

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 20 March 2018
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## AGENDA

### 1. Declarations of Interest

To receive any declarations of pecuniary or non-pecuniary interest.

### 2. Minutes (*Pages 3 - 4*)

To receive the minutes of the meeting held on 20<sup>th</sup> February 2018.

## Planning Applications

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

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

3. Land off Ledbury Road, Athersley South - 2017/1493 - For Approval (*Pages 5 - 14*)
4. Land adjacent to Glebe Farm, Barnsley Road, Silkstone - 2017/1164 - For Approval (*Pages 15 - 24*)
5. 15 Melville Street, Wombwell - 2018/0104 - For Approval (*Pages 25 - 30*)
6. The Bungalow, Little Royd Farm, Halifax Road, Penistone - 2017/1551 - For Approval (*Pages 31 - 36*)

## Planning Appeals

7. Planning Appeals - 1st to 28th February 2018 (*Pages 37 - 40*)

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

Monday, 12 March 2018

<b>MEETING:</b>	Planning Regulatory Board
<b>DATE:</b>	Tuesday, 20 February 2018
<b>TIME:</b>	2.00 pm
<b>VENUE:</b>	Council Chamber, Town Hall, Barnsley

## MINUTES

### Present

Councillors D. Birkinshaw (Chair), G. Carr, Coates, M. Dyson, Gollick, Hampson, Higginbottom, Leech, Makinson, Noble, Richardson, Riggs, Spence, Tattersall, Unsworth and R. Wraith

### 104. Declarations of Interest

Councillor Spence declared a Non-Pecuniary interest in **Planning Application No 2017/1695** – [Removal of T19, G26, G27, T28, T29, G56, G58, T67, T70, G95, G96, G110, G120, G127, G160, G192, G193, G198 and G199 from south side of Lakes within TPO 1/1957] at Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT as he is employed by Cannon Hall Farm.

Councillors Leech and Tattersall declared Non-Pecuniary interests in **Planning Application No 2017/1539** - [Erection of 54 no. dwelling houses] at land off Catherine's Walk, Athersley South due to them being local ward members.

### 105. Minutes

The minutes of the meeting held on 23<sup>rd</sup> January 2018 were taken as read and signed by the Chair as a correct record.

### 106. Land off Catherine's Walk, Athersley South - 2017/1539 - For approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1539** [Erection of 54 no. dwelling houses] at land off Catherine's Walk, Athersley South.

**RESOLVED** that the application be granted in accordance with the Officer recommendation subject to the completion of a S106 Agreement (100% affordable housing provision and education provision) and the imposition of an additional condition requiring obscure glazing relating to the windows on the east facing side elevation of Plot 17. In addition, Officers were requested to investigate the adequacy of existing pedestrian crossing facilities along the route to the greenspace located at Rotherham Road/Wakefield Road. Furthermore it was requested that consideration be afforded to the provision of appropriate lighting to the public footpath which is located adjacent to the site.

### 107. Crowick House, Belle Green Lane, Cudworth, Barnsley - 2017/1300 - For refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1300** [Erection of 1 no. dwelling and associated access (Resubmission)] at Crowick House, Belle Green Lane, Cudworth, Barnsley.

Mr James Ellis addressed the Board and spoke against the officer recommendation to refuse the application.

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

**108. Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT - 2017/1695 - For approval**

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1695** [Removal of T19, G26, G27, T28, T29, G56, G58, T67, T70, G95, G96, G110, G120, G127, G160, G192, G193, G198 and G199 from south side of Lakes within TPO 1/1957] at Cannon Hall Museum, Bark House Lane, Cawthorne, Barnsley S75 4AT

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

**109. Planning Appeals - 1st to 31st January 2018**

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

The report indicated that 3 appeals were received in January 2018.

It was reported that 25 appeals have been decided since 1 April 2017, 16.5 of which (66%) have been dismissed and 8.5 of which (34%) have been allowed.

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Chair

# Item 3

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**2017/1493**

**Applicant:** Mr Roger Hunt, C/o Design Space

**Description:** Erection of 4 no. detached dormer bungalows and 2 no. detached garages.

**Site Address:** Land Off Ledbury Road, Athersley South, Barnsley, S71 1XE

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Cllr Platts has requested the application be heard at PRB. 5 letters of objection have been received.

## **Site Description**

The application relates to a triangular shaped piece of land measuring approximately 1,700m<sup>2</sup>. The plot is currently vacant and is mainly laid to grass; it is understood to have previously accommodated a number of garages. There is an electricity sub-station to the South of the site, access to which needs to be maintained. Access is from Wingfield Drive, between numbers 91 and 93, to the South East of the site via a gated single track drive. The site is bounded by a mixture of fences and hedges.

The site sits within a predominantly residential area to the rear of semi-detached dwellings fronting Wingfield Drive to the East and Ledbury Road to the West. Beyond the Northern boundary is Athersley South School and its associated playing fields.

## **Site History**

2016/0186 – Erection of detached bungalow (Outline all matters reserved) – approved

Outline planning permission was granted for the erection of a detached (dormer) bungalow and detached garage with all matters reserved. An indicative siting plan showed the bungalow located towards the north of the site with the garage located towards the southern end adjacent to the electricity sub-station. Access to the site was shown as being either from Ledbury Road or the shared access track from Wingfield Road.

Information submitted with the application suggested that the bungalow would have at least 4 bedrooms and materials would be to match those used in the surrounding residential areas.

## **Proposed Development**

The applicant seeks permission to erect 4no. detached 3 bedroomed dormer bungalows. Each property would have a living room, kitchen/diner, shower room and utility room on the ground floor with 2no. bedrooms and a bathroom within the roof space.

The site would be accessed using the existing access from Wingfield Road. As the shared driveway would only be single track, a system of two interconnected automatic gates with a traffic light system is proposed. It would give priority to vehicles accessing the site from Wingfield Road, preventing cars leaving the site until the access road is clear.

Each property would be allocated 2no parking spaces and 2no. visitor spaces are also proposed. In addition, plots 3 and 4 would be allocated a single detached garage located adjacent to the electrical substation.

## Policy Context

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

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

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

### Core Strategy

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

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

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

### Saved UDP Policies

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

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

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

## SPDs/SPGs

SPD 'Designing New Housing Development'

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

## Other Material Considerations

South Yorkshire Residential Design Guide - 2011

## NPPF

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

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

## **Consultations**

Yorkshire Water Services Limited – No objections

Regulatory Services – No objection subject to conditions

Highways DC – No objections subject to conditions

SYMAS – No objections

Coal Authority – No objections subject to development following recommendations within the Shallow Mining Investigation.

Tree Officer – No objections

Drainage – No objections subject to conditions

Ward Councillors – Cllr Platts raised concerns of overdevelopment and potential residential amenity impacts. Cllr Tattersall raised concerns with regards to inaccuracies in the application from, potential access from Ledbury Road which would be unacceptable, bin collection problems.

