additional parking provision nor does it result in a loss of it.

It is therefore considered that the proposed extensions would not have a detrimental impact on the highway network or safety and are therefore considered acceptable.

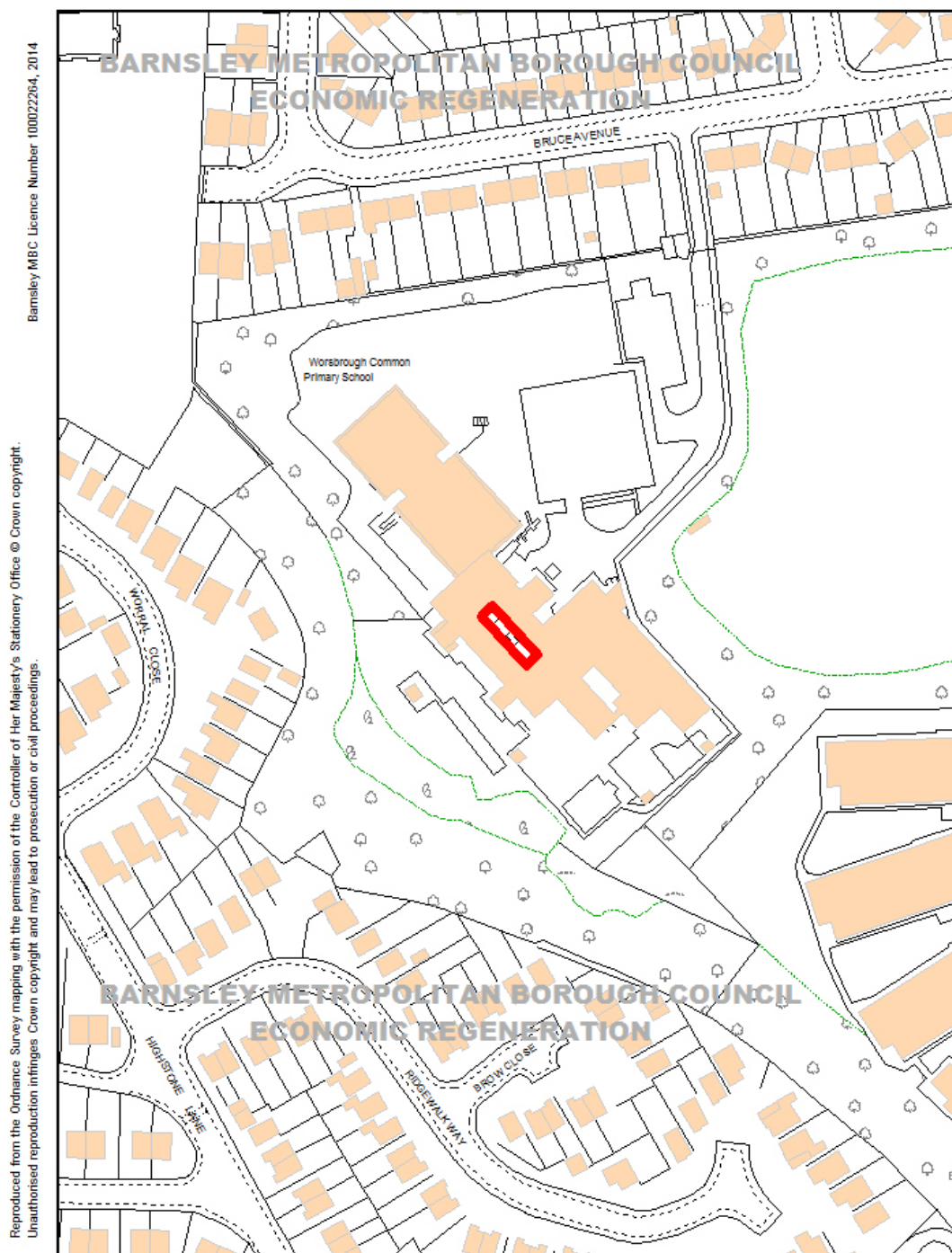
Recommendation

Approve 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 (NPS-DR-A-(00)-001 P1, NPS-DR-A-(00)-020 P1, NPS-DR-A-(00)-021 P1, NPS-DR-A-(00)-100 P1, NPS-DR-A-(00)-101 C1, NPS-DR-A-(00)-102 P1, NPS-00-00-DR-A-(00)-141 C1 and NPS-00-00-DR-A-(00)-142 C1) 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.

