

Public Document Pack

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 24 October 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 applications.

2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 26th September 2017

Planning Applications

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

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

3. Land at Lee Lane, Royston - 2016/1490 - For Approval (*Pages 7 - 26*)
4. Unit D, land at Capitol Park, Capitol Close, Dodworth - 2017/0987 - For Approval (*Pages 27 - 40*)
5. Cannon Hall, Bark House Lane, Cawthorne - 2017/0766 and 2017/0771 - For Approval (*Pages 41 - 52*)
6. Cross Inn, Summer Lane, Royston - 2017/1196 - For Approval (*Pages 53 - 60*)
7. The Barn, off Church Street, Bolton-on-Deane - 2016/1335 and 2016/1336 - For Approval (*Pages 61 - 74*)
8. The Stables, Willow Bank - 2017/0392 - For Approval (*Pages 75 - 84*)
9. Whitegate Stables, Common Road - 2017/1175 - For Approval (*Pages 85 - 92*)

Planning Appeals

10. Planning Appeals - 1st to 30th September 2017 (*Pages 93 - 94*)
11. Exclusion of Public and Press

To consider if the public and press should be excluded from this meeting during consideration of the following item/s because of the likely disclosure of exempt information.

12. Planning Enforcement Update (Restricted Item)

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, 16 October 2017

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 26 September 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

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

In attendance at site visit

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

49. Declarations of Interest

Councillor Franklin declared a Non-Pecuniary interest in **Planning Application Nos 2017/0788 and 2017/0789** – 28 Church Street, Darton S75 5HG, as he knows the applicant in a personal capacity.

Councillor Unsworth declared a Non-Pecuniary interest in **Planning Application Nos 2017/0770 and 2017/1013** – as Berneslai Homes is the applicant and Councillor Unsworth is a Berneslai Homes' Board Member.

Councillor Wilson declared a Non-Pecuniary interest in **Planning Application Nos 2017/0766 and 2017/0771** – Outbuilding at Cannon Hall due to his involvement with the National Lottery 'Parks for People' project which has a number of planning applications at Cannon Hall.

Councillor Spence declared a Non-Pecuniary interest in **Planning Application Nos 2017/0766 and 2017/0771** – Outbuilding at Cannon Hall – as he works at Cannon Hall Farm.

50. Minutes

The minutes of the meeting held on 5th September 2017 were taken as read and signed by the Chair as a correct record.

51. Lee Lane, Royston, Barnsley - 2016/1490 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1490** [Residential development of 164 no. dwellings and associated works (amended plans) at land at Lee Lane, Royston, Barnsley S71 4RT].

RESOLVED that Members note that the item has been deferred at the request of the applicant.

52. Land off Maple Grove/Maple Court, Tankersley - 2017/0599 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0599** [Erection of Class B8 storage and distribution warehousing and ancillary Class B1 office space and associated access (Outline with all matters reserved apart from means of access) at land off Maple Grove/Maple Court, Tankersley, Barnsley].

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

53. Bondfield Close, Bondfield Crescent, Wombwell - 2017/0155 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0155** [Residential development of 49 no. dwelling houses at site accessed off Bondfield Close, Bondfield Crescent, Wombwell, Barnsley S73 8TX].

Ms Alison Wilks addressed the Board and spoke against the officer recommendation to grant the application.

RESOLVED that

- (i) The application be granted in accordance with the Officer recommendation and subject to consideration of a condition to extend double yellow lines up one side of the access road and extending the width of the footpath (subject to highways approval), and
- (ii) Flexibility be built into the S106 to allow spending of the compensatory sum for loss of greenspace to include additional parking provision for adjoining school. Discussions on this provision to be in conjunction with local Ward Members and the school.

54. Land to rear of 26 Cross Lane, Royston - 2016/1329 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/1329** [Residential development of 19 dwellings and provision of access and parking at land to rear of 26 Cross Lane, Royston, Barnsley S71 4AT].

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

55. 28 Church Street, Darton - 2017/0788 and 2017/0789 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Applications 2017/0788 and 2017/0789** [Replacement of existing signage and change of use from shop (Class A1) to Micro pub (Class A4) at 28 Church Street, Darton, Barnsley S75 5HG].

Mr A Twist addressed the Board and spoke in favour of the officer recommendation to grant the applications.

Ms J Scott addressed the Board and spoke against the officer recommendation to grant the applications.

RESOLVED that both the applications be granted in accordance with the Officer recommendation.

56. Land adjoining Barnsley Markets - 2017/0586 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0586** [Mixed use development of land adjoining Barnsley Markets following demolition of part of existing market hall and multi storey car park to provide new retail/food and drink (Use Classes A1, A3), cinema and leisure use (Class D2), new multi storey car park and service road with access to/from Lambra Road at Barnsley Markets and adjoining land, Cheapside, Barnsley].

RESOLVED that the application be granted in accordance with the Officer recommendation and subject to consideration of combining conditions 4 and 25 (materials) and conditions 13 and 19 (ecological mitigation) in order to minimise the number of conditions.

57. Outbuilding at Cannon Hall - 2017/0766 and 2017/0771 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Applications 2017/0766 and 2017/0771** [Conversion of existing outbuilding and siting of wooden clad container for use as a Pet Crematorium and Conversion of existing outbuilding and siting of wooden clad container for use as a Pet Crematorium (Planning and Listed Building Consent at Cannon Hall, Bark House Lane, Cawthorne, Barnsley S75 4AT)].

RESOLVED that the applications be deferred to allow Officers to gather additional information on the fuel to be used; the exact cremation process; what fumes/odours/residue it would create (and how this would be dealt with); whether the crematorium could be operated overnight rather than within daytime hours, and the reasons for it to be placed at that specific location.

58. 8A and 8B Park Road, Thurnscoe - 2017/0770 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0770** [Subdivide commercial care flats into 1 pair of semi-detached dwellings at 8A and 8B park Road, Thurnscoe, Rotherham, S63 0TG].

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

59. 108, 110, 116, 118, 128, 132, 134, 138, 142, 144, 146, 148, 150, 152, 154, 156 and 160 Wath Road, Elsecar - 2017/1013 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1013** [Replacement door and windows (Listed Building Consent)]

at 108, 110, 116, 118, 128, 132, 134, 138, 142, 144, 146, 148, 150, 152, 154, 156 and 160 Wath Road, Elsecar S74 8JF].

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

Chair

2016/1490

Applicant: Barratt Homes, C/o Johnson Mowat

Description: Residential development of 164 no. dwellings and associated works (Amended Plans)

Site Address: Land at Lee Lane, Royston, Barnsley, S71 4RT

30 letters of objection received from local residents.

Site Location and Description

The application site is located approximately 1.3 kilometres west of Royston town Centre. It lies to the North of Lee Lane and measures approximately 5.3 Hectares. It forms part of a larger 8 Hectare site which was granted outline planning permission under application reference 2013/0932. It is currently an undeveloped greenfield site comprising of open fields and is bounded to the south by B6428 Lee Lane which is one of the main approach roads into Royston. The eastern boundary abuts residential properties (Applehaigh View), Lee Lane farm is located to the west and across the northern boundary lies a former disused railway line. Extending beyond the northern, southern and western boundaries the land is primarily in agricultural use.

Levels across the site are relatively flat and the land sits marginally lower to that of the adjacent highway. There is some limited tree cover but this is mainly concentrated along the site's boundaries forming part of established hedge lines. There is a watercourse located to the north eastern corner.

Site History

2013/0932 – Residential Development of up to 200 dwellinghouses and additional retail facility with primary access off Lee Lane (Outline) – Approved 24th March 2017.

The application was submitted for outline planning permission for residential development and a small food retail unit (under 500m²). Details of access were included as part of the application but all matters relating to design, scale, siting and landscaping were reserved for a subsequent application.

The application therefore primarily sought to establish the principle of residential development with access only. However, the principle was fixed by parameters which would have to be adhered to within a subsequent reserved matters application.

Whilst exact details were reserved for subsequent approval the development would support a mixture of house types with 15 % being assigned as affordable. Further to this a minimum of 15% of the site was allocated as public open space which included an area of equipped play space. The area of POS equated to at least 1.2 hectares of the site.

The submitted parameter plan indicated a landscaping belt being incorporated along the site's frontage and eastern boundary to Applehaigh View.

It was proposed that vehicular access into the development site would be taken via the northern arm of a new four arm roundabout junction off the B6428 Lee Lane. The roundabout included a southern spur which could potentially serve development to the south

of Lee Lane. The roundabout would be designed to prescribed standards contained within the Design Manual for Roads and Bridges. In brief it would include an inscribed circle with a diameter of 40 metres, carriageway widths of at least 6.5 metres and 2 metre pedestrian footways on each arm of the proposed junction.

2014/1073 – Variation of condition 4 of application 2013/0932 'Residential development of up to 200 dwelling houses and additional retail facility with primary access off Lee Lane (Outline) to revise the parameters plan – approved.

The proposed amendments, in the main, related to alterations to the landscaping strategy which was indicated on the approved parameter plan. This comprises of a reduction to the width of the landscape buffer across the frontage and an increase to the floor space of the 2bed properties.

Proposed development

The applicant seeks permission for 164 houses comprising 8 x 2 bedrooms, 75 x 3 bedrooms and 81 x 4 bedrooms. The development would incorporate 12no. house types, in a mix of detached, semi-detached and townhouses, all of which would have accommodation over 2 storeys.

A linear open space would be located centrally within the site with the houses and access roads arranged around it. Access would be taken from Lee Lane, to the South of the site, via a roundabout (to be provided by the developer). The main adopted access road within the site would be rectangular in layout and have a number of private drives off, accommodating up to 5 no. dwellings. There would be 2no. future access points incorporated, to allow the development of neighbouring fields, one to the North East and one to the South West.

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).

Local Development Framework Core Strategy

CSP1 'Climate Change'
CSP2 'Sustainable Construction'
CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP5 'Including Renewable Energy in Developments'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP13 'The Release of Allocated Housing Land'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP32 'Small Shops'
CSP33 'Green Infrastructure'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP37 'Landscape Character'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Safeguarded land

Policy GS10/RO6 'In areas shown as Safeguarded Land on the proposals maps existing uses will normally remain during the plan period and development will be restricted to that necessary for the operation of existing uses. Otherwise planning permission for the permanent development will only be granted following a review of the UDP which proposes that development on the land in question'.

SPD's

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

Planning Advice Note's

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

Other

South Yorkshire Residential Design Guide

Emerging Development Sites and Places DPD

Local Plan Proposed allocation: Housing Allocation

Site H11 Land off Lee Lane, Royston indicative number of dwellings 770

NPPF

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

Paragraphs of particular relevance to this application include:

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

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

Para's 58 & 60 – Design considerations

Consultations

SYAS – No objections subject to previous conditions being carried forward

South Yorkshire Police – No objections subject to security recommendations

Yorkshire Water – No objections subject to conditions

Highways – No objections subject to conditions

Design – No objection in principle. Initially highlighted some concerns but the majority of these have been addressed throughout the application process.

Education Services – No objection subject to contribution towards primary school places.

Wakefield Council – No objections

Contaminated Land Officer – No objections subject to conditions

Affordable Housing Officer – Development should comply with policy CSP 15

Forestry Officer – Raised concerns regarding the removal of the 2no mature trees to the North East of the site

Air Quality Officer – Requested charging points for dwellings with garages.

Drainage – No objections subject to previous conditions being carried forward.

Waste Management – No comments

Ward Councillors – No comments

Representations

The application has been advertised by way of a site and press notice and properties which share a boundary to the site have been consulted in writing.

As a result of the above, 27 letters of objection have been received. The main points of concern are;

- Increased vehicular movements
- Reduced highway safety
- Loss of greenery/urban sprawl
- Health and education provision over capacity
- Loss of wildlife habitat
- Lack of bungalows within the scheme
- Increased flooding potential
- Inadequate mix of housing across the site
- Level of disruption during the construction
- Limited access to public transport
- Increased overlooking/loss of privacy
- The school proposed for the South of Lee Lane should be relocated to the North
- Bungalows should back on to Applehaigh View to reduce impact
- In accuracies within the application

Following the initial consultation, revised plans showing the roundabout have been received, alongside a Construction Management Plan showing the phasing of the development. The layout of the site remains unchanged but residents were given the opportunity to comment on the amended plans following a re-consultation exercise. As a result of the re-consultation representations were received from 3no properties. Their main points of concern reiterated the concerns outlined above.

Assessment

Principle of Development

As outlined above, the site is currently allocated as Safeguarded land in the UDP. However, the principle of residential development has previously been set with the approval of the outline permission on the larger site, which incorporated the site currently in question. The principle behind the previous permission is set out below;

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

However, the applicant asserts under NPPF policy that the site is in a sustainable location and that there are material considerations of such significant weight that they indicate that the proposal should be allowed. In particular they refer to Core Strategy Policy CSP8 which prioritises housing development within the Boroughs nominated Principal towns, of which Royston is one. Housing plays a fundamental role in the delivery of the Councils economic strategy. The Council strives to deliver 21,500 new homes by 2026, Royston is expected to accommodate at least 5% of this anticipated growth, this would equate to 1000 new homes being secured over the 12 year period. It is clear that new site allocations will have to be identified to achieve these growth targets, to prevent pressure on the Green Belt and that Safeguarded land will be a primary consideration to accommodate future housing allocations.

Based on an assessment of housing supply limited to the Royston area, the applicant also notes that the Council cannot at present demonstrate a deliverable five year supply. It has been acknowledged in previous Planning Board reports that at the present time, the Council cannot demonstrate a five year supply of specific, deliverable housing sites. The Council therefore must concede that, in this situation the NPPF is a material consideration that carries substantial weight in the decision making process of residential proposals.

With regard to five year supply paragraph 49 of the NPPF is clear that where no five year supply can be demonstrated the Presumption in Favour of Sustainable Development at paragraph 14 of the NPPF should be used to determine planning applications and those relevant policies for the supply of housing should not be considered up-to-date. Other relevant development plan policies and material considerations should, however, still be considered.

The NPPF emphasises that Local Planning Authorities exercise a presumption in favour of sustainable development in determining all planning applications. For the purposes of the decision making process this means:-

- approving development proposals that accord with the development plan without delay*
- where the development plan is absent, silent or relevant policies are out of date, granting planning permission unless:-*
- any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole; or*
- specific policies in the Framework indicate development should be restricted.*

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

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

UDP policies are not protected by the NPPF and those associated with safeguarded land within identified sustainable locations can now be considered 'out of date' meaning that the application needs to be considered within the context of the presumption in favour of sustainable development. If it is accepted that the UDP safeguarded land designations in sustainable locations are out of date it is then necessary to consider, as required by the presumption, if there are any adverse impacts from granting permission for this particular site that 'would significantly and demonstrably outweigh the benefits'.

It is considered that the above appraisal can also be applied to this current application. In addition the land has been allocated as Housing Lane within the Publication Draft of the Local Plan. Whilst this has not been adopted yet, and therefore carries limited weight because of this, it indicates the direction of travel for this site is towards residential development.

Design / Visual Amenity

Residential development would represent a significant departure from its Greenfield Status where it is utilised as grazing land. A number of the objections have raised this as a concern, with the consensus being that this would represent a sprawl into open countryside. It needs to be stressed that the site is not subject to any special designations, including Green Belt, SSSI's, Landscape Value or Conservation Area, and therefore its visual amenity attributes would not be sufficient to outweigh the NPPF's presumption in favour of sustainable housing development. Furthermore, the principle of residential development has been set with the approval of the outline permission, and, the land is designated for Housing in the Local Plan.

As previously noted it is a relatively level site which is defined by strong boundaries, these being Lee Lane, Applehaigh View, Lee Lane Farm and a former railway line to the north. These features contribute as mitigating factors which would help to reduce the visual impact of the development, as it would present itself as a natural extension to the town much like the Applehaigh View development did when that was constructed. As a separate commentary to this, residential would also be evidently compatible with the adjoining uses.

The proposals have endorsed the concept of a Master-planned approach as advocated within the Local Plan 'Site H11' for the land to the North and South of Lee Lane, Royston which estimates an indicative number of dwellings circa 770. Pivotal to this is the delivery of the roundabout which is included within the detail of the application. This would ensure that comprehensive development could be achieved to a wider allocation which includes land both to the north, and south of the highway.

The site plan indicates that soft landscaped edge can be provided to the frontage, taken with the roundabout this would enforce a 'gateway' identity to the site, and a much desired feature given its location on the main approach road into Royston. The design of this landscaping would assist with the transition from a more rural to urban environment, in keeping with the character that existing residents value within their representations. Further to the roundabout, pedestrian linkages and a network of green corridors would also be created through the site including a central, linear green space/open space. Collectively the features would meet with the policy expectations of CSP3, 33 and 35.

At 164 dwellings, the development would equate to a gross density of circa 31 units per hectare. This is below densities advocated by CSP14 'Housing Mix and Efficient Use of Land'. However, for this site a lower density is considered appropriate given the design aspirations for the site, and to also ensure that subsequent development would be in-keeping with the edge of settlement location on the urban fringe.

Locally architectural styles vary significantly, the development would provide a broad mix of accommodation covering 2-4 bedroom properties. Properties would be in the form of detached, semi-detached and rows of 3 townhouses. All of the properties would have accommodation over 2 floors. It is acknowledged that the majority of the properties which share a boundary to the East of the site are bungalows, however, the previously approved parameters plan specified these to be a maximum of 2 stories in height and did not specifically request bungalows. The issue of the lack of bungalows on the site was put to the developer but they have declined to add any on to the scheme. Whilst this is disappointing, the scheme still provides a sufficient mix of housing to ensure it meets the relevant policies

The proposed house types are considered acceptable for the development and on the corner plots the dwellings would generally have dual frontages so that fenestration and interest would be visible from both roads. These plots would also be afforded soft landscaping to both sides and predominantly accommodate trees/larger plants to aid soften the elevations and avoid over dominance within relatively prominent positions.

With regards to the proposed layout, there would be a several houses fronting onto Lee Lane and the proposed roundabout, however, these would not have direct vehicular access and would instead be accessed via private drives, set back and partially screened via a landscaped buffer. On entering the site there would be a central, linear open space with pedestrian footpaths linking the central and northern parts of the site. A number of dwellings would front the open space, accessed via private drives. The open space would provide an attractive central focal point which would also aid legislation and navigation around site. It is acknowledged that it would accommodate a pumping station and substation but these would be relatively small and screened.

The main adopted road around the site would be in a rectangular arrangement with dwellings fronting it to both sides. The aforementioned private drives would branch off from the main vehicular route and would be subject to differing surfaces to improve legibility and provide a hierarchy. To the South West and North East of the site the roadway would lead to the adjacent fields to enable the future development of neighbouring land, accessed through this site.

The majority of the dwellings would have parking to the front. However, there are not large runs of parking, 5 spaces side by side at the most to the front of plots, and these are in a non-prominent position with landscaping surrounding. Generally the parking spaces are separated by soft landscaping which helps to avoid large areas of hard landscaping and car dominance. The dwellings which front Lee Lane incorporate parking to the side, given their prominent location, with the spaces also partially hidden by the adjacent buffer. There are parking courts to the North West of the site but these are relatively small and non-prominent. They also incorporate areas of landscaping.