## **Representations**

Five letters of objection have been received. The main points of concern are;

- Pressure on local services
- Design not in keeping with the area
- Concern access could open up onto Ledbury Road
- Increase flood risk
- Impede right of access
- Bins on the highway

## **Assessment**

### Principle of Development

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

The site is allocated as Green Space in the Local Plan submission maps and identified on the Councils Green Space Register as GS829 'Wingfield Road Green Space'. However, the site has previously been granted approval for a single dwelling (2016/0186) under currently adopted policies and guidelines. Furthermore, the land does not appear to be currently functioning as green space and does not offer any positive green space attributes. As such, policy CSP35 is not considered applicable and no compensation will be required.

### Residential Amenity

The development would introduce noise and disturbance to the area associated with residential activity and vehicular movements, especially with the access being close to existing dwellings. However, given the nature and density of the area 4 modest additional properties would not significantly reduce residential amenity. In addition, it should be acknowledged that the site previously accommodated a number of garages which generated vehicular and pedestrian movements.

Plot 1 would be beyond the rear elevation of number 20 Ledbury Road, however, there would be a separation distance of over 13m to the proposed front elevation and it would be orientated to the North East. Paired with the modest scale of the dwellings, plot 1 would not significantly increase overshadowing to the rear elevation of number 20 or its rear amenity space. Furthermore, it would not result in an overbearing feature.

There are habitable room windows proposed to the front of plot 1 but these would be on the ground floor, and, views of the neighbouring property would be limited by the boundary treatments. There is a front dormer window proposed but this only serves a bathroom which is not considered a habitable room, as such, privacy levels would be maintained to a reasonable degree. There are first floor habitable room windows to the rear of number 20 but they would not directly face the front elevation of plot 1.

Plot 4 has a side elevation beyond the rear boundary of numbers 81 and 83 Wingfield Road. However, the side elevation would be in excess of 20m from the rear elevations of the existing properties which is in excess of the 12m required within SPD 'Designing New



Housing Development'. As such, the proposed dwelling would not significantly increase overshadowing or result in an overbearing feature.

Plots 2 and 3 are located away from existing neighbouring properties within the centre of the site. All the properties back on to an area of trees associated with the neighbouring school, as such the proposed ground and first floor window would not reduce privacy levels.

The 2no.detached garages proposed would be to the rear of 87 Wingfield Road but they would be modest structures and in excess of 20m from the rear elevation. In addition, the site previously accommodated garages of a similar scale.

In terms of the residential amenity of the future residents, the dwellings generally meet the guidelines set out in the South Yorkshire Residential Design Guide and the SPD in terms of internal and external spacing. The dwellings are all on differing building lines but they would not overshadow each other significantly or be overbearing.

### Visual Amenity

Backland development is generally discouraged; however, in this case there is an existing vehicular access into the site and it did have a previous use for garages. Furthermore there is an extant permission for a dwelling on this site so the principle of residential development has been established. Furthermore, as the site is within a Housing Policy Area and is surrounded by dwellings on 3 sides, residential development is the most logical use.

The site is in a non-prominent position to the rear of properties fronting Wingfield Road to the East and the side/rear of properties fronting Ledbury Road to the West/South West. There is also a group of mature trees beyond the Northern boundary of the site restricting views from the neighbouring school. As such, views of the site from public vantage points and the surrounding road network are very limited.

It is acknowledged that the neighbouring properties are predominantly 2 storey semi detached dwellings and the proposal is for detached dormer bungalows, however, the site does not directly relate to the neighbouring streetscenes and the dwellings would not disrupt the development pattern of the existing streetscenes. The development would be self-contained and not detrimentally affect the visual amenity of the area. Furthermore, there has previously been permission granted for a dormer bungalow on the site which was assessed under currently adopted policies and guidelines.

Within the site the dwellings are located to the North but are not on the same building line, however, this is mainly dictated by the triangular shape of the plot. The proposed layout would still, however, be acceptable as all the properties would front the access and maneuvering space, in accordance with the SPD.

Parking would be to the front of the dwellings, however, small buffer gardens would be proposed in order to break up the areas of hardstanding and not result in a car dominated vista upon entering the site. Each dwelling also has pedestrian access to the rear which allows refuse/recycling storage areas to the rear away from the front elevations and more visible areas of the development.

The proposed garages would be separate from the plots to which they relate but they are set back from the adjacent boundaries and also relate closely to the neighbouring electricity substation, as such, they would not appear alien features or 'ad hoc'.

The dwellings themselves are relatively simple with a symmetrical front elevation. There is a dormer incorporated within the front elevation but this would be located centrally within the roof and line up vertically with the front door below, in accordance with SPD guidance.

### Highway Safety

The development would be served from the exiting single access off Wingfield Road and not from the head of Ledbury Road as some residents feared. Given that the access is only single width there could be conflict between vehicles entering and exiting the site resulting in vehicles having to reverse onto the highway. However, a system of two interconnected automatic gates with a traffic light system is proposed. It would give priority to vehicles accessing the site from Wingfield Road, preventing cars leaving the site until the access road is clear.

Each dwelling would be allocated 2no. parking spaces with plots 3 and 4 also having access to a detached garage. Given the distance to the adopted highway there would also be 2no. Visitor's parking spaces incorporated.

It is acknowledged that bin wagons would not enter the site as it would be a private drive and not an adopted highway. Ideally there would be a bin collection point incorporated adjacent to the adopted highway on the access drive, however, given the width of the drive there is not the opportunity to do that in this case. As such, bins would have to be taken to the adopted highway. It is acknowledged that this is not ideal but that is the current situation for the existing neighbouring dwellings and there would only be 4 additional bins on collection days. There would be a relatively large distance to take the bins for the residents but they would be aware of this prior to purchasing.

Highways have assessed the application and have raised no objections subject to a number of standard conditions.

### Trees

A full tree survey has been provided with this application which deals satisfactorily with the trees implicated by the proposal and their protection. Some trees and hedges will be removed from the site, however the trees are small insignificant specimens and the hedges are not of a nature or in a situation which would allow us to insist on their retention.

There is therefore no objection to the proposed development from an arboricultural perspective providing the protective measure detailed in the arboricultural documents are adhered to.

### Conclusion

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

### **Recommendation**

**Grant** subject to conditions:-

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Nos 2039/TP/003, 2039/TP/004, 2039/TP/005, 2039/TP/006 & 2039/TP/007), specifications and reports (Coal Mining Risk Assessment by G & M Consulting & Arboricultural Report (JC/117/171103)) as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 The proposed external materials shall be in accordance with the submitted materials samples sheet. 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 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.**
- 6 The system of two interconnected automatic gates with a traffic light system, indicated on the submitted plan, shall be made available prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: 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 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.**

- 8 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.**
- 9 Pedestrian intervisibility splays having the dimensions of 2 m by 2 m shall be safeguarded at the drive entrance/exit such that there is no obstruction to vision at a height exceeding 1m above the nearside channel level of the adjacent highway.
- Reason: In the interest of road safety in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 10 Sightlines, having the dimensions 2.4m x 40m, shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1.05m above the nearside channel level of the adjacent highway.
- Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 11 The approved Construction Method Statement as shown on drawing number 2039/TP/007 shall be adhered to throughout the construction period.
- 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.**

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**BARNESLEY MBC - Economic Regeneration**



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**2017/1164**

**Applicant:** Mr Adam Richardson, C/o Spawforths

**Description:** Erection of up to 3 no. dwellings and associated car parking, garages, access and landscaping including new vehicular access onto Barnsley Road (Outline with All Matters Reserved apart from access).