PA reference :-

2017/0794



BARNSELEY MBC - Economic Regeneration

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



Scale 1:1250

2017/0585

Applicant: Mr Simon Elliott

Description: Erection of safety fencing to golf driving range

Site Address: Tankersley Park Golf Club, Park Lane, Tankersley Barnsley, S35 4LG

No objections received

Site Location and Description

Tankersley Golf course is an established (in its centenary year) 18 hole golf club. It is located on the western side of the M1 motorway between junctions 36 and 35A. Access is taken off the A616 that also serves nearby employment uses as well as the M1 motorway.

The golf club is located at the end of Park Lane, a minor highway which also serves access to two residential properties and Tankersley fishing lake. The golf clubs entrance is gated, upon arrival you are presented with a large member Car Park, the club house is located in a north westerly direction at a lower level. To the west of this is a copse of trees, beyond which levels fall and there is the existing driving range. The range comprises of a single rather rudimentary building which has an open aspect across a field. The golf course is located to the north of this and to the south is a hedgerow which separates an adjacent agricultural field.

Site History

2015/0087 – Erection of a Golf Driving Range Building – approved

The above application was approved for the erection of a detached golf driving range building. It incorporated a total of 8 driving range bays and would be open fronted to allow balls to be hit across the range. It would replace an existing single bay building. The building itself measured 24.8m x 6.5m x 4.2m and would have a simple mono-pitched roof. The external elevations would be treated with Yorkshire Boarding and internally there would be small partitions to create the individual bays. At the rear of the building there would be a ball dispenser/washer.

Following that application a footpath was identified across the range which would obviously conflict with the increased use. As a result an application was submitted to divert the footpath, however, informed by a health and safety assessment, a fence to separate the diverted footpath from the driving range was recommended given the proximity.

Proposed development

Following the proposed footpath diversion and health and safety assessment outlined above, the applicant now seeks planning permission for a 3m high, 200m long fence constructed from black UV treated Polyethylene mesh supported by 80mm reinforced aluminium poles powder coated green. The fence would run along the South Western boundary adjacent to the diverted footpath and inside the existing concrete post and wire fence.

Policy Context

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

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

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

Core Strategy

CSP 26 New Development and Highway Improvement

CSP29 Design

CSP 34 Protection of Green Belt

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:

General principles para's 17

Building a strong economy para's 18-22

Design para's 58 – 65

Protecting the Green Belt 79-92

Consultations

Tankersley Parish Council: No objections

Ward Councillors: No comments

Representations

The application has been advertised by way of a site notice, no representations have been received.

Assessment

Principle of Development

In principle development for outdoor sport or recreation is considered acceptable within the Green Belt subject to proposals having an acceptable impact upon the visual amenity and openness of the locality. This is highlighted within paragraph 89 of the NPPF which states that in the Green Belt: appropriate development includes the provision of appropriate facilities for outdoor sport and outdoor recreation.

The proposals seek to improve an existing facility at the Golf Club. The fencing associated with the approved use would be seen in the context of the Golf Course's existing infrastructure, whereby it would appear as a largely accepting feature within the landscape.

Following on from the previous approval to extend the driving range and the proposal to divert the existing footpath alongside the driving range, rather than across it, a health and safety assessment has been undertaken which states that a fence of the proposed length and height is necessary to protect the users of the footpath.

Impact on Green Belt / Visual Amenity

The proposed fencing would be relatively high at 3m and be relatively long at 200m. However, this is what is deemed necessary to protect the diverted footpath from the approved driving range. The fencing would obviously be visible from the footpath and from limited parts of the golf course, however, it would be seen in the context of the golf course and is a common feature of such facilities which are predominantly within the Green Belt.

Due to gaps within the hedgerow, there would be views of the fencing from the A616 which links junction 35A of the M1 to Stocksbridge bypass and the A61 to Sheffield. However, given the speed limit on that road and the limited gaps in the hedgerow, views would be fleeting. It is acknowledged that there is a layby on the A616 which would also have views of the site, however, there is a separation distance of over 250m. In addition, the land beyond the fencing rises, meaning the horizon would be above the top of the fence, and there are also a number of mature hedgerows and wooded areas in both the foreground and background that the fencing would be viewed against.

