

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 23 January 2018
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

SITE VISITS:

1. Site Visit Details

Planning Application(s) No: 2017/1051 and 2017/1324

Please meet at 10.30 a.m. for departure at 10.45 a.m.

Plan Number	Site	Approx Time of Arrival
2017/1051	Erection of 129 dwellings (Phase 2), associated infrastructure and public open space (Full Consent). Residential Development (Phase 3) and associated infrastructure (Outline) – Hybrid Application at Land off Willow Road, Thurnscoe	11.10 a.m.
2017/1324	Erection of a 10 bed care facility (Use Class C2) and occupational therapy cabin with associated access and parking at Mulberry Lodge, 75 Park Street, Wombwell.	11.45

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

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

2. Declarations of Interest

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

MEETING:

3. Minutes (Pages 5 - 8)

To receive the minutes of the meeting held on 19th December 2017.

Planning Applications

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

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

4. Land off Willow Road, Thurnscoe - 2017/1051 - For Approval (*Pages 9 - 28*)
5. Mulberry Lodge, 75 Park Street, Wombwell - 2017/1324 - For Approval (*Pages 29 - 40*)
6. Cannon Hall Museum, Bark House Lane, Cawthorne - 2017/1571 - For Approval (*Pages 41 - 48*)
7. Land to rear of 26 Cross Lane, Royston - 2016/1329 - For Approval (*Pages 49 - 60*)
8. Athersley Community Association and Football Club, Ollerton Road, Athersley North - 2017/1083 - For Approval (*Pages 61 - 66*)
9. Cannon Hall Museum, Bark House Lane, Cawthorne - 2017/1579 - For Approval (*Pages 67 - 70*)
10. Kendray Street, Barnsley - 2017/1601 - For Approval (*Pages 71 - 78*)

Planning Appeals

11. Planning Appeals - 1st to 31st December 2017 (*Pages 79 - 82*)

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, 15 January 2018

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MEETING:	Planning Regulatory Board
DATE:	Tuesday, 19 December 2017
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

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

In attendance at site visit

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

82. Declarations of Interest

Councillors Unsworth and Makinson declared Non-Pecuniary interests in **Planning Application nos 2017/1400, 2017/1426 and 2017/1431** due to them being Berneslai Homes Board Members. Berneslai Homes is the applicant.

Councillor Riggs declared a Non-Pecuniary interest in **Planning Application 2017/1218** (Erection of detached bungalow (Outline with all matters reserved) at land to the rear of 309 Dodworth Road, Barnsley S70 6PN) as he referred the application to the Board.

Councillor G Carr declared a Non-Pecuniary interest in **Planning Application 2017/1218** (Erection of detached bungalow (Outline with all matters reserved) at land to the rear of 309 Dodworth Road, Barnsley S70 6PN) as she lives close to the site.

83. Minutes

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

84. Land east of Lundhill Road, Wombwell - 2017/1001 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1001** – Residential development of 150 no. dwellings with associated access, car parking, landscaping, public open space and infrastructure (Amended Description) at land east of Lundhill Road, Wombwell, Barnsley S73 0RL.

Mr Matt Burrow addressed the Board and spoke in favour of the officer recommendation to approve the application.

Ms Turton addressed the Board and spoke against the recommendation to approve the application.

RESOLVED that the application be granted in accordance with the officer recommendation and subject to completion of S106 Agreement (provision of

education, public open space, affordable housing and enhancement of off-site footpaths) plus additional conditions requiring implementation of biodiversity mitigation scheme, archaeology investigation work and provision of grit bins.

85. Land to the West of Wakefield Road, Mapplewell, Barnsley S75 6DL - 2016/0337 and 2017/0520 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2016/0337** (Application for approval of reserved matters of outline planning permission 2014/0249 for 46 dwellings including means of access, laying out of internal access roads, open space and associated works); and **Planning Application 2017/0520** (Erection of 193 no. dwellings including means of access, laying out of internal access roads, suds, open space and associated works (Reserved Matters)).

Ms Laura Mepham addressed the Board and spoke in favour of the officer recommendation to approve the application.

Mr Dave Hilton addressed the Board and spoke against the officer recommendation to approve the application.

RESOLVED that applications 2016/0337 and 2017/0520 be approved in accordance with the officer recommendation, that each application be subject to completion of a S106 Agreement (provision of education, public open space and affordable housing) plus additional conditions requiring a management and maintenance regime for the SUDS attenuation ponds for the lifetime of the development.

86. Land to the rear of 309 Dodworth Road, Barnsley - 2017/1218 - For refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1218** (Erection of detached bungalow (Outline with all matters reserved) at land to the rear of 309 Dodworth Road, Barnsley S70 6PN).

Mr G Bird addressed the Board and spoke against the officer recommendation to refuse the application.

RESOLVED that the application be deferred to enable further discussions between Officers and the applicant about the possibility of an annex as an alternative to an independent dwelling and/or to enable the applicant to provide more information about how the development would cater for the requirements of his disabled daughter.

87. Capitol Close, Dodworth, Barnsley - 2017/1002 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1002** (Erection of 15 no. industrial units in 8 blocks (classes B1, B2 and B8) with associated car parking at Capitol Close, Dodworth Barnsley)

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

88. Land off New Road/Lidgett Lane, Tankersley - 2017/1113 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1113** (Reserved Matters application of 2016/0952) –Residential development of 56 dwelling houses and access (Amended Plans) at land off New Road/Lidgett Lane, Tankersley, Barnsley S75 3AE).

RESOLVED that the application be granted in accordance with the Officer recommendation without a further Section 106 Agreement as all of the requirements for the development are covered by the S106 Agreement which is in place for the outline planning permission.

89. Former garage site at Kirk Cross Crescent/Pinfold Lane, Royston, Barnsley S71 4PJ - 2015/0895 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2015/0895** (Erection of 5 no. detached and semi-detached residential dwellings (Amended Plans) at former garage site at Kirk Cross crescent/Pinfold Lane, Royston, Barnsley S71 4PJ)

RESOLVED that the application be approved in accordance with the officer recommendation subject to the completion of a S106 Agreement requiring the payment of £10,000 as compensation for loss of greenspace; plus the imposition of an additional condition removing permitted development rights for plots 1-3 to carry out further extensions.

90. Manor Grove and West End Avenue, Royston, Barnsley - 2017/1400 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1400** (Erection of 2 pairs of semi-detached bungalows with associated access works at Manor Grove and West End Avenue, Royston, Barnsley).

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

91. West End Avenue, Royston, Barnsley - 2017/1426 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1426** (Erection of 1 pair of semi-detached bungalows at West End Avenue, Royston, Barnsley)

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

92. Land adjacent to 54 Doles Crescent, Royston - 2017/1431 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1431** (Erection of 1 no. bungalow at land adjacent to 54 Doles Crescent, Royston, Barnsley, S71 4LA)

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

93. Planning Appeals - 1st to 30th November 2017.

The Head of Planning and Building Control submitted an update regarding cumulative appeal totals for 2017/18.

The report indicated that 2 appeals were received in November 2017:-

- **Planning Application 2017/0088:** Residential development of 21 dwellings (Outline including means of access).
- **Planning Application 2017/0345:** Erection of 1 no. dwelling (Outline) at Stonehaven, Higham Lane, Higham, Barnsley S75 3LA.

It was decided that no appeals were withdrawn in November 2017. 7 appeals were decided in November 2017.

It was reported that 19 appeals have been decided since 1 April 2017, 12.5 of which (65.7%) have been dismissed and 6.5 of which (34.3%) have been allowed.

RESOLVED that the update report be noted.

Chair

Item 4

2017/1051

Applicant: Ms Amber Beare

Description: Erection of 129 dwellings (Phase 2), associated infrastructure and public open space (Full Consent). Residential Development (Phase 3) and associated infrastructure (Outline) - Hybrid Application.

Site Address: Land off Willow Road, Thurnscoe, Rotherham, S63 0PG

2 letters of objection have been received.

Background

The site is part of the former Reema estate and an area of safeguarded land in the UDP that was the subject of a previous outline planning application for residential development (2009/1408). Reserved Matters for Phase 1 of this development was approved in 2010 (2010/0178) and has been delivered on site.

The original outline has now expired without the reserved matters being submitted on phases 2 and 3. This hybrid application seeks to re-establish planning permission for these phases with full details provided for phase 2.

The site is a housing allocation in the Local Plan (H1).

Site Description

The site totals 15.9 hectares in area split into two phases with phase 2 occupying 4.9 hectares and the site of the outline application (phase 3) occupying 11 hectares. The whole site is located on the northern side of Thurnscoe which is situated between Barnsley and Doncaster with Doncaster being approximately 8 miles to the east and Barnsley 9 miles to the west. The main road through the village is the B6411 and there is a link to the A635 to the south. There is also a railway station within the village which is within walking distance from the site.

The site is located on the edge of the village of Thurnscoe. To the south, east and west of the site is modern residential development while to the north are open fields designated as Green Belt. A railway line that links Sheffield and Rotherham to the south, with Pontefract, Wakefield and Leeds to the north, runs along the eastern boundary of the site.

The housing in the vicinity of the site is predominantly modern in character dating from the mid to late 20th century. The first phase of the redevelopment of the Reema homes site, on land on the eastern side of School Street, is complete with houses constructed of a mixed palette of materials including brick, stone, wood cladding and render. The surrounding housing is mixed in character with detached, semi-detached and terraced housing comprising bungalows, two storey housing and a few three storey blocks. The majority are constructed in red or a dark buff brick with red or grey roof tiles. All are set back from the road with small front gardens with a mixture of front boundary treatments and small, enclosed rear garden areas.

The phase 2 site is broadly flat, the exception being a sharp drop in levels along the southern boundary with existing dwellings on Stotford Drive located approximately 3m lower than the proposed plots (1-12) along this boundary.

The site of phase 3 is currently open fields which rise to the north east from Lingamore Leys. The rail line along the eastern boundary is located in a steep cut with an existing pedestrian bridge linking this to residential areas to the east. A public footpath runs along the southern boundary before crossing in a north easterly direction to meet this footbridge.

Proposed Development

The proposed is a hybrid application with full details provided for phase 2 and an indicative layout provided for phase 3.

Phase 2 of the proposed development is for 129 dwellings utilising the road and service layout of the original Reema estate (demolished). There are 2 accesses off Lingamore Leys and two off School Street with the internal road forming a broadly grid pattern.

The housing mix is limited to 2 and 3 bed properties spread across 8 different house types including bungalows, two-storey dwellings and two and half storey dwellings. All the properties are detached or semi-detached.

Only one of the house types includes a garage (integral) with the remaining parking provided off street on driveways located either to the side or in front of plots. A good mix of soft landscaping to the front has been provided and the applicant has provided full boundary treatment details which show 1.1m high railings along key frontages.

An area of open space is located to the east of the site, directly adjacent School Street. This will incorporate a LEAP and is located to be accessible to both proposed and existing residents in the area. This space will be overlooked by dwellings which are largely orientated to face onto the space providing natural surveillance. An informal open space exists to the east of the site although this contains the route of the existing adopted sewer.

Phase 3 is in outline with all matters reserved. A maximum number of dwellings of 350 have been applied for and an indicative layout has been provided which shows 311 dwellings and 26,484m² of greenspace.

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

The site of Phase 2 is located in the Housing Policy Area in the UDP under Policy H8. The site of Phase 3 is designated DE8 Urban Land to Remain Undeveloped (ULTRU) on the UDP and GS11 is the relevant policy.

Core Strategy

CSP 3 & 4 Suds and Flood Risk

CSP10 'The Distribution of New Homes' commits 14% of the Boroughs Housing to be built within Goldthorpe (or the Dearne Towns including Thurnscoe) (3,000 properties).

CSP14 'Housing Mix and Efficient Use of Land' states that priority shall be given to the development of previously developed land with a target of 55% and 60% of the overall amount of new housing. A minimum density of 40 dwellings per hectare will be expected with lower densities only supported when it can be demonstrated that they are necessary.

CSP15 'Affordable Housing' sites in Thurnscoe are expected to provide 15% affordable housing.

CSP14 'Housing Regeneration Areas' recognises areas of low housing demand where a range of housing market regeneration programmes will be supported. This includes Thurnscoe.

CSP 25 'New Development and Sustainable Travel' new development will be expected to be located and designed to reduce the need to travel.

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

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

CSP 34 'Protection of Green Belt' the extent of the Green Belt will be safeguarded and remain unchanged.

CSP35 'Green Space' seeks to improve existing green space and meet the standards in the Green Space Strategy

CSP36 'Biodiversity and Geodiversity' development is expected to conserve and enhance the biodiversity and geological features of the borough.

CSP37 'Landscape Character' Development will be expected to retain and enhance the character and distinctiveness of the individual Landscape Character Area in which it is located.

CSP39 'Contaminated and unstable land' where the future users or occupiers of a development would be affected by contamination or stability issues, or where contamination may present a risk to the water environment, proposals must be accompanied by an appropriate assessment.

CSP40 'Pollution Control and Protection' is that the Council shall not allow development of new housing where existing air pollution, noise, smell, dust, vibration, light or other pollution

levels are unacceptable and there is no reasonable prospect that they can be mitigated against.

CSP42 Infrastructure and Planning Obligations

CSP43 Education Facilities and Community Uses

Local Plan

Policy GD1 'General Development' provides a starting point for making decisions on all proposals for development setting out various criteria against which applications will be assessed.

Policy H1 'The Number of New Homes to be Built' sets the target of new homes for the plan period 2014 to 2033 at 20,900

Policy H2 'Distribution of New Homes' states 14% of new homes to be built in the Dearne Towns (including Thurnscoe).

Policy H3 'Housing Site Policies' all development will be expected to comply with policy GD1 and in accordance with the site specific policies for the individual site. Phases 2 and 3 form part of site H1 where development will be expected to provide a bridge for people and vehicles to use across the railway, retain enhance and manage a wildlife corridor on the eastern boundary along the rail line and provide appropriate archaeological assessment.

SPDs

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

'Parking' states that the parking standards for new housing development shall be 2 spaces for 3 bed dwellings and above.

'Designing New Housing Development' provides guidance regarding the design of new housing and external space standards.

'Open Space Provision on New Housing Development' provides guidance on open space requirements and off site contributions.

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.

Consultations

Air Quality - the Barnsley MBC Air Quality and Emissions Good Practice Planning Guidance recommends for such developments 1 x charging point per unit (dwelling with dedicated parking), or 1 x charging point per 10 spaces (unallocated parking). As it is understood that the development consists of units with dedicated parking, only first part of the above requirement would be applicable. The applicant has provided a plan showing external sockets to all dwellings which satisfies this requirement.

Affordable Housing Officer: 15% affordable housing is provided in compliance with the policy.

Biodiversity Officer: Approve subject to conditions to secure appropriate mitigation as set out in the Ecology Reports and additional assessment in relation to phase 3 to be submitted with the reserved matters application.

Broadband: No objection subject to a condition requiring broadband connectivity.

Coal Authority: No objection as the site does not require a Coal Mining Risk Assessment. The standard informative should be applied

Contaminated Land: No Objection and no conditions required for either phase.

Drainage: No objection to phase 2 and the drainage strategy provided. Conditions should be applied to phase 3.

EA: No comments as the development falls outside of the scope of development that they would normally be consulted on.

Education: There are sufficient school places to accommodate phase 2 of the development however phase 3 will create a deficit in school places and a condition should be applied to secure further contributions at the time of the Reserved Matters Application for phase 3.

Highways: No objection subject to conditions

Natural England: No comments.