**Site Address:** Land adjacent to Glebe Farm, Barnsley Road, Silkstone, Barnsley

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5 representations have been received from neighbouring residents  
Silkstone Parish Council object.

Cllr Barnard has expressed concerns regarding the proposed development and has requested that it is determined by the Planning Board.

## **Description**

The application site is set off Barnsley Road, Silkstone. The site is a former paddock which is located to the south of Glebe Farm. The site is approximately 0.3 hectares and sits within the defined housing policy area and within the settlement boundary. A field gate access is set to the southern boundary with Barnsley Road and the front boundary is bounded by dry stone walls. The site gently slopes from the west to the east and is mainly laid to grass. There are a number of trees located within the site, mainly set along the eastern boundary of the site.

To the north, the site is bound by Glebe Farm house and to the east by an existing Bridleway known as the Silkstone Wagonway Walk, which provides access to Glebe Farm house from Barnsley Road. To the west of the site is the main residential area with the rear gardens of a number detached bungalows on Fall View cul-de-sac facing onto the site. To the south, the site is bound by Barnsley Road and beyond is Vicarage Farm Court, a residential street and Pot House Hamlet.

## **Proposed Development**

The application is in outline form with all matters reserved for future consideration apart from the access. An indicative layout plan has been submitted which demonstrates three detached dwellings located in a linear pattern accessed from a shared driveway which links to the proposed access off Barnsley Road. The Design and Access Statement submitted with the application states that the plots could be delivered as self-build plots of up to 3, two storey dwellings.

As part of the submission the following has been submitted:

- Extended Phase 1 Habitat Survey and Bat Activity Report,
- Coal Mining Risk Assessment,
- Tree Survey,
- Highways Statement
- Flood Risk Assessment

## **Policy Context**

Planning decisions should be made in accordance with the development plan unless material considerations indicate otherwise and the NPPF does not change the statutory

status of the development plan as the starting point for decision making. The development plan consists of the Core Strategy and saved Unitary Development Plan policies. The Council has also adopted a series of Supplementary Planning Documents and Supplementary Planning Guidance Notes, which are other material considerations.

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

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

#### Saved UDP Policies

##### UDP Housing Policy Area

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

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

#### Core Strategy

CSP 26 – New Development and Highway Improvement

CSP29 – Design

#### SPDs/SPGs

SPD 'Designing New Housing Development'

SPD 'Parking'

SPG Silkstone Parish Design Statement

#### Other Material Considerations

South Yorkshire Residential Design Guide – 2011



## NPPF

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

## **Consultations**

Silkstone Parish Council have raised the following concerns:

- The addition of a further junction onto Barnsley road in this location was considered to be unsafe due to poor sight lines and the close proximity of the junctions at Vicarage Farm court and Pot House Hamlet as well as the proximity of a bus stop.
- The application is outside the curtilage of the existing properties garden and is an open space in the Parish. Building on open spaces in the Parish contravenes the Village Design Statement which states that **"GS2. All open spaces within the villages should be retained as a priority irrespective of size."**  
This open space is listed in the Village Design Statement :
  - o *5.2 Inside the Villages*
  - o *The open spaces in the villages contribute towards the feeling of their rural nature as opposed to being a city suburb. Open spaces situated in Silkstone include: Silkstone Recreation Ground and adjoining Conroyd Wood; • The Chestnuts; • Open green space within and fronting Manor Park; • The woodland and grassed area between Manor Park and Towngate through which Footpath 29a passes; • 'Hillside' on High Street, opposite the Ring 'o' Bells; • The entrance to Silkstone Primary School and playing field; • 'Ribbon' open-space along Silkstone Waggonway from Silkstone Cross to the Parish boundary;*
- Silkstone Parish Council own the stretch of wagonway alongside the proposed development and have concerns regarding damage to the wagonway with the installation of services to the proposed new homes.
- Inaccurate documents -the site boundary shown on the Architect's plan is different to the boundary shown on the consulting engineers plan.
- It is understood that an ecological survey was submitted with this application – this was not copied to the Parish Council with the consultation documentation.

Drainage – No objections subject to conditions

Regulatory Services – No objection subject to conditions

Highways – No objections subject to conditions

SYMAS – No objections subject to conditions

Tree Officer – No objection subject to conditions

Biodiversity Officer – No objection subject to conditions

## **Representations**

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

- Concerns regarding the access to the site given the proximity to both Pot House Hamlet and the bus stops. There is significant traffic flow on Barnsley Road already.
- The site has a history of problems with surface water according to local residents.
- Residents of Fall View have serious concerns about the impact on their properties.

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

- The development of the site should be for bungalows and not two storey houses
- Concerns regarding the access, proximity to other vehicular accesses and the 50mph speed limit and its impact on highway safety
- Impact on protected species
- Adverse impact on amenity of home and garden to the properties on Fall View
- Loss of privacy to habitable room windows and garden
- The site is meant to be Green Belt
- Impact upon the character and outlook of the Silkstone Waggon Way
- Increased flood risk
- Concerns regarding the height of the proposed dwellings

Other non-material objections relate to a loss of view.

## **Assessment**

### Principle of Development

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

### Residential Amenity

The Supplementary Planning Document 'Designing New Housing' provides guidance in terms of separation distances, in order to ensure that any new development does not cause significant impact by way of overlooking, overbearing and overshadowing of existing dwellings and their private gardens. As with all infill residential developments where they are adjacent to existing dwellings, it is recognised that there will be some impact on the residential amenity of existing residents.

A number of objections have been received from neighbouring residents with regard to the impact on residential amenity and a loss of outlook, overbearing impact, loss of privacy and view. At this stage the application is in outline form only so issues of layout and design of the dwellings are not under consideration at this stage. However, the indicative layout plan demonstrates that three new dwellings could be sited comfortably on this large plot to meet

the separation distances required within the SPD in order to prevent significant overlooking or overbearing/overshadowing impact. Unfortunately a loss of view cannot be considered as a material planning consideration.

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

### Visual Amenity

Objections have been received with regard to the possible erection of two storey dwellings on the site; however at this stage as the application is in outline, the scale, siting and design of the properties is a matter reserved for future consideration. Silkstone village features various sizes of dwellings, including detached, semi-detached and terrace properties of one and two storeys in height. It is felt that the properties could be designed and sited in order to fit in with the surrounding properties and the Silkstone Parish Design Statement. There are no objections to the erection of two storey properties on this site, as this is a large plot and that there are two storey properties opposite the site on Vicarage Farm Court, and Glebe Farmhouse itself is a two storey dwelling.