Furthermore, the fencing would not be a solid feature, it would be constructed from a Polyethylene mesh with an open weave allowing views and light through. The fence would be supported by relatively slender 80mm aluminium poles which, again, would not be visually intrusive. With regards to the colour, the mesh would be black and the supporting poles green. The dark colours would reflect the surrounding landscape and would aid the fence to sit comfortably and not stand out.

As a result of the comments above, the fencing would not cause sufficient detriment to the openness or visual amenity of the Green Belt. This is considered acceptable against the provisions of policies CSP34 and CSP29.

Residential Amenity

The site sits in isolation to residential properties, the closest being over 200m from the site with no views of it due to land levels and vegetation. As such, residential amenity would be maintained.

Highways

The fencing would be over 50m from the golf club car park and over 200m to the nearest highway, as such; highway safety would not be affected.

Conclusion

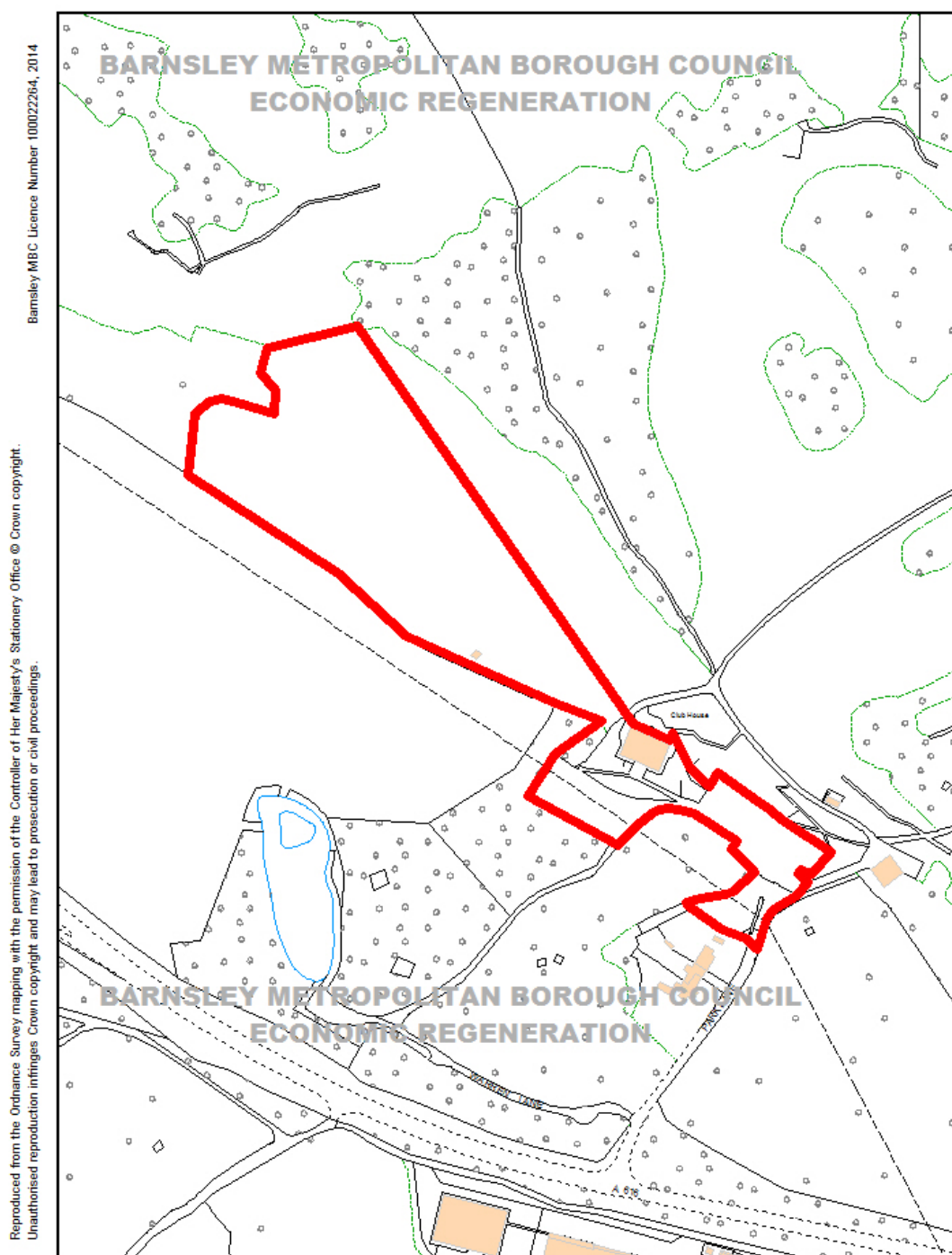
It is considered that the fencing is necessary for the protection of the users of the proposed diverted footpath and, despite its height and length, given its open weave, colour and surrounding landscape it would not compromise the character of openness of the surrounding Green Belt. No objections are therefore raised against the provisions of policies CSP 29 or CSP30.