All the properties, including the townhouses, have pedestrian access to the rear amenity spaces which means bins and recycling containers can be stored in non-prominent positions, away from front elevations and driveways.

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

Residential Amenity

The site sits between an established residential area and land in agricultural use. The proposals are considered to be wholly compatible with these surrounding land uses, and there are no processes or operations taking place which would be prejudicial to residential amenity. This has also been confirmed by Regulatory Services who raise no objections on pollution grounds to the principle of residential development.

There have been concerns raised within the representations relating to privacy and outlook matters from the residents along Applehaigh View whom back onto the site. With regards to outlook, the principle of residential development on the site has previously been established and the approved parameters plan and associated conditions stated 2 storey properties along the Eastern boundary would be acceptable. It is acknowledged that the parameters plan identified a landscape buffer along that boundary, which is not included in this scheme. However, in order to compensate, the separation distances between the existing rear elevations and proposed side and rear elevations have been increased above the requirements of SPD 'Designing New Housing Development'.

With regards to privacy levels, the separation distances between the existing and proposed properties, outlined above, would ensure adequate privacy levels between habitable room

windows. The proposed rear elevation windows would be in excess of 10m of the shared boundaries, in accordance with the SPD, but it is acknowledged that some of the existing rear elevations, containing habitable room windows, would fall short of 10m from the proposed rear amenity spaces. The short fall is limited to a small number of properties and would not be significant, in addition, the majority of the neighbouring properties have accommodation over 1 floor with views limited by boundary treatments. In anycase, the prospective purchasers of the properties would be aware of the situation and it would not be enforced upon them.

With regards to the residential amenity within the proposed development itself, the back to back dwellings would generally both have garden lengths of 10m. However, this results in the elevations being 20m apart rather than the recommended 21m. Given the relatively modest shortfall, and the fact that potential buyers would be aware of the layout, this is considered acceptable and would provide adequate levels of amenity.

The majority of the proposed dwellings exceed the internal and external spacing standards set out in the South Yorkshire Residential Design Guide and the SPD. However, there are a small number of 3 bedroom house types which fall short, generally because they have a small box room/study. For example, the 'Barton' meets or exceeds the requirement in the living room, master bedroom, 2nd bedroom and bathroom but falls short in the kitchen and 3rd bedroom. However, these are popular house types in the Barratt's portfolio and given that they only fall short in a couple of areas would not warrant a refusal in this case.

As a result of the comments above, residential amenity for existing and future residents would be to a reasonable degree.

Highways Safety

The site fronts onto the B6428 Lee Lane approximately 1.3 km west of Royston town centre. Lee Lane is subject to the National Speed limit, although a 30mph speed limit applies towards the eastern boundary approximately 60m from the junction with Applehaigh View. There is only one footway along the section of highway to the front of the development and this is located on the opposite side of the carriageway. In addition there is no street lighting provided across the site.

To the west of the site Lee Lane provides a minor arm to the A61 Wakefield Road/B6428 Lee Lane priority controlled junction. The A61 provides access to Barnsley centre to the south and Wakefield to the north. To the east of the site the B6428 provides an arm to the signal controlled cross road at 'The Wells' in Royston town centre.

Highway safety issues have been a prevalent concern expressed within the many representations received. In accordance with policy CSP26 new development must be designed to ensure that safe, secure and convenient access for all road users can be achieved. Mitigation must be secured where there is either a known or potential safety issue on hand.

The proposal would see the introduction of a new four arm roundabout junction off the B6428 Lee Lane, provided by the developer and secured by condition. Access to the site would be taken from the northern arm of the roundabout but a southern spur would serve future development to the south of Lee Lane. The roundabout would be designed to prescribed standards contained within the Design Manual for Roads and Bridges. In brief it would include an inscribed circle with a diameter of 40 metres, carriageway widths of at least 6.5 metres and 2 metre pedestrian footways on each arm of the proposed junction.

The roundabout is required as part of this application as the Police and Highway Authority are not prepared to tolerate a situation where development is allowed to proceed without a roundabout with no certainty on when, where and how a roundabout will be delivered to address the identified road safety concerns. It is also important to note that policy H11 in the Local Plan requires a masterplan covering the entire allocation. This proposal has come forward on its own without seeking to address any of the cumulative impacts that are likely to arise from the complete development of H11. It is known from the results of transport modelling that significant off-site improvements will be required to the existing highway network, which could involve compulsory purchase of 3rd party land. It is therefore inevitable that there will be other costs over and above the provision of a roundabout.

The Council are currently in the process of examining the cumulative impacts and devising costed solutions with a view to ensuring that each developer/landowner contributes their fair share. This will avoid a scenario where only part of the site comes forward and the rest is rendered unviable due to infrastructure costs only being capable of being sought from those seeking to bring forward sites later in the plan period. As the roundabout is required at the outset it has been decided that the developer of the first site should provide the roundabout but that they don't need to contribute towards anything else given that other developers will benefit from the roundabout being provided at the outset. This is considered a pragmatic approach to allow development to come forward rather than delaying matters until the Council have clearly established the cumulative infrastructure requirements.

The developer has proposed to build up to 33 plots prior to the roundabout being constructed in order to get on site as soon as possible. They propose a temporary access off Lee Lane in the South West corner of the site for workers and tradesman's vans, which leads to the site compound. They also propose a temporary access off Applehaigh View to the South East of the site for all HGV traffic and sales. The phasing details have been shown on an accompanying Construction Management Plan. Given the small number of properties proposed prior to the construction of the roundabout, this is seen as reasonable request and would not significantly affect the highway network. Highways have agreed with the proposals subject to specific conditions surrounding the phasing and the roundabout.

Pedestrian and cycle linkages are provided throughout the site and link to existing infrastructure within the vicinity. Existing amenities including those within Royston Centre and bus stops along Lee Lane/High Street would be served from existing pedestrian footways.

Cumulatively the impact of the roundabout, footways, street lighting and speed restriction would be a significant improvement upon the existing situation. These features address many of the concerns raised within the representations. In terms of addressing the overriding concern then the crux of residents' objections remains one of capacity and the ability to Royston to accommodate this scale growth. A full traffic assessment has been undertaken and this has been revisited to cross reference all committed developments within the town.

The TA has established that the highway has adequate capacity to accommodate this proposal as well as other committed developments within Royston. Subsequent applications for residential development would require further assessments in their own right, whereby additional mitigation and safety measure may have to be considered. A development of this scale would usually take a minimum of 4-5 years to complete therefore The traffic impact (which is acceptable) would therefore not be immediately apparent with levels increasingly incrementally over forthcoming years.

Within the site itself, Highways have raised no objections to the internal road layout. The proposed private drives serve a maximum of 5 dwellings, in accordance with the South Yorkshire Residential Design Guide, and each property would have access to 1no. parking

space for 2 bedroom properties and 2no. parking spaces for 3 bedroom plus properties, in accordance with SPD 'Parking'.

Drainage & Flood Risk

The Environment Agency Flood Map has identified that the site lies in an area of Zone 1 Flood Risk. Development located within Flood Zone 1 is identified as being suitable for all types of development and the risk of flooding from rivers etc. is low.

The nearest watercourse is an unnamed stream located in the northwest area of the site and runs in a north easterly direction before changing direction away from the site, it is in parts culverted. In addition to this there is also a drainage ditch that runs along the north east corner before connecting with the unnamed stream.

Clearly development that increases the amount of impermeable surfaces can result in an increase in surface water run-off, which in turn can result in increased flood risk both on site and elsewhere within the catchment. There is evidence that the site has been affected by excess surface water collecting in the past and this has been addressed within the FRA.

The FRA concludes that development can be achieved that embraces the use of SUDS in accordance with policy CSP3. Subject to compliance with the recommendations in the FRA the proposed development can satisfy the requirements of the NPPF and PPG in relating to flood risk.

Both the Councils Drainage Engineer and Yorkshire Water have been consulted on the application, neither have raised objections, subject to conditions.

Education

Concerns relating to Royston primary schools being at capacity have been raised within many of the representations submitted. Royston is served by 4 primary schools and Carlton ALC. The Education Officer has calculated that there would be 31 school places generated by the development. PAN 33 'Financial Contributions to School Places' requires a contribution of £7,024 per place which results in a total contribution of £217,744. This would be secured by a S106 agreement.

With regards to secondary school places, the projections indicate that there will be sufficient places, as such, no contribution would be required.

Affordable Housing

Core Strategy policy CSP15 identifies that in Royston 15% of the proposed dwellings should be secured in perpetuity as affordable. However, the applicants have cited policy H8 'Affordable Housing' in the Local Plan as being relevant in this case given its increasing weight following submission and advanced stage of hearings.

In order to maintain the viability of the scheme, given that the roundabout will be provided early within the development, and, the fact that the Local Plan is at an advanced stage, it has been agreed that the affordable housing contribution can be reduced to 10% from 15%. The 10% equates to 16no units all of which would be provided on site and secured via a S106 agreement.

Green Space

In accordance with CSP35, CSP42 and the SPD: Open Space Provision on New Housing Developments, all residential development over 20 units are expected to provide green space, whether that be on site or a financial contribution to upgrade existing. As the proposal also represents loss of existing green space there will also be a requirement for compensatory provision for this.

The preliminary green space assessment indicates a deficiency in children's play and youth provision in the area; it is therefore considered appropriate in this instance to provide those on site and the formal recreation provision will be satisfied via an off-site contribution to enhance formal recreation facilities in the locality. Through discussions between the applicant and the Council it has been agreed to reduce the informal open space requirement down to 10% as proposed, in exchange for providing that a LEAP and youth provision is located on site. It is considered appropriate to meet the formal recreation requirement via means of an off-site contribution in this instance; the contribution has been calculated using Appendix 2 of the SPD Open Space Provision on New Housing Developments and equates to £164k.

The design of the LEAP and Youth provision will be conditioned and the off-site contribution will be secured via a s106 agreement.

Ecology and Biodiversity

The application is supported by a detailed ecological assessment. The fields comprise in the main of improved grassland, and field boundaries are composed of some tree line/hedgerows.

Objections have been raised in respect of the loss of important wildlife habitat, the survey identifies that it is void of any ancient habitats and those which are on site are of a low ecological value and are common within the wider landscape environment. The provision of onsite open space, green buffer zones and SUDS would all provide potential areas of habitat providing a degree of biodiversity enhancement.

A bat survey has been submitted with the application which concludes that 'bat activity is found to be relatively low' and that 'the proposals are unlikely to result in significant impacts on local bat populations, provided standard protection measures are implemented. These measures can be conditioned.

Trees

The most significant trees are a group of Oaks along the North Eastern boundary. The proposed development, and specifically the future access road to the site to the North, would result in two of these trees, arguably the best two, being removed. This would have an impact on visual amenity and the Tree Officer raised concerns. The developers were asked to look at alternative locations for the access road but had difficulty given the irregular shape of the land to the North.

Given the location of the trees, away from the highway and in relatively non-prominent positions, it has reluctantly been agreed for the trees to be removed in order to not prejudice the future development of the adjacent land. However, the site does give good opportunity for a tree planting and landscaping scheme to mitigate against the loss. This will be conditioned.

Land Contamination and stability

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

In terms of coal mining legacy the site is located within a low risk area so there is no requirement for further analysis to be undertaken.

Archaeology

Geomagnetic surveys have been conducted across the site on the recommendation of South Yorkshire Archaeology Service. Agricultural features were detected over the majority of the survey areas, comprising a series of possible early field boundaries, evidence for ridge and furrow cultivation, and a series of land drains. In addition there was possible evidence for prehistoric activity detected in the form of two possible oval enclosures at the centre of the site. SYAS are satisfied with the level of investigation which has so far been undertaken but recommend that further surveys are conditioned to take place prior to any development commencing. This approach satisfies the requirements of policy CSP30.

Conclusion

The proposal is contrary to saved UDP policy with regard to the Safeguarded Land designation of the site. However, the principle was previously established with the outline approval, and, at present the authority is unable to demonstrate a five year supply of specific, deliverable sites for residential development, as a result the NPPF Presumption in Favour of Sustainable Development applies. Contrary to the representations made against the development all the indications from the analysis of the submitted reports and subsequent consultation responses are that residential development is a sustainable and compatible land use within the locality. The presumption must therefore apply.

The application has adequately demonstrated that the site is of an appropriate size to accommodate 164 dwellings. Its location on the existing settlement boundary means that it benefits from access to plethora of amenities and services which are immediately on hand within Royston district. Royston is a principle town which has been prioritised for future growth; the development would therefore contribute to these objectives. There are no significant or demonstrable adverse impacts associated with the development and the application has successfully demonstrated that an adequate access can be achieved without compromising highway safety.

Recommendation

Grant subject to conditions and subject to signing of S106 agreement for Education, Greenspace, and Affordable Housing.

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

Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.

- 2 The development hereby approved shall be carried out strictly in accordance with the plans, documents and specifications as approved (see below) unless required by any other conditions in this permission.

Plans;

Planning Layout Drawing - LL-PL/01

Materials Layout - LL-ML/01

Alderney Plans and Elevations - BALD 00CD

Barton Plans and Elevations - BBAT 00CE, C1

Collaton Plans and Elevations - BCLA 00CD

Ennerdal Plans and Elevations - BENN 00CE

Eskdale Plans and Elevations - BESK 00CD, CS

Kenley Plans and Elevations - BKNL 00CE, C1

Kingsley Plans and Elevations - BKEY 00CD

Maidstone Plans and Elevations - BMAI 00CE, C1

Palmerstone Plans and Elevations - BPMS 00CE, C1

Ripon Plans and Elevations - BRIP 00CD

Windermere Plans and Elevations - BWIE 00CD

Woodcote Plans and Elevations - BWOO 00CE, C1

Documents;

Bat Survey - R-2722-02

Geoenvironmental Appraisal - 2366/1

Flood Risk Assessment Report - November 2016

Arboricultural Report & Impact Assessment - AWA1741

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 materials shall be in accordance with the approved materials layout Ref: LL-ML/01. 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 Upon commencement of development a plan indicating the position of boundary treatment(s) to be erected shall be submitted to and approved in writing by the Local Planning Authority. 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 Prior to the commencement of development plans to show the following levels shall be submitted to and approved by the Local Planning Authority; finished floor levels of all buildings and structures; road levels; existing and finished ground levels. Thereafter the development shall proceed in accordance with the approved details.

Reason: To enable the impact arising from need for any changes in level to be assessed and in accordance with Core Strategy Policy CSP 29, Design.

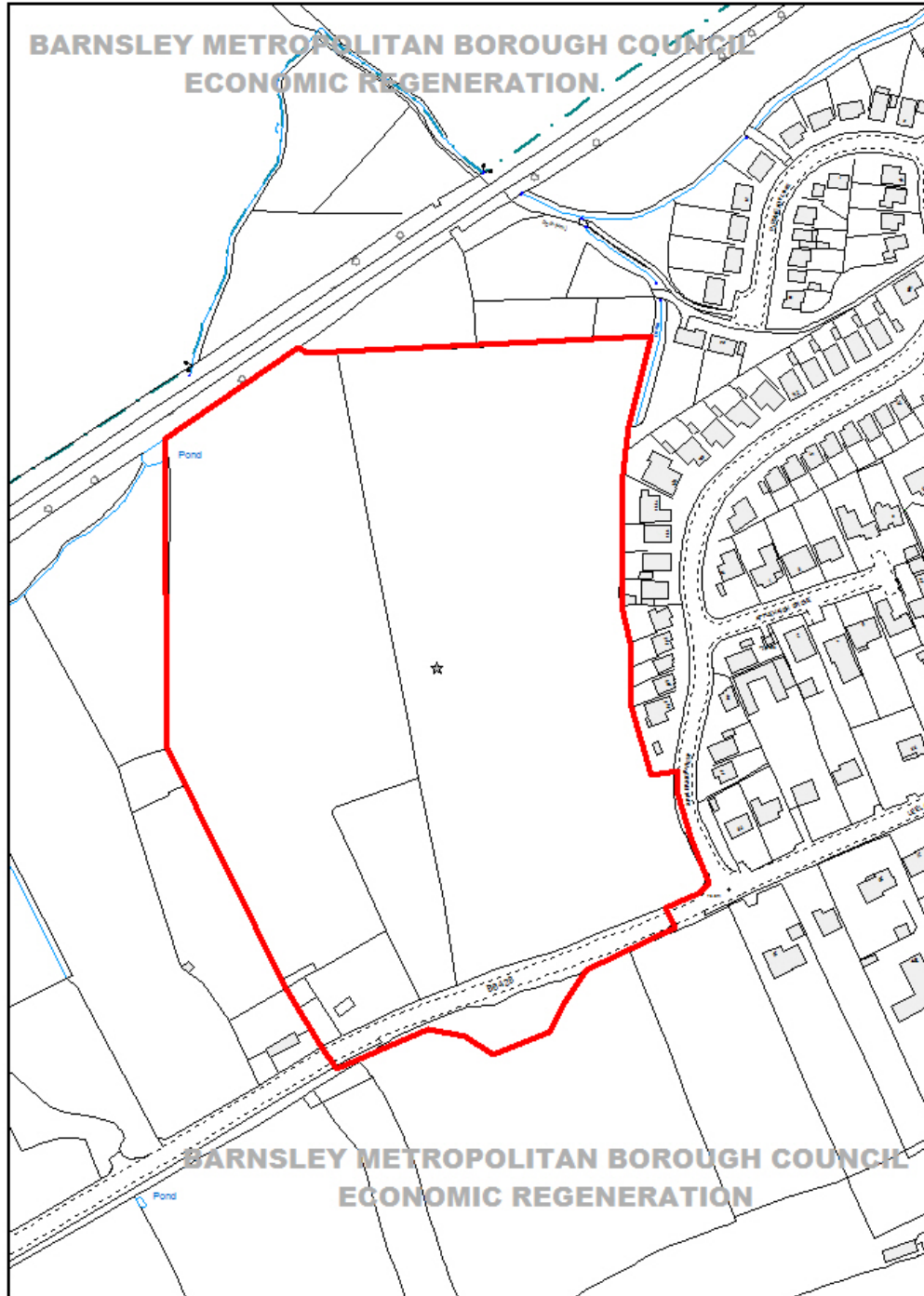
- 6 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 7 No development shall take place, 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.**
- 8 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 9 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.
- 10 Vehicular and pedestrian gradients within the site shall not exceed 1:12.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 11 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

- 12 Development shall not commence until details of the phasing of the development has been submitted and approved in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved details.
Reason: To ensure a safe and adequate highway network, in accordance with Core Strategy Policy CSP 26.
- 13 Prior to commencement of development full highway engineering construction details, (including highway retaining structure, and phasing of the highway works) shall be submitted to and approved in writing by the Local Planning Authority. Development shall proceed in accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 14 No development shall take place until full foul and surface water drainage details, including a scheme to reduce surface water run-off by at least 30%/maintain or reduce existing Greenfield run-off rates and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority:
- Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.
Reason: To ensure proper drainage of the area, in accordance with Core Strategy policy CSP4.
- 15 No development shall take place until a scheme for disposing of surface water by means of a sustainable drainage system is approved by the Local Planning Authority. The scheme shall include the following details:
- Information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
 - A timetable for its implementation; and
 - A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker or any other arrangements to secure the operation of the scheme throughout its lifetime.
- The development shall be implemented in accordance with the approved sustainable drainage scheme and maintained thereafter in accordance with the approved management and maintenance plan.
Reason: To ensure proper, sustainable drainage of the area in accordance with Core Strategy Policy CSP 3.
- 16 Upon commencement of development full details of the LEAP standard play area (include a minimum 5 items of play equipment) and Youth Provision, alongside management responsibilities and maintenance schedules and a programme for installation, shall be submitted for approval in writing by the Local Planning Authority. The approved details shall be implemented in accordance with the agreed timetable for installation.
Reason: In the interests of residential amenity to ensure adequate provision of public open space to meet local needs in accordance with Policy CSP 35 of the Core Strategy.