National Grid: No comments

Network Rail: No objection subject to condition and a request for a contribution towards station facility improvements at Thurnscoe Railway Station

Pollution Control: No objections to phase 2 subject to noise and dust being controlled through construction management conditions. A condition should be applied to phase 3 requiring noise mitigation along the railway line

Public Rights of Way: No comments

South Yorkshire Police: No comments

South Yorkshire Passenger Transport Executive: the site currently has service 219 and 226 running through it. By improving bus stops and bus stop positions on Ligamore Leys and Merrill Road, the majority of the estate will be within 400m a bus stop and regular bus service. Bus shelters (x2) and raised kerbs/tactile paving will be required at stop 55288 and

one on the opposite side of the road.

South Yorkshire Mining Advisory Service: Site is not in a coal mining referral area therefore the risk of being affected by mining legacy issues is low.

Tree Officer: No objection subject to conditions.

Waste: No comments

Yorkshire Water: No objections subject to conditions

Representations

Two letters of objection have been received. One raises concerns about the potential vehicle bridge over the rail line and possible antisocial behaviour associated with this. This matter is dealt with later in the report. The other raises a query regarding the boundary of the development with their property and land ownership issues which is not a matter for planning.

Assessment

Principle of Development

The principle of residential development was established under outline application 2009/1408 which produced a masterplan for 3 phases of development. Phase 1 of the development has been completed in accordance with reserved matters submission 2010/0178. The outline application has now expired; nevertheless there has been no substantial change in National Planning Policy and both phases are proposed as a housing allocation (H1) in the emerging Local Plan (currently undergoing Examination) which further supports the principle of residential development.

Phase 2 (application for full consent)

The site of Phase 2 is designated as a housing policy area in the Unitary Development Plan and, therefore, saved policies H8 and DE2 will apply. Policy H8 expects housing policy areas to remain in residential use and the principle of residential development is, therefore, considered appropriate, subject to the requirements of saved UDP policies H8A (scale, layout, height and design).

Phase 3 (application for outline consent)

Phase 3 is an area allocated as safeguarded land in the saved policies of the Unitary Development Plan (UDP).

The Council cannot currently demonstrate a supply of specific, deliverable sites sufficient to meet the boroughs housing requirement. A recent Supreme Court Judgment has confirmed that for the purposes of paragraph 49 of the NPPF relevant policies for the supply of housing are limited to those dealing only with numbers and distribution of new housing. Therefore policy GS10 'Safeguarded Land' is not considered to constitute a policy for the supply of housing.

However, the judgment goes on to clarify that '....The important question is not how to define individual policies, but whether the result is a five-year supply in accordance with the objectives set by paragraph 47. If there is a failure in that respect, it matters not whether the failure is because of the inadequacies of the policies specifically concerned with housing

provision, or because of the over-restrictive nature of other non-housing policies. The shortfall is enough to trigger the operation of the second part of paragraph 14...”

Therefore, given that the council cannot currently demonstrate a five year supply of housing, it is considered that applications on safeguarded land, where it can be demonstrated that they are in a sustainable location, will now be determined in line with the NPPF Presumption in Favour of Sustainable Development (paragraph 14 of the NPPF), relevant development plan policies and any other material considerations.

Sustainability

The NPPF sets out that there are three dimensions to sustainable development: economic, social and environmental:

- The economic role relates to building a strong, responsive and competitive economy by ensuring sufficient land of the right type is available at the right time to support growth.
- The social role includes the provision of the supply of housing to meets the needs of present and future generations by creating high quality built environment, with accessible local services.
- The environmental role relates to protection and enhancement of our natural, built and historic environment, helping to improve biodiversity, use natural resources prudently, minimize waste and pollution, adaption to climate change and moving to a low carbon economy.

The development as proposed will deliver a range of house types and 15% affordable housing, including bungalows (13 in total), in Thurnscoe one of the Dearne Towns that Core Strategy Policy CSP8 identifies as a priority for growth and which is recognised as being of low market demand where market regeneration programmes will be supported (CSP 17). The site of phase 2 is a brownfield location where the previous housing was demolished under the former Housing Market Renewal programme whilst phase 3 is greenfield land. A Development Agreement between Keepmoat and BMBC was entered into under the previous HMR programme (at the time of the 2009 application) and remains in place. This application seeks planning permission for the next stage of development on the site and in this respect complies with the economic and social roles of sustainable development.

The site is included as an allocation in the emerging Local Plan Publication Draft which is currently going through Examination and whilst this draft allocation carries limited weight, the site is identified as a sustainably located site in a Principal Town with good access to key services and a key site in the regeneration of the Dearne Towns. A number of bus routes are available with stops located on Lingamore Leys and School Street circa 150m from the site and on Houghton Road circa 570m away. Thurnscoe Train Station is approximately 525m to the south east with trains between Leeds and Sheffield every 60mins. In terms of access to key services, the site is circa 850m from Thurnscoe village centre and the nearest Primary School is 650m away. In addition, measures secured through the Travel Plan will promote the use of sustainable transport. Therefore, whilst the proposal will result in the loss of some greenfield land, the site is considered to be in a sustainable location.

The contribution to the environmental sustainability in phase 2 includes the reuse of a brownfield site and a commitment to incorporate external plug sockets in all the properties enabling the use of electric vehicles. This can be promoted through the Travel Plan. Energy efficiency measures will also be required to the design and build of all dwellings to reduce CO2 emissions to what is required by the Building Regulations Part L. The contribution towards environmental sustainability in relation to phase 3 is less clear but measures can be agreed through the Reserved Matters process. In terms of biodiversity impacts, neither site

is located in or near to any locally designated sites or statutory sites of importance to nature conservation. The Ecology Appraisals provided by the applicant identify that the overall value of both sites in terms of biodiversity is low, however, as the sites are located in the Dearne Valley Eco Vision Area / Green Heart Nature Improvement Area there is a requirement to enhance biodiversity. This is reflected in emerging Policy H1 which requires the “retention, enhancement and management of a wildlife corridor on the eastern boundary of the site, along the rail line”. The indicative layout for phase 3 allows for this with further detail conditioned.

At the time of the 2009 planning application and Housing Market Renewal programme, the masterplan included provision for a new bridge over the railway line suitable for vehicular traffic. The bridge was intended to improve links between the residential estates either side of the rail line, increasing social cohesion and connectivity between east and west Thurnscoe and allowing a circular bus route. The emerging Local Plan and housing allocation (H1) carries forward a requirement to provide this bridge. However, the applicant has confirmed that the bridge is not viable and as such have excluded it from this planning application. In this respect the proposed does not fully deliver with regards to the social and environmental aspects of sustainable development. Nevertheless, taking account of the proposals overall contribution to three roles of sustainable development it is considered the proposed is sustainable and the presumption in favour does apply.

Core Strategy Policy CSP14: Housing Mix & Efficient Use of Land

Core Strategy policy CSP14 is concerned to ensure that development makes the most efficient use of land. Phase 2 of the development does propose to include a range of different house sizes and tenures and as such complies with this aspect of CSP14. Details in relation to the overall housing mix for phase 3 will be agreed at the Reserved Matters.

With regard to density, CSP14 requires a minimum density of 40 dwellings per hectare (dph) unless it can be demonstrated that a lower density is necessary. Paragraph 9.78 of the Core Strategy expands on the issues that are relevant where justifying a density lower than that required by CSP14. The proposal is for 479 dwellings of which 129 are located on phase 2 with a density of 35dph. Phase 3 will deliver up to 350 dwellings which equates to a net density of circa 37 dwellings per hectare when a gross to net ratio is applied. This is only slightly below that required by CSP14 and, taking account of the high density achieved on Phase 1 (45dph) and the wider regeneration benefits associated with the development these densities are acceptable.

The overall yield for housing site H1 (as set out in the emerging Local Plan) is 525, however, the site area shown on the Policies Map includes a strip of land to the south east in error. This is being removed from the allocation and the yield reduced to reflect the change. This gives an indicative yield of 480. Therefore the proposed complies with the emerging allocation in terms of housing numbers.

Affordable Housing

Core Strategy policy CSP15 identifies that in Thurnscoe, 15% of the proposed dwellings should be affordable. The application shows affordable housing at the level required by CSP15 and as such there are no objections subject to a S106 agreement.

The affordable units in phase 2 are spread across the site as shown on the layout plan (ref: 2238 02S).

Green Space Policy

In accordance with CSP35, CSP42 and the SPD Open Space Provision on New Housing Developments, new developments that exceed 20 residential units are expected to contribute towards green space requirements. A minimum of 15% of the gross site area must be open space of a type appropriate to the character of the site, its location and the layout and nature of the new housing and adjoining land uses. The SPD provides further details in terms of what contributes towards requirements and the type of green space we would generally seek dependent on scale of development and local needs. The SPD is clear that landscaped strips that are required to soften the boundary with countryside or protect the living conditions of residents is not available for development and will not normally make any significant contribution to recreational open space requirements.

There is a need to provide greenspace of all types in Thurnscoe and the reserved matters application for phase 1 was approved with no greenspace on the basis that this would be offset by an increased provision in phases 2 and 3. Following the outline expiring, securing this additional greenspace across the remaining phases is the primary reason a Hybrid application has been accepted. Detailed landscaping proposals have been provided for phase 2 with a total area of 9,150m² of greenspace provided. This includes a LEAP located to the east of the site immediately adjacent phase 1 and School Street. The outline for phase 3 and indicative masterplan provided shows a number of additional greenspaces totalling 2.6ha and the applicants have agreed to provide a games court within this phase of the development. This gives a total greenspace provision of 3.5ha which is over 15% taking into account all three phases of the original development and includes provision for under 12s (LEAP) and older children (games court) as well as informal openspace.

In addition, a contribution for formal off-site recreation would normally be sought which, based on the current layout, would be in the region of £110,000. However, in this instance it is not proposed to seek the off-site contribution given the open space provision provided within the scheme(s) and in acknowledgement of the wider regenerative benefits.

The proposed therefore complies with the Greenspace Policies.

Education

Education has confirmed sufficient capacity in primary and secondary education to meet the additional demand created by phase 2. The additional development proposed in phase 3 will increase pressure for primary school spaces and impact on future capacity. However, from a planning perspective, it is not considered that it would be reasonable to withhold permission if a condition is applied to secure a S106 contribution to provide additional accommodation in the local schools at the time of the Reserved Matters. The applicant is agreeable to providing this contribution. Details of the contribution will depend on circumstances at the time the reserved matters application is received.

Residential Amenity

Phase 2 is submitted in full with detailed layout, elevations and floorplans provided. The layout follows that of the previous estate, utilising the existing road pattern and services located therein. The LEAP will be located in the greenspace to the east of the site with a 30m exclusion zone (in excess of that required in the SPD) ensuring disturbance is minimized whilst natural surveillance is maintained. The site is surrounded on three sides by existing residential development with the southern boundary being the most sensitive whereby existing houses along Stofold Drive and Ashberry Close directly back onto the site boundary and are located at a lower level. As such careful thought has been given to the relationship with the proposed and existing dwellings, with section drawings submitted to allow a clearer understanding of any potential for a loss of privacy and overbearing impact on current residents. The location of bungalows along this boundary has avoided any

overbearing impact; however, windows at the rear will be broadly level with the upper floors of the existing dwellings. Nevertheless the ability to achieve well over the minimum distances between dwellings (back to back as set out in the SPD) has minimized the impact to an acceptable level. Along the western boundary the relationship is less sensitive with existing properties located side on / at oblique angles and minimum distances between the proposed and rear gardens exceeded.

The floorplans provided demonstrate that the dwellings meet the internal space standards as set out in the South Yorkshire Design Guidance. Gardens and external amenity space as shown on the layout plan also meets the standards set in the SPD and suitable boundary treatments are proposed. Therefore the proposed is acceptable in residential amenity terms.

The layout provided for phase 3 is indicative only with final details to be agreed at the reserved matters stage, however it demonstrates that the quantum of development and greenspace can be achieved on site comfortably. In terms of residential amenity, the western boundary (adjacent existing residents) will need to be scrutinized and consideration given to noise issues along the eastern boundary (with the rail line). A noise report identifying appropriate mitigation has been conditioned.

Visual Amenity

The design and access statement accompanying the application has set out how the development has been informed by the character and grain of the surrounding area. With regards to phase 2 the overall density on site is similar to adjacent streets and the street pattern broadly follows that of the previous housing scheme with a few additional private drives and cul-de-sacs and a new LEAP. A direct route through the site has been provided, linking School Street with Footpath No.5 to the west and the Gooseacre Primary and Robert Ogden Schools beyond.

Plots are well spaced with soft landscaping breaking up parking areas and the dominance of hard surfaces. The materials proposed, buff brick and grey interlocking tiles will fit with the existing area. Some variation in materials was previously proposed with the inclusion of render on some key plots, however this had to be removed from the scheme to maximise viability and whilst this variation was preferable in design terms the wider benefits of the scheme outweigh this consideration. Streetscenes have been provided showing how the various house types and scales of property will integrate across the site.

Phase 3 is in outline with only an indicative layout provided as such visual amenity considerations will be considered in more detail at the reserved matters stage. The layout does demonstrate that the quantum of development and greenspace can be achieved on site comfortably.

Trees and Ecology

The application for phase 2 is supported by a Tree Survey and Arboricultural Impacts Plan. An Ash Tree (T56) is the main feature of the site (albeit it located outside the redline boundary); appropriate protection has been agreed for this tree during construction. Generally however the quality of the tree population is quite low and the majority do not constitute a constraint to the development. The better quality and more sizeable trees are shown to be retained on the planning layout/tree survey overlay plan with predominantly young and poor specimens to be removed. Landscaping has been provided and large growing native trees are to be utilised in the open space which is ideal, with smaller ornamental specimens being used nearer to new properties. As such there is no objection to what is proposed in relation to trees.

No tree survey has been completed for phase 3 and will need to be conditioned moving forwards.

The Ecology appraisals confirm that the sites are not located in or near to (within 1km) any designated sites of importance to nature conservation and do not contain any habitats above site level importance. The sites are, however, located in the Dearne Valley Green Heart Nature Improvement Area where there is an emphasis on improving and enhancing biodiversity which is reflected in the emerging Local Plan policy requirement for a wildlife corridor on the eastern boundary with the rail line.

Full details have been provided for phase 2, including a landscaping scheme with details of the ecological mitigation shown. This includes bird and bat boxes, gaps in boundary fencing for hedgehogs and planting of native trees, hedgerows and wildflower / grassland. However, the creation of a wildlife corridor around / through the site to link to phase 3 and the rail line beyond is limited by the proposed site layout. This reduces the overall benefit of the ecological mitigation / enhancement proposed on phase 2; nevertheless, given the wider benefits of the scheme and previous layout of residential development on the site the mitigation proposed is acceptable.

Further detail will be required for phase 3 both in relation to habitats on site and the overall ecological mitigation proposed, with particular emphasis on the wildlife corridor along the eastern boundary the approach to which will need to be robust. This detail should be provided with the reserved matters application and included within the landscaping scheme.

Highways

A considerable amount of time has passed since the original outline planning permission (2009/1408) therefore the application is supported by a new Transport Assessment. The original Transport Assessment for all 3 phases was based on 900 dwellings, 160 dwellings have been constructed in phase 1 and the total number of units proposed on all 3 phases is now 639, a considerable reduction. The Transport Assessment has been based on entirely private housing without any affordable housing which usually generates less traffic. The previous trips generated by the former housing (on phase 2) have not been netted off which is an acceptable practice. The Transport Assessment is, therefore, very robust. The traffic generated by these phases has been distributed onto the existing road network to the west of the railway line and whilst there is mention of a requirement to build a road bridge over the railway line (emerging policy H1) which would disperse the traffic further, the Transport Assessment demonstrates that traffic associated with the development can be adequately accommodated within the existing network without the need for the bridge.