Grant subject to conditions.

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Appendix 1, Appendix 2, Appendix 3 & Appendix 4) 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 fencing hereby approved shall be erected prior to the commencement of the use of the 8 bay driving range approved under application number 2015/0087.
Reason: In the interest of the health and safety of the users of the adjacent footpath in accordance with CSP40.

PA reference :-

2017/0585



BARNSELY MBC - Economic Regeneration

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

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Item 10

BARNSELY METROPOLITAN BOROUGH COUNCIL

Report of Assistant Director,
Highways, Engineering and
Transportation to Planning
Regulatory Board on
25th July 2017

Diversion of public footpaths at Tankersley Golf Club.

1.0	<u>Purpose of Report</u>
1.1	To consider an application to divert Tankersley public footpaths 31, 33, 34, 35 and to extinguish part of Tankersley public footpath no. 34 at Tankersley Park Golf Club.
2.0	<u>Recommendations</u>
2.1	That, provided the applicant can satisfy the Council as to the matters set out in paragraph 3.4 below, the Council makes a Public Path Order under the provisions of section 257 of the Town and Country Planning Act 1990 for the diversion of Tankersley footpath 34, and Public Path Orders under the provisions of sections 118 and 119 of the Highways Act 1980 for the diversion of Tankersley footpaths 31, 33 and 35 and the extinguishment of part of Tankersley footpath no. 34 at Tankersley Park Golf Club as shown on the plan attached to this report.
2.2	That the Executive Director and Solicitor to the Council be authorised to publish the Orders and to confirm them himself in the event of there being no objections thereto.
2.3	In the event objections are received which cannot be resolved, the Executive Director and Solicitor to the Council be authorised to submit the Orders to the Secretary of State for confirmation and to take all necessary steps to support the Orders at any public inquiry, informal hearing or written representation as necessary.
2.4	That the Executive Director and Solicitor to the Council be authorised to make a Definitive Map Modification Order to make the necessary changes to the Definitive Map and Statement for the area.
3.0	<u>Background and Proposal</u>
3.1	Tankersley Park Golf Club has obtained planning permission to construct a new driving range (application no. 2015/0087).
3.2	The proposed driving range is crossed by Tankersley footpath no. 34 (A-B