- 17 Upon commencement of the development the following landscaping details shall be submitted to, and approved in writing by, the Local Planning Authority. The approved details shall be retained thereafter:
- i) proposed finished levels or contours;
 - ii) public open areas;
 - iii) soft landscaping;
 - iv) means of enclosure;
 - v) other vehicle and pedestrian access and circulation areas;
 - vi) hard surfacing materials;
 - vii) minor artefacts and structures (eg. furniture, play equipment, refuse or other storage units, signs, lighting etc); and
 - viii) proposed and existing functional services above and below ground (e.g. drainage, power, communications cables, pipelines, indicating lines, manholes, supports etc.)
- Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 18 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.
- Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 19 A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas for a minimum of () years, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.
- Reason: In the interests of the visual amenities of the locality, in accordance with Core Strategy Policy CSP 29.**
- 20 No building or other obstruction including landscape features shall be located over or within 3.0 (three) metres either side of the centre line of the sewer i.e. a protected strip width of (6) metres, that traverses the site. If the required stand-off distance is to be achieved via diversion or closure of the sewer, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker.
- Reason: In order to allow sufficient access for maintenance and repair work at all times.**
- 21 No piped discharge of surface water from the application site shall take place until works to provide a satisfactory outfall, other than the local public sewerage, for surface water have been completed in accordance with details submitted to and approved by the Local Planning Authority.
- Reason: To ensure that the site is properly drained and in order to prevent overloading, surface water is not discharged to the foul sewer network.**

- 22 No development within any phase, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation within that phase and this has been approved in writing by the Local Planning Authority. The WSI shall include:
 The programme and method of site investigation and recording.
 The requirement to seek preservation in situ of identified features of importance.
 The programme for post-investigation assessment.
 The provision to be made for analysis and reporting.
 The provision to be made for publication and dissemination of the results.
 The provision to be made for deposition of the archive created.
 Nomination of a competent person/persons or organisation to undertake the works.
 The timetable for completion of all site investigation and post-investigation works.
 Thereafter each phase of the development shall only take place in accordance with the approved WSI and each phase shall not be brought into use until the Local Planning Authority has confirmed in writing that the requirements of the WSI have been fulfilled for that phase or alternative timescales agreed.
Reason: To ensure that any archaeological remains present, whether buried or part of a standing building, are investigated and a proper understanding of their nature, date, extent and significance gained, before those remains are damaged or destroyed and that knowledge gained is then disseminated.
- 23 No development shall commence until full details of the structural condition (including CCTV survey of any culverted section) and the exact route of the watercourse have been submitted to the Local planning Authority. In the event that any culverted section is in need of repair, or that the watercourse channel is in need of clearance/dredging works, then a repair scheme / works schedule shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall proceed in accordance with the approved details.
Reason: To demonstrate its fitness for purpose and proper functioning of the existing watercourse.
- 24 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the dwellings hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.
- 25 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangements which secure the following highway improvement works:
 - Provision of a roundabout at the junction of the site access with Lee Lane;
 - Measures to reduce speeds on Lee Lane;
 - Measures to prevent parking at the new junction;
 - Provision of /any necessary alterations to street lighting;
 - Provision of / any necessary alterations to highway drainage;
 - Any necessary resurfacing/reconstruction;
 - Any necessary signing/lining
 The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.
Reason: In the interests of highway safety and the free flow of traffic in accordance with Core Strategy policy CSP 26.

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BARNSELY MBC - Economic Regeneration



Scale 1: -----

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2017/0987

Applicant: Ms Miranda Steadman

Description: Erection of 7,200sqm NHS blood centre comprising laboratory and administrative/support functions.

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

No representations have been received from members of the public.

Site Description

The proposal site is one of the vacant plots of land on Capitol Park in Dodworth. The land has been assigned the name plot D with Unit A, a 7,225 sqm industrial unit now at an advanced stage of construction following the plans approved under application 2017/0248. In addition the Council is currently considering an application to develop plots B and C (ref 2017/1109) which propose the erection of two additional buildings (plot B x 2233sqm and plot C 1472sqm). These would be made available for B2 general industrial and B8 storage uses that would be allowed to accommodate ancillary office space.

Plot D contains 2.3ha of vacant land. It is located adjoining Capitol Close to the north, Higham Lane to the west and other land forming part of Capitol Park to the south.

The strategic road network is an important feature of the surroundings with Capitol Close being served off the A628 in close proximity to junction 37 of the M1. Also Dodworth Business Park and Fall Bank Industrial Estate are located nearby further to the west along the same stretch of road.

Higham Lane is to the west of the site and beyond that land which is undeveloped containing a woodland. The site is generally remote from residential properties. A single bungalow (Lane Head Farm) is near to the north west corner of the site. To the north and east is Capitol Close which contains a variety of office and light industrial units.

The main body of the site is flat. It is set down lower than Capitol Close and Higham Lane below an embankment which hosts vegetation which has been planted as landscaping for when the land is developed. Within the site itself the site has been colonised by modest to low levels of self seeded vegetation.

Proposed Development

The application seeks full planning permission to develop plot D in order to construct a 7,200sqm building which would be occupied by the NHS for the purposes of a blood laboratory and administrative/support functions.

The building would sit to the north of the plot A building which is under construction towards the rear of the site as seen from the A628. At its widest and longest point it would measure 86m x 48m. The height to the building would be approximately 13.5 metres above the finished ground floor level. The unit would be of steel framed construction and the external materials would be a mixture of composite micro-rib panels, horizontal profiled twin skin cladding, vertical profiled twin skin cladding, powder coated aluminium curtain walling and windows and facing brickwork.

The layout includes a car park with 220 parking spaces which would be located in the foreground of the building as seen from Capitol Close which would be the route of access into the site. Provision of electronic vehicle charging points is included.

The internal access road would be shared with sites A, B and C. The service yard would be located to the rear (south) of the building.

The facility would provide blood components to hospitals in Yorkshire, Derbyshire, Nottinghamshire and Lincolnshire from the Hospital Services function and would operate 24 hours per day, 7 days per week and 52 weeks per year. Through the use of a Bulk Movement Vehicle, they would move samples and raw material to their Manchester Blood Centre for processing and testing.

Other operational activities would include but are not restricted to:

- A Red Cell Immunohaematology reference laboratory providing a complex blood grouping referral service for resolution of complex cases referred from hospitals, including the provision of cross matched blood.
- A Stem Cell and Immunotherapies Laboratory which collects, processes, cryopreserves and issues stem cells and cord blood cells throughout the region.
- A Histocompatibility and Immunogenetics Laboratory which supports haematopoietic stem cell and solid organ transplant programmes for the region and beyond, plus providing immunogenetic services for a wide range of diseases.
- A Tissue and Eye retrieval team will also be based on site covering retrievals for the region.

Other services would include Transport; Clinical; Quality; IT; Finance; Communications & Marketing; Facilities and Estates and; the Yorkshire Organ Donation Transplantation Team.

The applicant has confirmed that there would be approximately 350 staff employed at the facility. 70 would be new jobs in the office, skilled, nursing/medical, laboratory and transport sections of the business. In the future it is expected that further job opportunities would also become available for local people.

History

Outline planning permission including means of access for general industrial (B2) use and storage and distribution (B8) use with ancillary office (B1) use was granted by the Council on the proposal land and the wider site on 07/10/2016 (ref 2016/0713).

Reserved matters approval was granted for the area of the site designated plot A on 24/04/2017 under application 2017/0248. The approved development which is now at an advanced stage of construction is for a 7,225 sqm industrial unit which is going to become occupied by a palette storage and distribution company.

In addition the Council is currently considering a reserved matters application relating to the areas of the site designated plots B and C (ref 2017/1109). This application is due for determination before 15/11/2017.

Prior to that outline planning permission was originally granted for a mixture of employment uses, a hotel and park and ride in 2005 under application B/04/1998/DO.

Policy Context

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

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

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

Saved UDP Policies

UDP notation: Employment Proposal (DO3, DO3_1,ED1,ED2)

Local Development Framework Core Strategy

CSP2 'Sustainable Construction'
CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP5 'Including Renewable Energy in Developments'
CSP8 'The Location of Growth'
CSP11 'Providing Strategic Employment Locations'
CSP12 'The Distribution of New Employment Sites'
CSP19 'Protecting Existing Employment Land'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

SPD's

- Residential amenity and the siting of buildings
- Parking

Publication version of the Draft Local Plan

Proposed allocation: Employment Allocation UB8

NPPF

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

Consultations

Air Quality – No objections subject to a condition being in place to agree appropriate mitigation controls.

Biodiversity Officer – No objections have been received.

Coal Authority – No objections as the Coal Authority is satisfied with the broad conclusions of the Geoenvironmental Ground Investigation Report, informed by the site investigation works; that coal mining legacy issues are not significant within the application site and do not pose a risk to the proposed development.

Drainage – No objections subject to the imposition of the standard condition requiring the drainage details of the development to be submitted to and agreed in writing with the LPA prior to the commencement of development.

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

Highways – No objections subject to conditions.

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

SYMAS – No objections.

SY Police ALO – Recommend that the development is designed to achieve secured by design standards.

Yorkshire Water – No objections subject to conditions.

Representations

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

Assessment

Principle of Development

The site already benefits from an extant outline planning permission for the site to be developed for B2 and B8 uses with ancillary B1 office accommodation. In addition the site is allocated for employment development in the UDP and is the subject of a draft allocation policy in the emerging Local Plan.

The proposed use does not fall neatly into any land use category and as such is considered to be sui generis use. However as the development would generate a large number of skilled and semi-skilled jobs and lead to the significant investment in the local economy. It is considered to be a suitable and compatible employment generating use that would comply with multiple aims of the Council in terms of job creation in skilled areas and policies including CSP 8, 11 and 12. Also being within the Sub Regional Town and being surrounded by other employment units the site is in a priority sustainable location to accommodate growth and benefits from excellent access to the strategic road network. The proposal is therefore supported in land use planning policy terms.

Visual Amenity

The proposed building would represent another large scale addition to the development Capitol Park. However the site is large enough to absorb the development taking into account of its surroundings which are large and spacious and already include a number of large buildings. In addition the site is located several metres below Capitol Close and Higham Road which lessen the overall height of the building compared with surrounding land levels.

The new building has been designed in accordance with modern architectural principles for this form of development and would utilise a mixture of different cladding and colours in order to create a building of sufficient visual interest. In addition a feature of this building compared with the more enclosed units is that glazing would exist on two levels of the building which is of benefit. Furthermore the application is accompanied by a landscaping plan which shows how existing vegetation would be retained on the existing landscaping embankments to the north and west of the site. In addition the plans commit to providing a good amount of landscaping within the development. This would all aid with integrating the development with the local area and provide a high grade setting for the development and its workforce. The plans are considered to comply with policy CSP29 'Design'.

Residential Amenity

The building would be located in the southern part of plot D which would mean that it would be located over 115m away from the single residential property which is located in the vicinity of the site to the north west.

The development is remote from other residential properties. The noise assessment has concluded that operations within the building and outside are not expected to generate any noise implications. In addition screening attenuation is proposed to prevent that being a source of disturbance. Based upon that the noise assessment has concluded that the conditions 12 and 13 on the outline planning permission concerning noise would be complied with.

24 hour, 365 vehicle movements have the potential to result in amenity issues also. However the access is direct onto the A628 from the site and as such HGV's would not need to use Higham Lane. Overall therefore the development is considered acceptable with regards to residential amenity considerations taking into account of Core Strategy policy CSP40.

Highway Safety

As has already been stated the site benefits from excellent access to the strategic road network due to Capitol Close directly connecting to the A628 and junction 37 of the M1 being so close by.

Outline planning permission was granted for the whole site in October 2016 for a total of 16,499sq.m of industrial development. The additional vehicular trips on the network were a cause for concern as some parts of the network are known to be working at or close to capacity. The Transport Assessment and modelling demonstrated that some additional trips could be accommodated on the network before off site highway mitigation works were warranted. The maximum number of trips to be generated from this site was, therefore, controlled by a condition.

A reserved matters application was submitted in February 2017 for an industrial unit on part of the site, and was subsequently granted planning approval. A reserved matters application for two industrial units is currently under consideration.

The original outline consent established that a total of 198 two way trips can be accommodated on the network prior to any off site highway interventions being required and this also included an allowance for adjacent sites.

The current proposal generates more trips in the am and pm peaks than the extant number of vehicle trips associated with the industrial development. It should be noted that the office staff would arrive/ depart in the network off peak hours. However, the original Transport Assessment in support of the whole of this site for the outline planning application made an allowance for some "committed development" elsewhere on Capitol Park, which is now also the subject of a planning application. The allowance made exceeds that required by the current development and covers the additional required for the NHS Blood Centre. The result being that this development can be accommodated on the network without the need for highway mitigation. The impact on the network could not therefore be defined as severe which is the measure in the NPPF and the impact is less than that previously approved on the site.

A new internal access road would be constructed within the site which would be shared with Units A, B and C. This is of a specification which has been determined to be acceptable by Highways. This is also the case with the new give way priority junction that would be formed with Capitol Close. Also the serviced yard is of an acceptable form of design.

The proposed parking provision of 220 car parking spaces has been considered against the SPD. In addition to the above, the proposals include 30 van parking spaces, 10 rapid response vehicle spaces and 6 BMV parking spaces. It is stated that there would be approximately 150 office staff and 200 non office staff. Office staff would work 10.00-16.00 and the remaining staff would be split between a 3 shift pattern. In the view of highways the amount of parking provision is suitable and proportionate. In addition a travel plan would be imposed via a condition.

The situation is therefore overall that the development is acceptable with regards to highway considerations.

Other considerations

Air Quality

The site is located in an Air Quality Management Area. The air quality assessment has determined that the development would give rise to medium air quality considerations which is the level where mitigation measures are required. Associated with this the proposals include 5 electric vehicle charging points and 24 covered cycle parking spaces. However the air quality officer has requested a condition to agree the finer details.

Drainage

The FRA has determined that the site is located within Flood Zone 1 and is therefore at low risk of flooding from river or sea. NPPF Technical Guidance states all uses of land are appropriate in Flood Zone and as such the proposal complies with CSP4 in this respect.

Surface water management is the other main consideration. The FRA has discounted the use of soakaways due to the nature of the ground conditions and there is no watercourse within a sufficiently close distance to discharge to. As such the proposals are to discharge into the public sewerage system at a restricted rate which would involve the construction of storage and attenuation measures. Yorkshire Water and the Council's drainage officer have assessed the details and are content with the proposals, subject to conditions to agree the finer details.

BREEAM and CO2 emission reduction

Conditions are required to require the development to achieve a BREAAAM very good standard and a 15% reduction in CO emissions.

Biodiversity

The findings of the ecological report can be summarised as follows:-

- The site is currently characterised by cleared and levelled ground bare of vegetation and other areas which have become colonised by poorly draining wet grassland, self-seeded shrubs and ruderal vegetation. Young planted saplings and grassland are present at the northern and western margins of the site, with a hedgerow with occasional mature trees forming the western boundary between the site and Higham Lane.
- The proposals will have no adverse effect on statutory or non-statutory designated sites.
- The boundary hedgerow and trees are of local value as they provide habitat connectivity and structural diversity in a landscape dominated by built development and farmland. The western boundary hedgerow also represents Priority Habitat.
- No other habitats within or adjacent to the site are Priority Habitat. All habitats are common and widespread across lowland Britain and are typical of the local area and the conditions present.
- Rhododendron, an invasive species, as listed on Schedule 9 of the Wildlife and Countryside Act 1981 (as amended), is present within the hedgerow at the western site boundary.
- The 2016 invertebrate surveys confirmed the site was of entomological interest, with a wide range and diversity of species present, including species of both local and national notability. Mitigation proposals to provide optimal habitats for a range of invertebrate species in association with the development are proposed as a result.
- The boundary hedgerow, trees and planted saplings are suitable habitat for nesting passerine birds. The open undisturbed habitat recorded in 2016 within the centre of the site was suitable for ground-nesting bird species.

- The boundary hedgerow, trees and saplings also provide suitable habitat for foraging birds and bats and require mitigation measures accordingly.
- No other protected species have been detected. Any impacts of the proposed redevelopment on badger, roosting bats, water vole, great crested newt, reptiles and barn owl are reasonably discounted.
- The proposals would secure an opportunity to implement beneficial measures such as habitat creation that will safeguard habitats for wildlife such as birds, bats and invertebrates, with the aim of providing a net gain in biodiversity in accordance with the principles of the NPPF.

A condition is proposed to ensure that the mitigation measures in the report are complied with.

Conclusion

In summary the proposal relate to development on a site which benefits from an existing outline planning permission to be developed for B2 and B8 uses and ancillary offices (B1) and an allocation. In addition the site is in a suitable and sustainable location for development as identified in the Core Strategy and emerging Local Plan.

The proposed use does not fall into any of these categories and is regarded to be a sui generis use on that basis. However as the development would generate a large number of skilled and semi-skilled jobs and lead to the significant investment in the local economy this is considered to be a suitable and compatible employment generating use that would comply with multiple aims of the Council in terms of job creation in skilled areas and policies including CSP 8, 11 and 12.

The other implications of the development have been considered. The development is located adjacent to a section of the highway network which is congested at peak times. However due to the previous planning permissions and UDP allocation this is considered to be a form of committed development and the number of journeys anticipated would not exceed those that have already been factored in. All other aspects of the development are acceptable with regards to highways considerations, including the amount of parking proposed.

The development would not give rise to any other identified areas of harm with the development not expected to give rise to harm to residential amenity due to the separation distance and small number of residential properties in the vicinity of the site and the nature of the use. Also the site is located in a low risk flood area.

The ecology report has determined that most of the site is of low ecological value. However mitigation and enhancement would be required to preserve interests and as such this needs to be conditioned. Furthermore it is necessary for a condition to be imposed to agree suitable air quality mitigation measures. Overall however the development is considered acceptable when considered against a range of UDP and Core Strategy planning policies and is supported by Officers accordingly.