Concerns have been raised by the Parish Council with regard to a loss of open space within the village and adjacent to the Waggonway. The site is allocated as Housing Policy Area, with the boundary drawn around Glebe Farm. It is also set adjacent to the Silkstone Waggonway which acts as a boundary to the built up area of the village and the Green Belt to the east. The site is not on the Council's green space register nor is it allocated or used as publicly accessible open space, therefore unfortunately would not warrant protection on these grounds. Unfortunately a loss of this small area of land which is allocated as part of the built up area of the village would not be significant, and could not be refused permission on this basis. The proposal is considered in compliance with the NPPF, Core Strategy policy CSP29, and the Council's Supplementary Planning Document "Designing New Housing."

### Highway Safety

Objections have been raised with regard to the impact of the proposal upon highway safety. The application site is located on Barnsley Road on the edge of the village. The access is slightly offset from Vicarage Farm Court on the opposite side of Barnsley Road. There is also the Pot House Hamlet business on the opposite side of Barnsley Road which generates a significant amount of traffic. The speed limit changes from National Speed Limit on Barnsley Road from the junction with Manchester Road (A628), to 30 mph just before the Pot House Hamlet. Pot House Bridge is just to the east of the proposed access and construction traffic would be expected to cross this. Access is proposed to be taken from the existing field gate, which will be widened accordingly. There is an existing dropped crossing which would also require widening. The Highways Section have no objections to the proposal subject to conditions and consider the access to be acceptable. A condition would be required in order to provide a Traffic Regulation Order to allow for traffic calming measures to prevent speeding vehicles which include the use of 'dragons teeth' and relocation of the speed limit signs towards the junction with the A628.

In terms of the internal layout, this is a reserved matter therefore parking and manoeuvring within the site must comply with the standards in the South Yorkshire Residential Design Guide and the SPD2-Parking, which would be subject to a reserved matters application.

Concerns have been raised by objectors with regard to the impact of the proposal upon the Bridleway to the rear. There should be no significant impact upon this right of way as the properties would be accessed from a separate access off Barnsley Road.

### Impact on Trees and Biodiversity

The Tree Officer has been consulted and considers that the information provided is acceptable in terms of the protection of the trees and there is therefore no objection to the scheme. Several trees are being removed however and as such replacement tree planting will be required as part of a landscaping scheme in accordance with CSP36 of the Core Strategy. This can be secured via a suitable condition

The Biodiversity Officer has no objection to the proposal and the Extended Phase 1 Habitat Survey Report and Biodiversity Enhancement Plan are acceptable. The habitats occurring on the site offer some opportunities for protected species, therefore it is recommended that a condition is applied in order to secure the Biodiversity Enhancements such as buffer zones, tree planting, wildlife ponds, bat roosts, bird and insect boxes, and hedgehog shelters on the site for a period of 5 years in accordance with CSP36 of the Core Strategy.

### Drainage

Concerns have been raised with regard to the impact of the proposal upon both surface water run-off and flood risk; however the Councils Drainage Officer and Yorkshire Water have raised no objection to the proposal subject to conditions. In terms of flood risk, the Flood Risk Assessment submitted with the application states that the site falls within Flood Zone 1 which indicates that there would be a 'low probability' and less than 0.1% annual probability of river flooding, however in the event of a flood from a catastrophic storm or blockage of existing or proposed sewers then mitigation measures are recommended. The proposal is considered to be acceptable in terms of flood risk and drainage subject to conditions.

### Conclusion

In conclusion, the site lies within a Housing Policy area where infill residential development is normally considered an acceptable form of development. It is considered that the proposal represents a sustainable development which accords with the objectives and principles of the UDP policies H8D, Core Strategy policies CSP 26 and 29 and SPD 'Designing New Housing Development' in that it would not significant harm the amenity of existing residents, subject to detailed plans being provided at the reserved matters stage. The proposed access is considered to be acceptable and there should be no significant highways issues. The proposal is considered to be an acceptable form of development and is recommended for approval.

### **Recommendation**

Grant outline planning permission with some matters reserved

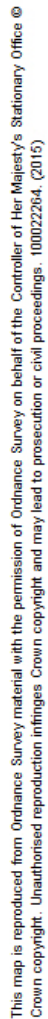
- 1 Application for approval of the matters reserved in Condition No. 2 shall be made to the Local Planning Authority before the expiration of three years from the date of this permission, and the development, hereby permitted, shall be begun before the expiration of two years from the date of approval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

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

- 2 The development hereby permitted shall not be commenced unless and until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
- (a) the layout of the proposed development.
  - (b) scale of building(s)
  - (c) the design and external appearance of the proposed development.
  - (e) landscaping
- Reason: In order to allow the Local Planning Authority to assess the details of the reserved matters with regard to the development plan and other material considerations.**
- 3 The access and site location hereby approved shall be carried out strictly in accordance with the plans (Nos 0001-0003 REV A, 0001-0001 REV E) 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.**
- 4 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. 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 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 highway safety and in accordance with Core Strategy Policy CSP26.**
- 5 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 operative 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.
  - Measures to control dust and noise during construction.
- Reason: In the interests of highway safety in compliance with CSP26.**

- 6 Prior to the commencement of development, details shall be submitted to and approved in writing by the Local Planning Authority of arrangement which secure the following highway improvement works:  
Any necessary lining and signing.  
Any necessary changes to street lighting.  
Traffic Management measures on Barnsley Road; including any necessary Traffic Regulation Orders.  
The works shall be completed in accordance with the approved details and a timetable to be submitted to and approved in writing by the Local Planning Authority.  
**Reason: in the interest of highway safety and the free flow of traffic, and in accordance with Core Strategy Policy CSP26.**
- 7 Sight lines having the dimensions 2m x 54m (right on exit) and 2.4m x 42m (left on exit), 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, in the interests of road safety.  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 8 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, in the interests of road safety  
**Reason: In the interest of highway safety, in accordance with Core Strategy Policy CSP 26.**
- 9 Vehicular and pedestrian gradients within the site shall not exceed 1:12  
**Reason: To ensure safe and adequate access in accordance with Policy CSP26.**
- 10 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.**
- 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 The development site is located in a coal mining referral area due to the possible presence of shallow coal and possible unrecorded shallow coal mine workings. The site could therefore be at risk from ground instability and associated mining legacy health and safety risks. An intrusive site investigation must therefore be undertaken by a suitably qualified person to evaluate ground conditions and potential mining legacy risks. The site investigation and subsequent development must be undertaken in compliance with Construction Industry Research and Information association publication 32 'Construction over abandoned mine workings' where applicable. Prior to the commencement of development a report detailing the findings of the investigations and any recommended mitigation shall be submitted for approval in writing by the Local Planning Authority, the development thereafter shall be carried out in accordance with the approved details. Responsibility for securing a safe and sustainable development rests with the developer and/or landowner.  
**Reason: In accordance with the NPPF sections 120 and 121 - Land stability.**
- 13 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 14 The development shall be carried out in accordance with the recommendations within the Phase 1 Habitat Survey Report and Biodiversity Enhancement Plan dated the 25/01/2018. Prior to the occupation of the dwellings, the recommendations within the Biodiversity Enhancement Plan shall be fully implemented and maintained for a minimum of 5 years.  
**Reason: In order to conserve and enhance the biodiversity in accordance with policy CSP36 of the Core Strategy.**



NORTH CAROLINA STATE UNIVERSITY

Scale 1:



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**2018/0104**

**Applicant:** Mr Stephen Roebuck, C/o Peter Thompson Architectural Design Consultant

**Description:** Change of use of former workshop and associated office (Class B2) to HMO (House in Multiple Occupation) (C4), including external alterations.