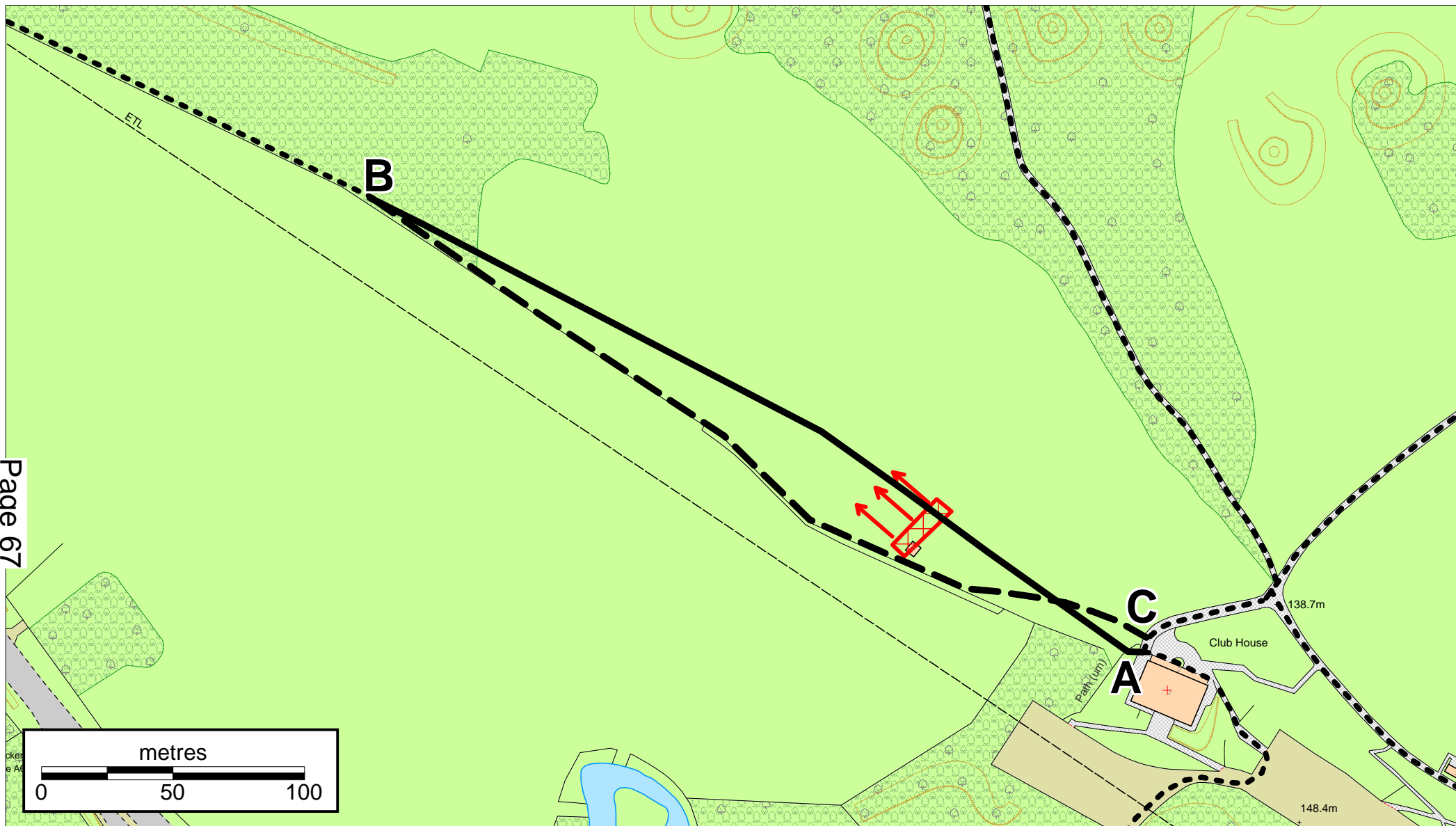
	on the plan at appendix A). To enable development, the golf club has applied to divert this path onto a new alignment alongside the edge of the range (A-C).
3.3	The new alignment is the most direct and most convenient for walkers, is the same length as the existing path and is the line favoured by local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

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

	up or diversion of the way to members of the public generally or to persons whose properties adjoin or are near the existing highway should be weighed against the advantages of the proposed order.'
4.3	Tankersley footpath no. 34 runs directly across the proposed driving range and a diversion is required to allow development to go ahead. The Council is satisfied that the proposed new route provides a convenient link to the existing path through the woodland and is the best available option, provided that the required safety measures are satisfactorily implemented. The provision of fencing along the full length of the driving range will minimise as far as possible the risk of any golf balls being accidentally hit towards people using the footpath.
4.4	<p>Section 119 of the Highways Act 1980 enables a path to be diverted where it is considered expedient to do so in the interests of the owner, lessee or occupier of the land crossed by the path or in the interests of the public. Before confirming such an order the Secretary of State or the Council, as the case may be, must be satisfied that the diversion is expedient and that the path or way will not be substantially less convenient to the public in consequence of the diversion and that it is expedient to confirm the order having regard to the effect which –</p> <ul style="list-style-type: none"> (i) the diversion would have on public enjoyment of the path or way as a whole, (ii) the coming into operation of the order would have as respects other land served by the existing public right of way, and (iii) any new public right of way created by the order would have as respects the land over which the right is so created and any land held with it.
4.5	The proposed diversions of Tankersley footpaths 35, 33 and 31 are all considered to benefit both the landowner and the public by reducing or removing the existing conflict between people using the public footpaths and those playing on the golf course. Each of the diversions increases safety for walkers and provides greater certainty for golfers by either separating the paths from the fairways or else providing major improvements to vision and crossing points, which is considered to improve enjoyment for all parties. The additional length added to the footpaths is considered to be offset by the benefits provided.
4.6	Section 118 of the Highways Act 1980 enables a path to be extinguished on the grounds that it is not needed for public use. Before confirming such an order, the Secretary of State or the Council, as the case may be, must be satisfied that it is expedient so to do having regard to the extent to which the path or way would be likely to be used by the public; and the effect which the extinguishment of the path would have as respects land served by the path or way.
4.7	The section of Tankersley footpath no. 34 proposed to be extinguished does not physically exist and, as far as the Council is aware, is not walked by the public. Nearby alternative paths exist to connect the rest of the