Recommendation

Grant planning permission subject to conditions:-

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

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

14120-100 rev A 'Location Plan'
14120-101 rev A 'Existing Site Plan'
14120-103 rev A 'Existing Site Sections'
14120-102 Existing Detailed site plan
14120-110 rev D 'Proposed Site Plan'
14120-111 rev D 'Proposed Detailed site plan'
14120-117 rev A 'Proposed elevations'
14120-112 Proposed Sections
14120-115 rev A 'Proposed Ground Floor'
14120-116 rev A 'Proposed First Floor Plan'
14120-118 'Proposed bin/wash.maintance comp'
14120-119 rev A Proposed Roof Plan'
Vector Design Concepts Plan V14120-LO3 'Proposed Landscape Plan'
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.

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

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

- 5 Prior to any works commencing on-site, a condition survey (including structural integrity) of the highways to be used by construction traffic shall be carried out in association with the Local Planning Authority. The methodology of the survey shall be approved in writing by the Local Planning Authority and shall assess the existing state of the highway. On completion of the development a second condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.

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

- 6 Prior to the occupation of the development a draft Travel Plan shall be submitted to and approved in writing by the Local Planning Authority. The plan shall indicate measures that will be put in place to encourage travel by modes other than the private car, and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved, it shall be fully implemented and retained as such thereafter.

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

- 7 No development shall take place until Full foul and surface water drainage details, including a scheme to limit surface water run-off and a programme of works for implementation, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented and the scheme shall be retained throughout the life of the development.

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

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

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

- 9 Prior to the commencement of development or other operations being undertaken on site in connection with the development, the following documents prepared in accordance with BS5837 (Trees in Relation to Construction 2005: Recommendations) shall be submitted to and approved in writing by the Local Planning Authority:

Tree protective barrier details
Tree protection plan
Arboricultural method statement

The erection of fencing for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus

materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

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

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

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

- 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.

- 12 Upon commencement of development a plan indicating the position of boundary treatment to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the building is occupied. Development shall be carried out in accordance with the approved details.

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

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

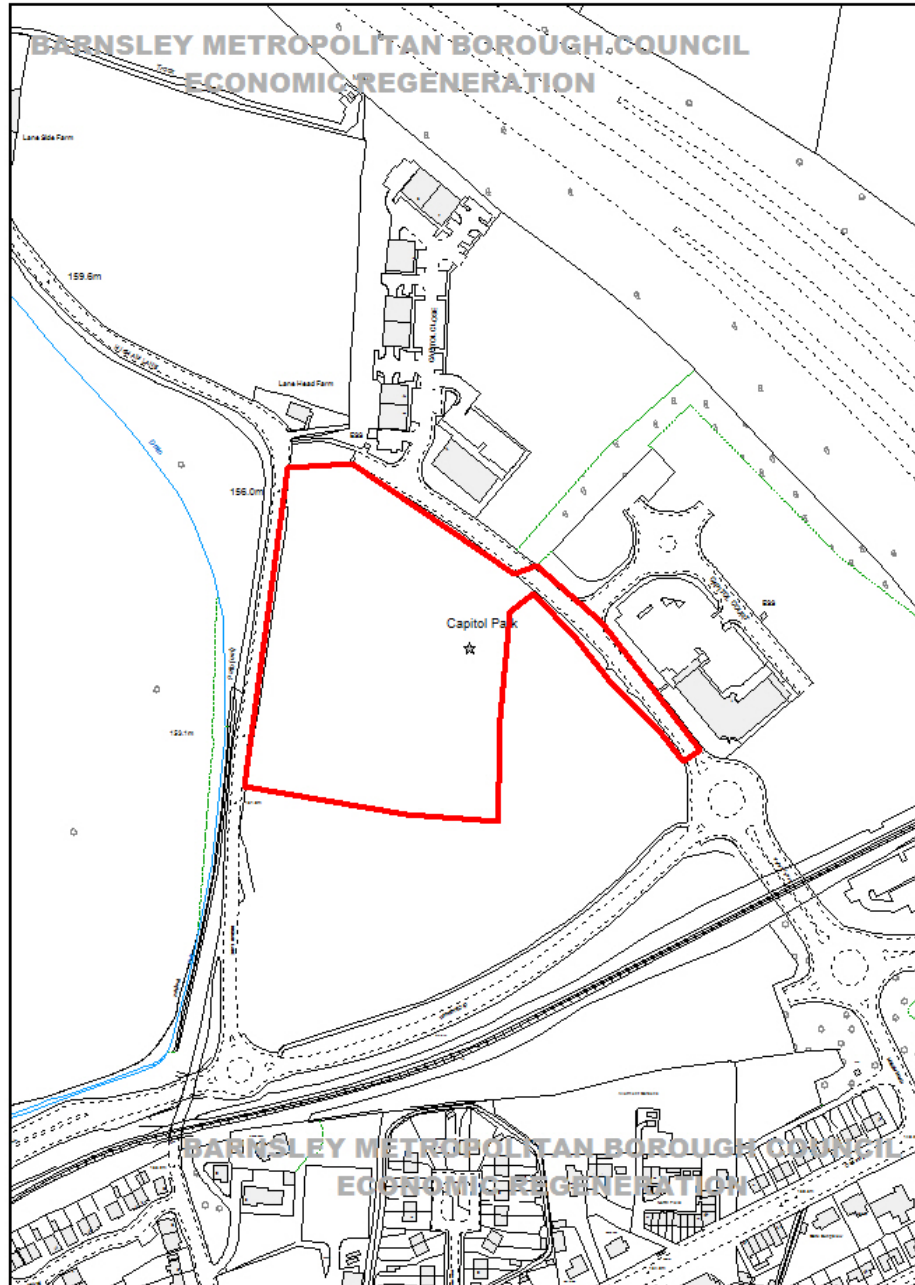
Reason: In the interest of sustainable development, in accordance with Core Strategy policy CSP5.

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

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

- 15 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.
- 16 Prior to the occupation of the proposed development, details of appropriate air quality mitigation controls shall be agreed in writing with the Local Planning Authority. Suitable mitigation controls shall be designed in accordance with the requirements of the Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance, and shall be also incorporated into any Travel Plan where appropriate for the proposed development. Thereafter, the development shall be carried out in accordance with the approved details.
Reason: In the accordance with current Barnsley MBC Core Strategy Policies CSP 40 (Pollution Control and Protection) and CSP 41 (Development in Air Quality Management Areas).
- 17 The development must not result in greater than 87 two way vehicle trips in the weekday AM peak hour (0800 to 0900) and 70 two way vehicle trips in the weekday PM peak hour (1700 to 1800) respectively.
Reason: To control the number of new vehicles on the highway network and prevent additional congestion in accordance with policy CSP26.
- 18 The proposed development shall achieve BREEAM standard of 'very good' or equivalent. Upon completion of the development, an energy performance certificate shall be provided to the Local Planning Authority demonstrating that the required standard has been achieved and the measures provided to achieve the standard shall be retained as operational thereafter.
Reason: In the interest of sustainable development, in accordance with Core Strategy Policy CSP2.
- 19 Upon commencement of development details of measures to facilitate the provision of high speed broadband for the development hereby permitted, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In order to ensure compliance Core Strategy policy CSP 42, policy I1 in the emerging Local Plan and in accordance with paragraphs 42 and 43 of the National Planning Policy Framework.
- 20 The mitigation measures detailed within ENS report ref NIA/7455/17/7330/v1/Unit D Capitol Park dated 10th July 2017 shall be implemented in full for the lifetime of the development
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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BARNESLEY MBC - Economic Regeneration



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2017/0766 and 2017/0771 Joint Report

Applicant: Barnsley MBC, C/o NPS Barnsley

Description: **2017/0766** Conversion of existing outbuilding and siting of wooden clad container for use as a Pet Crematorium
2017/0771 Conversion of existing outbuilding and siting of wooden clad container for use as a Pet Crematorium (Listed Building Consent)

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

The application is put to Members as the Council is the applicant
Cawthorne Parish Council have objected to the proposal
No letters of objection have been received from local residents

This application was deferred from the September Planning Regulatory Board to allow Officers to gather together additional information on the exact cremation process and what fumes/odours/residue it would create and how this would be dealt with; whether the crematorium could only be operated overnight and not within daytime hours; the reasoning for it to be placed at the specific location proposed; and to see if it is possible to erect a pitched roof to the container and encase the proposed flue with a brick chimney. The additional information requested by Members has been provided by Bereavement Services and the following report has been updated.

Description

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

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

Cannon Hall shares its immediate setting with Cannon Hall Farm, and Cannon Hall Garden Centre, both of which are privately owned businesses. The park itself comprises of a mixture of formal landscapes, parkland, and structures that include a Grade II listed walled garden, a series of cascading lakes and a number of undesignated important heritage assets. The park boundaries comprise of mature trees to the north-west and south-west. The eastern boundary separates the park from Cannon Hall Farm and the southern boundary consists of meadow and small groups of mature trees. The main car park and cafe is set to the south western boundary, adjacent to the Garden Centre.

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

The site for the proposed crematorium is set adjacent to the walled garden within an area which is not currently publically accessible. The site is screened by trees and shrubs along the eastern boundaries and to the west is a high brick wall which is part of the historic walled garden. The site currently contains a lean to stone built potting shed and a lean to timber and corrugated metal sheet storage building.

Proposed Development

The works involve the conversion of the potting shed building into an office and store with the replacement of an existing lean to wood and corrugated metal sheet store area with a wooden clad steel containerised crematorium measuring 6.2m by 2.4m. The proposed crematorium would require a 4.7m high flue (from ground level) in an Anthracite grey finish. The works to the potting shed include repairs to the roof and a new entrance porch to be constructed of matching materials and a double glazed hardwood frame and vertical boarded entrance door.

The facility is for cremation only and no ceremonies would take place. Pets will be picked up from their homes and returned by a member of staff in a car sized vehicle. Generally the crematorium will be mostly private for staff only. If a member of the public wishes to visit the site (if they wish to be reassured that the process is what they expected) and should they arrive by car, they would be directed to park in the public car park at Cannon Hall.

The facility can accommodate 10 cremations per working day. However as there is no public involvement in the cremation process (no services), cremations could continue into the evening. Scattering is by appointment only and will be managed by a diary system. It is not expected that more than 5 scatterings will take place per day that have the family in attendance. If members of the public are attending a scattering within the grounds of the park, they would be directed to park in the public car park at Cannon Hall.

A transit van size vehicle would be used for fuel delivery and the frequency of delivery to be agreed with the crematorium plant specialist. Access to the site for pedestrians would remain unchanged and it would be unavailable to the general public unless by invitation only. The access drive off the south of the Hall gardens will be tarmac up to the existing gated opening in the boundary wall. This will only be available for staff at time of fuel delivery only and will be blocked off by a locked 1800mm high timber boarded double gate, painted green.

Policy Context

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

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

Core Strategy

CSP26 – New Development and Highway Improvement
CSP29 – Design
CSP 30 – The Historic Environment
CSP 34 - Green Belt
CSP36 - Biodiversity and Geodiversity
CSP40 – Pollution Control and Protection

Saved UDP Policy

GS8A – Re-use of existing buildings in the Green Belt
BE6E – Temporary structures

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:

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

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

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

Consultations

Cawthorne Parish Council - Object to this application as they consider the pet crematorium to be inappropriate in a family leisure area.

Conservation Officer – No objections subject to conditions

Historic England – No objections received

Regulatory Services – No objections subject to conditions

Environment Agency – No comments or objections. A Permit may be required.

Highways DC – No objection subject to conditions

Tree Officer – No objections subject to conditions

Representations

No letters of representation have been received

Assessment

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

Principle

The application site is designated as within the Green Belt. It is therefore necessary to assess whether the development would be classed as inappropriate or not. In this respect there are two parts to the proposal, the conversion of the existing outbuilding and the erection of a wooden clad container. The NPPF states the re-use of buildings is not inappropriate within the Green Belt providing the buildings are of permanent and substantial construction. In this case the existing building is considered of sufficiently solid construction that it can be converted subject to amendments to the external finishes to improve its visual appearance. The impact on the visual amenities and openness of the Green Belt from the external alterations, including a small porch, are discussed later in the report.

In terms of the wooden clad container, the NPPF states that limited infilling of previously developed sites is not inappropriate within the Green Belt. In this case the site is within the central built up area of the site and is screened by trees and shrubs along the eastern boundaries and to the west is a high brick wall which is part of the historic walled garden. It also would replace a covered garden store and as such it is not considered that it would have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development.

As the wooden clad steel containerised crematorium is considered a temporary structure consisting of short life materials, the Council's planning policy for temporary structures Policy BE6E should be applied. In terms of temporary structures, saved policy BE6E – Temporary structures states:- 'On sites visible from highways and public areas, portable and demountable buildings and those in short life materials will only be given a temporary permission, not exceeding five years, and then only in exceptional circumstances where it can be shown that a building in permanent materials is either not suitable, or that urgent accommodation is needed pending the completion of a permanent structure.' As the crematorium is a new operation and as the container is located in a sensitive location within the registered parkland and adjacent to Cannon Hall, this should be a temporary permission for 5 years. Should the container be required beyond this date the applicant would need to either apply for a more permanent building or apply for a further temporary consent and would need to show that exceptional circumstances exist in line with policy BE6E.

Impact on Green Belt/Visual Amenity

The proposed development involves the change of use of an existing building within the Green Belt, therefore policy GS8A will apply. GS8A states that a building should be converted with minimal alterations and extensions. The proposal includes the erection of a small wooden glazed porch and the removal of the existing lean to store and replacement

with a small wooden clad container to house the incinerator. The replacement of the store with the incinerator store is considered acceptable; as it would not be considered materially larger than the lean to store it would replace and would be a significant improvement to visual amenity given that the unsympathetic lean to element is to be removed.

The re-use of the existing building for the proposed crematorium would not have a materially greater impact on the openness of the Green Belt. The use is small in scale with up to 10 cremations per day, with limited movements required. The proposed crematorium is set within the walled garden and in an area which is not publically accessible and screened by existing trees and vegetation, therefore cannot be seen other than from within the application site. The crematorium would not be easily viewed from public vantage points and as a result there should be very limited impact upon the openness and visual amenity of the Green Belt in accordance with policy CSP34.

Justification for the siting of the crematorium at Cannon Hall

The following justification has been provided by Bereavement Services in response to concerns raised by Members. *'Cannon Hall sits in 70 acres of historic parkland looking towards the village of Cawthorne, to the west of Barnsley. The museum (located in the Hall), the parklands and the farm attract an estimated 1,000,000 visitors per annum. Dog owners are prevalent in the visitors to the Parklands area. As part of the research a large number of dog owners were asked if they thought that Cannon Hall would be a good location for a pet crematorium. The response was unanimously positive. The survey and research undertaken indicates that a beautiful location and ease of access for return visits was a very high priority for pet owners. With this in mind the location was chosen with great care that would provide an area where the cremations can take place but be hidden from view from the general public. The slip garden, where the crematorium will be based, has historically been used as a service area for the hall and gardens behind the walled garden in an area not seen or accessed by the public; It is a place where compost has been stored and gardeners and other work people have undertaken tasks away from the site of the hall owners and visitors. The crematorium will bring an existing but derelict utilitarian service building back into use. The nearest play facility is over 350 feet away. The unique selling point of the service is therefore its location in the grounds of Cannon Hall, a place much loved by dog owners in particular.'*

As part of the successful £3 million Parks for People Heritage Lottery Fund bid, the funder was informed of the potential location of the pet crematorium as part of the overall master planning process. This was found to be an innovative and sustainable use of heritage to contribute to the ongoing management and maintenance of the parks and buildings. In addition it was an excellent way of protecting HLF grant investment as the facility provides an income stream. It was also praised by Arts Council England as an example of heritage innovation and new ways of working by a Local Authority.

The crematorium at Ardsley operates under the Environmental Protection Act and is permitted under this legislation for the cremation of human remains. The reputation of the Ardsley site is extremely high with satisfaction scores consistently over 98%. A dual site containing both a human and pet cremation could damage the reputation of the current service particularly among non-pet owners. Pets are not allowed on site which helps crematorium staff keep the grounds and interment areas free from dog fouling. Space at the crematorium is limited with many areas used for scattering remains or interments. In addition car parking can be a problem at peak times.

An industrial location would not be attractive to pet owners who often regard their pet as a much loved member of the family. Cremating at this type of locations could be seen as an industrial process due to the crematoriums location next to industrial units. It is not the intention to use the pet crematorium for mass disposal but rather a bespoke, personal and caring service for bereaved pet owners.'

Concerns have been raised from the Parish Council with regard to the conflict/appropriateness of the current leisure use and the pet crematorium use. No letters of objection have been received from members of the public or adjacent residential properties. The use would not result in a significant number of visiting members of the public and would be carried out as a small scale use with limited numbers of staff and vehicle movements. The use is considered to be sensitive and would be set away from the main leisure uses of the hall and the gardens within an area of the walled garden which is not accessible by the public. It is not felt that there would be a conflict between the uses and they could operate together without any detriment to the leisure use of Cannon Hall.

Impact upon Heritage Assets

The Conservation Officer considers that the proposal is acceptable in terms of design and materials. The proposed conversion works would improve the appearance of the existing potting shed and would result in the removal of an unsympathetic lean to building. The proposal involves the siting of a crematorium container which would be clad in timber to match the adjacent timber elements on the existing building. The wooden clad container would not be attached to the walled garden or the existing potting shed and therefore would not harm the historic assets and could be removed should the crematorium use cease in the future.

Members queried whether the proposed flue could be encased in bricks and a pitched roof could be put onto the container. The Conservation Officer has considered these options and has stated that the very minor possibility of visual intrusion has been convincingly explored and mitigated by the applicant. It is felt that a pitched roof is not necessary, desirable or possible and may increase intrusion and costs that render the proposal unviable. The location and setting is entirely invisible from either the setting of adjacent listed buildings or from the Registered Parkland. It is agreed that it is visible when you are immediately adjacent to the structure at the non-public side of the wall. However only staff and operators would be able to see this.

The proposed flue is limited in height to approximately 4.7m from ground level and is set back from the garden wall by approximately 2m. The flue would project a limited amount (approx 1m) above the wall and is coloured matt anthracite and would be more or less invisible from within the historic walled garden. A brick stack was explored and discounted due to practical reasons, including concerns that the structure would not be capable of carrying the weight below and as there would be a risk that this may make it visually more intrusive.

Pollution Control

In terms of the operation of the proposed crematorium and any emissions, Bereavement Services have stated that 'the cremator operates on the same principles as the crematorium at Ardsley although on a much smaller scale. Staff from Bereavement Services based at Ardsley crematorium will initially operate the pet cremator. The cremator which is about the size of a large desk has two combustion chambers. The primary chamber is where the deceased pets are place and the secondary chamber is used to burn off any emissions such as smoke or particulate resulting in no smoke or ash discharge from the chimney stack. The facility does not require an operating permit as the Environmental Protection Agency regard

it as such a low risk. However officers have been working closely with BMBC's Pollution Control Team to ensure that all proper procedures are followed. The site will be monitored closely by Pollution Control. As part of the business planning process officers have visited similar facilities and carried out the process themselves from start to finish.'

Members queried the operating hours of the crematorium and if the crematorium could be operated at night. Bereavement Services state that, 'It is anticipated that initially, cremations of individual animals will be undertaken in the evening as collections will take place during the day. It is envisaged that up to 5 cremations per day will take place within the first year of operation but this will be dependent on the success of the facility.'