**Site Address:** 15 Melville Street, Wombwell, Barnsley, S73 8HJ

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## Introduction

This application is brought to the PRB meeting at the request of two local elected Members who have concerns relating to parking.

## Site Description

Melville Street is predominantly residential although there are a few other uses towards the northern end. It is split in two with two turning heads half way down. This application site is an old builder's workshop which is adjacent to the turning head serving the southerly end of the street.

Melville Street north connects to the main shopping parade of Wombwell town Centre, so the site is within a very short walking distance of a full range of shops and other services.

The predominant residential development on the street is terraced housing.

## Proposed Development

This application is for change of use of a former workshop and associated office (Class B2) to HMO (House in Multiple Occupation) (C4). There is layout plan provided showing one car parking space at the side a bin store and 46m<sup>2</sup> of amenity space. Internally the HMO use is 6 bedrooms with en-suite and a shared kitchen/dining room.

None of the external dimensions of the building will change under the proposed scheme and for the majority of windows and doors the applicant is intending to utilise the existing openings. However, there are some minor external alterations which consist of a door changing to a window on the front elevation, the bricking up the existing store at the back of the building along with the insertion of two ground floor side windows, and the obscure glazing of an existing upper floor side window and the installation of rooflights.

## Previous Planning History

2014/0138 Erection of a pair of semi-detached dwellings following demolition of existing buildings.

This has now expired but has established the principle of the loss of employment under UDP Policy CSP19 Employment to be retained.

## **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

CSP19 Employment to be retained  
CSP26 Highways issues.  
CSP29 Design matters.  
CSP40 Pollution protection.

### Saved UDP Policies

Housing Policy Area

### SPDs/SPGs

Designing New Housing Development

Conversion of buildings to HMO's is generally acceptable subject to

1. Garden sizes meeting standards (50m<sup>2</sup>)
2. Internal space standards being met for single bedrooms with en-suite and shared kitchen. The South Yorkshire Residential Design Guide requires 33m<sup>2</sup> total area for a studio flat but there is no standard for an HMO bedroom.
3. No noise nuisance caused to adjoining neighbours.
4. Satisfactory parking provided
5. No alterations that would impact on the appearance of the area.

### Publication Consultation Document

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.

SD1 Presumption in favour of sustainable development

GD1 General Development

D1 Design

T4 New Development and Highway Improvement

Poll1 Pollution Control and Protection

CC4 Sustainable Drainage Systems (SuDS)

These policies carry little weight for the reason given above.

### 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.

### **Consultations**

Pollution Control-No objections subject to conditions.

Highways-No objections subject to conditions.

Private Sector Housing-Offer advice regarding Fire Regulations.

### **Representations**

None received

### **Assessment**

#### Principle of Development

This is a Housing Policy area and whilst this is a workshop the street is predominantly residential in character. Furthermore, the previous expired approval 2014/0138 establishes the principle of loss of an employment use as, given the predominantly residential surroundings, a residential use is considered more in keeping with the surrounding area than a business use. As such Policy CSP19 is considered to be satisfied.

The SPD Designing New Housing Development sets out the various criteria to take in account when considering an HMO. This site is very close to Wombwell town centre, shopping and other facilities as such is in a sustainable location. The main issue would be the need to assess the impact on other material considerations such as residential amenity, visual amenity, and highway safety.

#### Residential Amenity

It is likely that the existing workshop and office use has more potential for noise and disturbance than a residential use. There is therefore the potential for the change of use to benefit the surrounding residents compared to the existing use.

There is no increase in size of the building proposed. The applicant is also intending to utilize the existing openings which, to the front, do not look directly onto any neighbouring properties. To the side they predominantly look onto the blank side elevations of adjacent properties. The new windows proposed would be at ground floor level and can therefore be

screened by suitable boundary treatment to ensure no overlooking would occur. The applicant is also proposing to obscure glaze an existing first floor window to further protect neighbouring amenity whilst allowing the insertion of rooflights to enable the amenity of future occupants to be maintained. On the basis of the above the proposal would not adversely affect the neighbouring occupiers' amenity.

In terms of future occupiers, the room sizes are sufficient to meet the South Yorkshire Residential Design Guide standards. Sufficient light would be gained to the bedrooms and shared dining/kitchen. As such, future occupiers amenities are also adequately protected.

### Visual Amenity

The external alterations would be minor and mainly related to openings. The proposal would bring a building into a use that is more in character with its immediate surroundings which should benefit the visual amenities of the area.

The proposal would provide one parking space, bin storage and 46m<sup>2</sup> of amenity space. The blue painted timber goods entrance at the side of the building would be removed to open up this area. Whilst the amenity space is slightly below the required standard (50m<sup>2</sup>) it is similar to the amenity spaces that are found in the existing terraced housing. It is likely that with an HMO residents would be less inclined to use amenity space than a family house and for these reasons a slight shortfall is acceptable.

### Highway Safety

The site is on a mainly residential street where the majority of occupiers' park on the street and it is acknowledged that this has led to concerns about the proposal leading to increased parking issues. It is however, in a sustainable location, close to the centre of Wombwell and the facilities it provides. In addition, if the business was to continue as a workshop/offices then this in itself would generate vehicular traffic and parking requirements. Highways have acknowledged that, given the nature of the use and the close proximity of the site to the town centre, off street parking is not needed. However, it is possible to provide one space and this can be viewed as a benefit. Therefore no highways objections are raised subject to conditions.

### Conclusion

There is no objection in principle to loss of an employment use especially as the proposed HMO would be less likely to cause nuisance to neighbours. Concern has been expressed regarding parking issues on Melville Street, which is heavily congested with residents parking as none of the houses has off street parking available. However, given the proposal is replacing an existing business use and is in a sustainable location, it is not considered that there would be any severe highways impact from this proposal. There is room to provide one parking space, bin storage and amenity space for residents. The proposal generally accords with the Council's policies on HMO's and therefore no objections are raised by Officers.