	rights of way network in all directions, so extinguishment of the path is not considered to have a negative effect on public access and will have a positive impact on the land by clarifying the access rights on it.
5.0	<u>Options</u>
5.1	The Council makes the orders applied for. Officers are satisfied that the necessary statutory criteria are met and that the proposals are the best available.
5.2	The Council could decline to make the orders applied for, but as the relevant statutory criteria have been satisfied, it is not considered reasonable to do so.
6.0	<u>Local Area Implications</u>
6.1	There are no implications for the local area beyond minor changes to the rights of way network.
7.0	<u>Compatibility with European Convention on Human Rights</u>
7.1	These proposals are considered to be compatible with the Convention.
8.0	<u>Ensuring Social Inclusion</u>
8.1	The proposals will have no negative impact on social inclusion. The gradients, surfaces and widths of the new paths would be similar to those of the existing paths in order to ensure that they are no less accessible.
9.0	<u>Reduction of Crime and Disorder</u>
9.1	The proposals are not considered to have any effect on crime and disorder. In response to consultations, South Yorkshire Police's Crime Reduction Officer raised no objections.
10.0	<u>Financial Implications</u>
10.1	If the Orders are made and objections are received there will be additional costs to the Council that cannot be passed on to the applicant. This is especially the case if the matter has to be resolved at a public inquiry.
11.0	<u>Risk Assessment</u>
11.1	The Council has powers under the Town and Country Planning Act 1990 and the Highways Act 1980 to make the orders applied for. The statutory process provides an opportunity for objections which, if upheld, may result in the orders not being confirmed by the Secretary of State.
11.2	Objections may be received to the application. However, the Council is satisfied that no relevant grounds for objection have been raised during

	the consultation period, that the application meets all of the statutory criteria and that the best possible alternative routes have been identified for the diversion orders.
12.0	<u>Consultations</u>
12.1	User groups (including the Barnsley Local Access Forum), ward councillors, other Council departments and utilities companies have been consulted on the application and notices have been placed on site.
12.2	No objections have been received.
13.0	<u>Proposal</u>
13.1	Councillors approve the recommendations in section 2.
14.0	<u>Glossary</u>
15.0	Appendices Appendix A – Map 1 Tankersley 34 (TCPA). Appendix B – Map 2 Tankersley 33 + 35 (HA)
	Officer Contact: Rik Catling Tel: ext 2142
	Date: 25 th July 2017



Proposed diversion of Tankersley public
footpath no. 34 at Tankersley Park Golf Club
(Town and Country Planning Act 1990)