The Transport Assessment demonstrates that the traffic as a result of this development can be accommodated without the need for mitigation and the NPPF states that "Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe." Clearly, this is not the case in the instance and consequently, there are no objections to the proposed development in a highway context.

Drainage

In respect of drainage for phase 2 the drainage strategy states that foul water will discharge to public combined sewer. In terms of surface water disposal, sub-soil conditions do not support the use of soakaways, therefore surface water will discharge to 750mm diameter public surface water sewer via storage (located in the greenspace to the north west of the site) with restricted discharge of 120.5 (one hundred and twenty point five) litres/second.

With regards to phase 3, no detailed drainage information has been provided however the proposed is considered acceptable subject to conditions requiring this information is submitted and approved prior to commencement of development of this phase.

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

Land Contamination and Stability

The submitted Site Investigation Report (ref Sirius C3676A) supporting the application has not identified any elevated contamination on the development site (phases 2 and 3). As such, there will be no requirement for any remediation measures, or submission of further reports. Further the site is not in a high risk area for coal mining. Therefore no conditions are required regarding contamination or land stability issues.

Conclusions

The proposal is for a residential scheme on land located within the housing policy area or safeguarded for future development in the UDP and allocated for housing in the emerging Local Plan. Whilst the release of safeguarded land is contrary to saved UDP (GS10), other material considerations do carry significant weight with regard to the determination of this application. In particular, the Council cannot currently demonstrate a five year supply of specific, deliverable sites for residential development and the proposed site is located in Thurnscoe which is identified in the Core Strategy as the priority settlement for growth and regeneration. As explained above, this necessitates the application of the NPPF presumption in favour of sustainable development and it is not considered that there are any significant and demonstrable adverse impacts that would outweigh the benefits associated with the granting of planning permission.

Recommendation

Grant subject to conditions and S106

- 1 The development of phase 2 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 of phase 2 hereby approved shall be carried out strictly in accordance with the following plans:

Location Plan Phases 2 & 3

2238-02S Planning Layout

1711.17767 School Street LEAP

10136_LD_01 REV C Soft Landscape Proposals - SHEET 1

10136_LD_02 REV C Soft Landscape Proposals - SHEET 2

10136_LD_02 REV C Soft Landscape Proposals - SHEET 3

10136_LD_02 REV C Soft Landscape Proposals - SHEET 4

10136_LD_02 REV C Soft Landscape Proposals - SHEET 5

10136_LD_02 REV C Soft Landscape Proposals - SHEET 6

10136_LD_02 REV C Soft Landscape Proposals - SHEET 7

10136_LD_02 REV C Soft Landscape Proposals - SHEET 8

2238 04 Rev M Boundary Treatment Plan

2238-05H Boundary Details

2238 08 Rev F Materials Layout
 2238 HT15 Rev A 857 Variant Housetype (AS)
 2238 HT16 Rev A 857 Variant Housetype (OP)
 2238 HT17 Rev A 867 Variant Housetype (AS)
 2238 HT18 Rev A 867 Variant Housetype (OP)
 2238 HT22 832 Housetype (AS & OP)
 2238 HT01 621 Housetype (AS)
 2238 HT02 651 Housetype (AS & OP)
 2238 HT03 740 Housetype (AS & OP)
 2238 HT08 953 Housetype (AS & OP)
 2238 HT09 955 Housetype (AS)
 2238 HT10 955 Housetype (OP)
 2238 HT11 1054 Housetype (AS & OP)
 2238-03K Surface Treatment Plan
 QD814-04-01 Phase 2 External Levels St 1
 QD814-04-02 Phase 2 External Levels St 2
 QD814-04-03 Phase 2 External Levels St 3
 QD814-05-01 Phase 2 Longsections
 QD814-06-01 Phase 2 Road Construction Details
 QD814-03-01 Phase 2 Engineering Layout
 QD814-08-01 Adoptable Manhole Details
 2238-14C External Socket Plan Phase 2
 Arboricultural Impact Assessment and Arboricultural Method Statement (Ecus, Nov 2017)

and specifications as approved unless required by any other conditions in this permission.

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

- 3 No construction in the relevant area(s) of the phase 2 site shall commence until measures to protect the 6" water main that is laid within the site boundary, during the construction and operational phases of the development, have been implemented in full accordance with details that have been submitted to and approved by the Local Planning Authority. The details shall include the means of ensuring access at all times for repair and maintenance of the infrastructure by the statutory undertaker. If the required protection measures are to be achieved via diversion or closure of the water main, the developer shall submit evidence to the Local Planning Authority that the diversion or closure has been agreed with the relevant statutory undertaker and that prior to construction in the affected area, the approved works have been undertaken.

Reason: In order to protect the public water supply in accordance with CSP40.

- 4 Phase 2 of the development shall be carried out in complete accordance with the details shown on the submitted Flood Risk Assessment and Drainage Strategy, Phase 2 Thurnscoe prepared by Queensbury Design Ltd (Report QD814 dated July 2017).

Reason: In the interest of satisfactory and sustainable drainage in accordance with CSP3.

- 5 The mitigation measures for phase 2 identified in the Ecological Appraisal and shown on the approved landscaping plan(s) shall be implemented in accordance with the approved details. Photographic evidence showing the correct installation shall be submitted to the local planning authority for approval prior to occupation of any

dwelling hereby approved.

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

- 6 The development of phase 3 hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

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

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

- 7 Application for approval of the matters reserved in Condition No. 6 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.

- 8 Full details of the ecological mitigation and enhancement measures for phase 3, including a timetable for their implementation, shall be submitted with the reserved matters application for approval by the Local Planning Authority. The development of phase 3 shall be implemented in accordance with the approved details.

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

- 9 Detailed plans shall accompany the reserved matters submission for phase 3 indicating existing ground levels for phase 3, finished floor levels of all dwellings and associated structures, road levels and any proposed alterations to ground levels. Thereafter the development shall proceed in accordance with the approved details.

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

- 10 The development (phase 3) shall not begin until a scheme for the provision of affordable housing as part of the development has been submitted to and approved in writing by the Local Planning Authority. The affordable housing shall be provided in accordance with the approved scheme and shall meet the definition of affordable housing in the NPPF or any future guidance that replaces it. The scheme shall include:

- i. The numbers, type, tenure and location on the site of the affordable housing provision to be made which shall consist of not less than 15% of housing units/bed spaces;
- ii. The timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
- iii. The arrangements for the transfer of the affordable housing to an affordable housing provider[or the management of the affordable housing] (if no RSL involved) ;
- iv. The arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and

- v. The occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.
Reason: To meet identified housing need in accordance with Core Strategy Policy CSP 15.
- 11 The development (phase 3) shall not begin until arrangements are in place to ensure any need for school places arising from the development are met in accordance with relevant local and national planning policies at the time of the submission of the Reserved Matters application.
Reason: To ensure children can be accommodated in the local primary and secondary schools in accordance with Core Strategy Policy CSP42.
- 12 No dwellings shall be occupied in Phase 3 until details of a scheme for the provision of public open space infrastructure in accordance with CSP35, CSP42 and the SPD: Open Space Provision on New Housing Developments, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall include a minimum 15% of the overall gross total site area as public open space (including formal recreation) and a timetable for such provision to be made and carried out in accordance with the approved details, unless alternative arrangements in accordance with CSP35, CSP42 and the SPD: Open Space Provision on New Housing Developments are otherwise agreed in writing with the Local Planning Authority.
Reason: In order to meet the needs of the development for green space and public open space infrastructure in accordance with UDP Policy H6.
- 13 No development shall take place on phase 3 unless and until full foul and surface water drainage details, have been submitted to and approved in writing by the Local Planning Authority. Thereafter no part of the development shall be occupied or brought into use until the approved scheme has been fully implemented. The scheme shall be retained throughout the life of the development unless otherwise agreed in writing with the Local Planning Authority.
Reason: To ensure the proper drainage of the area in accordance with Core Strategy Policies CSP 3 and CSP 4
- 14 No piped discharge of surface water from the application site (phase 3) shall take place until works to provide a satisfactory outfall for surface water have been completed in accordance with details to be submitted to and approved by the local planning authority before development commences.
Reason: To ensure that the site is properly drained and surface water is not discharged to the foul sewerage system which will prevent overloading in accordance with Core Strategy Policies CSP 3 and CSP 4.
- 15 A detailed Noise Impact Assessment Report shall accompany the Reserved Matters application for Phase 3 assessing noise and vibration associated with the railway line and specifying suitable mitigation, in line with BS8233:2014, for any part of the proposed development affected. The development of phase 3 shall be carried out in strict accordance with the approved mitigation.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40.
- 16 Prior to the submission of any reserved matters application for phase 3, an archaeological evaluation of the phase 3 area will be undertaken in accordance with a written scheme of investigation that has been submitted to and approved in writing by the local planning authority. Drawing upon the results of this field evaluation

stage, a mitigation strategy for any further archaeological works and/or preservation in situ will be approved in writing with the local planning authority and then implemented.

Reason: To ensure that the site is archaeologically evaluated in accordance with an approved scheme and that sufficient information on any archaeological remains exists to help determine any reserved matters in accordance with CSP30.

- 17 Unless otherwise agreed in writing with the Local Planning Authority, plans submitted at the reserved matters stage for phase 3 shall make provision for the retention of the existing public footpath passing through the site.

Reason: In order to meet the needs of the development for providing appropriate pedestrian access to surrounding areas in the interests of the sustainability of the site in accordance with CSP25.

- 18 Development of phase 3 shall not commence until details of the phasing of the phase 3 area has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a safe and adequate highway network, in the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement

- 19 The development (phase 3) shall not begin until arrangements are in place to ensure any need for improvements to bus stops on Lingamore Leys and Merrill Road arising from the development are met in accordance with relevant local and national planning policies at the time of the submission of the Reserved Matters application.

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

- 20 Upon commencement of development of each phase, details of measures to facilitate the provision of high speed broadband for the dwellings/development permitted in that phase, including a timescale for implementation, shall be submitted to and approved in writing by the Local Planning Authority. The development of each phase 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

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

Reason: To ensure that satisfactory off street parking/manoeuvring are provided, in the interests of highway safety and the free and safe flow of traffic and in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.

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

Reason: In the interest of road safety in accordance with Core Strategy Policy

CSP26, New Development and Highway Improvement

- 23 All surface water run-off shall be collected and disposed of within the site and shall not be allowed to discharge onto the public highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement
- 24 Development shall not commence on each phase until details of the siting of the sales cabin, and parking for staff and customers visiting the site, have been submitted and approved in writing by the Local Planning Authority, and such facilities shall be retained for the entire construction period of that phase.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.
- 25 Prior to any works commencing on each phase, 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. The Local Planning Authority may require further surveys during the course of the development if in the opinion of the Local Highway Authority there appear to be new defects attributable to the traffic ensuing from the development that require remedial action prior to the completion of the development. Any remedial works identified by the Local Highway Authority as a result of these further surveys shall be completed within a reasonable period of time specified by the local highway authority at the developer's expense. On completion of each phase of the development a final condition survey shall be carried out and shall be submitted for the written approval of the Local Planning Authority, which shall identify any remaining defects attributable to the traffic ensuing from the development. Any necessary remedial works shall be completed at the developer's expense in accordance with a scheme to be agreed in writing by the Local Planning Authority.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement
- 26 Vehicular and pedestrian gradients within the site shall not exceed 1:12 to ensure safe and adequate access
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.
- 27 Prior to the occupation of the first property in each phase of the development approved, a draft Travel Plan for that phase 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 sustainable transport (including electric vehicles), and allow for regular reporting and monitoring to be undertaken. Subsequently, within six months of each phase of the site becoming operational, a detailed travel plan shall be submitted to the Local Planning Authority and once approved shall be fully implemented.
Reason: In the interests of sustainable development in accordance with Core Strategy Policy CSP25 Sustainable Travel and CSP 28 Reducing the Impact of Road Travel.
- 28 No development shall take place in each phase, including any works of demolition, until a Construction Method Statement for that phase has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period for that phase. The statement shall

provide for:-

- The parking of vehicles of site operatives and visitors;
- Means of access for construction traffic;
- Loading and unloading of plant and materials;
- Storage of plant and materials used in constructing the development;
- Measures to prevent mud/debris being deposited on the public highway.

Reason: In the interest of road safety in accordance with Core Strategy Policy CSP26, New Development and Highway Improvement.

- 29 The hours of construction and deliveries shall only take place between Mon-Fri 0800-1800 and Sat 0900-1300. No working on Sundays or Bank Holidays.

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

- 30 Prior to development commencing on each phase, the applicant shall submit to the Local Planning Authority for their approval a noise and dust management plan detailing how they will control noise and dust during demolition and construction. Once approved the applicant shall adhere to the noise and dust management plan at all times.

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

- 31 No development or other operations being undertaken on site in each phase 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 for that phase:

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.

- 32 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 each phase of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site for that phase. 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.

- 33 No hedges or trees on the site, existing or proposed (except those shown to be

removed on the approved plan for that phase), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.

Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality.

- 34 A landscape management plan for each phase, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, shall be submitted to and approved by the Local Planning Authority prior to the occupation of the development or any part thereof, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out in accordance with the approved plan.

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

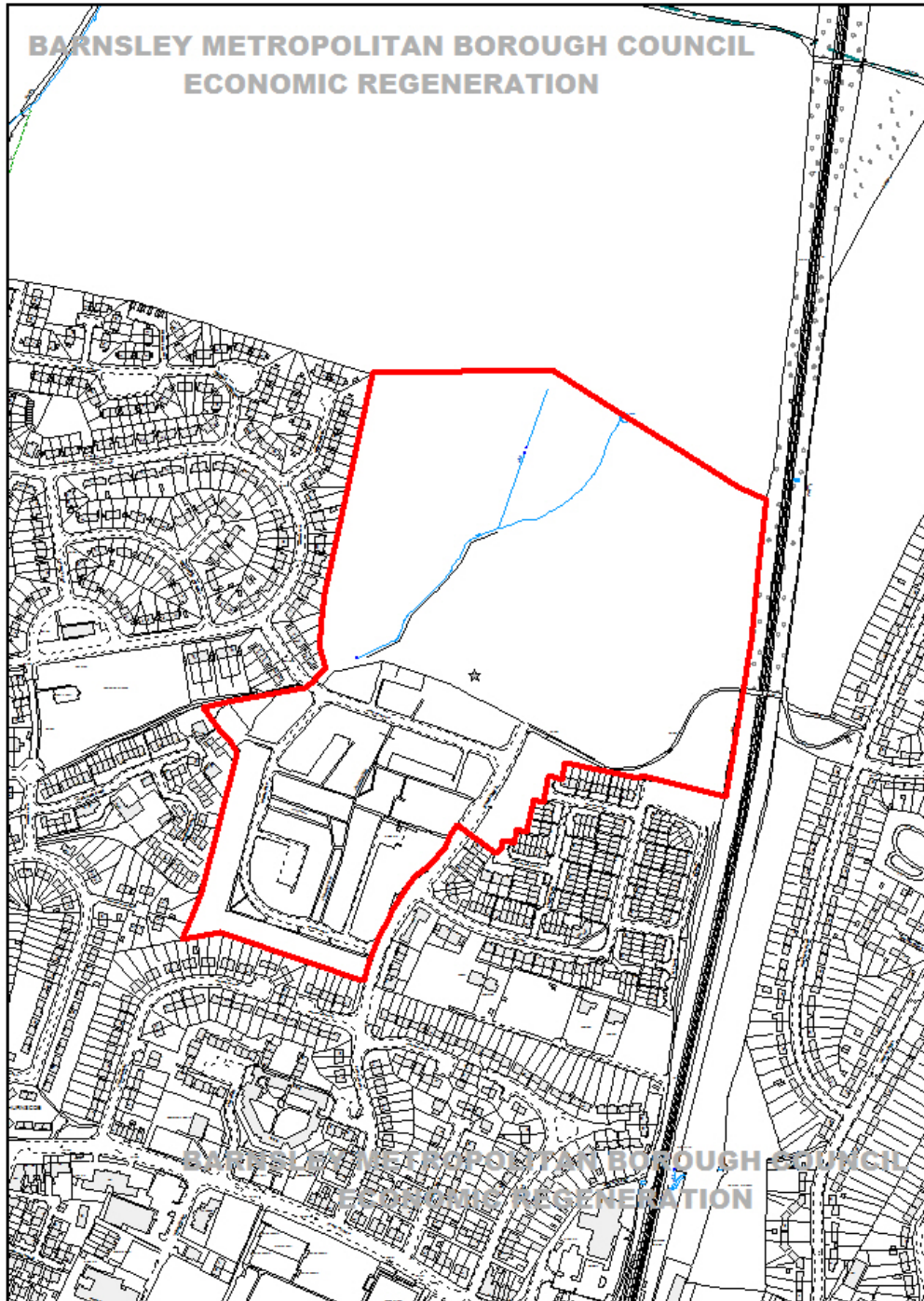
- 35 All planting, seeding or turfing comprised in the approved details of landscaping for each phase shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die 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.