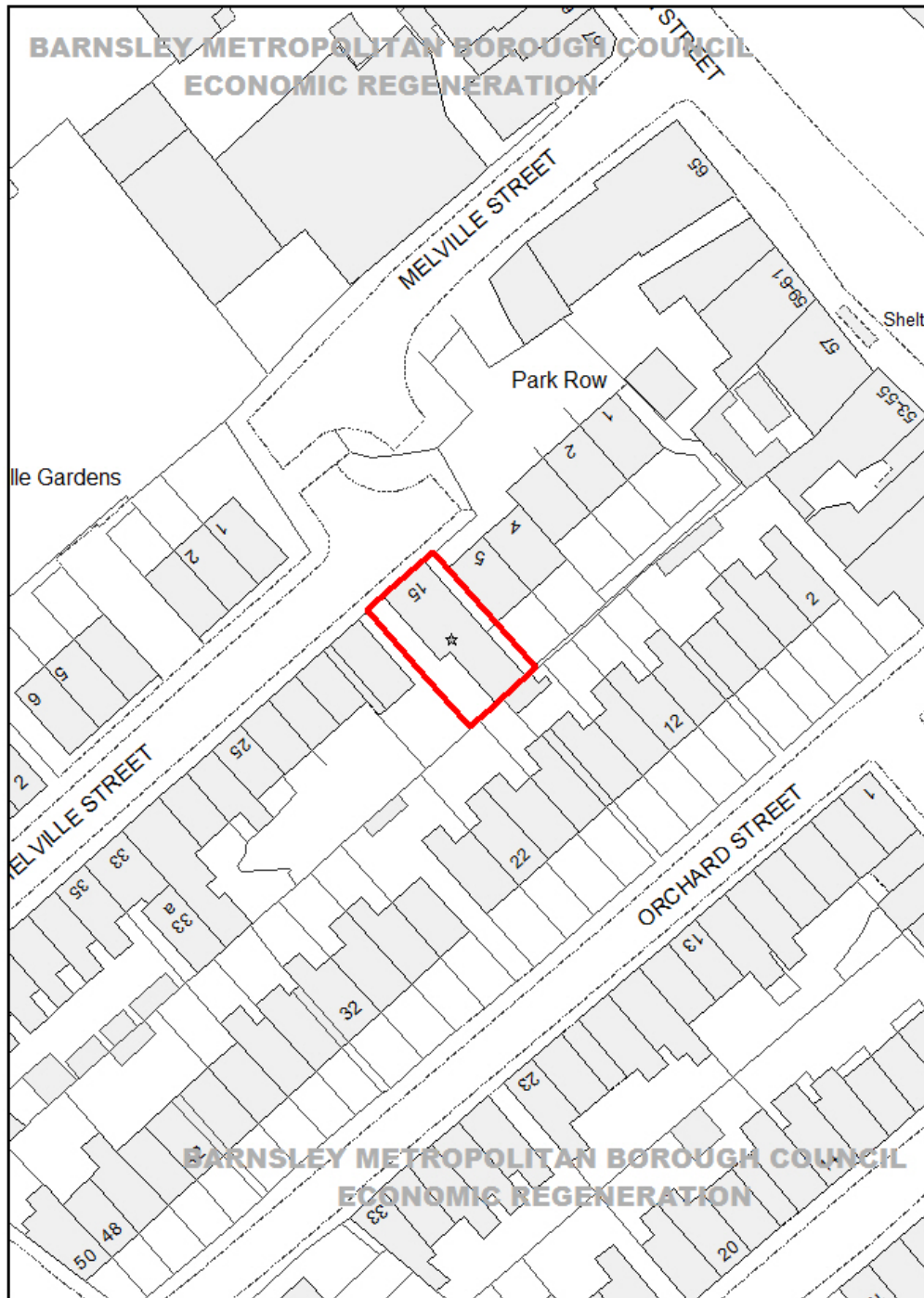
### **Recommendation**

**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 submitted plans including the site plan revision B and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 Construction or remediation work comprising the use of plant, machinery or equipment, or deliveries of materials shall only take place between the hours of 0800 to 1800 Monday to Friday and 0900 to 1400 on Saturdays and at no time on Sundays or Bank Holidays.  
**Reason: In the interests of the amenities of local residents and in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 4 The parking/manoeuvring facilities, indicated on the submitted plan, shall be surfaced in a solid bound material (i.e. not loose chippings) and made available for the manoeuvring and parking of motor vehicles prior to the development being brought into use, and shall be retained for that sole purpose at all times.  
**Reason: To ensure that satisfactory off-street parking/manoeuvring areas are provided, in the interests of highway safety and the free flow of traffic and in accordance with Core Strategy Policy CSP 26, New Development and Highway Improvement.**
- 5 All surface water run off shall be collected and disposed of within the site and shall not be allowed to discharge onto the adjacent highway.  
**Reason: In the interests of highway safety in accordance with Core Strategy Policy CSP 40, Pollution Control and Protection.**
- 6 Vehicular and pedestrian gradients within the site shall not exceed 1:12  
**Reason: 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 occupation of use 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 building 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.**



**BARNSELY MBC - Economic Regeneration**



Scale 1: -----

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**2017/1551**

**Applicant:** Mr Antony Bird, C/o Michael A. Clynch

**Description:** Erection of double detached garage and store.

**Site Address:** The Bungalow, Little Royd Farm, Halifax Road, Penistone, Sheffield, S36 7EY

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**No objections received**

**Penistone Town Council have no objections to the application**

**The application is before Members as it is subject to a S106 agreement**

## **Description**

The property is a detached stone built bungalow, set to the north of Halifax Road, Penistone. The front elevation of the bungalow faces to the north east with the main garden areas being set to the south and west, defined by hedges and planting. The dwelling has been extended previously with a single storey side extension and single storey extensions to the front elevation. The property is set within the Green Belt.

## **Proposed Development**

The proposal involves the erection of a detached double garage and store measuring approximately 8.5m by 6.4m, 2.4m in height to the eaves and 3.8m to the pitch. The proposed garage would be sited in the north eastern corner of the garden and would be constructed of artificial stone to match the dwelling and an artificial stone slate roof. Two roller shutter doors are proposed to the front elevation with an access door to the side.

In April 2017 application 2017/0238 was approved to provide large extensions and additional accomodation for the previous owner of the bungalow. These extensions brought the total extensions at the property up to 100% of the original floor area; however these extensions have not been constructed. The applicant has now recently bought the property and wishes to build a detached garage, however does not wish to implement the permission for the extensions approved in 2017 for the previous owner.

As the previous permission extended the property up to 100%, a legal agreement would be required which would mean that applicant would have to surrender the permission for the previously approved extensions, in order for the application for the garage to be supported.

## **Policy Context**

UDP – Green Belt

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

Core Strategy Policy 29: Design Principles – sets out the overarching design principles for the borough to ensure that development is appropriate to its context. High quality development will be expected, that respects, takes advantage of and enhances the distinctive features of Barnsley, and contributes towards creating attractive, sustainable and successful neighbourhoods. The Council will seek to ensure that development improves what needs improving, whilst protecting what is good about what we have. Design that reflects the character of areas will help to strengthen their distinctiveness, identity and people's sense of belonging to them. This policy is to be applied to new development and to the extension and conversion of existing buildings.

Core Strategy Policy 34: Protection of Green Belt - In order to protect the countryside and open land around built up areas the extent of the Green Belt will be safeguarded and remain unchanged.