No objections have been received from neighbouring residents and there would be limited activity generated from the proposal given its small scale use. The crematorium is tucked away adjacent to the walled garden and away from residential properties. The Council's Pollution Control team are satisfied that there should be no impact by way of smells or fumes from the incinerator. The proposal is considered acceptable when measured against CSP40.

Highway Safety

Highways DC have been consulted on the application and have no objections to the proposal subject to conditions. It is unlikely that any additional traffic would be so considerable to have a significant adverse impact on the surrounding highway network in accordance with Core Strategy Policy CSP26.

Trees

The proposed crematorium is located against the garden wall and away from the adjacent trees. As a result, no trees are required to be removed as part of the proposal. It appears unlikely that this proposal will have a detrimental impact on the trees; however care will be needed during construction/installation. There will be significant shrub removal for the new access drive in, however the Tree Officer has raised no objection to this. Given the proximity of the works to trees some specialist construction techniques may need to be employed to ensure that the trees and remaining shrubs remain unaffected. However a full suite of protection related documents will be required to be submitted prior to the commencement of development and should be secured by condition.

Conclusion

No objections have been raised by Historic England and the Council's Conservation Officer and the proposal should not have a significant impact upon the Grade II* Listed Building or the Grade II registered landscape in accordance with the NPPF and Core Strategy Policy CSP30. The re-use of the building as a crematorium is considered to be an acceptable use and would not have any significant impact upon the openness of the Green Belt, adjacent residents or the highway network, in accordance with policies CSP26, CSP34 and CSP40.

Recommendations:

2017/0766 - Grant subject to 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 amended plans
(Nos.NPS-DR-A-(21)-010 REV P2
NPS-DR-A-(21)-011 REV P2
NPS-DR-A-(21)-012 REV P2
NPS-DR-A-(21)-013 REV P1
NPS-DR-A-(21)-020 REV P2
NPS-DR-A-(21)-021 REV P2
NPS-DR-A-(21)-120 REV P2
NPS-DR-A-(21)-121 REV P2) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

- 3 Within 5 years of the date of this permission, the container hereby permitted shall be removed from the site, and all works necessary to reinstate the land to its original condition shall have been carried out.
Reason: In the interests of visual amenities of the site and its historic surroundings, and the character and openness of the Green Belt in accordance with CSP29, CSP30 and CSP34.

- 4 The stack for the incinerator shall be a minimum of 4.7 Metres from the ground.
Reason: In accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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

Tree survey
Tree retention and removal plan
Tree protective barrier details
Tree protection plan
Arboricultural method statement

The scheme shall then 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.

- 7 The proposed Flue shall be finished in Anthracite in a grey matt finish
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

- 8 The pointing mix shall be lime (NHL 3.5): aggregate at a ratio of 1:3. Sand / aggregate should be well graded or river sand. Preparation of the joints will require careful removal of cement by hand at a depth equal to twice that of the width. Pointing mix to be of the same colour or as close as possible to the original lime and to be finished slightly back from arms of surrounding stonework and brushed off or stippled to remove laitance and expose aggregate to a depth of 2mm or 3mm.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 9 Any new stone shall to be sandstone and shall match the existing historic waling in every respect colour, general grain size, and type of face dressing.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.

2017/0771 - Grant subject to 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 amended plans
(Nos.NPS-DR-A-(21)-010 REV P2
NPS-DR-A-(21)-011 REV P2
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NPS-DR-A-(21)-121 REV P2) and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 3 Within 5 years of the date of this permission, the container hereby permitted shall be removed from the site, and all works necessary to reinstate the land to its original condition shall have been carried out.
Reason: In the interests of visual amenities of the site and its historic surroundings, and the character and openness of the Green Belt in accordance with CSP29, CSP30 and CSP34.
- 4 The stack for the incinerator shall be a minimum of 4.7 Metres from the ground.
Reason: In accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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

Tree survey
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The scheme shall then proceed in accordance with the approved details.

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- 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.

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- 8 The pointing mix shall be lime (NHL 3.5): aggregate at a ratio of 1:3. Sand / aggregate should be well graded or river sand. Preparation of the joints will require careful removal of cement by hand at a depth equal to twice that of the width. Pointing mix to be of the same colour or as close as possible to the original lime and to be finished slightly back from arms of surrounding stonework and brushed off or stippled to remove laitance and expose aggregate to a depth of 2mm or 3mm.

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

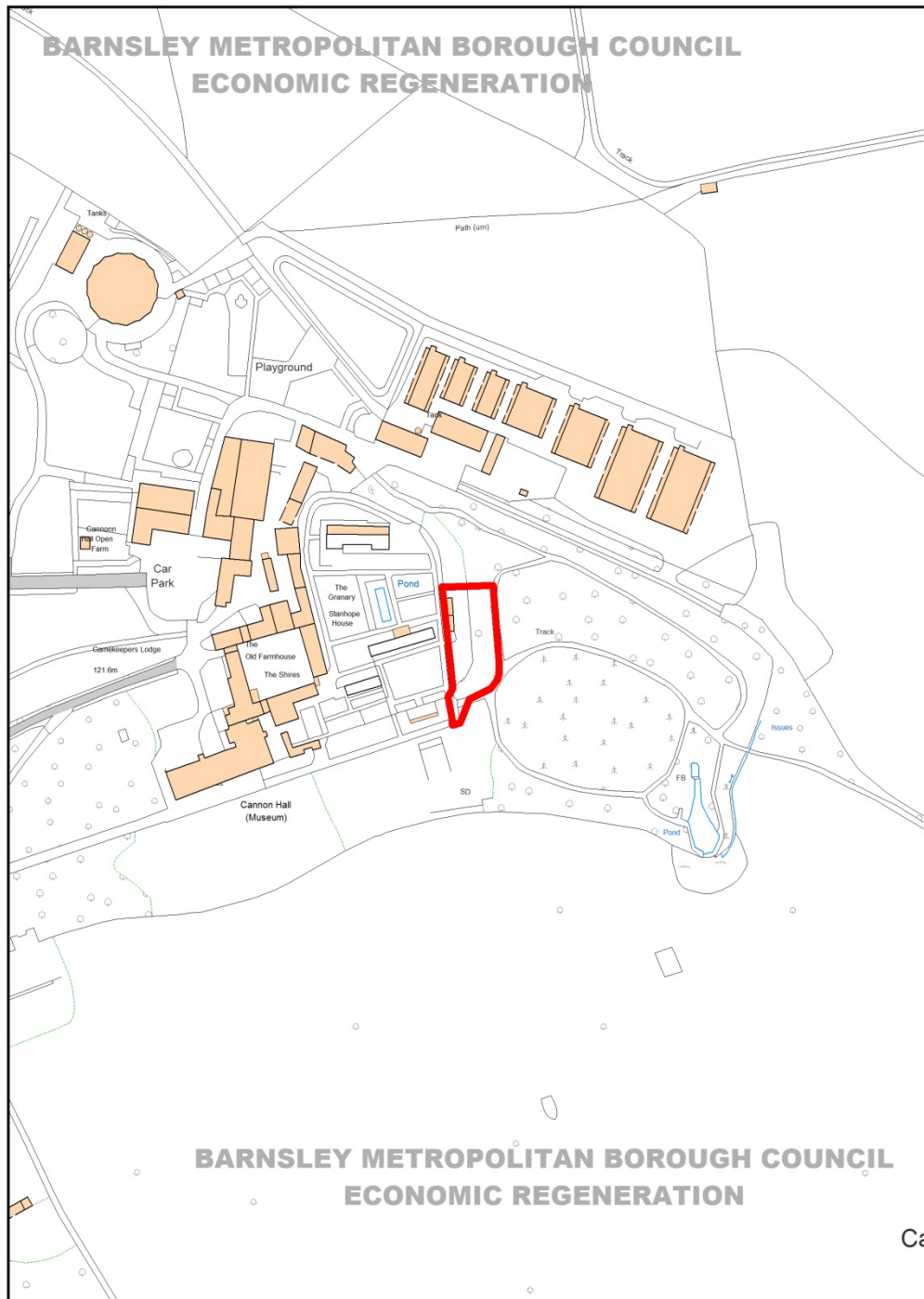
- 9 Any new stone shall to be sandstone and shall match the existing historic waling in every respect colour, general grain size, and type of face dressing.

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

- 10 Windows, doors and timber cladding shall be hardwood, decorated in dark oak stain.

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

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BARNSELY MBC - Economic Regeneration

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

NORTH
Scale 1: 2500

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2017/1196

Applicant: Admiral Taverns, C/o ID Planning

Description: Retention of beer garden and new car parking spaces to rear of public house (amended details to application 2015/1162)

Site Address: The Cross Inn, 7 Summer Lane, Royston, Barnsley, S71 4SE

3 letters of objection have been received from local residents. The three Ward Councillors have opposed the scheme, one of which has requested the application be determined by the Board.

Site Description

The application relates to the Cross Inn pub which fronts Summer Lane in Royston. The pub is located on a corner plot with Summer Lane to the East and Back Lane West to the South. It is located within a predominantly residential area with the Northern boundary shared with a terraced property and the Western boundary shared with a detached dwelling. There are also semi-detached properties opposite the adjacent highways.

Background

Work was undertaken to the rear of the pub within the car park area, without planning permission, to create a beer garden consisting of a raised deck area and a lower astro turf section. Following complaints it was brought to the pub landlords attention that planning permission was required and a retrospective application was subsequently submitted (Ref: 2015/1162). The application was refused for the following reasons;

In the opinion of the Local Planning Authority, the beer garden/patio area is materially detrimental to the amenities of the occupiers of the adjacent properties by reason of noise nuisance and general disturbance. The development is therefore be contrary to UDP Policy ED4 'Economic Development and Residential Amenity', Core Strategy Policy 40 'Pollution Control and Protection' and the National Planning Policy Framework.

The development has resulted in the loss of all off street customer parking facilities, servicing of the property will have to take place on street for larger vehicles, and smaller vehicles will be forced to reverse to/from the public highway in close proximity to a road junction to the detriment of the free and safe flow of traffic on the highway. As such, the development is contrary to Core Strategy policy CSP 26 'New Development and Highway Improvement' and Supplementary Planning Document 'Parking'.

Following on from the refusal, the Council also issued an Enforcement Notice which required the applicant to;

1. Dismantle and remove the unauthorised raised decking which covers the car park area in its entirety including any associated fixtures and fittings used in its construction.
2. Remove any obstructions which prevent the car park being used by motor vehicle, ensuring the surface is made good in areas which have been damaged or disturbed through the construction of the unauthorised decking.

The applicant appealed against the planning refusal and the Enforcement Notice to the Planning Inspectorate (Ref: APP/R4408/W/16/3141809 & APP/R4408/C/16/3141817). The appeals were dismissed with the Planning Inspector concluding *'The unauthorised development has the potential to undermine highway safety but, more importantly and compellingly, has the potential to have a significant adverse effect on residential amenity at dwellings adjacent and near to The Cross Inn. In these circumstances the appeals must fail and planning permission is withheld for the conversion of a rear car park into beer garden/patio area'*.

Following on from the appeal dismissals an injunction application was submitted to the court, this is currently adjourned due to the submission of this application.

At the time of writing the raised decking has been removed and the remaining seating area partially removed.

Further site History

2007/0738 – Erection of a covered smoking area – Refused 05/07/2007 for the following reasons;

In the opinion of the local Planning Authority, the proposed smoking shelter located on the site boundary adjacent to a residential property would be likely to result in noise nuisance, general disturbance and an unacceptable level of pollution from smoke. The proposals are therefore contrary to Policies H8B and ES1 of the Unitary Development Plan .

The proposed shelter would reduce the amount of off street parking available within the site, likely to result in on street parking close to a road junction, to the detriment of road safety and contrary to Policy T2 of the Unitary Development Plan.

2007/1311 – Erection of an awning to the rear of the public house – Approved 03/09/2007

Proposed Development

The applicant seeks to retain a small element of seating adjacent to the rear door serving the pub. The seating area would be enclosed by the existing 1.8m high timber hit and miss fence to the North, new 975mm high picket fencing to the West and South and the rear elevation of the pub to the East. The seating area would cover an area approximately 9m wide and 7.5m deep, equivalent to 67.5m².

The existing vehicular access point to the rear of the pub would also be reopened leading to 4no parking spaces adjacent to the Western boundary.

Policy Context

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

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

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

Saved UDP Policies

ED4 – Proposals for economic development adjoining or close to housing will be assessed with particular regard to the likely impact on residential amenity.

Core Strategy

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

CSP 29 'Design' - 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.

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

SPD

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

NPPF

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

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

Consultations

Highways DC – No objections

Regulatory Services – No objections subject to management plan

Ward Councillors – all three ward Councillors have objected to the scheme. The main points of concern are;

- Noise and disturbance
- Exacerbate existing parking problems
- Area should revert to previous use

Representations

3 letters of objection received. The main points of concern are;

- Loss of parking
- Reduced highway safety
- Parking spaces would be used for functions, not parking
- Increased noise and disturbance
- Management plan currently does not work

Assessment

Principle of Development

Small scale non residential uses such as pubs are acceptable in Housing Policy Area's where visual and residential amenity are maintained to a reasonable degree and where highway safety would not be compromised. Given the history of refusals on the site, as well as the dismissed appeals, the current application would need to address and overcome the previous reasons for refusal as well as the concerns raised by the Planning Inspector.

Residential Amenity

The refused seating area covered the majority of the area to the rear of the pub, resulting in an area that was approximately 220m² in size. It also had raised decking areas to the South and immediately adjacent to number 2 Back Lane West to the West. This resulted in unreasonable noise and disturbance immediately adjacent to residential properties and their associated amenity space, as well as an element of overlooking.

The seating area subject to this application has been significantly reduced and measures approximately 67.5m², which is equivalent to a 70% reduction in the area allocated for seating. The seating area would also be positioned immediately adjacent to the rear of the pub some 11m from the boundary shared with number 2 Back Lane West and over 5m from the rear elevations of the terraced properties immediately to the North. The seating area would also be separated from the terraced housing by 2 runs of boundary treatments which enclose the pub's rear yard area.

It is acknowledged that the seating area will still generate noise and disturbance, especially during the summer months, but this will be significantly reduced compared to the previous proposal. Furthermore, it is acknowledged that a modest canopy has previously been approved in the proposed seating area for use by smokers, therefore, activity already took place in that area of the car park. There were also a small number of tables/chairs within that area prior to the unauthorized works.

Furthermore, the pub is a long established use within the predominantly residential area, as such, a level noise and disturbance has been generated from the site for a long time. There is always likely to be some conflict between the two land uses, however the pub is also likely to be seen as an asset to the wider community. The previously proposal resulted in a significant increase in noise and disturbance and was therefore refused. This current proposal is much reduced and would unlikely cause additional nuisance above previous levels.

Consideration has to be given to the fact that a small number of tables and chairs to the rear of the pub to form a modest beer garden would not require a change of use application, where they would not result in a fundamental change in the character of the use. This is because a small patio area would be ancillary to the main pub and be intimately related to the principle use of the public house, as well as clearly within a single planning unit. The current proposal does not extend considerably beyond this and arguably would not result in a significantly different impact on residential amenity.

Regulatory Services objected to the previous application on residential amenity grounds but have not objected to this reduced scheme. The applicant has suggested a Management Plan could be introduced for the seating and car parking area which would set out the proposed uses, hours of operation etc. The Regulatory Services Officer has suggested that a condition be imposed for the Management Plan to be submitted to, and approved by, the Council prior to the seating area coming into use. The Agreed Management plan would then need to be adhered to, if that was not the case, there would be Enforcement Powers relating to the breach of the condition.

It is acknowledged that the proposed parking spaces would be adjacent to the boundary shared with number 2 Back Lane West which would result in some noise and disturbance. However, that area was previously a car park prior to the unauthorized works and the proposed situation would not be significantly different to the previous one.

As a result of the comments above, the proposal to significantly reduce and relocate the seating area would address reason for refusal 1 on application 2015/1162 and the Planning Inspectors comments in the appeal report.

Visual Amenity

The works within the beer garden would not be highly prominent or visible from the streetscene given the position of adjacent buildings and the boundary treatments around the site.

Neither the planning application nor the appeal were refused/dismissed on visual amenity grounds.

Highway Safety

The previous application was partially refused on highways safety grounds. The Planning Inspector also cited concerns with regards to highway safety, especially on street parking within close proximity the junction between Summer Lane and Back Lane West. However, it should be acknowledged that the Inspector concluded that 'this adverse effect is not sufficient in itself to warrant dismissal of the appeal'.

However, the previous application provided no off street parking as the seating area covered the majority of the former car park. The former car park was not marked out, as such; it is difficult to determine how many parking spaces were previously available. The applicant stated there were only 2 spaces, however, there were clearly more than that given the size of the area. The current proposal incorporates 4 spaces, including 1 no. disabled space. There is also adequate turning and maneuvering areas to allow vehicles to enter and exit in a forward gear.

It is acknowledged that the 4 spaces would fall short of the guidelines set out in SPD 'Parking', however, the previous situation prior to the unauthorized works also fell short. Furthermore, the SPD provides maximum parking numbers, not minimum parking numbers. As mentioned above, given that the pub and land to the rear form a single planning unit, it would be possible to accommodate a seating area in a similar position where it did not materially affect the function of the car park.

There are no existing conditions relating to the retention of the car park, therefore, it could be reduced in size or closed. As part of this application a condition would be recommended for the car parking shown on the plan to be retained at all times and provide an element of future security.

For the reasons outlined above, it is considered that the second reason for refusal on the previous application has been addressed and highway safety would be retained to a reasonable degree, in accordance with CSP 26.

Conclusion

As outlined above the seating area would be vastly reduced compared to the previous scheme and addresses the previous reason for refusal relating to residential amenity. It is acknowledged that there will still be an element of noise and disturbance. However, this is inevitable given the existing pub use and the predominantly residential area surrounding it. As part of the application a condition will be recommended to provide a management plan for the external area prior to it being brought into use. Subject to this it is considered that residential amenity would be maintained to a reasonable degree, in accordance with policy ED4 and the NPPF.

The previously refused development resulted in the loss of all off street customer parking facilities and servicing areas, this application proposes to re-introduce the parking and retain the majority of the original parking area. The parking areas can be conditioned to be retained at all times which is an improvement on the current situation, where there are no conditions requiring retention. It is considered that the previous highway safety concerns have been addressed and a recommendation for refusal on highways grounds could not be warranted. As such, the application is in accordance with policy CSP 26 and the NPPF.

The overall position therefore is that the new proposals which would reduce the size of the outdoor seating area by approximately 70% compared with previously refused application 2015/1162, alongside the retention of 4 parking spaces, is sufficient to justify a recommendation to grant planning permission on this occasion.

Recommendation

Grant planning permission subject to conditions

- 1 The approved development shall be completed in full in accordance with the details shown on plan MM/1269/30-100 rev C within 3 months of the date of this permission.
Reason: In the interests of the visual amenities of the locality and highway safety in accordance with LDF Core Strategy Policies CSP26, New Development and Highway Safety and CSP 29, Design.

- 2 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.

- 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.