- 36 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 building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.

Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

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BARNESLEY MBC - Economic Regeneration



Scale 1: -----

Item 5

2017/1324

Applicant: CAS Behavioural Health, C/o AR2 Architects Limited

Description: Erection of a 10 bed care facility (Use Class C2) and occupational therapy cabin with associated access and parking.

Site Address: Mulberry Lodge, 75 Park Street, Wombwell, Barnsley, S73 0HL

A request for the application to be presented at Planning Board was made by a Local Ward Member and 3 letters of objection including a solicitor's letter on behalf of one resident have been received.

Site Description

The site, which consists of an area of 0.28 ha of vacant land, is located between two existing large detached houses fronting Park Street, Wombwell on the south eastern and north western boundaries. There is a disused canal on the northern eastern boundary and Park Street on the south western boundary, which is surrounded by woodland.

The site falls approximately 6m south west to north east and is set down from Park Street approximately 800mm. A 6m wide drainage easement runs down the south eastern boundary. There are numerous trees on site of varying size and condition. The site frontage has a small stone wall and a bus shelter lies near the centre of the frontage.

There is a variety of housing adjacent the site ranging from terraced properties to substantial detached houses. The neighbouring two large detached dwellings have long rear gardens projecting back to the canal to the north. A row of brick built terrace houses faces the site from the other side of Park Street

Shops, a medical centre & other local amenities, are located in the nearby town centre and substantial retail developments at Cortonwood & Stairfoot are a short distance away by car and public transport. Park Street Primary school is located close to the site. Main bus routes linking Barnsley, Rotherham and surrounding urban areas run past the site.

Previous Planning History

Permission has been granted for a similar 10 bed Residential Care Unit (C2) and Occupational Therapy shed with access and car parking. (Ref 2014/1210) The permission was granted on 15th June 2015 so it is still extant and can be built. This is clearly a material planning consideration in consideration of the current scheme.

Permission was refused in 2014 for a 12 bed care home facility with two blocks of 6 beds ref 2013/0804, with one block situated behind the other. Permission was refused due to its impact on residential amenity due to the back land nature of the 2nd unit, the access and parking arrangements were also considered detrimental to highway safety and it was considered there was a lack of information with regard to the developments impact on trees. The decision was then appealed and dismissed.

Outline permission was given previously (2013) under ref 2013/0059 for 4 detached dwellings, with access in the centre of the site with a turning head in the centre of the 4 units.

Proposed Development

The proposal is for a revised design for the 10 bed care facility to that granted under ref 2014/1210. The design is simplified with two projecting gables either side of a recessed central portion. There are no first floor side habitable room windows and the scale is essentially two storey. In addition to these basic factors there are other changes from the 2014 approval as follows.

1. The building is in slightly different position being closer to the north-west boundary with no 73 Park Street. It is 2.4m at its closest and this compares to 4.2m in 2014.
2. There is timber decking placed at the rear that could overlook the rear no. 73 Park Street but is only about 1m higher than the existing ground level. There is a high boundary fence so no overlooking should occur.
3. There are increases to the sloping ground level to provide the vehicular and parking areas at the front of the site. This was also shown on 2014/1210 but this now shows proposed ground levels.
4. The building height is shown as being lower than that approved in 2014.
5. Bin stores and steps have been added to the side of the building next to no. 77 Park Street.
6. There is significantly more development shown at the rear of the site than proposed on the previous approval. A timber cabin has replaced a shed but is further back in the site. The previous shed was a different shape and was longer. However, on the latest plan there would be more associated hard surfaces and a surface water attenuation facility is shown (an underground tank). Also network of pipes providing the connection to the public sewer is shown on the latest proposal.
7. There are TPO trees at the rear of the site and a more detailed Arboricultural Assessment has been provided to deal with all of the trees to be removed on the site. Previously fewer trees were to be removed. The Tree Officer has now agreed that all trees at the rear can be removed and replaced. This would be significant high quality replacement planting including more diverse woodland area adjacent to the canal.

Policy Context

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

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

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

Core Strategy

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

CSP29 – Design – High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley.

CSP36 - Biodiversity - Development will be expected to conserve and enhance the biodiversity and geological features of the borough

Saved UDP Policies

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

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

SPDs/SPGs

SPD ‘Designing New Housing Development’

SPD ‘Parking’ provides parking requirements for all types of development.

Other material considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

In respect of this application, relevant policies include:

General principles para 17
Design para 58 – 65

Consultations

Highways - No objection provided the highway conditions attached to the extant approval are re-imposed.

Tree Officer - Providing the submitted arboricultural information and tree planting scheme are adhered to then there is no objection to the proposed scheme from an arboricultural perspective.

YWA - No objections subject to conditions including no buildings or landscape features to be located within 4m of a public sewer crossing the site. This would be more onerous than the condition on the extant planning permission, which states a boundary of 3m so it would be unreasonable to impose this additional requirement when the current permission can still be implemented.

Waste Management – Adequate access to bin store needs to be maintained.
Highways Drainage - No objections subject to conditions.

Pollution Control - No objections subject to conditions for the hours of construction and deliveries and a noise and dust management plan detailing how they will control noise and dust during demolition and construction.

Representations

Three letters of objection including a solicitor's letter on behalf one resident have been received. The issues raised by the objectors are summarised below:

Impact on no.77 Park Street

The development proposals are misleading vague in terms of their impact on adjoining dwellings. More accurate supporting information should be provided to allow the developments impact to be properly assessed in the absence of this information the application should be refused.

A full topographic survey should be provided with the application that can be used to accurately identify the proposed floor levels of the development and how this relates to the adjoining residential properties. The neighbouring 77 Park Street sits at a lower level than the adjacent highway. The submitted plans indicate that the ridge height of the proposed building and that of 77 Park Street will be at approximately the same height. However, in the absence of full topographic information it is suspected that this may not actually be the case.

The proposed development seems unnecessarily high.

The windows in 77 Park Street are habitable room windows in the side that look across the site. These windows are large in size and the outlook from these windows would be severely and unacceptably impacted upon by the proposed development. The resulting development by virtue of scale and proximity to 77 Park Street will have an overbearing impact on the living condition of the occupiers of 77 Park Street.

The application proposes bin storage facilities just over 3m to the north west and facing principle main room windows in the side elevation of 77 Park Street. This would be sited in an elevated position that would mean it will be over 2m above the ground level at 77 Park Street. This is wholly unacceptable. These bins would also cause noise nuisance and odour.

This proposal includes 18 parking spaces and increased vehicular movements which would be out of keeping with the area and given their elevated position in comparison with no. 77 Park Street would impact on the occupiers living conditions.

Noise and audible reversing warnings and shift patters of the workforce will further impact on the neighbours. This sort of facility should not be within residential areas but on the edge close to main roads to allow for these traffic requirements.

This site was formerly a single dwelling and the development needs to be considered in this context.

The future occupants will need appropriate precautionary measures to help protect both themselves and adjoining neighbours.

The applicant's response to the objections raised:

The applicants believe that design has been altered in such a way that the impact on No.77 is reduced. The key points that they wish to make are summarised as follows:

1. The building is 2.8m further away from the boundary with no.77 than shown on the previous approved scheme.
2. The ridge height is lower than previously approved and would be approximately the same height as no.77.
3. The side windows in no.77 are sufficiently far away so as not to materially affect amenity and should not be afforded the same level as amenity as windows facing a rear garden. This matter was considered on the previous approval.
4. The bin store would be fully enclosed and due to levels will not impact on no.77.
5. Parking provision accords with the Council's requirements and are similar to the previously approved proposal.
6. Traffic and servicing movements will not occur regularly 24 hours a day and will not be significant compared to background noises from the road. Most vehicular movements would be during the day.
7. The previous approval is most relevant not the original use of the site as a single house.
8. The type of residents is not a material planning consideration. However, supervision and care is provided and the use is one generally found in a residential area.

Assessment

Principle of Development

The site is allocated as Housing Policy Area in the currently adopted UDP proposals maps and Urban Fabric, i.e. land within the settlement with no specific allocation, in the consultation draft of the Local Plan Document

Saved UDP polices H8A and H8D and Core Strategy policies CSP 26 and 29 provide the policy framework for assessing infill developments, they are reinforced further by guidance provided within Supplementary Planning Guidance Document 'Designing New Housing Development' and the South Yorkshire Residential Design Guide. The National Planning Policy Framework also has many parallels to above polices and states permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

Development of the site was initially established with the granting of permission for 4 detached houses ref 2013/0059. The proposed care home is considered a form of residential development and the grant of a 10 bed Residential Care Unit (C2) and Occupational

Therapy shed with access and car parking in 2015 is a material consideration as this permission is still extant and can be built. (Ref 2014/1210). As such the principle of this type of development has been established on this site.

Residential Amenity

This is a resubmission of the previously approved scheme. There are changes that mean that the impact is increased (e.g. closer to no.73 Park Street) but other factors that mean that the impact is reduced (the height of the building is reduced). On balance the overall impact of the proposed changes from the approved scheme on the immediate neighbours on either side is neutral.

There is an 18 space car park with servicing created at the front of the site on land that is raised to achieve suitable gradients. This was also proposed on the previous scheme and there would not be significant traffic movements at unsocial hours.

The bin stores have been relocated closer to no. 77 Park Street but these were previously as close to no. 73 Park Street.

The decking created at the rear is not high enough to result in increased overlooking. There are existing windows overlooking in the side walls of the houses either side. The situation is no different compared to when consideration was given to the previous scheme which was deemed acceptable.

The objections received make reference to the need for topographic surveys and whilst the plans do not differ significantly from the previous approved scheme this has been submitted by the applicant along with their analysis of the potential impact. There is now sufficient detail to make a planning judgement that the revised proposals would not unduly affect the living conditions of the immediate neighbours.

Visual Amenity

This scheme is a simpler design to that approved under reference 2014/1210 with two strong gables and a recessed central section. There is significant amount of render proposed and this would be at variance to the predominant red brick seen in the immediate vicinity. However, this is not a domestic use but a commercial care home and as such the some change in materials may be appropriate. A condition requiring details of materials is imposed to allow this matter to be given further consideration. The main visual impact relates to the increased impact on trees which is discussed below.

Trees

The main visual changes relate to the additional development (extra hard surfaces and a surface water attenuation tank) that will impact upon the TPO trees in the rear of the site.

The tree survey provided shows the site contains a significant amount of tree cover, some of which is protected by a Tree Preservation Order. This is a Woodland Order which protects the lower part of the plot as part of a wider Order relating to a large piece of woodland.

As noted in the arboricultural information submitted the trees within the site are of poor quality with many defects. Previous applications have not ventured to the bottom part of the site and as such these trees have previously been shown for retention. A lack of management and the progression of the proposal further into the site means that these trees are now more of a consideration. Given their condition and nature the Council's Tree Officer concurs with the report that they are beyond sensible management and could not be

considered either as a constraint to the development or even as suitable for retention in close proximity to areas which will now be used.

The proposal to clear the site of these poor quality trees and replace with new woodland planting is the most sensible solution. The planting scheme provided shows that there will be extensive new planting consisting of native trees which will have aesthetic and ecological value. This new planting will be a significant improvement over what is already present.

There are three trees located just off the site which will be retained and protected and an arboricultural method statement has been provided detailing how this will be managed. There will be some minor encroachment into the rooting areas of two of the trees and as such some minor root pruning will be required, however this should not prove detrimental to the trees.

Highway Safety

No objections are raised to the revised scheme as long as the conditions on the previous approval 2014/1210 are re-imposed. The vehicular access into the site will be similar to that previously approved, as is the size and layout of the car parking area to the front of the building.

Conclusions

There is an extant planning permission for a similar scheme that can still be built (2014/1210). The effect of the changes when compared to the previous approval is neutral and would not result in any greater impact on the living conditions of neighbouring occupiers and in some respects it can be claimed that the impact would be less.

The main change is in relation to the encroachment of development nearer to the rear boundary of the site and removal of all trees on the site, which are covered by a woodland TPO. However, the Council's Tree Officer is happy to allow this on the basis that the trees are not of a high standard and the loss will be offset by a proposed comprehensive landscaping scheme that shows significant replanting.

Recommendation

Grant subject to conditions

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

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans
(100)-01-RevP1-Proposed Floor Plans
(100)-02-RevP1-Proposed Elevations
(100)-03-RevP3-Proposed Site Plan and Sections
13824A Arboricultural Implications Assessment
13824B Arboricultural Method Statement
13824C Tree Planting Scheme
AR1001B Topographical Survey
Drainage Strategy dated September 2017
and specifications as approved unless required by any other conditions in this permission.
Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 3 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 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.
Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.
- 5 All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which die within a period of 5 years from the completion of the development, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with other of similar size and species.
Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 36, Biodiversity and Geodiversity.
- 6 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.
Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.

- 7 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:
- Relocation of bus shelter on Park Street
 - Any necessary resurfacing/reconstruction/construction of footway.
 - Any necessary lining and signing
- The scheme shall then proceed in accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 8 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.
- 9 Sightlines, having the dimensions 2.4m x site boundary, shall be safeguarded at the junction with Park Street, such that there is no obstruction to visibility at a height exceeding 1.0m above the nearside channel level of the adjacent highway.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.
- 10 The windows on the side elevations of the building facing Nos 73 and 77 Park Street shall at all times be fitted with obscure glass and retained as such thereafter.
Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property and in accordance with LDF Core Strategy Policy CSP 29, Design.
- 11 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.
- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking or re-enacting that Order with or without modification), no building or structure shall be placed or erected within 3 metres, measured horizontally, of any sewer or culverted watercourse.
Reason: To prevent damage to the existing [sewer, watercourse or culverted watercourse] in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.