### Saved UDP Policy

Policy GS8E: Replacement, alteration & extensions to dwelling in the Green Belt – Proposals to replace, extend or alter dwellings in the Green Belt will be permitted provided that: in the case of extensions the total size of the proposed and previous extensions does not exceed the size of the original dwelling and the original dwelling forms the dominant feature of the dwelling as extended; the construction is of a high standard of design; and local residents or the appearance of the locality will not be adversely affected.

The sizes of a dwelling as existing and as proposed will be compared by reference to their floors pace, with the following guidelines:-

- Floor space will be calculated by external measurement of the building
- Floor space within roof spaces will not be taken into account
- Outbuildings will not be taken into account when calculating original floor space

Domestic outbuildings within the curtilage of the dwelling will be treated as part of the dwelling or an extension to it, except for the purposes of calculating the size of the original dwelling. The erection of domestic outbuildings such as garages and garden sheds within the curtilage of a dwelling is often permitted development. However, when permission is needed for such development this policy will be applied. This means whilst domestic outbuildings will not be prohibited, their extent will be limited in order to preserve the openness of the Green Belt.

### Supplementary Planning Documents

Supplementary Planning Document: House Extensions, adopted March 2012 – sets out the design principles that specifically apply to the consideration of planning applications for house extensions, roof alterations, outbuildings and other domestic alterations. The general principles are that proposals should:

- be of a scale and design which harmonises with the existing building



- not adversely affect the amenity of neighbouring properties
- maintain the character of the street scene and
- not interfere with highway safety.

These policies are considered to reflect the 4<sup>th</sup> 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.

## NPPF

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

In respect of this application, relevant policies include:

Core Principle 7: Requiring good design - The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

It is important to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.

Core Principle 9: Protecting Green Belt Land – The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open. Inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances

As with previous Green Belt policy, inappropriate development in the Green Belt where “the extension or alteration of a building does not result in disproportionate additions over and above the size of the original building”.

## **Consultations**

Penistone Town Council – No objections

Highways – No objection

## **Representations**

No comments received

## **Assessment**

### Principle of Development

The property is located within Green Belt where the extension of existing buildings is acceptable where the impacts are not materially greater than existing and any development in the Green Belt must preserve the openness of the Green Belt and not conflict with the purposes of including land in Green Belt. Policy GS8E indicates that proposals to replace, extend or alter dwellings in the Green Belt will be permitted provided that the total size of the proposed and previous extensions does not exceed the size of the original dwelling.

The previous extensions already built and the proposed garage with a floor area of 54.4sqm, would not exceed the size of the original dwelling in compliance with GS8E. However in April 2017 under application 2017/0238, large extensions to the dwelling were approved to provide additional accommodation for the previous owner of the bungalow. These extensions brought the total extensions at the property up to 100% of the original floor area but have not been constructed. The applicant has recently bought the property but does not want to implement the permission for the extensions previously approved in 2017.

As the previous permission 2017/0238 extended the property up to 100%, the applicant has agreed to sign a legal agreement which would ensure that the applicant/owner acknowledges that this application 2017/1551, would only be granted by the Council if the development under planning permission 2017/0238 was not implemented, and agrees not to commence development of these extensions. Subject to the signing of the legal agreement, which would surrender the previous permission, the proposal is acceptable in principle in line with policy GS8E and relevant policies in the NPPF.

### Residential Amenity

The closest residential dwelling is the recently converted agricultural building set to the north west at a higher level. The proposed domestic garage would be a significant distance from this dwelling and would not cause any overshadowing, overbearing impact or overlooking in accordance with the adopted SPD: House Extensions.

### Visual Amenity

The proposed garage is of an acceptable design and scale, and would be constructed of matching materials. The garage is set within the curtilage of the property and would be screened by hedges along the northern and eastern boundaries of the site. The garage would not significantly harm the openness of the Green Belt and is acceptable in terms of policy GS8E and the design principles in Core Strategy Policy CSP29.

### Highway Safety

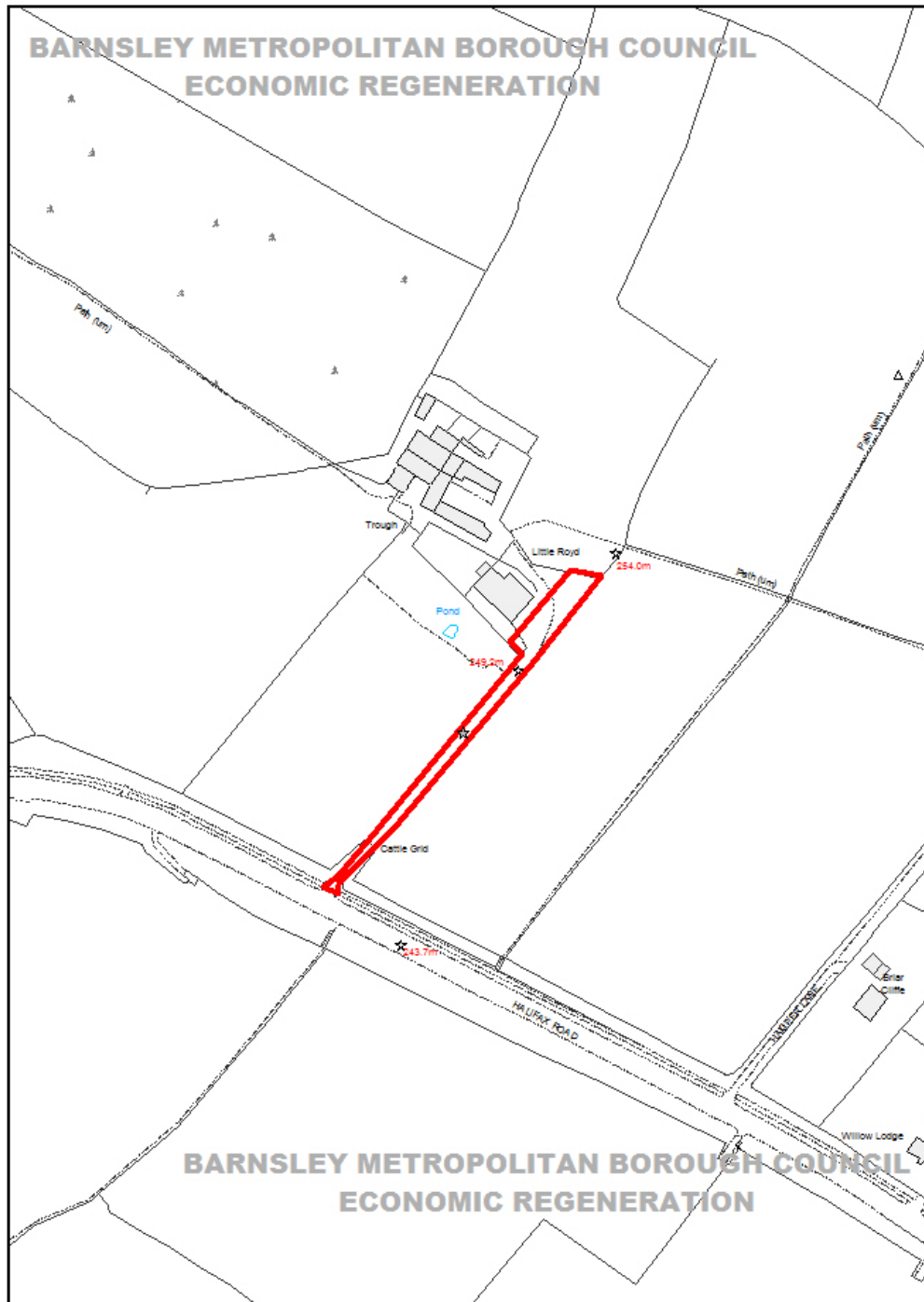
The highways section have no objection to the proposed garage. The garage allows for adequate parking and turning areas within the site and would not have any significant impact upon highway safety in accordance with the SPD: House Extensions.