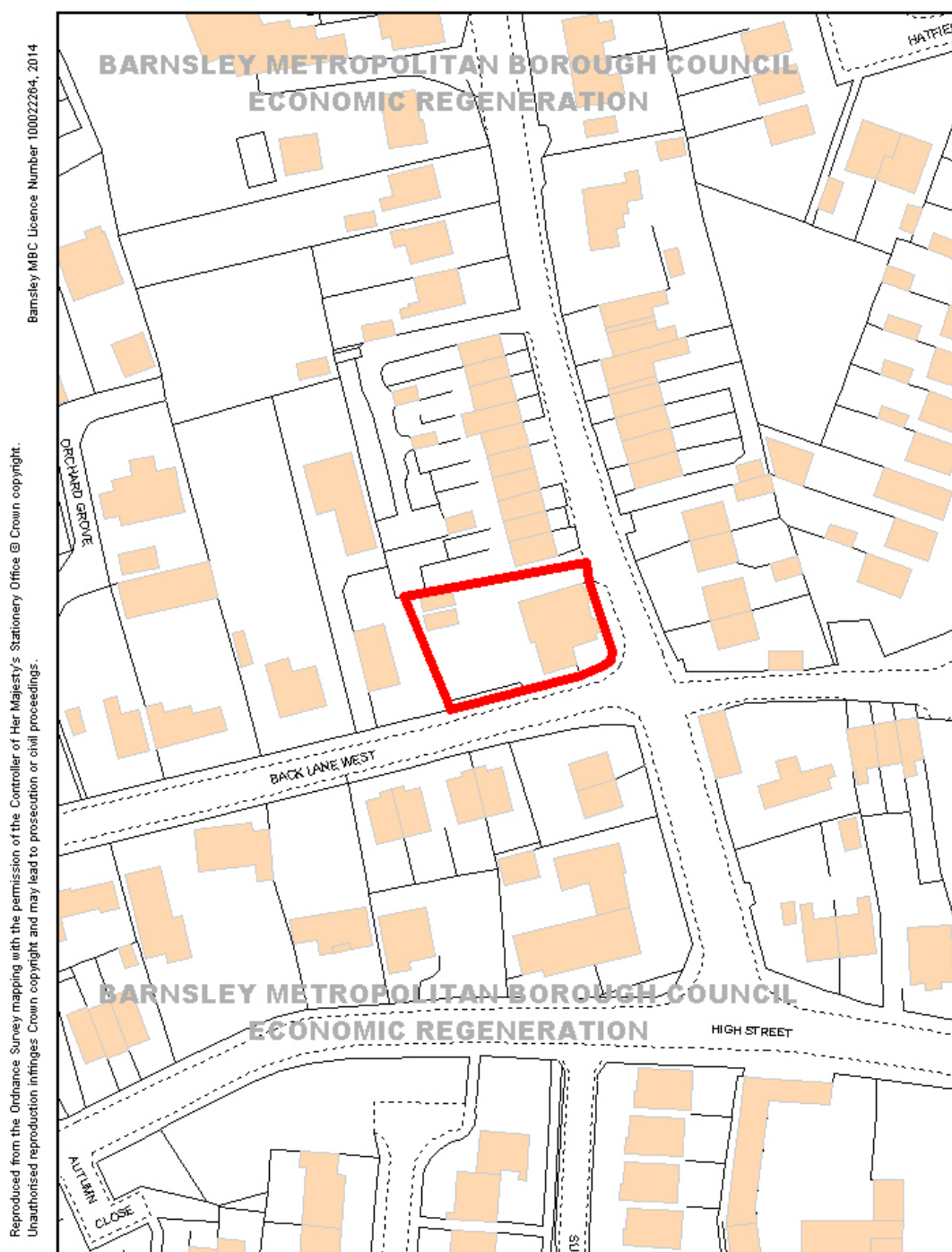
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

- 4 Prior to the seating area being brought into use, a management plan shall be submitted to, and approved in writing by, the Local Planning Authority. Thereafter the use of the seating area shall be carried out in strict accordance with the approved management plan for the lifetime of the development.

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

PA reference :-

2017/1196



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

2016/1335 and 2016/1336

Mrs N Tinker

2016/1335 - Demolition of Barn (Listed Building)

2016/1336 - Outline application for residential development (5 no. units following demolition of barn) (Approval sought over means of access, appearance, layout and scale)

The Barn, off Church Street, Bolton-on-Dearne

One letter of objection has been received to application 2016/1335

Five letters of objection have been received to application 2016/1336

Site Location and Description

The application site comprises of an L-shaped, single storey barn that is Grade II listed. The barn is likely to have been built in the late 18th or early 19th Century following the enclosure of the village and surrounding land. Constructed from coursed sandstone rubble with a pitched slate roof, the barn historically exhibited a central car entrance with classical detailing and corresponding rear entrance. A brick single storey extension appears to have been added to the southern range in the 20th Century. Following a fire in 2010/2011, the building is now vacant and in a dilapidated condition.

The site is surrounded on three sides by existing residential properties. To the south of the site is a small area of open land which then borders onto surrounding residential dwellings. Access into the site is taken from Church Street.

Planning History

B/88/1711/DE – Conversion of barn into 5 dwellings and erection of 8 dwellings approved 19th May 1989.

B/88/1712/DE- Conversion of barn into 5 dwellings and erection of 8 dwellings (Listed Building Consent) approved 19th May 1989.

Proposed Development

This report covers two applications submitted by the same applicant for the same site. The first, 2016/1335, seeks listed building consent to demolish the Grade II listed barn. The second application, 2016/1336, seeks outline planning permission to re-develop the site following the demolition for the erection of 5 residential units including associated access, parking, and garden areas. Although the second application is an outline application, matters of access, scale, layout and appearance are under consideration at this stage, with only landscaping reserved for a future application.

In support of the applications the following have been submitted:

- Structural/Viability Report
- Planning Support Statement
- Statement of Significance
- Legal Analysis Report
- Bat report

The applicant is proposing to re-develop the site to reflect the barn as it would have originally stood, before it fell into a derelict and dilapidated condition. The building would therefore be an L-shaped two storey building utilising natural stone for the walls and with a slate roof. The agent has confirmed that they would be looking to re-utilise the existing materials on the site for the re-development. The inner courtyard would contain the parking area with the garden areas on the outside of the building. Access into the site would be off Church Street and the applicant is proposing to ensure the access road has footpaths down either side. The building would accommodate 4 two bed units and 1 three bed unit and 9 parking spaces have been provided in the courtyard area.

Policy Context

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

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

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

UDP Saved Policies

UDP Allocation – Housing proposal Area

Core Strategy

CSP26 New Development and Highway Improvement
CSP29 Design
CSP30 Historic Environment
CSP36 Biodiversity and Geodiversity

Publication Version of Local Plan

Allocation – Urban Fabric

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

SPDs/SPGs

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

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

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

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

Para 58 and 60 – Design Considerations

Paras 126 – 141 – Conserving and Enhancing the Historic Environment. Of these paragraphs the following are of particular relevance to the scheme:

Paragraph 128 - In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance. As a minimum the relevant historic environment record should have been consulted and the heritage assets assessed using appropriate expertise where necessary. Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.

Paragraph 132 - When considering the impact of a proposed development on the significance

of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.

Paragraph 133 - Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

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

Consultations

Historic England – No objections on heritage grounds to the demolition of the building subject to suitable conditions. They have also stated that they would be looking for the re-development of the site to resemble as close as possible the former barn and that the re-build should incorporate salvaged materials.

Georgian Group – Have objected to the demolition of the building as they do not believe that the applicant has provided sufficient evidence to justify that the works comply with provisions of the NPPF, in particular paragraphs 130, 132 and 133.

Ancient Monuments Society – Have objected to the demolition of the building on similar grounds to that expressed by the Georgian Society in that they do not believe that sufficient justification has been provided for the demolition of the listed building in accordance with the relevant paragraphs of the NPPF.

Conservation Officer – Is of the opinion that sufficient justification has been provided to allow the demolition of the listed building and that the new development has been sensitively designed to reflect the original barn. No objections have therefore been raised subject to conditions.

SYAS – No objections raised subject to a condition to ensure that an adequate scheme of recording is carried out.

Drainage – No objections raised subject to imposition of condition

SYMAS – No objections

Forestry Officer – Is satisfied that the works proposed are sufficient distance from the TPO trees to the north of the site not to be of detriment to them. No objections raised.

Contaminated Land Officer – No objections subject to imposition of condition

Highways – No objections subject to conditions

Representations

The application has been advertised by way of a site notice, press notice and by neighbour notification letters.

One letter of objection has been received to 2016/1335 raising dismay at the loss of the historic building and the impact on wildlife at the site.

Five letters of objection have been received to 2016/1336 for the following reasons:

- Loss of sun light
- Proximity to neighbouring properties
- Increase in noise and pollution from car parking area
- Impact on wildlife
- Concerns that boundary walls will be protected
- Concerns that drainage to neighbouring properties would be affected.

Assessment

Demolition of the Listed Building

Paragraphs 126 to 141 of the NPPF are clear in that there is a strong presumption in favour of conserving and enhancing the historic environment. Paragraph 132 states that “as heritage assets are irreplaceable, any harm or loss should require clear and convincing justification”. Paragraph 133 goes on further to state the following:

“Where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.”

Both the Georgian Society and the Ancient Monuments Society believe that insufficient evidence has been provided to justify the demolition of the barn. However, in order to justify the demolition, the applicant has provided a number of reports including a Statement of Significance, a Legal Analysis, and a Structural Report. The Structural Report provides a survey of the buildings within the site and assesses their current condition and structural integrity. The report concludes as follows:

“The purpose of the report was to assess the condition of the buildings onsite with a view to allowing them to be retained and brought back into use...Our conclusion is that there are no buildings on the site that are capable of being retained and redeveloped, they are too unstable and present too great a risk to anyone in their vicinity.

What remains of the listed building is no more than three sections of wall that in effect are no more than rubble.

The building presents an immediate danger to the public. The safest and most cost effective option to deal with the building is demolition”

Given the outcome of the structural survey the applicant has provided their own assessment against the points under Paragraph 133 as follows:

- The nature of the condition of the building prevents all reasonable uses of the site
- By reference to the nature of what remains, no viable use can be found
- No grant funding is available
- The harm or loss is outweighed by the benefit of bringing the site back into benefit use. The site is clearly currently a health risk and safety issue and its demolition will resolve that issue.

The applicant's justification relies heavily on the current poor condition of the building as the basis for their argument that the scheme complies with the relevant paragraphs of the NPPF. In order to provide an impartial view on the structural condition of the site and the weight this can be given when assessing the scheme against the NPPF, Historic England have carried out their own structural assessment of the site. They have therefore provided the following response:

"Due to the severity of the proposal, the current condition of the Grade II listed building was considered by one of our structural engineers. We found that very little remains of the existing range of buildings except for the barn structure which occupies the eastern boundary. Generally the structure of the barn affected by the fire is in a precarious condition and sections have completely collapsed. We accept therefore that the structure in this area should be carefully dismantled and made safe. Elsewhere, the roof now offers little or no restraint to the external walls and unless carefully removed could cause the further collapse of the external walls. In addition the upper sections of the external walls have bulges probably caused by the separation of the external leaf of the wall from the central rubble core. It is also noted that much of the original facing stone is in a poor condition."

Historic England are therefore of the view that the applicant's submitted structural assessment demonstrates to a degree that the proposed demolition is justified. Historic England then go on to provide further comments on the link between the proposed demolition and the submitted outline application for the re-development of the site. They have commented as follows:

"Historic England considers that providing the barn can be rebuilt sympathetically as possible and an appropriately detailed scheme is secured, the proposed re-building will help to retain the significance of the barn and secure the optimum viable use of the designated heritage asset.

Historic England has no objections to the application on heritage grounds. We consider that the application meets the requirements of the NPPF, in particular paragraph numbers 131 – 134"

The Council's Conservation Officer has fully assessed the scheme and is of the same opinion as Historic England, in that the poor condition of the current structure, combined with the potential sensitive re-development of the site for housing, would provide sufficient justification for the demolition of the barn in accordance with the relevant paragraphs of the NPPF.

Principle of Residential Development

As stated above, the demolition of the barn is linked to the re-development of the site put forward under application 2016/1336. The site itself is designated as a Housing Proposal Area in the current UDP and Urban Fabric within the Publication Draft of the Local Plan. The site is surrounded by residential development and planning permission has been given previously for the residential usage of the site under applications B/88/1711/DE and

B/88/712/DE. In principle, residential use would therefore be considered appropriate at this location.

Design / Visual Amenity/Impact on Listed Buildings

As has been stated previously, if the demolition of the listed building is considered acceptable, then it is important that the new build development is designed as sympathetically as possible in order to help retain a suitable link to the listed barn. Taking this into account, the applicants have developed their design along similar lines to the previously approved scheme for the conversion of the barn.

The building will be 'L' shaped to reflect the layout of the barn and would be two storeys in height to mimic the scale of the barn. The agent has agreed that where possible they would aim to re-utilise materials from the demolished building in the proposed new re-build with the walling material being natural stone and the roof being slates. The applicant is proposing to have predominantly small windows with stone heads and cills and has limited any feature elements to small aspects such as chimneys. This enables the re-build to retain a close connection to what the original conversion would have been like if implemented. Subject to suitable conditions, the Council's Conservation Officer is happy with the scheme and it is therefore considered to meet Historic England's requirement that it helps to "retain the significance of the barn and secure the optimum viable use of the designated heritage asset".

Residential Amenity

The site is surrounded by residential properties so it is important to ensure that neighbouring amenities are adequately protected. In this scheme, the proposed development would be replacing an existing building at the site, albeit that the existing building is in a dilapidated state. To the north of the site is an existing property but the proposed building would be no closer to this neighbouring property than the existing building. Furthermore, the nearest elevation to this property would be a blank elevation and would face onto the side of this neighbouring dwelling. To the east and south of the proposed development there would be at least 21m to the nearest residential properties in line with the relevant SPD.

To the west of the site the distance between the proposed building and the nearest properties would be 11m. This would be between the blank elevation of the proposed building and the rear elevation of these neighbouring dwellings, Whilst this is below the 12m recommended within the SPD, as it is a blank elevation and as such there would be no overlooking, and the building would only be marginally closer than where the original barn was positioned. Therefore, whilst there may be a marginal increase in loss of light compared to the previous barn, it is not considered that the neighbouring properties would suffer a significant detrimental impact to their amenities.

Some concerns have been expressed about the parking area being close to neighbouring properties. However, the parking area only serves the 5 units proposed and as such it is not considered that it would result in any significant noise or disruption whilst adequate boundary treatment can ensure that headlights are not an issue. Boundary treatment can be conditioned as part of any approval.

In terms of the amenities of the future occupants, some concessions have had to be made to ensure the design of the development reflects the previous barn. However, the overall interior floor space for each unit still meets the requirements of the South Yorkshire Residential Design Guide. In terms of the amenity spaces, these are to the front of the properties. In terms of area of garden space, they all provide at least 50 square metres of garden area per each unit. However, being to the front of the property means the privacy of

the gardens would be affected. Some boundary treatment would be needed but this would have to be carefully controlled so that it does not detract from the visual appearance of the building. It was considered whether to have the parking to the front and the gardens to the rear but the limited space in the courtyard would mean that garden areas would be much smaller whilst the appearance of cars to the frontage would detract from the appearance of the building. On balance, given that prospective purchasers would be aware of the situation, it is considered that the need for the design of the building to be right outweighs the limited harm relating to the privacy of the garden areas.

Highways

The proposal gains access off an existing access track that leads off Church Street. This has been assessed by the Council's Highways Section who are satisfied that this would be adequate to serve the dwelling subject to improvement including the addition of a footway to the side of the access. Sufficient parking spaces have been provided and given that the proposal is for only 5 units it is not considered that it would have a significant impact on the local highway network.

Trees

The property immediately bordering the north of the site has a number of trees protected by TPOs within its grounds. The Council's Forestry Officer has had a look at the scheme and has noted that the proposed development would occupy a similar position to the existing barn. Those trees to the north are already separated from the site by a wall which would act as a barrier to the roots of the trees. In addition, the nearest TPO tree to the site would overhang the car park rather than any of the built property or the proposed garden areas. As such, it is not considered that the proposal would result in any detriment to the surrounding trees.

Drainage

The scheme has been assessed by both Yorkshire Water and the Council's Drainage Section. Whilst the drainage details are limited at this stage the Council's Drainage Officer notes that the area is well served by sewers and is of the opinion that a conditional approval is appropriate in this case.

Wildlife

The applicant has submitted a bat survey for the existing site. The survey confirms that there are no bats roosting on the site but that there were a pair of barn owls. As mitigation measures, the report recommends the scheme incorporates a barn owl box and bat boxes within the confines of the development of the site. The Council's biodiversity officer has raised no objections subject to these mitigation measures being conditioned to be carried out.

Conclusion

The scheme is a sensitive development as it involves the demolition of the listed building. However, given the advice of Historic England, it is considered that sufficient justification has been provided in the form of the dilapidated state of the existing building, and the sensitive re-development of the site, to justify approval of the scheme.

Recommendation

Approve Planning Application 2016/1335 subject to 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 (2016-111-08) 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, including any demolition and groundworks, shall take place until the applicant, or their agent or successor in title, has submitted a Written Scheme of Investigation (WSI) that sets out a strategy for archaeological investigation and this has been approved in writing by the Local Planning Authority. The WSI shall include:
 - The programme and method of site investigation and recording.
 - The programme for post-investigation assessment.
 - The provision to be made for analysis and reporting.
 - The provision to be made for publication and dissemination of the results.
 - The provision to be made for deposition of the archive created.
 - Nomination of a competent person/persons or organisation to undertake the works.
 - The timetable for completion of all site investigation and post-investigation works.

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

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

- 4 No demolition works shall take place until a comprehensive and adequate demolition and salvage methodology is submitted to and approved in writing by the Local Planning Authority. This methodology should include details on the process of demolition, a timetable for the works, and should ensure any items capable of salvage are retained and re-used in future developments on this site. This methodology should include an inventory of all likely salvage items, and arrangements for secure storage and may include:

Structural timbers

Stonework (particularly dressed stone commonly used for quoins, lintels, cills, jambs thresholds etc.)

Roof covering materials

The scheme shall then proceed in accordance with the approved details.

Reason: To ensure that any remaining historic fabric that contributes to the significance of the listed building is retained on site for re-use as part of future developments on this site in accordance with CSP30.

Approve Planning Application 2016/1336 subject to the following conditions:

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

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

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

(a) landscaping

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

- 3 No development shall take place until full details of the proposed external materials have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

- 4 The development hereby approved shall be carried out strictly in accordance with the amended plans (Nos 2016-111-05 Rev F, 2016-111-01 Rev A 2016-111-02 Rev A, 2016-111-04, 2016-111-03) 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.

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

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

- 6 No development shall take place until:

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

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

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

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

throughout the life of the development.

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

- 7 Prior to the commencement of development a plan indicating the position of boundary treatments to be erected shall be submitted to and approved in writing by the Local Planning Authority. The boundary treatment shall be completed before the dwellings are 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.