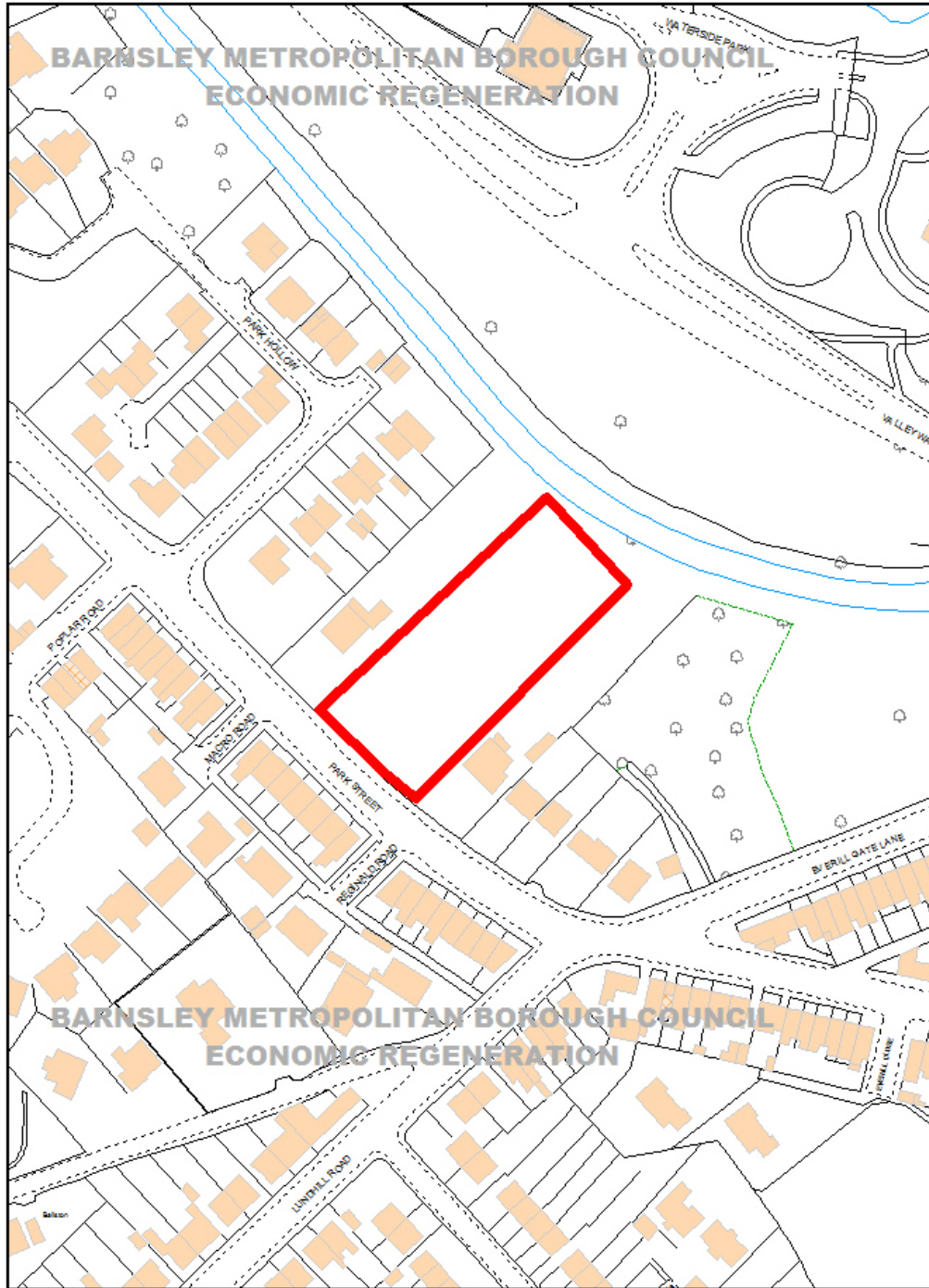
- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:
- 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
 - Wheel washing facilities
 - Measures to control the emission of dust and dirt during construction
 - Measures to control noise levels during construction
- Reason: In the interests of highway safety, residential amenity and visual amenity and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement, and CSP 29, Design.**

PA reference :-

2017/1324

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BARNESLEY MBC - Economic Regeneration

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Item 6

2017/1571

Applicant: Barnsley Metropolitan Borough Council, C/o Baart Harries Newall

Description: Minor amendments to internal layouts of gardeners and stable yard cottages, repair works and alterations of stable yard cottage, retention of cart shed and installation of full height brick arched opening at rear (Listed Building Consent) (Minor material amendment to application 2016/0758)

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

The application is put to Members as the Council is the applicant
No letters of objection have been received; two letters have been received requesting details of the Planning Board Meeting.

History

The following planning application and listed building consent have been previously approved by the Planning Board.

Planning Application 2016/0633 - Works within grounds of Cannon Hall including formation of 6. no. parking spaces, reconfiguration of forecourt, reinstate pond, repair of growing areas and footpaths, change use of Gardener's Cottage, remove cart sheds to form access between museum and walled garden, repair works to Stable Yard Cottage to create holiday let cottages, partly restore and repair North Range Glass House and improvements to cafe settings.

Listed Building Consent 2016/0758 - Works within grounds of Cannon Hall including restoration of Deer Shelter, repairing and access works to Ice House, amendments to forecourt, south terrace and footpaths, restoration and amendment to walled garden including new entrance, removal of cart sheds and wall section, amendment to Stable Yard and Gardener's Cottage, repairs to Pinery, alterations to paths and planting and recreate pond.

Description

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

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

Cannon Hall Museum shares its immediate setting with Cannon Hall Farm, and Cannon Hall Garden Centre, both of which are privately owned businesses. The park itself comprises of a mixture of formal landscapes, parkland, and structures that include a Grade II listed walled garden, a series of cascading lakes and a number of undesignated important heritage assets. The park boundaries comprise of mature trees to the northwest and south-west. The

eastern boundary separates the park from Cannon Hall Farm and the southern boundary consists of meadow and small groups of mature trees. The main car park and cafe is set to the south western boundary, adjacent to the Garden Centre.

The 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.

Proposed Development

The Cannon Hall Parks for People project is being procured by Barnsley Metropolitan Borough Council. Cannon Hall Park and Gardens have been successful in securing funding from the Heritage Lottery Fund and Big Lottery Fund for the targeted and sustainable conservation of its buildings, surrounding parkland and lakes and to improve its offer as a major tourist and cultural attraction.

This application is a Listed Building application for the following works:

- Minor amendments to the internal layouts for the Gardeners Cottage and Stable Yard Cottages and repair works to the Stable Yard Cottages. The works now also involve the retention of the historic truss tie and partition wall at first floor to the Gardener's Cottage. No additional external alterations are proposed.
- Retention of the three bay Cart Sheds to include for the installation of a full height brick dressed basket arch opening at the rear of the building to provide enhanced visitor access to the walled garden.

The above works formed part of the approved Listed Building Application 2016/0758. In essence, therefore, this application seeks minor amendments to that approval. The description has been amended to clearly show this and also to clarify that the existing cart shed is to be retained and is not to be removed nor replaced by a new cart shed. These changes do not affect the plans that were submitted and therefore fully available for consultees, local residents and the public to view.

In addition to this amendment to application 2016/0758, the applicant has also sought to tie up the proposed changes with associated planning application 2016/0633. To do this they have submitted a non-material amendment application for the works for changes to application 2016/0673. A non-material amendment application cannot be applied on a listed building application, hence the different types of submissions for the same works. An application for a non-material amendment is not an application for planning permission and therefore provisions relating to statutory consultation and publicity do not apply. The decision on the non-material amendment will be able to take into account the decision made by Members on this particular application.

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

CSP20 - Promoting Tourism and encouraging Cultural Provision

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

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 – No comments received

Conservation Officer – No objections subject to conditions

Historic England – No objections, it is now proposed to retain the cartsheds which we very much welcome

The Civic Trust – In agreement with the amendments suggested by Historic England

Ward Councillors – No comments received

Garden History Society – No comments received

Representations

2 letters have been received which do not raise objections but ask to be notified of the Planning Board date and reserve the right to speak.

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.

Impact upon Heritage Assets and Visual Amenity

This application relates to Listed Building Consent for various works within the Grounds of Cannon Hall and includes the following internal layout amendments to the Stable Yard Cottages and Gardeners Cottage and the Cart Sheds that were previously proposed to be demolished:-

- Minor amendments to the internal layouts for the Gardeners Cottage and Stable Yard Cottages and repair works to the Stable Yard Cottages. The works now also involve the retention of the historic truss tie and partition wall at first floor to the Gardener's Cottage. No additional external alterations are proposed.
- Retention of the three bay Cart Sheds to include for the installation of a full height brick dressed basket arch opening at the rear of the building to provide enhanced visitor access to the walled garden.

Historic England and the Council's Conservation Officer have been consulted and have provided the following advice to the proposals:

'Historic England states that: 'The Parks for People Project proposes the repair, restoration and enhancement of a number of features of the Cannon Hall gardens and landscapes. These aim to improve the visitor experience and better reveal the eighteenth-century landscape, the structure of which survives but has the potential to be more legible and defined than at present. We provided advice on a similar scheme in 11 July 2016. It is now proposed to retain the cart sheds which we very much welcome. With regards the remainder of the proposals, we defer to the advice of your authority's Conservation Officer.'

The Conservation Officer considers that, following new clarity over the age of the three bay cart sheds age, this building clearly contributes to the heritage significance of Cannon Hall,

its gardens and setting, therefore its retention is welcomed. The amendment which involves a small area of demolition to the rear of the cart sheds and the construction of a matching brick dressed basket arch will facilitate pedestrian flow from the kitchen yard into the walled garden. Moreover this will allow both a physical and visual connection between these two spaces with the minimum or harm.

The proposed minor amendments to the internal layouts for the Gardeners Cottage and Stable Yard Cottages and repair works to the Stable Yard Cottages are considered to be acceptable and would not cause significant harm the Listed Buildings. The proposals also include the retention of the historic truss tie and partition wall at first floor which is welcomed.

The proposal is considered to be minor and acceptable in terms of the impact upon the Listed Buildings in accordance with policy CSP30 of the Core Strategy and the NPPF.

Residential Amenity

The minor changes to the Gardeners Cottage and Stable Yard Cottages are predominantly internal and would not have any significant impact upon the amenities of adjacent residents.

Conclusion

The proposals constitute minor internal amendments to the Listed Building Consent and a non-material amendment to the existing Planning Permission and now involves the retention of the three bay card shed. The works are supported by Historic England and the Council's Conservation Officer and should have no significant impact upon the Grade II* Listed Building or the Grade II registered landscape in accordance with the NPPF and Core Strategy Policy CSP30.

Recommendation:

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 plans and specifications as approved under 2016/0758 subject to the amendments detailed on the following plans: Nos.2577.101, 2577.102, 2577.103, 2577.104, 2577.105, 2577.106, 2577.107, 2577.108A, 2577.109, 2577.110, 1764-E500 REV P1, 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 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.

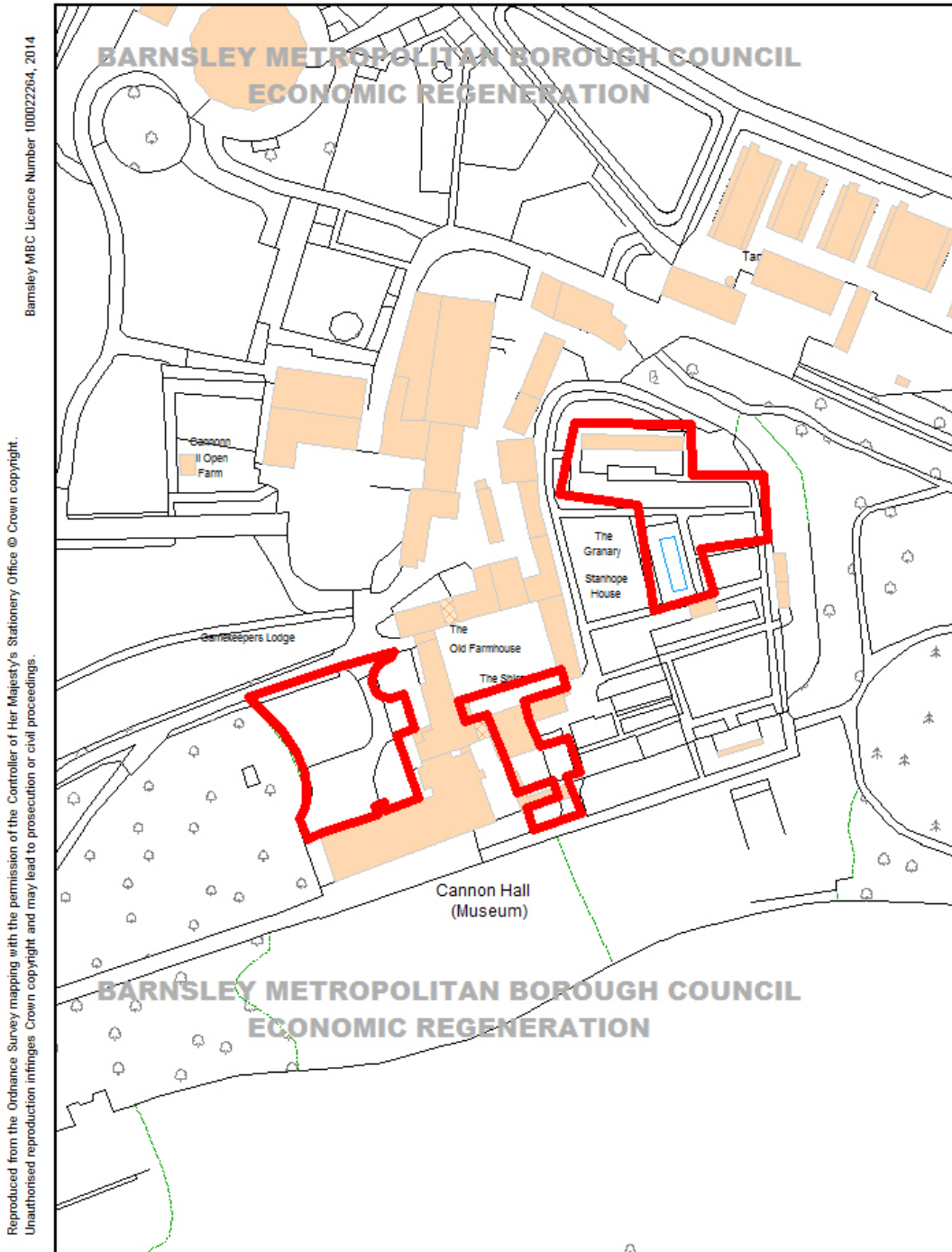
- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved statement shall be adhered to throughout the construction period. The statement shall provide for:-
- The parking of vehicles of site operatives and visitors;
 - Means of access for construction traffic;
 - Loading and unloading of plant and materials;
 - Storage of plant and materials used in constructing the development;
 - Measures to prevent mud/debris being deposited on the public highway.
 - Details of peak visitor times/events
 - Controls for hours of delivery.
- 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.**
- 5 No construction or repair works shall commence until a representative sample of any new internal or external materials to be used has been submitted to, and approved in writing by, the Local Planning Authority, and the development shall proceed in strict accordance with these details as approved.
- Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**
- 6 Pointing mix for new or repaired structures or sections of wall to 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 or other perished mortar 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, aid curing and expose aggregate to a depth of 2 or 3 mm.
- Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**
- 7 All new doors (e.g. entrance to walled garden) to be used in the course of alterations shall be constructed in timber with frames mounted in at least 75mm in the reveal. Full details of their design, construction and finish (including details of surrounds and furniture) shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. 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.**
- 8 Windows shall be repaired in situ using traditional materials and techniques and retained with all original glazing where possible. Where any new windows (e.g. cottages) are proposed details of their design, construction and finish (including details of surrounds and furniture) shall be submitted to and approved in writing by the local planning authority before the commencement of the relevant site works. The details shall include an elevation at 1:20 scale of each door or window type and 1:5 scale cross-sections. 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.**

- 9 All works shall proceed strictly in accordance with the recommendations, including mitigation measures set out in the Biodiversity Summary, Phase 1 Habitat survey, dated February 2016 and the Bat and Newt Survey Reports Prepared by Brooks Ecological and Access Ecology.