## **Recommendation**

Approve subject to a S106 Legal Agreement

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.  
**Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.**
- 2 The development hereby approved shall be carried out strictly in accordance with the plans (Drawing A1) and specifications as approved unless required by any other conditions in this permission.  
**Reason: In the interests of the visual amenities of the locality and in accordance with LDF Core Strategy Policy CSP 29, Design.**
- 3 The external materials shall match those used in the existing building.  
**Reason: In the interests of the visual amenities of the locality and in accordance with Core Strategy Policy CSP 29, Design.**
- 4 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwelling which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.  
**Reason: To safeguard the openness and visual amenities of the Green Belt in accordance with Core Strategy Policy CSP 34, Protection of Green Belt.**

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**BARNSELY MBC - Economic Regeneration**



Scale 1: -----

# Item 7

## BARNSELY METROPOLITAN BOROUGH COUNCIL

### PLANNING APPEALS

01 February 2018 to 28 February 2018

#### APPEALS RECEIVED

1 appeal was received in February 2018.

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2018/0800	Erection of 1 no. holiday villa <b>Windy Bank Hall, Hill Top Farm, Hill Top Lane, Green Moor, Sheffield, S35 7DQ</b>	Written Representations	Committee

#### APPEALS WITHDRAWN

0 appeals were withdrawn in February 2018.

#### APPEALS DECIDED

2 appeals were decided in February 2018.

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2017/0090	Removal of Sycamore tree (T1) TPO 2/2006 Footpath to r/o Hornthwaite Close, Thurlstone, Sheffield	Dismissed 07/02/2018	Delegated
20170345	Erection of 1 no dwelling (Outline) Stonehaven, Higham Lane, Higham, Barnsley, S75 3LA	Dismissed 27/02/2018	Delegated

#### 2017/2018 Cumulative Appeal Totals

- 27 appeals have been decided in since 01 April 2017
- 18.5 appeal (68.5%) have been dismissed since 01 April 2017
- 8.5 appeal (31.5%) have been allowed since 01 April 2017

<u>Audit</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2016/0744	Remove and replace Lime tree (T1) within TPO no. 3/2000. <b>2 Ladyroyd, Silkstone Common, Barnsley, S75 4SF</b>	Allowed 05/07/2017	Delegated
2016/1402	Felling of Oak Tree (T2 within TPO 3/1980) and replacement. <b>73 Martin Croft, Silkstone, Barnsley, S75 4JS</b>	Allowed 02/05/2017	Delegated
2016/1035	Erection of 1 no. detached dwelling with detached garage <b>Knowles Street, Spring Vale, Barnsley</b>	Dismissed 24/07/2017	Delegated
2016/1478	Formation of vehicular access. <b>18 Roper Lane, Thurgoland, Barnsley, S35 7AA</b>	Dismissed 31/07/2017	Delegated
2016/1338	Erection of two storey side and single storey extension to rear <b>179b King Street, Hoyland, Barnsley, S74 9LL</b>	Split Decision 13/07/2017	Delegated
2016/1340	Erection of two storey side extension and a single storey front extension to dwelling	Dismissed 10/08/2017	Delegated

	<b>101 Genn Lane, Ward Green, Barnsley</b>		
2016/1080	Conversion of existing garage to bungalow. <b>102 Sackville Street, Barnsley</b>	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. <b>Ivy Cottage, 108 Upper Hoyland Road, Hoyland, Barnsley</b>	Allowed 24/08/2017	Delegated
2016/1367	Conversion of loft and erection of elevation to side dormer <b>Chrisholme, 4 Wath Road, Elsecar, Barnsley, S74 8HJ</b>	Dismissed 30/08/2017	Delegated
2017/0010	Painting of 9no window frames. (Listed Building Consent). <b>30 Market Hill, Barnsley, S70 2QE</b>	Dismissed 13/09/2017	Delegated
2014/1570	Demolition of existing bakery and erection of 23 no. dwellings. <b>A &amp; E White Bakers, Charles Street, Worsbrough Bridge, Barnsley, S70 5AF</b>	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 <b>Land off Lowfield Road, Lowfield Road, Bolton Upon Dearne, Rotherham</b>	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 <b>Development off Lowfield Road, Bolton on Dearne, Barnsley, S63 2TF</b>	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 <b>Phase 2 Development, Off Barnburgh Lane, Goldthorpe, Rotherham</b>	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) <b>Former Highfield Grange Care Home, Blythe Street, Wombwell, Barnsley, S73 8LH</b>	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. <b>Land at Ellwood, Off Wilson Grove, Lundwood, Barnsley, S71 5JF</b>	Dismissed 27/11/2017	Delegated
2017/0171	Erection of detached dwelling house <b>Courtland, Halifax Road, Thurgoland, Sheffield, S35 7AL</b>	Allowed 13/11/2017	Delegated
2017/0027	Demolition of existing house and erection of 3 new houses (Outline with all matters reserved) <b>The Laurels, 24 Viewlands, Silkstone Common, S75 4QP</b>	Allowed 08/11/2017	Committee
2017/0700	Erection of a detached double garage with first floor games room <b>62 Church Street, Gawber, Barnsley, S75 2RJ</b>	Dismissed 30/11/2017	Delegated
2016/1401	Erection of 1 no. detached dwelling <b>52 Kensington Road, Old Town, Barnsley, S75 2SS</b>	Dismissed 28/12/2017	Delegated

2017/0475	Erection of cattery and associated facilities including reception, office, toilet and staff and customer parking area <b>Hollow Farm, Woodhead Road, Wortley, Barnsley, S35 7DS</b>	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 <b>Former Petrol Filling Station, Pontefract Road, Cudworth, Barnsley, S72 8AY</b>	Allowed 19/12/2017	Delegated
2016/1401	Erection of 1 no. detached dwelling <b>52 Kensington Road, Old Town, Barnsley, S75 2SS</b>	Dismissed 28/12/2017	Delegated
2017/0475	Erection of cattery and associated facilities including reception, office, toilet and staff and customer parking area <b>Hollow Farm, Woodhead Road, Wortley, Barnsley, S35 7DS</b>	Dismissed 19/12/2017	Delegated
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2017/0090	Removal of Sycamore tree (T1) TPO 2/2006 <b>Footpath to r/o Hornthwaite Close, Thurlstone, Sheffield</b>	Dismissed 07/02/2018	Delegated
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