- 8 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 of the dwellings 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 neighbouring amenities and the visual amenities of the development in accordance with CSP29.

- 9 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.

Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 10 No development 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 Prior to the occupation of any of the residential units, the works to the access road as shown on approved drawing 2016-111-05 shall have been fully completed.

Reason: In the interests of highway safety in accordance with CSP26.

- 12 No development shall take place until a comprehensive and adequate demolition and salvage methodology (As per condition number 3 on 2016/1335) has been submitted to and approved by the Local Planning Authority to ensure any items capable of salvage from the listed building (1315020) are retained and re-used in future developments on this site. This methodology should include an inventory of all likely salvage items, and arrangements for secure storage and may include:
- Structural timbers
 - Stonework (particularly dressed stone commonly used for quoins, lintels, cills, jambs thresholds etc.)
 - Roof covering materials

Following the submission of this demolition and salvage methodology plans shall be submitted and approved in writing specifying exactly where and how these materials shall be used.

Reason: To ensure that any remaining historic fabric that contributes to the significance of the listed building is retained on site for re-use as part of future developments on this site in accordance with CSP30.

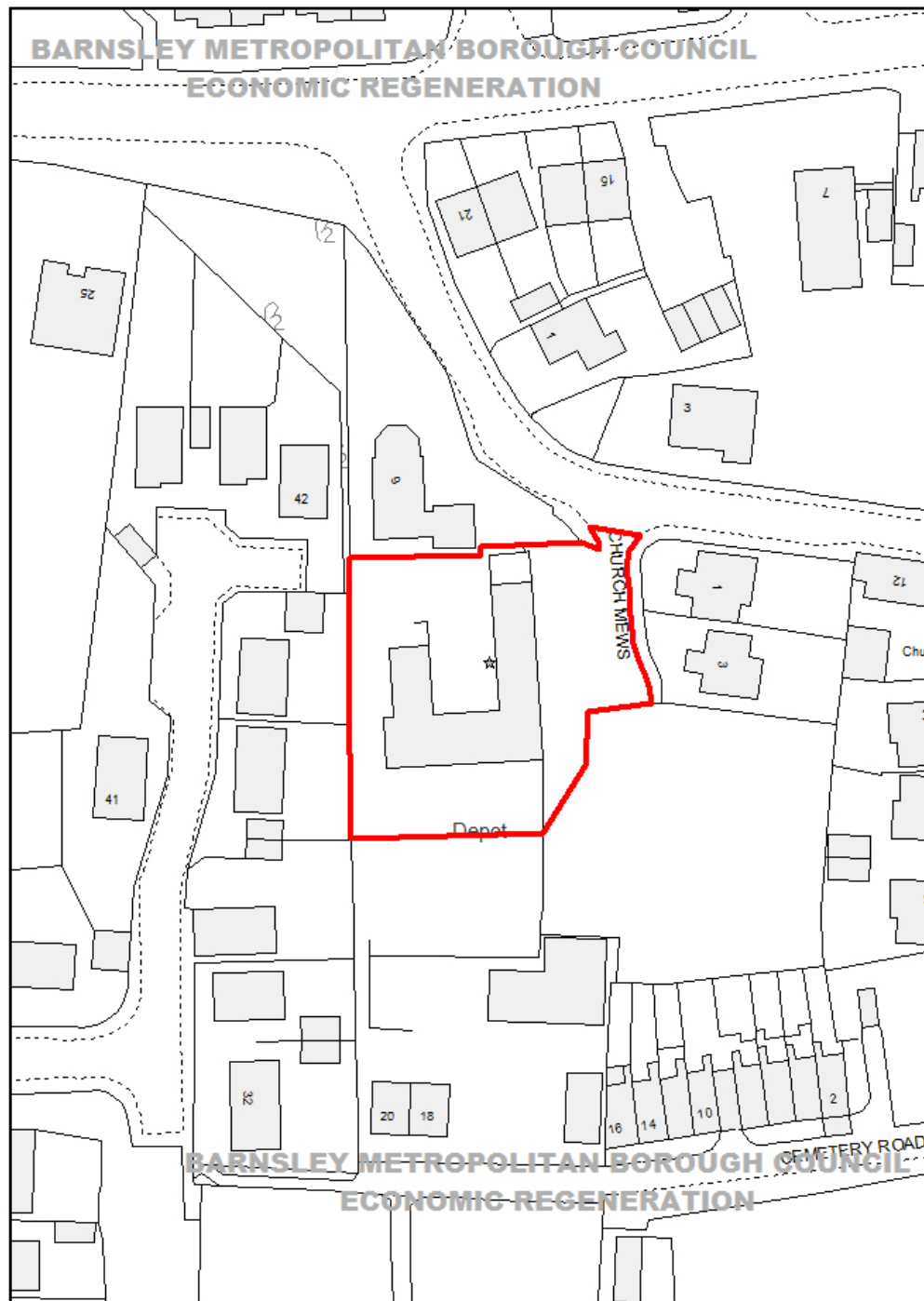
- 13 No development works shall begin until a report, endorsed by a competent engineer experienced in ground contamination and remediation, has been submitted and agreed with the Local Planning Authority. The report shall, amongst other matters, include the following:-
1. A survey of the extent, scale and nature of contamination.
 2. An assessment of the potential risks to human health, property, adjoining land, groundwaters and surface waters, ecological systems and archaeological sites and ancient monuments.
 3. An appraisal of remedial options, and proposal of the preferred option(s).
 4. A remediation statement summarising the works to be undertaken (if required).

The above must be conducted in accordance with DEFRA and the Environment Agency's 'Model Procedures for the Management of Land Contamination, CLR 11. The development shall thereafter be undertaken in full accordance with the submitted report.

Reason: In the interests of ensuring land contamination issues are adequately dealt with in accordance with CSP40.

- 14 Upon commencement of development details of the type, positioning and timetable for implementation of the ecological mitigation measures as outlined in Section 7 of the submitted Bat Survey Report shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall then proceed in accordance with the approved details
- Reason: In the interests of biodiversity of the site in accordance with CSP36.**

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BARNSELY MBC - Economic Regeneration



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2017/0392

Applicant: Mr Martin Quinn

Description: Proposed permanent change of use land for the siting of a residential caravan and touring caravan, shed, children's playhouse and use of stable block as amenity building following expiry of limited period planning permission application reference 2010/0672

Site Address: The Stables, Willow Bank, Woodstock Road, Barnsley, S71 1PS

No representations have been received from any members of the public

Site Location & Description

The application relates to land to the South of Willow Bank, within Wilthorpe. The site sits immediately to the South of a fishing pond and adjoins a railway embankment, the railway line being on a higher level than the site. Vehicular access to the site is gained from Woodstock Road and under the aforementioned railway line. The site is rectangular in shape and measures approximately 880m². The site is within the Green Belt as allocated in the UDP proposals maps and also to remain Green Belt in the Local Plan.

The site is currently occupied by the applicant and consists of a static caravan and associated shed/outbuilding, an amenity building, (which was a former stable and accommodates a kitchen dining area, laundry room and bathroom), a children's playhouse and space to park a touring caravan. The site is enclosed by solid boundary treatments and has vehicular access via metal gates to the West of the site

Planning History

2010/0672 – Change of use of land for the siting of a residential caravan and retention of converted stable block as a domestic amenity building – Approved for a temporary period of 5 years on 25/07/2012.

Approval of other permanent Gypsy/Traveller sites across the Borough

- 2014/1286 – Land off Engine Lane, Ferrymore Way, Grimethorpe – Change of use of land to a private single family gypsy/traveller site including the siting of caravans, a utility block and formation of hard standing. Approved 18/02/2015.
- 2015/0557 – Land off Warren Walk Royston – Retention of residential caravan site for 3 Gypsy families, temporary permission previously approved by 2011/0958 – Approved 03/07/2015
- 2015/0779 – Whitegate stables, Common Road, Brierley – Removal of condition 1 of application 2011/1157 to allow permanent use of site for a gypsy family. Approved 25/11/2015
- 2013/0373 – Pleasant View Street, Smithies - Removal of condition 1 and variation of condition 3 of application 2007/0905 – Extension to planning permission to allow permanent residential occupation at the site by the applicant for 2no. touring caravans and 1no. amenity building (part retrospective) – Approved 29/06/2016

Proposed Development

The application seeks approval for the permanent retention of the site and some alterations to the previously approved site layout. The layout would remain as it currently exists on site with the amenity building to the East, the static caravan and associated shed/outbuilding to the South West, a children's playhouse between the amenity building and static caravan on the Southern boundary and space for a touring caravan adjacent to the Northern boundary.

Policy Context

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

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

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

Core Strategy

CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

Sites will be allocated to meet the shortfall in provision of permanent sites. The following Criteria will be used in allocating sites and in determining planning applications for sites:-

In terms of their broad location sites will:

- Have good access to facilities
- Be primarily located within urban areas

In terms of their specific location the sites will:-

- Not be in an area of high flood risk
- Not be affected by contamination, unless the site can be adequately remediated
- Have adequate vehicular and pedestrian access from the highway
- Provide a good safe living environment with appropriate standards of residential amenity
- Have the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008)
- Have no other restrictive development constraints

CSP34 'Protection of the Green Belt'

In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

The Green belt boundaries will be subject to localised review only which may result in changes necessary to deliver the Borough's distribution of new employment sites set out in CSP12.

The 2015 Gypsy and Traveller Needs Assessment identified a shortfall of 15 pitches between 2014/15-2018/19.

Saved UDP Policies

GS8A 'The Re-use & Adaption of Buildings in the Green Belt'.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

In respect of this application, paragraphs 87 and 89 are relevant which state inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Planning Policy for Traveller Sites

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF.

Policy E: Traveller sites in the Green Belt

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

Policy H: Determining planning applications for traveller sites

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites
- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant

- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

Consultations

Highways DC- No objections

Regulatory Services: - No objections

Policy – No objections

Ward Councillors – No comments have been received

Representations

The application has been advertised as a departure, a site notice was erected and a press notice published. No letters of representation have been received.

Assessment

The site previously benefited from a 5 year temporary planning permission, albeit that permission expired on 1st November 2015. Other than the fact the site is within the Green Belt, it broadly complies with the criteria in CSP 18. The site is on the edge of Wilthorpe within Urban Barnsley and therefore has good access to facilities. It is not in an area of high flood risk or affected by contamination and has adequate vehicular and pedestrian access from the highway. It would also provide a good safe living environment with appropriate standards of residential amenity with the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008).

The site is relatively self contained and screened from surrounding vistas to ensure that existing residents are not unacceptably affected or disturbed. The site is also well maintained and there is no evidence of any activities occurring which should upset residential amenity. The screening also ensures that the visual impact of the inappropriate structures on the amenity/local environment is reduced which is more favourable in terms of policy CSP34. The access arrangements are also acceptable to accommodate the demands of the application site. Given that the site is located on the periphery of Wilthorpe, and adjoins an existing residential area, it is also well located in terms of accessibility to shops and services, bus routes and public facilities.

All parties acknowledge that the proposal would be inappropriate development in the Green Belt. As such, there are four main issues to consider.

- The effect of the development on the openness and visual amenity of the Green Belt.
- Whether there is any additional harm arising from the effect on gypsy policies in the Core Strategy and the PPTS.
- Whether there are other considerations which favour the proposal including the interests of the children living on the site.
- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

Openness and visual amenity

The site lies adjacent to the built up area of Wilthorpe, within Urban Barnsley, and adjoins residential development, a commercial fishing pond and railway embankment which sits above the height of the structures on the site. There are public footpaths and small roads within close proximity to the site, therefore, the site is visible from public vantage points. The site previously had a stable on it, which was converted in to the amenity building, and there other buildings and dwellings visible within the immediate area. The site is not visible from the South, given the railway embankment, and, when viewed from the north of the railway, the site and associated structures, are viewed against the steep railway embankment itself. As such, the impact of the development on the openness of the Green Belt is not significant given the location and modest structures. Furthermore, the site has stood as is for a number of years.

In addition, the site is enclosed by a well maintained timber fence and wall which screens the caravans and associated buildings from surrounding views. As such, the caravans and outbuildings on the site are considered sit comfortably within this urban fringe setting and there is little adverse impact on visual amenity.

Planning policies

Policy CSP18 sets out criteria for the identification of new gypsy and traveller sites and for determining planning applications. The site satisfies the criteria with the exception of the requirement that in terms of their broad location sites should be located primarily within urban areas. However, currently there are no available pitches within Core Strategy Urban Barnsley. The policy is not prescriptive in that there is no bar on sites outside the urban area and in this case in all other respects the site is in a sustainable location and would satisfy the sustainability criteria set out in the PPTS.

There is an acknowledgement in the PPTS that gypsy sites may be appropriate in rural areas although in the open countryside, away from existing settlements, new sites should be strictly controlled. In this case the site is not in the open countryside and there is no conflict with the PPTS.

Core Strategy Policy CS34 and the PPTS confirm that gypsy sites are inappropriate development in the Green Belt. Otherwise the proposal is generally in accordance with the development plan. It is not considered that any additional harm arises from the effect of the proposal on gypsy policies in the Core Strategy or in the PPTS.

General need

Barnsley's Gypsy and Traveller and Travelling Showpeople Accommodation Needs Assessment (GTNA) 2015 identifies a five year requirement of 15 pitches between 2014/15 and 2018/19. A further annualised requirement of 1.83 pitches can be applied to this figure to account for household formation.

An emergency stopping place was created within the borough to help better management of, and reduce the frequency of illegal and unauthorised encampments, which are symptomatic of the current shortfall. However, this facility is currently closed.

As such, it is acknowledged that there is a significant existing shortfall in gypsy site provision at present.

Future provision

The submission draft of the Local Plan Policies Map shows two new sites to accommodate the unmet need at Carlton Industrial Estate and Engine Lane in Grimethorpe. In addition the

Council have proposed a Minor Modification to the Plan (MM1440) which includes removal of one of the proposed sites in response to representations from the landowner and an increased number of pitches at TRAV013A to meet the requirement for pitches.

Despite the potential provision above, the documents are still to be fully examined and therefore, do not yet carry full weight. Furthermore, the policies do not cover issues such as ownership, scope to provide essential services and ground stability. Therefore, some of the sites, or full allocation of pitches on the sites, may not come forward to meet the need, with the exception of the site subject to this application as that has been shown to be suitable for a number of years.

In addition, a site was recently approved and constructed off Grange Lane for an emergency stopping place to help better management of, and reduce the frequency of, illegal and unauthorised encampments which are symptomatic of the current shortfall in pitch provision. Unfortunately, due to enforcement issues the site temporarily closed.

As outlined above, progress is being made regarding travellers sites, nonetheless at present there is little prospect of sites being available in the short term. Furthermore, the preference in currently adopted Core Strategy Policy CS18 for locations within the urban boundary has proved to be too restrictive. This difficulty, the timescales associated with the Local Plan process and the associated lack of available sites at the current time all adds weight in favour of the proposal.

Accommodation needs of the appellant & Children

It is noted that application 2010/0672 was submitted by Mr K Smith whereas the current application has been submitted by Mr M Quinn. Mr Quinn, who also has gypsy/traveller status, is married to Mr Smith's niece, who resided on the site at the time of the original application. The couple lived in the touring caravan on site until the birth of their second child, at which point Mr Smith offered to sell the site to Mr Quinn so that he and his wife could raise their family there.

Mr Quinn believed that the site had permanent residential permission, rather than the 3 year temporary permission outlined in condition 1 of application 2010/0672. Given that Mr Smith nor Mr Quinn are proficient at reading or writing the temporary nature of the permission was only highlighted by the solicitor during the sale of the land. When Mr Quinn realised his error he submitted application 2017/0392 for permanent permission. He decided on a permanent permission to give his family stability, rather than a temporary permission which would provide an uncertain future.

Personal circumstances

Mr and Mrs Quinn have 3 children who all live on site, Eileen (7yrs), Catelyn (5yrs) and Jolene (1yr). Eileen has a place at Wilthorpe Primary School, unfortunately Catelyn was not offered a place at Wilthorpe but the Quinn's are currently going through the appeals process with the Aid of Rachel Bowman, the Council's Education Welfare Officer. Unlike many traveller families, the Quinn's only travel during school holidays so as not to disrupt the children's education. Jolene currently stays at home with Mrs Quinn but is signed up to start at Wilthorpe Nursery to allow Mrs Quinn to return to work. The children have integrated into the local society and have friend networks within the local area. All of the children are registered at local doctors and dentists and attend local clubs.

There are no spaces within the local travellers sites at Smithies for the family, furthermore, the 2015 Gypsy and Traveller Needs Assessment identified a shortfall of 15 pitches across the borough between 2014/15 – 2018/19. As such, if the application was not supported, the family would likely have to move out of the Borough which would have a significant impact on the children's education and health care, as well as personally due to severed friendship ties.

It is acknowledged that the personal circumstances of the adults do not amount to special circumstances to justify development in the Green Belt but it is worth noting that Mr and Mrs Quinn are both integrated within the local community. Mr Quinn is self employed as a landscaper within the local area and Mrs Quinn, when she returns back to work, is an assistant at Yogi Convenience Store on Huddersfield Road and a domestic cleaner within the local area.

Balancing harm against other considerations

Substantial weight must be accorded to inappropriate development in the Green Belt and further significant weight to loss of openness. However the site relates well to the built form of the surrounding area such that there is little adverse visual impact or conflict with the objectives of Core Strategy Policy CS18.

On the other side of the balance the needs of the applicant's children give considerable support to the proposal and the general need for gypsy sites and lack of site provision both attract further significant weight. The continuing uncertainty associated with a further temporary permission adds some additional weight.

Whilst the matter is finely balanced in this instance the harm to the Green Belt by reason of inappropriateness and loss of openness, is clearly outweighed by these other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

Conclusions

It is concluded that the site is unusually well integrated into the built up area and into its social structure and generally accords with Core Strategy Policy CS18 and has now been established for a considerable time period of in excess of 9 years. This consideration, together with the combined weight of the accommodation needs of the applicants children, the shortfall in the provision of gypsy sites in Barnsley and the continuing uncertainty for the applicant associated with a temporary permission is sufficient to outweigh the limited harm to the Green Belt that occurs in this case by way of inappropriate development. As such, this amounts to the very special circumstances necessary to justify the grant of a permanent permission.

Recommendation

Grant planning permission with conditions:-

- 1 The development hereby approved shall remain in strict accordance with the Site Layout Plan, photos and specifications as approved.
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.