Reason: To ensure the works minimise impact on protected species in accordance with Policy CSP 36 of the Core Strategy.

PA reference :-

2017/1571



BARNESLEY MBC - Economic Regeneration

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



Scale 1:1250

2016/1329

Applicant: David Smith, C/o SBP Architect

Description: Residential development of 19 no. dwellings and provision of access and parking.

Site Address: Land to Rear of 26 Cross Lane, Royston, Barnsley, S71 4AT

Three letters of objection have been received

Site Description

The site is located to the rear (East) of the properties fronting Cross Lane and adjacent (North) to the recently completed affordable housing scheme on Lineside Lane. The site measures approximately 4000m² and accommodates an orchard, ménage and some outbuildings. The surrounding area is predominantly residential but there are some small scale commercial premises to the East of the site. The site was recently sold in connection with number 26 Cross Lane and there is a narrow access to the site from Cross Lane down the side of number 26. Potential access to the land was also built into the housing scheme to the south where the existing cul de sac could be extended into the site over Council owned land, subject to a percentage of the uplift in the value of the land.

Proposed Development

Members may recall that this application has been in front of the Planning Regulatory Board before at the September 2017 meeting. Members voted in favour of the officer recommendation to grant subject to a legal agreement relating to affordable housing. At the time of that meeting there was limited information relating to the affordable housing provision and the applicant proposed to discuss the proposal with registered providers and reach an agreement with the Affordable Housing Team, which would then be secured by a s106 agreement.

Since that PRB meeting the applicant has been in discussions with Berneslai Homes and reach an agreement to provide 3no of affordable units on site (equating to 15% of the total dwellings in line with CSP 15). The units would comprise 2no. 2 bedroom properties and 1no. 3 bedroom property occupying plots 7, 8 and 9.

The previous scheme comprised only 3 bedroom units, as such, in order to accommodate the requirements of Berneslai homes the scheme requires minor amendments to that previously approved. The amendments relate solely to plots 7, 8 and 9 and consist of the reduction in footprint of the terraced block by 2m in width and 0.46m in depth. The rest of the site and road layout remains as previously approved.

Subject to the alterations above, the scheme is as Members will have seen it at the previous Planning Board. The applicant is seeking permission to erect 19no. dwellings. There would be 2 no. pairs of semi-detached properties, 1no. terraced block containing 3no. properties and 3no. blocks containing 4no. properties each. 15 of the properties would front the proposed adopted highway with 4no. fronting a private drive. Each property would have 2no. allocated parking spaces to the front/side and a private garden area to the rear. Vehicular access into the site would be taken from the neighbouring affordable housing estate off Lineside Lane.

Site History

2013/0537 – Erection of 14 dwellings refused due to inefficient use of land, reduced distances to neighbouring properties affecting residential amenity and internal road layout not meeting standards. Appeal dismissed.

Policy Context

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

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

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

Core Strategy

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

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

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

CSP 35 'Green Space' – We will only allow development proposals that result in the loss of green space where;

- an assessment shows that there is too much of that particular type of green space in the area which it serves and its loss would not affect the existing and potential green space needs of the borough; or
- an appropriate replacement green space of at least an equivalent community benefit, accessibility and value is provided in the area which it serves; or
- the development is for small scale facilities needed to support or improve the proper function of the green space

Saved UDP Policies

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

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

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

SPDs/SPGs

SPD ‘Designing New Housing Development’

SPD ‘Parking’ provides parking requirements for all types of development.

Other Material Considerations

South Yorkshire Residential Design Guide - 2011

NPPF

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

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

Consultations

Yorkshire Water Services Limited – No objections subject to conditions.

Highways DC – No objections subject to conditions

Drainage – No objections subject to conditions

Regulatory Services – No objections subject to conditions

Tree Officer – No objections subject to conditions

Ecologist – No objections subject to condition

Design – No objections to the revised scheme

Representations

Three letters of objection have been received. The main points of concern are:

- Drainage problems/increase flood risk
- Increased traffic/reduced highway safety
- Loss of habitat for wildlife
- Loss of privacy
- Increased noise and disturbance
- Loss of outlook

Assessment

Principle of Development

The site contains an orchard and was most recently used for equestrian activities. It is located partially within a Housing Policy Area and partially within a Housing Proposal area in the UDP proposals maps. It is also within a predominantly residential area and as such residential use would be considered acceptable in principle,

The application site is also identified as Green Space and is on the Councils Green Space Register as GS2185, land East of Cross Lane Local Neighbourhood Green Space. However, the land does not appear to be functioning as green space in accordance with the current definition and does not offer any positive green space attributes. In this instance policy CSP35 is therefore not considered applicable.

All new dwellings proposed must ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing, particularly in respect of the levels of mutual privacy. In addition, development will only be granted where the proposal would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land.

It should also be acknowledged that the principle of residential development for 19 dwellings was previously accepted at PRB in September 2017, this application purely relates to the reduction in footprint of the terraced block containing plots 7, 8 and 9.

Residential Amenity

Residential amenity would remain unchanged since the previous scheme and it could be argued that there would be a slight improvement given the reduction in size of the terraced block. It is acknowledged that 2no. properties would be downsized from 3 bed units to 2 bed units but they would still meet the internal sizing requirements of the South Yorkshire Residential Design Guide.

Given the relatively minor amendments to the original scheme, the comments made on the previous report remain relevant and are outlined below;

It is acknowledged that the development of the site would introduce noise and disturbance into an area previous undeveloped. However, the site is currently allocated as Housing Policy and Housing Proposal area and is surrounded on 3 sides by residential development.

As such, the introduction of 19no. dwellings in a relatively densely populated area would not reduce residential amenity to an unreasonable degree.

There are existing neighbouring residential properties to the North, West and South of the site. Block C would be immediately adjacent to the side elevation of the existing properties to the south, however, it would be on a similar building line and be orientated to the North, as such, it would not significantly increase overshadowing or result in an overbearing feature.

Block E would have its rear elevation facing the side elevation of properties to the south but would have a separation distance in excess of 12m as recommended in SPD 'Designing New Housing Development'. Its side elevation would face the rear elevation of properties fronting Cross Lane but again the separation distance would be circa 21m, in excess of the required 12. Furthermore, the proposed side elevations would not incorporate habitable room windows.

Block D, (containing plots 10 to 13) would also have a side elevation facing the rear elevations of properties fronting Cross Lane but would be located at least 18m away, again there would be no habitable room windows in the side elevation. The rear elevations of this block would face private amenity space but would be in excess of the recommended 10m from the shared boundary. Blocks D and A would both have rear elevations facing the rear elevations of properties fronting Midland Road, however, the separation distance would be at least 25m, in excess of the 21m required. In addition, the properties to the north are built on a higher level than the application site.

With regards to the separation distances between the proposed properties themselves, they meet or exceed the separation distances set out in the SPD.

Visual Amenity

Given the relatively minor changes to the scheme, relating to the reduction of footprint of 1 terraced block, the previous comments regarding visual amenity remain relevant and are outlined below;

The scheme incorporates 5no. different block types which have a common theme and design as one another, but, each introduce differing elements and features to add interest to the scheme, in accordance with CSP 14 'Housing Mix and Efficient Use of Land'.

The dwellings would have accommodation over 2 floors and comprise semi-detached and terraced blocks, which reflect the development pattern of the area. Visual interest would be added to the front elevations of the blocks through the addition of porches and projecting gables. These would also break up the front elevations of the larger blocks and avoid a monotonous or regimented appearance, in accordance with CSP 29.

The site would be entered via Lineside Lane which accommodates existing dwellings. Block C faces onto the access road to provide an active frontage into the development and incorporate it within the neighbouring estate. It is acknowledged that block B would have a side boundary and side elevation facing the access to the site. However, the corner plot would have fenestration and its front entrance facing the access road, and, the fencing would be set in from the hard margin to allow a landscaping strip to be incorporated. This would soften both the dwelling and the fencing and provide a more attractive entrance into the development.

A number of the properties would have parking to the front of the dwellings which would result in vehicles being in prominent positions. However, the largest run of vehicles in a row

is 4 with some properties incorporating parking to the sides. This allows for front garden areas to be included in the scheme to allow the areas of hard landscaping to be softened and parking areas softened. As such, the development would not be car dominated, to the detriment of visual amenity.

There are also opportunities for landscaping in prominent corner positions, for example adjacent to block C and to the front of block E. Again, this would aid to soften the development and balance the areas of hard landscaping.

Despite some of the properties being in terraced rows, each dwelling would have pedestrian access to their rear gardens. For example, block D would have a central passage way through to allow the 2no. 'internal' properties access without crossing over neighbouring gardens. This would allow bins and recycling containers to be stored away from the prominent front elevations and the streetscene.

Highway Safety

The road layout and parking situation remains the same as previously approved, despite 2no. of units losing bedrooms. The previous comments are outlined below:

The turning head off Lineside Lane was designed with the potential of accessing the application site in mind. The road layout has been amended during the course of the application in line with comments provided by the highways department. 15no. of the dwellings would be accessed via the 5.5m carriageway with 700mm wide margins which would become adopted highway. The remaining 4no. plots would be accessed via a private drive. The adopted road would incorporate a turning area large enough for refuse and emergency vehicles.

Each property would have at least 2no. parking spaces, in accordance with SPD 'Parking'.

Ecology

The applicant has submitted an Ecology Report alongside the application which the Councils Ecology Officer accepts as broadly acceptable. However, it will be conditioned that the subsequent mitigation measures and recommendations outlined in the report shall be carried out. These include the provision of bat boxes within the development.

Trees

The site was previously, partially an orchard with a number of fruit trees across the site. There are no protected trees on the site; therefore, the applicant could remove them without planning permission. However, they have proposed to retain a mature pear and apple tree to the West of the site as well as incorporating a number of new trees within gardens and landscaped areas. Conditions will be recommended to safeguard the trees to be retained as well as for further information regarding the landscaping to be submitted.

Affordable housing

CSP 15 'Affordable Housing' states that housing developments of 15 or more dwellings will be expected to provide affordable housing. 15% of the site will be expected within Royston unless it can be demonstrated through a viability assessment that the required figure would render the scheme unviable.

The reason for the amendments to the scheme are to accommodate the requirements of Berneslai homes who would be taking on the proposed affordable units upon completion.

The applicants propose 2no. 2bedroom units (plots 8 &9) and 1no. 3 bedroom unit (plot 7). The 3no. of units would equate to 15% of the total development and accord with policy CSP 15. The units would be secured via a legal agreement.

Green Space

The application site is identified on the Councils Green Space Register as GS2185 land East of Cross Lane Local Neighbourhood Green Space. However, the land does not appear to be functioning as green space in accordance with the current definition and does not offer any positive green space attributes. In this instance policy CSP35 is not considered applicable and as such no compensation will be required.

Conclusion

The proposed amendments to the scheme are relatively minor and would ensure that living conditions and overall standards of residential amenity are provided or maintained to an acceptable level both for new residents and those existing. In addition, the development would maintain visual amenity and not create traffic problems or prejudice the possible future development of a larger area of land in accordance with policies H8D, CSP 26, CSP 29 and SPD's 'Designing New Housing Development' and 'Parking'.

Recommendation

Approve subject to signing of S106 agreement (for affordable housing) and the following conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 16-025-20-A, 16-025-21-A, 16-025-24-A, 16-025-26 & 16-025-30) 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 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.
- 4 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.
- 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 Upon commencement of development, full details of both hard and soft landscaping works, including details of the species, positions and planted heights of proposed trees and shrubs; together with details of the position and condition of any existing trees and hedgerows to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved hard landscaping details shall be implemented prior to the occupation of the building(s).

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

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

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

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

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

- 9 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.

- 10 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.

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

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

- 12 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.

- 13 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.

- 14 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.

- 15 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:

- Root protection areas (RPA)
- Tree protection plan (TPP)
- Arboricultural method statement (AMS)
- Details of no-dig construction proposals for areas of car park and drive including cross-sections and plans showing relevant area.

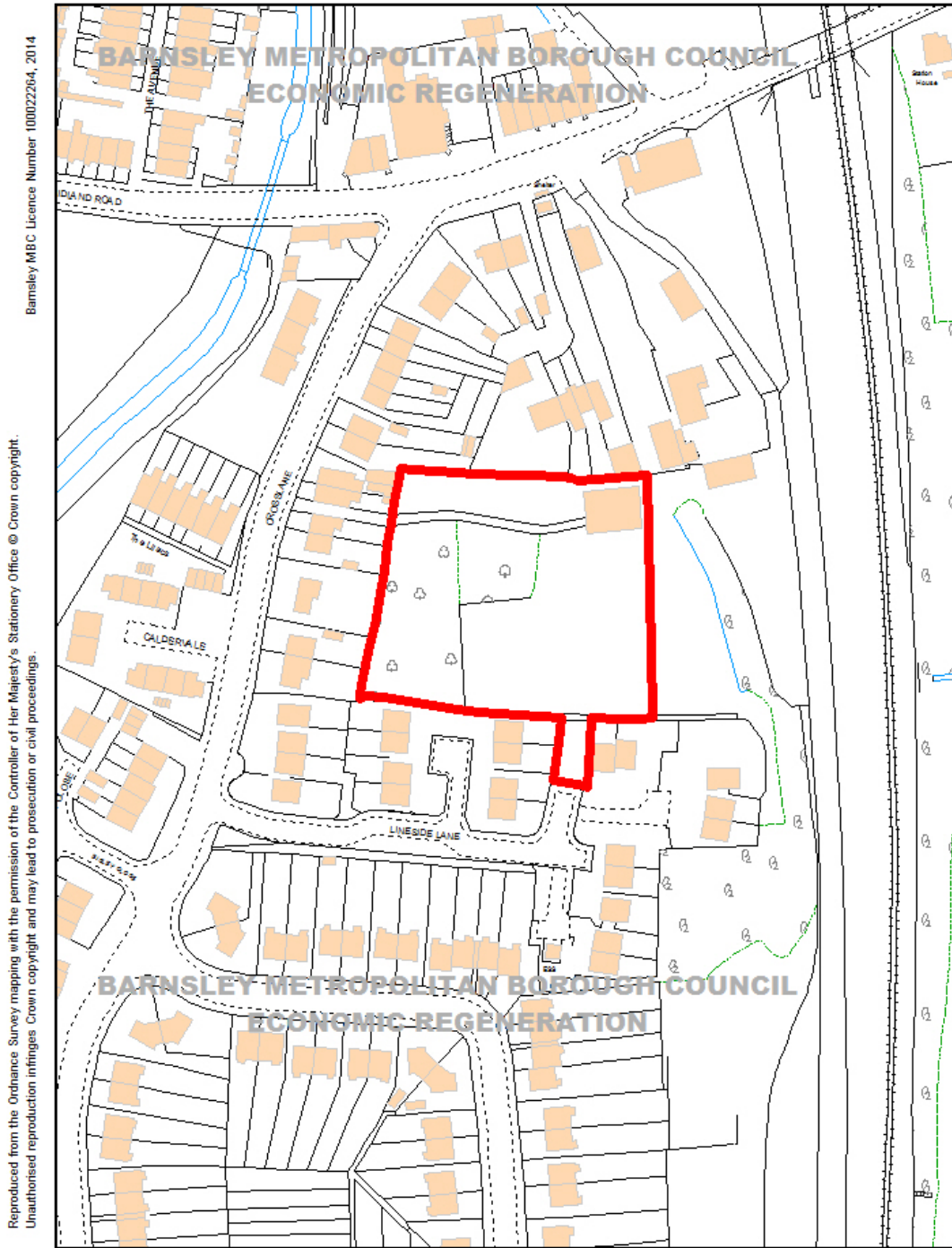
No development or other operations shall take place except in complete accordance with the approved methodologies.