Drawn by BMBC

Scale 1 : 2000

Map 1

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Footpath to be created

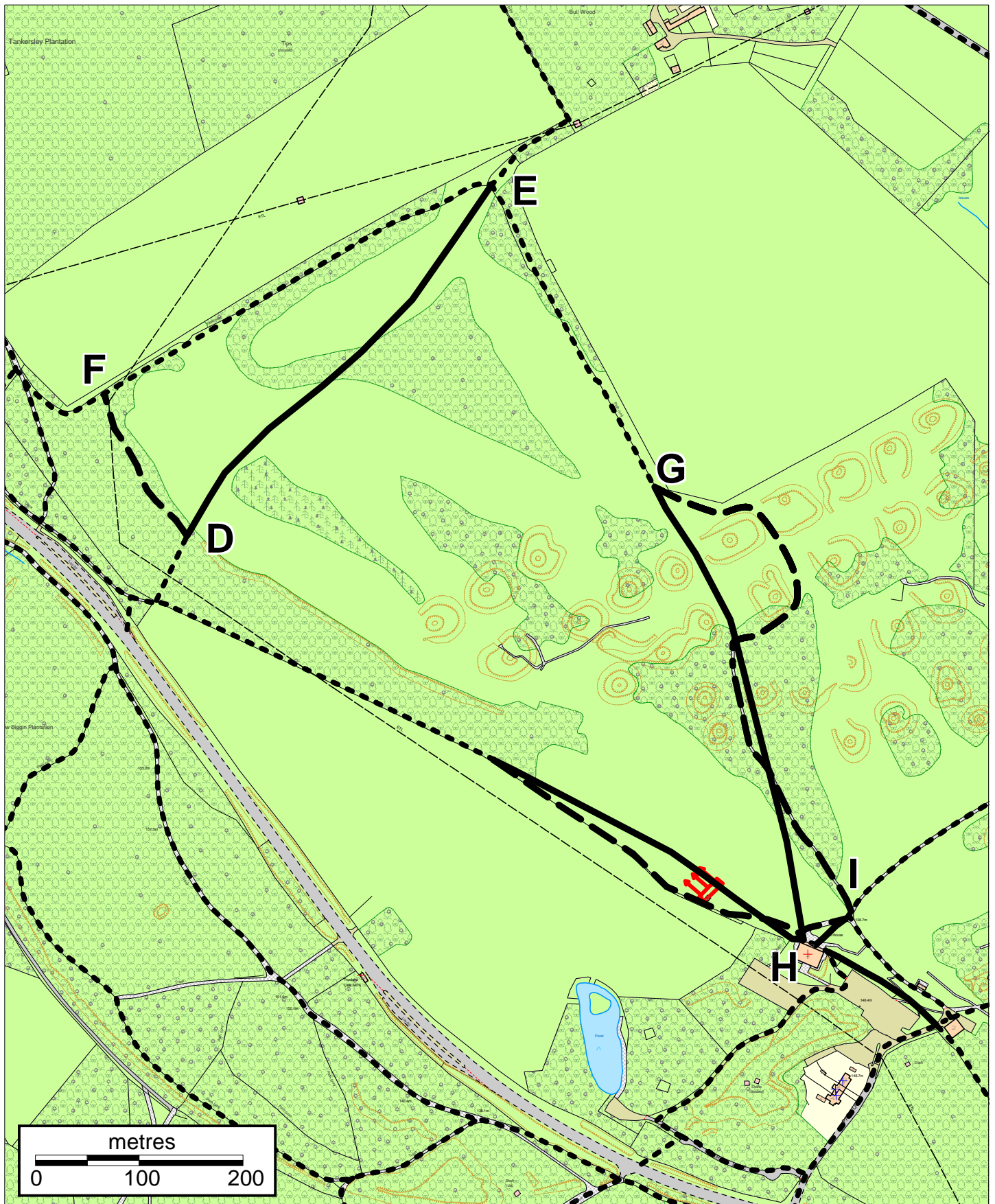
Footpath to be deleted

Unaffected rights of way

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

Drawn by BMBC

Scale 1 : 5000

Map 1

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Footpaths to be created

Footpaths to be deleted

Unaffected rights of way

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BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 June 2017 to 30 June 2017

APPEALS RECEIVED

0 appeals were received in June 2017.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>

APPEALS WITHDRAWN

0 appeals were withdrawn in June 2017.

APPEALS DECIDED

0 appeals were decided in June 2017.

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>

2017/2018 Cumulative Appeal Totals

- 3 appeals have been decided since 01 April 2017
- 1 appeal (33%) has been dismissed since 01 April 2017
- 2 appeals (67%) have been allowed since 01 April 2017

Audit	Details	Decision	Committee/ Delegated
2016/1402	Felling of Oak Tree (T2 within TPO 3/1980) and replacement. 73 Martin Croft, Silkstone, Barnsley, S75 4JS	Allowed	Delegated
2016/1478	Formation of vehicular access. 18 Roper Lane, Thurgoland, Barnsley, S35 7AA	Dismissed	Delegated
2016/0744	Remove and replace Lime tree (T1) within TPO no. 3/2000. 2 Ladyroyd, Silkstone Common, Barnsley, S75 4SF	Allowed	Delegated

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