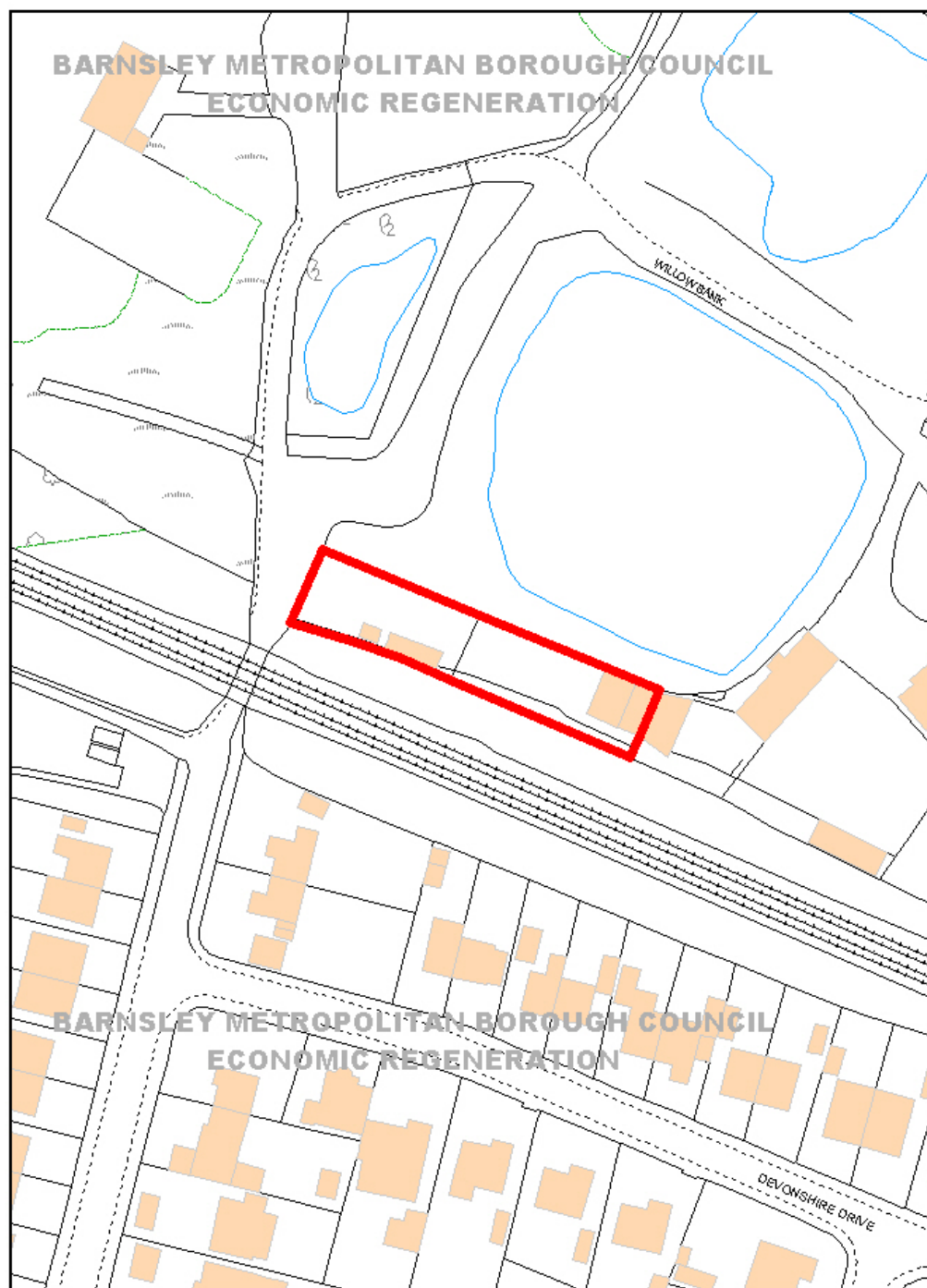
- 2 No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than one shall be static caravans) shall be stationed on the site at any time.
Reason: In the interests of the visual amenities of the Green Belt and in accordance with Core Strategy Policy CSP 34 and the NPPF.
- 3 No commercial or industrial activities shall take place on the land, including the storage of materials, and no vehicles above 3.5 tons in weight shall be parked on the site.
Reason: In the interests of the residential amenities of nearby residents and the visual amenity of the Green Belt.

PA reference :-

2017/0392

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BARNSELY MBC - Economic Regeneration

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



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2017/1175

Applicant: Mr Kevin Rogers, C/o Philip Brown Associates

Description: Erection of day room

Site Address: Whitegate Stables, Common Road, Brierley, Barnsley, S72 9ES.

Background

This application is referred to PRB as the site is located in the Green Belt. No representations have been received from any members of the public.

The site has been in place since 2004 and was made permanent in 2015 (application ref: 2015/0779 – removal of condition 1 of app 2011/1157 to allow permanent use of site for a gypsy family). No more than 5 caravans (of which no more than 2 can be static) are allowed on the site and no commercial activities are allowed.

The site is well maintained and there is no evidence that planning conditions are not being complied with.

Site Location and Description

The site is located to the east of Brierley within the open countryside. It is enclosed by hedges, walls and fences. The site is accessed off Common Road and there are dwellings to the south-west of the site off Common Road and north-west of the site along Park View. None of these directly border the site. The closest property is approximately 100 metres away.

Currently on the site are two static caravans, one touring van, a small amenity block and a storage building clad in corrugated iron sheeting.

Proposed Development

It is proposed to build an amenity building on the site measuring 11m x 6.1m with a pitched roof measuring 4.2m to the ridge. The building would house a bathroom with toilets and showers, laundry room and kitchen / dining area for use by all residents of the site.

The building will be a permanent structure, located at the western boundary of the site, adjacent to the site access.

Family Circumstances

The site is home to four families in total:-

- Kevin Rogers (senior) and his wife Roseanne and their five children
- Kevin Rogers (Junior) and his wife Lena and their daughter and son.
- Barry Blue Price and his wife Dilly and their two daughters.
- Mr and Mrs Rubin Rogers both 75 years old. Occupy the site in winter only, needed due to their age and vulnerability.

Mr Roger's (senior) son, Roman is 12 years old and has been diagnosed with Autistic Spectrum Disorder and the sub- category of Asperger Syndrome. Given Romans disability,

the fact Whitegates has been his only home and that he has built up a trusted peer group at the local School and in the surrounding community, the site was made permanent in 2015 on advice from the Social Worker for the Rogers family.

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).

UDP

Notation: Green Belt

Core Strategy

CSP18 'Sites for Gypsies, Travellers and Travelling Showpeople'

Sites will be allocated to meet the shortfall in provision of permanent sites. The following Criteria will be used in allocating sites and in determining planning applications for sites:-

In terms of their broad location sites will:

- Have good access to facilities
- Be primarily located within urban areas

In terms of their specific location the sites will:-

- Not be in an area of high flood risk
- Not be affected by contamination, unless the site can be adequately remediated
- Have adequate vehicular and pedestrian access from the highway
- Provide a good safe living environment with appropriate standards of residential amenity
- Have the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008)
- Have no other restrictive development constraints

CSP34 'Protection of the Green Belt'

In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

The Green belt boundaries will be subject to localised review only which may result in changes necessary to deliver the Borough's distribution of new employment sites set out in CSP12.

CSP29 sets out the overarching design principles for the borough to ensure that development is appropriate to its context.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

In respect of this application, paragraphs 87 and 89 are relevant which state inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

Planning Policy for Traveller Sites (PPTS)

This document sets out the Government's planning policy for traveller sites and should be read in conjunction with the NPPF.

Policy E: Traveller sites in the Green Belt

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances

Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development.

Policy H: Determining planning applications for traveller sites

Local planning authorities should consider the following issues amongst other relevant matters when considering planning applications for traveller sites:

- the existing level of local provision and need for sites

- the availability (or lack) of alternative accommodation for the applicants
- other personal circumstances of the applicant
- that the locally specific criteria used to guide the allocation of sites in plans or which form the policy where there is no identified need for pitches/plots should be used to assess applications that may come forward on unallocated sites
- that they should determine applications for sites from any travellers and not just those with local connections

Consultations

Yorkshire Water Services Limited – No comments

Environmental Health - No objections

Highways – No objections

Public Rights of Way – No Objections as long as Footpath 14 is not obstructed (temporarily or permanently).

Policy – Verbally confirmed family history and “in the best interests of the child” can be applied to the amenity building.

Ward Councillors – No comments

Gypsy Liaison Officer – No comments

Drainage – No objections

Representations

The application was advertised through neighbour letters and a site notice placed on Common Road adjacent the site. No representations have been received.

Assessment

The proposal would be inappropriate development in the Green Belt. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

As such, there are four main issues to consider.

- The effect of the development on the openness and visual amenity of the Green Belt.
- Whether there is any additional harm arising from the effect on gypsy policies in the Core Strategy and the PPTS.
- Whether there are other considerations which favour the proposal including the accommodation needs of the present occupiers and their personal circumstances, including the needs of the disabled son.

- Whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify a permanent permission.

Openness and visual amenity

The site lies adjacent to the built up area of Brierley with residential properties to the west on Park View and to the south west on Common Road, however to the north and east lie open fields and the Brierley Common Flashes. The site lies off a track which runs to the north alongside adjacent fields and connects to an unmade footpath which runs to the rear of properties on Park View to the west. The authorised site comprises no more than 0.2 Ha of land set back from Common Road by approximately 90m. The nearest dwelling lies 100m from the site.

The site lies in relatively flat semi-rural setting slightly divorced from an adjacent bungalow marking the edge of the village and whilst it is visible when approaching Brierley along Common Road from the South East, a high boundary wall and conifers do provide some screening. The amenity building proposed is quite large (11m x 6.1m) but is proposed to be located within the existing site, adjacent the western boundary and site access. It will be well screened by the site boundary treatment and an existing toilet block will be removed.

This reduces the overall impact on openness and visual amenity with the proposed largely hidden from view and offset in part by the removal of an existing building on the site.

Other harm

Notwithstanding the fact the site is within the Green Belt, it broadly complies with the criteria in CSP 18. The site is not in an area of high flood risk or affected by contamination and has adequate vehicular and pedestrian access from the highway. It provides a good safe living environment with appropriate standards of residential amenity with the ability to be developed in accordance with the CLG Gypsy and Traveller Site Design Guide (May 2008). Whilst this guidance document has been withdrawn (following the adoption of the Planning Policy for Traveller Sites 2015), it remains the only guide as to what facilities should be provided within a traveller site. Amenity buildings, providing hot and cold water supply, electrical supply, a separate toilet, bath / shower room, kitchen and dining area being considered an essential requirement.

The proposed amenity building will replace an existing toilet block which houses two separate toilets and hand basins and is in a poor state of repair. Providing a bathroom with toilets and showers, laundry room and kitchen / dining area the proposed amenity building will substantially improve the facilities available on site. The building is not located where it would impact on residential amenity in terms of privacy or overshadowing.

Therefore, notwithstanding the impact on the green belt, the proposed will not cause any other harm in planning policy terms having a positive impact through providing improved facilities to an existing permanent site.

Personal circumstances

The site was granted permanent status in 2015 following two previous temporary permissions (granted on appeal in 2007 and extended in 2011). Permanent status was granted largely because it was deemed to be in the '*best interests of the child*'.

Paragraph 16 of the revised Planning Policy for Traveller Sites 2015 states,

“Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances”

The inclusion of “subject to the interests of the child” was included into the policy as a 2015 amendment, and given that the applicants son has a disability in the form of Autistic Spectrum Disorder and the sub- category of Asperger Syndrome can be considered to carry substantial weight. Given the child has lived on the site his entire life and is settled into the local community and attends the local school and health care facilities, it was agreed that any move or change would be unhealthy for his well-being. This was supported by a statement from the Rogers family social worker.

The LPA considered this to be a key overriding circumstance that, along with the other circumstances (related to the family’s needs and availability of alternative sites), substantiated very special circumstances in favour of the scheme. The Council’s Legal Advisor backed up this view.

Limited information has been provided in support of this application, however, a site visit was undertaken on 9th October 2017 whereby it was confirmed with Mr Rogers that the occupiers of the site and the specific circumstances relating to Mr Rogers’ sons disability remain as previously detailed in the 2015 application. The amenity building will be a shared resource for the whole site, providing essential facilities for the whole family without the need for multiple amenity buildings. It will ensure a safe living environment meeting the needs of the family and specific needs of Mr Rogers disabled son (in line with the former Good Practice Guidance, Designing Gypsy and Traveller Sites).

Balancing harm against other considerations

Inappropriate development in the Green Belt is by definition harmful and must be given substantial weight. On the other side of the balance is the limited impact of the amenity building on the openness of the green belt and visual impact, the essential need for an amenity building on gypsy sites, the personal circumstances of the appellant and his extended family and the specific needs of 1 of the children living on the site all of which attract significant weight in support.

Overall Conclusion

The site is relatively self-contained and partially screened from surrounding vistas to ensure that existing residents are not unacceptably affected or disturbed. The site is also well maintained and there is no evidence of any activities occurring which would upset residential amenity. The screening also ensures that the visual impact of the amenity building is limited which is more favourable in terms of policy CSP34.

It is considered that the case put forward by the applicant forms very special circumstances that balances the inappropriateness of the development and its impact on openness. In addition to this it is considered that the impact on visual amenity (which is limited) is countered by the other factors in favour such as the lack of essential amenity facilities, the fact that the site is occupied by once extended family reducing the need for multiple amenity buildings and the specific needs of 1 of the children in the site.

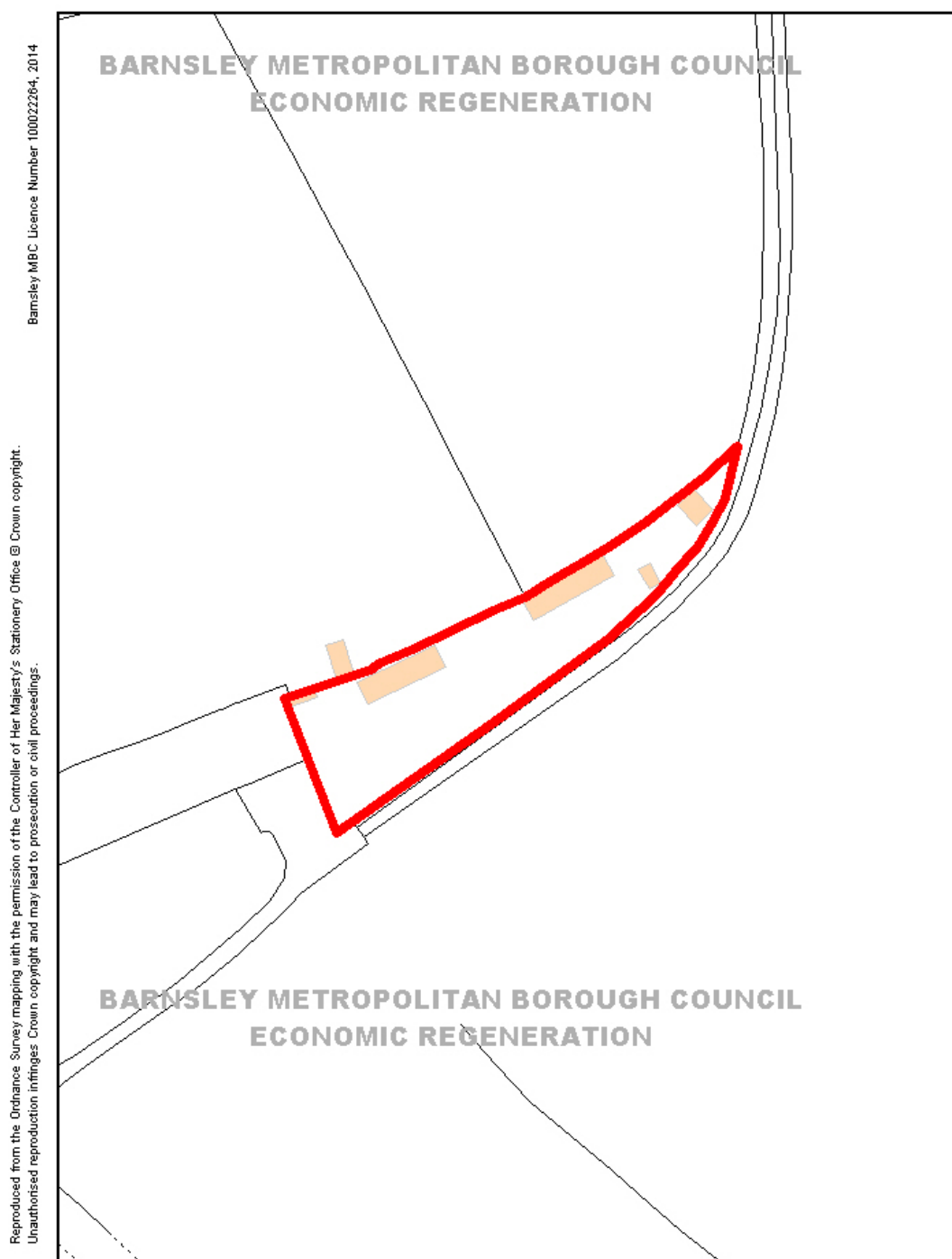
Recommendation

Grant planning permission subject to 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 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 Upon commencement of development details of the proposed external materials shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.
- 4 The existing toilet block shall be removed from the site on completion of the amenity building.
Reason: In the interests of preserving the openness of the Green Belt and in accordance with Core Strategy Policy CSP 34.

PA reference :-

2017/1175



BARNESLEY MBC - Economic Regeneration

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



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BARNSELEY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

September 2017

APPEALS RECEIVED

1 appeal was received in September 2017.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2015/0960	Installation of a 50kw wind turbine on a 24m monopole mast (34m to blade tip) Westfield Farm, Royd Moor Road, Thurlstone, Sheffield, S36 7RD	Written Representations	Committee

APPEALS WITHDRAWN

0 appeals were withdrawn in September 2017.

APPEALS DECIDED

1 appeal was decided in September 2017.

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2017/0010	Painting of 9no window frames. (Listed Building Consent). 30 Market Hill, Barnsley, S70 2QE	Dismissed 13/09/2017	Delegated

2017/2018 Cumulative Appeal Totals

- 9 appeals have been decided in since 01 April 2017
- 4.5 appeal (50%) have been dismissed since 01 April 2017
- 4.5 appeal (50%) have been allowed since 01 April 2017

<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2016/0744	Remove and replace Lime tree (T1) within TPO no. 3/2000. 2 Ladyroyd, Silkstone Common, Barnsley, S75 4SF	Allowed	Delegated
2016/1402	Felling of Oak Tree (T2 within TPO 3/1980) and replacement. 73 Martin Croft, Silkstone, Barnsley, S75 4JS	Allowed 02/05/2017	Delegated
2016/1035	Erection of 1 no. detached dwelling with detached garage Knowles Street, Spring Vale, Barnsley	Dismissed 24/07/2017	Delegated

2016/1478	Formation of vehicular access. 18 Roper Lane, Thurgoland, Barnsley, S35 7AA	Dismissed 31/07/2017	Delegated
2016/1338	Erection of two storey side and single storey extension to rear 179b King Street, Hoyland, Barnsley, S74 9LL	Split Decision 13/07/2017	Delegated
2016/1340	Erection of two storey side extension and a single storey front extension to dwelling 101 Genn Lane, Ward Green, Barnsley	Dismissed 10/08/2017	Delegated
2016/1080	Conversion of existing garage to bungalow. 102 Sackville Street, Barnsley	Allowed 15/08/2017	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. Ivy Cottage, 108 Upper Hoyland Road, Hoyland, Barnsley	Allowed 24/08/2017	Delegated
2017/0010	Painting of 9no window frames. (Listed Building Consent). 30 Market Hill, Barnsley, S70 2QE	Dismissed 13/09/2017	Delegated