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

- 16 No hedges or trees on the site (except those shown to be removed on the approved plan), or their branches or roots, shall be lopped, topped, felled, or severed. If any retained tree is removed, uprooted or destroyed or dies, another tree shall be planted at the same place and that tree shall be of such a size and species, and shall be planted at such time, as may be specified in writing by the Local Planning Authority.
Reason: To safeguard existing trees/hedges, in the interests of the visual amenities of the locality and in accordance with UDP Policies GS22, Woodland, Hedgerows and Trees and GS22A.
- 17 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.
- 18 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.
- 19 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 in accordance with CSP4.
- 20 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.

PA reference :-

2016/1329



BARNSELY MBC - Economic Regeneration

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



Scale 1:1250

Item 8

2017/1083

Applicant: Athersley Community Association FC, C/o Aquaforce

Description: Construction of concrete base and 200 capacity grandstand.

Site Address: Athersley Community Association and Football Club, Ollerton Road, Athersley North, Barnsley, S71 3DP

Site Description

The application relates to Sheerin Park, a sports and recreation facility in Athersley that is also home to Shaw Lane FC and Athersley FC. The site consists of two full sized, floodlit football pitches, with access of Ollerton Road. A few small stands are located towards the southern area of the site, with other portakabin structures located adjacent to the car park. The site is located at the edge of Athersley, with residential properties to the south and west of the site, with open Green Belt land to the north and east.

The site has been developed over the past 10-15 years, with the installation of floodlights, temporary buildings and a timber panelled fence around the perimeter of the playing fields.

Proposed Development

The applicant is seeking permission for the erection of a 200 seat (4 blocks) covered grandstand on the northern side of the football pitch comprising of profiled sheeting. The grandstand would be 26.27m long, 2.935m wide and 2.833m high at the rear (slightly higher to the front). The grandstand is an existing structure that was in place at Shaw Lane Rugby Club (Ref. 2014/1354), where Shaw Lane used to play their home games. The club has now relocated to Sheerin Park and wish to erect the stand at their new home.

Policy Context

UDP Existing Community Facility
UDP Green Belt

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

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

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

Core Strategy

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

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

CSP 34 – Protection of Green Belt states that 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.

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 or built environment or to people.

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

NPPF

The National Planning Policy Framework (NPPF) section 9, Paragraphs 79-92, states that Green Belt serves five purposes:

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

Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. When considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. ‘Very special circumstances’ will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.

NPPF Paragraph 89 states that a local planning authority should regard the construction of new buildings as inappropriate in Green Belt. Exceptions to this include the provision of appropriate facilities for outdoor sport, outdoor recreation and for cemeteries, as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it

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

Consultations

Coal Authority – No objections to proposal, requested standard informative be added to any permission granted
Drainage – No objections to proposal
Highways DC – No objections in principle to the development.
Pollution Control – No objections to proposal
Sport England – No objections to proposal
SYMAS – No objections to proposal
Ward Councillors – No objections to proposal
Yorkshire Water – No comments received

Representations

Notification letter were sent to surrounding properties and a site notice was posted on Ollerton Road. No comments or objections were received.

Assessment

Principle of Development

The site is designated as greenspace. Core Strategy Policy CSP35 states that we will only allow development proposals that result in the loss of green space where the development is for small scale facilities needed to support or improve the proper function of the green space. The erection of a modest grandstand is considered to constitute the provision of a small scale facility needed to support and improve the function of this particular area of green space for recreational purposes. The loss of the small area of green space is therefore acceptable in principle in accordance with policy CSP35.

Furthermore, policy CSP43 supports the provision of community facilities and the NPPF encourages Local Planning Authorities to plan positively for such uses.

Impact on Green Belt

Alongside the greenspace designation, the site is also designated as within the Green Belt. National planning policy indicates at para 89 of the NPPF that the construction of new buildings is inappropriate in the Green Belt but sets out a number of exceptions including the 'provision of appropriate facilities for outdoor sport and recreation'... 'as long as it preserves the openness of the Green Belt and does not conflict with the purposes of including land within it'.

It is essential, if the proposed grandstand is to be considered as an exception to inappropriate development in the Green Belt, to be able to conclude that it would preserve the openness of the Green Belt. The NPPF states at para 79 that 'The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belts are their openness and their permanence'. Courts have held that the concept of openness means the state of being free from built development, the absence of buildings – as distinct from the absence of visual impact'. A recent High Court judgement - R Buxton v Elmbridge Borough Council – was cited; where planning permission was quashed because the planning officer's report had concluded that the development would have a 'limited adverse impact' on openness and that this impact

was less than significant. The Court held that a development cannot preserve the openness of the Green Belt when it causes harm to openness. Therefore if a new sports facility causes harm to openness of the Green Belt, it is inappropriate development, regardless of the extent of harm.

The main issue, therefore, is whether or not the new stand causes harm to the openness of the Green Belt; and if the benefits of the proposal outweigh the potential harm to the Green Belt. Sheerin Park itself has been developed in the past, with stands and temporary buildings erected on the site, as well as a 2m high timber panelled fence being installed around the perimeter of the pitch.

The proposed stand will measure 2.5m to 3m high and will be within the perimeter fence, meaning that no more than 1m will be visible above the fence line. This is unlikely to cause further harm to the openness of the Green Belt, beyond what has been caused by previous development at the site.

The applicant has also submitted a case to demonstrate that very special circumstances exist which outweighs any harm to the Green Belt.

Shaw Lane FC left their previous ground after the exiting ground-share agreement with Shaw Lane Rugby Club was terminated. The club has since started ground-sharing Sheerin Park with its current occupants, Athersley Rec. FC.

In order to meet F.A. requirements to compete in their current division, the club must provide a minimum amount of covered seating. Therefore, the proposal involves the relocation of a stand from the previous ground to Sheerin Park in order to provide adequate number of covered seats.

The provision of this stand will help to secure the clubs long term future as well as enhance the viability of Sheerin Park, which is used as a community facility beyond the two football clubs. The site is classed as a community facility in the UDP and complies with the aims of CSP 43 in terms of supporting this type of community facility in order to maintain the sustainability of such communities.

The benefits of the proposal to both the occupants of the site and the surrounding community and the very special circumstances put forward are therefore considered to outweigh the limited impact on the openness of the Green Belt.

Residential Amenity

The nearest residential properties to the proposed stand would be at least 80m away from its location. Therefore, it is unlikely that there will be any significantly detrimental effect on the amenity of nearby residents. The majority of dwellings have screening along the rear boundary with the football ground, which further help to mitigate any effect from the new stand.

Initial concerns were raised by Pollution Control in regards to noise from the stand. However; following a site visit, Pollution Control were satisfied that the design and location of the stand would adequately mitigate any detrimental impact in terms of noise generation to neighbouring residents.

The proposal is therefore considered acceptable.

Visual Amenity

The stand will be located well away from public vantage points and its design is also considered to accord with policy CSP29 and the NPPF in that it would be simple and functional, and would reflect the identity of the local surroundings.

The design of the stand is in line with what would be expected of this type of development, is not highly visible from the highway or other public vantage points outside the site and is far enough away from residential properties so as not become a dominant feature.

Therefore, the proposal is considered acceptable for its visual impact.

Highway Safety

There is an existing car park located at the southern end of the site and access is taken from Ollerton Road. Highways DC have acknowledged that the site therefore has existing access and parking facilities that are already used for the football club that operates at the site.

Whilst the existing car park is not marked out, SPD guidance on parking states that sports stadia up to a capacity of 1500 do not need to provide a minimum number of parking spaces, and therefore the car park provided does not contravene the SPD. On this basis, there are not considered to be any significantly adverse impacts on highway safety from the proposal.

Conclusion

The NPPF states that the 'provision of appropriate facilities for outdoor sport and recreation' is not inappropriate development as long as it 'preserves the openness of the Green Belt'.

The facilities are considered appropriate to the use of the site for football and given the stand's position, and scale, it could be considered not to have an adverse impact on the openness of the Green Belt. Notwithstanding this, if it is felt that the stand does have an impact on openness it is still considered that the very special circumstances that the applicant has put forward are sufficient to outweigh any harm to the character or openness of the Green Belt. Furthermore, it is not considered that the site would result in any harm to residential amenity, visual amenity or highway safety.

Recommendation

Approve – subject to conditions:-

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

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

- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Site Plan received 29/09/17 and Drawing No. LT Super 75 Rev. EX 200) and specifications as approved unless required by any other conditions in this permission.

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

PA reference :-

2017/1083



BARNLSLEY MBC - Economic Regeneration

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



Scale 1:2500

2017/1579

Applicant: Barnsley Metropolitan Borough Council

Description: Crown lift and remove all branches below 4m in height of 8 Horse Chestnut and 2 Beech trees within area P1 of TPO 1/1951.

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

This application is before Members as the Council is the applicant
No objections have been received

Description

The trees are located along the boundary with a public footpath which runs through Cannon Hall Parkland up to The Park at Cawthorne. There is an overgrown hedge with mainly Hawthorne (*Crataegus monogyna*) which has been left to overgrow. In addition there are 8 semi mature Horse Chestnuts (*Aesculus hippocastanum*) and 2 Beech Trees (*Fagus sylvatica*).

Proposed Development

Initially the applicant sought permission to cut back a Hawthorn hedge and crown lift and remove all branches below 4m in height of 8 Horse Chestnut and 2 Beech trees within area P1 of TPO 1/1951. This is to allow for clearance of the adjacent footpath. However, the works proposed for the hedgerow are exempt from needing permission as hedgerows cannot be protected by a Tree Preservation Order. As such the works to the hedge have been removed from the description. All works to the trees are to be carried out the current British Standards.

Policy Context

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

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

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

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

Consultations

Tree Officer – Approve subject to conditions
Cawthorne Parish Council – No objections

Representations

None received

Assessment

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

(1) to assess the amenity value of the tree or woodland and the likely impact of the proposal on the amenity of the area, and

(2) in the light of their assessment at (1) above, to consider whether or not the proposal is justified, having regard to the reasons put forward in support of it.

It is proposed to crown lift the 8 Horse Chestnut and 2 Beech trees to 4m above the adjacent path to provide sufficient clearance. The Tree Officer has confirmed that these works are acceptable and appropriate. These works should prevent any obstruction to the path and will not be detrimental to the trees or to visual amenity, in line with good arboricultural practice.

Recommendation

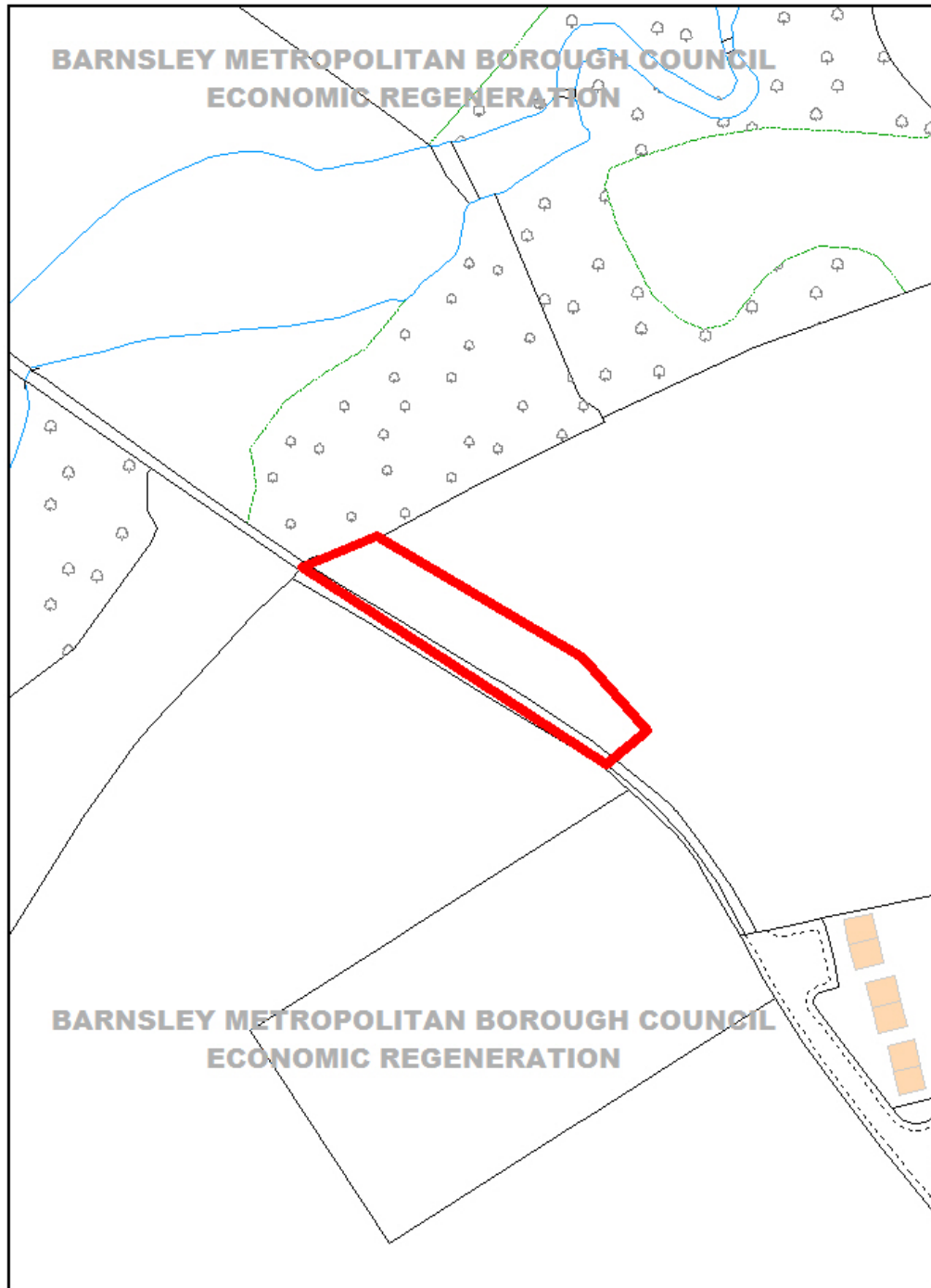
Grant subject to the following conditions.

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

PA reference :-

2017/1579

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BARNESLEY MBC - Economic Regeneration

Service Director: David Shepherd
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Barnsley S70 9FD
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Item 10

2017/1601

Applicant: Barnsley Metropolitan Borough Council, C/o IBI Group

Description: Erection of an electrical substation.

Site Address: Land at Kendray Street, Barnsley, S70 2JL

No comments have been received at the time of writing the report. However as the consultation period will still be open when the report is published Councillors shall be provided with a further update at the Board meeting.

Site Description

The application site comprises part of the land located off Eldon Street and Kendray Street in the Town Centre which previously hosted a roof top car park, its associated access ramp and ground floor retail units that were located in the foreground of the former Council central offices and TEC centre. These have now been demolished to make way for the construction of a new building forming part of the Glassworks Town Centre redevelopment scheme.

Proposed Development

The proposal is to construct an electricity substation to serve the new central library which is under construction a short distance away from the site to the south west on May Day Green.

The substation would initially be constructed as a stand-alone building. However in the future it would be enclosed within one of the new buildings to be constructed as part of the town centre re-development. This will be a two storey building which is going to house retail units, food and drink outlets and a leisure unit that is currently envisaged as a bowling alley.

The substation would measure 16m² in floor area. Maximum dimensions would be 6.2m x 4.3m on the ground by 3.6m in height with blockwork walls. In the future it would be enclosed so that only one side would be seen externally on the north west side facing Eldon Street.

The plans indicate that the building would be constructed out of similar materials to the new building which is going to surround the substation in the future. Once the new building has been constructed the only noticeable change would be the addition of louvered entrance doors and a vent to the elevations currently approved. The doors would measure an area of approximately 2.5m square.

History

The site is located within the area forming phase 2 of the Town Centre redevelopment scheme. The relevant previous planning history is as follows:-

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

Reserved matters approval of access, appearance, layout and scale of the refurbishment and extension of Metropolitan Centre containing a mixture of markets, retail, food and drink (A1, A3, A4), and leisure (D2) uses was given 20th April this year under application 2017/0135. This is now known as phase 1 of the Glassworks.

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

Reserved matters approval was granted by the Council on 27th September of last year for the phase 2 part of the Town Centre development which consists of the following:-

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 (Use Class D2), new multi storey car park and service road, with access to/from Lambra Road.

Application 2015/0730 had earlier determined that Prior approval was not required for the Demolition of Council Offices (Kendray Street) / TEC Centre & Retail Units (Eldon St / Kendray St) / Multistorey Car Park & associated structures / Zero Ice (Alhambra Road) on 23rd September 2016. This enabled the demolition work to proceed as a form of Permitted Development.

Policy Context

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

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

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

Saved UDP Policies

UDP notation: Principal Shopping Frontage
/Public Car Park/TC58/16 Lambra Road (0.53ha B1 business)

Local Development Framework Core Strategy

CSP8 'The Location of Growth'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP31 'Town Centres'
CSP40 'Pollution Control and Protection'

Publication version of the Draft Local Plan

Proposed designations: The Markets Area/Better Barnsley Development Area/Primary and Secondary Shopping Frontages/Priority and Gateway Sites for Public Improvements/Proposed Cycle Routes

BTC12 The Markets Area District – The Council will allow shops, offices, leisure developments, and food and drink uses within the Markets District. We will allow residential development on upper floors, but not at ground level if it would harm the vitality and character of the town centre. We may allow other uses if they would support the liveliness and economic strength of the town centre.

BRC13 Development Site 1 – Better Barnsley including former TEC building and CEAG site – The Council will allow the following types of development:-

- Retail, including a department store
- Offices
- Leisure
- Food and drink
- Residential
- Car Parking

Development will be expected to:-

- Create new links to and within the town centre and other areas adjacent to the Town Centre such as the Metrodome and Oakwell
- Provide residential development in the upper floors only, and not at ground level if it would harm the vitality and character of the town centre
- Include other uses if they would support the liveliness and economic strength of the town centre

TC2 Primary and Secondary Frontages – Within the primary and secondary shopping frontages in Barnsley Town Centre and the District Centres ground floor uses should be predominately retain in nature. Financial and professional services (class A2) and food and drink (classes A3 to A5) uses will also be acceptable. Other uses may be acceptable, especially where they diversity and improve provision in a centre, providing that it can be demonstrated that the vitality and viability of the primary shopping area is concerned.

BTC7 Gateways – Development must satisfy a range of criteria relating to design quality, place shaping and improving public spaces

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

Civic Trust - No objections have been received at the time in writing.

Highways - Advise that it shall be necessary to ensure that the doors do not open out into the adopted highway. In addition they would wish to see a construction method statement due to the location of the site.

Pollution Control – No objections

Ward Councillors – No objections have been received at the time in writing.

Representations

The application has been publicised via neighbour notification letters and a site notice. No representations have been received at the time of writing the report. However, the consultation period for representations does not expire until the day after the date of Planning Board. Members will be verbally updated at Planning Board of any further representations that have been received at that point but Officers would be recommending that any decision that is made is delegated to Officers to take account of any late representations received.

Assessment

Principle of Development

The construction of a substation has been identified as essential infrastructure which is necessary to serve the new central library which is presently under construction.

The substation would occupy a small ancillary space which was not earmarked to include any residential or leisure floor space within the new building that is due to be constructed on the site. Whilst the development would occupy part of the ground floor that is primary shopping frontage the small size of the loss would be more than compensated for by the amount of new retail and other A class uses that would form part of both phases of the Glassworks town centre redevelopment scheme. This is a minor issue therefore in context.

Visual amenity

In the short term the development would be a utilitarian addition to the town centre. However this would be temporary and would be less noticeable in the context of all of the other demolition and construction work associated with the town centre redevelopment works taking place over the course of the next few years.

In the fullness of time the substation would be fully enclosed within one of the new buildings and so longer term it does not raise any significant visual amenity considerations. At that point it would become a small amendment to the elevations which have already been approved for the site. This was already due to have doors and roller shutters in this location. Also the surrounding walling material would remain unchanged and so the differences would be barely discernible in the context of the future building. Overall the development is acceptable in the context of policy CSP29 'Design'.

Residential Amenity

There are no residential properties in the immediate vicinity and in any case the development would not give rise to any amenity impacts.

Highway Safety

Highways require reassurances that the entrance doors would not open out into an areas of adopted highway. In addition they require a construction method statement to detail how the compound would be set up in the context of the changing areas of the town centre. Furthermore details of future servicing requirements should be provided. Suitable conditions would be necessary therefore.

Conclusion

The development would provide essential power supply to serve the new central library. In the short term the development would be a utilitarian addition to the town centre. However in the fullness of time it would become fully enclosed within one of the new buildings and so longer term it does not raise any significant visual amenity considerations. Overall therefore the development has been assessed to be acceptable in the context of the relevant planning policy assessment considerations, subject to the imposition of the conditions requested by highways.

Recommendation

That Members delegate the decision to Officers to grant planning permission with conditions subject to consideration of any representations received during the consultation period.

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

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

BBTC_IBI_XX_A_F100_PL_00_11 rev P02 'Site Location - Substation Library

BBTC-IBI_D2_A_F100_SK06_21072017 rev A 'Library Substation - Existing and Proposed Site Plan

BGW2-IBI-ZA-XX-XX-A-G300-0001 rev 7 'Library Substation - Phase 1
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 shall be submitted to and approved in writing by the Local Planning Authority of the design of the external service doors to ensure that they do not open out into the adopted highway. Thereafter the development shall be constructed in accordance with the approved details.
Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.

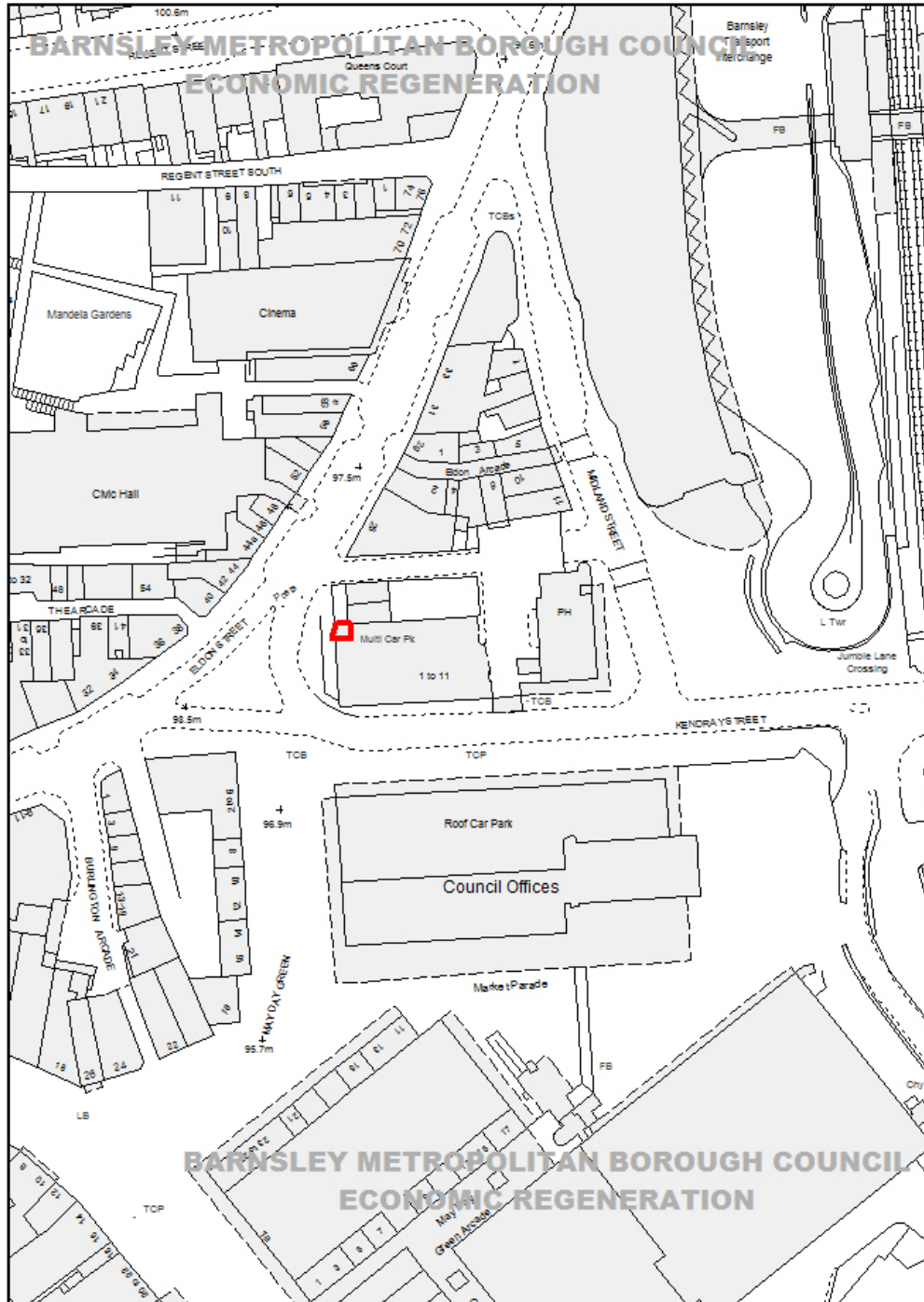
- 4 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for: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

Reason: In the interests of highway safety, residential amenity and visual amenity, in accordance with Core Strategy Policies CSP 26 and CSP 40.

- 5 Upon commencement of development details shall be submitted to and approved in writing by the Local Planning Authority of future service arrangements for the substation to ensure that they do not interfere with the free movement of pedestrian and vehicular traffic. Thereafter the development shall be constructed in accordance with the approved details.

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

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BARNSELY MBC - Economic Regeneration



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Item 11

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 December 2017 to 31 December 2017

APPEALS RECEIVED

4 appeals were received in December 2017.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2017/1196	Retention of beer garden and new car parking spaces to rear of public house (amended details to application 2015/1162) The Cross Inn, 7 Summer Lane, Royston, Barnsley, S71 4SE	Written Representations	Committee
2017/1312	Removal of Oak tree T18 within TPO 2/2007 and replace with similar species. Plot 3, Lund Avenue, Lundwood, Barnsley, S71 5NW	Written Representations	Delegated
2017/1342	Erection of detached double garage to dwelling. Rowethby, 41 Intake Lane, Gawber, Barnsley, S75 2HX.	Written Representations	Delegated
2017/1054	Variation of condition 1 of planning permission 2016/0169 to enable plot substitutions on plots 10 and 11 to dormer bungalow, change of house types on plots 12 and 13 and removal of condition 12 (surface water run off rate reduction amount) - Development of 12 dwellings in total (amendment to planning permission 2016/0169) Land at Wentworth Street, Birdwell, Barnsley, S70 5UN	Written Representations	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in December 2017.

APPEALS DECIDED

3 appeals were decided in December 2017.

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2016/1401	Erection of 1 no. detached dwelling 52 Kensington Road, Old Town, Barnsley, S75 2SS	Dismissed 28/12/2017	Delegated
2017/0475	Erection of cattery and associated facilities including reception, office, toilet and staff and customer parking area Hollow Farm, Woodhead Road, Wortley, Barnsley, S35 7DS	Dismissed 19/12/2017	Delegated
2017/0607	Removal of condition 1 of previously approved permission 2016/0322 - to allow the car wash to operate on a permanent basis Former Petrol Filling Station, Pontefract Road, Cudworth, Barnsley, S72 8AY	Allowed 19/12/2017	Delegated

2017/2018 Cumulative Appeal Totals

- 22 appeals have been decided in since 01 April 2017
- 14.5 appeal (65.9%) have been dismissed since 01 April 2017
- 7.5 appeal (34.1%) have been allowed since 01 April 2017

Audit	Details	Decision	Committee/ Delegated
2016/0744	Remove and replace Lime tree (T1) within TPO no. 3/2000. 2 Ladyroyd, Silkstone Common, Barnsley, S75 4SF	Allowed 05/07/2017	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
2016/1367	Conversion of loft and erection of elevation to side dormer Chrisholme, 4 Wath Road, Elsecar, Barnsley, S74 8HJ	Dismissed 30/08/2017	Delegated
2017/0010	Painting of 9no window frames. (Listed Building Consent). 30 Market Hill, Barnsley, S70 2QE	Dismissed 13/09/2017	Delegated
2014/1570	Demolition of existing bakery and erection of 23 no. dwellings. A & E White Bakers, Charles Street, Worsbrough Bridge, Barnsley, S70 5AF	Dismissed 25/10/2017	Delegated
2015/0725	Erection of 97 no. dwelling with garages and/or parking spaces together with the provision of open space and associated roads and sewers Land off Lowfield Road, Lowfield Road, Bolton Upon Dearne, Rotherham	Dismissed 23/10/2017	Committee
2016/1041	Variation of wording of condition 4 of application 2013/0960 (Residential development of 58 dwellings) in relation to surfacing of parking/manoeuvring facilities Development off Lowfield Road, Bolton on Dearne, Barnsley, S63 2TF	Dismissed 27/11/2017	Delegated
2016/0848	Variation of condition 4 of app 2015/1198 - (Erection of 61 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers) in relation to surfacing to parking manoeuvring areas Phase 2 Development, Off Barnburgh Lane, Goldthorpe, Rotherham	Dismissed 27/11/2017	Delegated

2016/0631	Variation of condition 4 of app 2015/1302 in relation to surfacing to parking/manoeuvring areas (Residential development - Erection of 43 no. dwellings with associated works) Former Highfield Grange Care Home, Blythe Street, Wombwell, Barnsley, S73 8LH	Dismissed 27/11/2017	Delegated
2016/0630	Removal of condition 6 of app 2015/0436 - Variation of Conditions 18 and 22 of application 2014/1219 - Erection of 97 no. dwellings with garages including parking spaces together with the provision of associated roads, sewers and infrastructure. Land at Ellwood, Off Wilson Grove, Lundwood, Barnsley, S71 5JF	Dismissed 27/11/2017	Delegated
2017/0171	Erection of detached dwelling house Courtland, Halifax Road, Thurgoland, Sheffield, S35 7AL	Allowed 13/11/2017	Delegated
2017/0027	Demolition of existing house and erection of 3 new houses (Outline with all matters reserved) The Laurels, 24 Viewlands, Silkstone Common, S75 4QP	Allowed 08/11/2017	Committee
2017/0700	Erection of a detached double garage with first floor games room 62 Church Street, Gawber, Barnsley, S75 2RJ	Dismissed 30/11/2017	Delegated
2016/1401	Erection of 1 no. detached dwelling 52 Kensington Road, Old Town, Barnsley, S75 2SS	Dismissed 28/12/2017	Delegated
2017/0475	Erection of cattery and associated facilities including reception, office, toilet and staff and customer parking area Hollow Farm, Woodhead Road, Wortley, Barnsley, S35 7DS	Dismissed 19/12/2017	Delegated
2017/0607	Removal of condition 1 of previously approved permission 2016/0322 - to allow the car wash to operate on a permanent basis Former Petrol Filling Station, Pontefract Road, Cudworth, Barnsley, S72 8AY	Allowed 19/12/2017	Delegated

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