

Public Document Pack



MEETING:	Planning Regulatory Board
DATE:	Tuesday, 26 June 2018
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

AGENDA

1. Declarations of Interest
2. Minutes (*Pages 3 - 6*)

To receive the minutes of the meeting held on 22nd May 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 or by telephoning (01226) 772593.

3. Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 8JF - 2017/0638 - For Refusal (*Pages 7 - 22*)
4. Former Wood Yard, Tithe Laithe, Hoyland, Barnsley, S74 9DQ - 2018/0158 - For approval (*Pages 23 - 32*)
5. Worsbrough Hall Wood - Tree Preservation Order No. 1/2018 - To seek confirmation of the Order without modification (*Pages 33 - 38*)

Planning Appeals

6. Planning Appeals - 1st to 31st May 2018 (*Pages 39 - 40*)

To: Chair and Members of Planning Regulatory Board:-

Councillors D. Birkinshaw (Chair), Coates, M. Dyson, Franklin, Gollick, David Griffin, Hampson, Hand-Davis, Higginbottom, Lamb, Leech, Makinson, Markham, Mitchell, Noble, Pickering, Richardson, Riggs, Saunders, Spence, Stowe, Tattersall, 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

Monday, 18 June 2018

MEETING:	Planning Regulatory Board
DATE:	Tuesday, 22 May 2018
TIME:	2.00 pm
VENUE:	Council Chamber, Town Hall, Barnsley

MINUTES

Present

Councillors D. Birkinshaw (Chair), G. Carr, Cherryholme, Coates, Franklin, Gollick, Hampson, Higginbottom, Leech, Makinson, Markham, Mitchell, Richardson, Riggs, Spence, Stowe, Tattersall, Wilson and R. Wraith

1. Declarations of Interest

There were no declaration of Pecuniary/Non-Pecuniary interest in respect of any of the items on the agenda.

2. Minutes

The minutes of the meeting held on 17th April 2018 were taken as read and signed by the Chair as a correct record.

3. Land off Lowfield Road, Bolton Upon Dearne - 2017/0638 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0638** [Residential development of 97 no. dwellinghouses with garages, parking spaces and public open space and associated roads and sewers] at Land off Lowfield Road, Bolton Upon Dearne.

Mrs Carol Bilton addressed the Board and spoke against the officer recommendation to approve the application.

RESOLVED that the application be deferred subject to clarification with the Legal Department and Planning Officers to determine whether the previous planning actions and history of the developer can be taken into account in the determination of this application.

4. Land to the south of Middlecliffe Lane, Great Houghton - 2017/0008 - For Refusal

The Head of Planning and Building Control submitted a report on **Planning Application 2017/0008** [Change of use of land to a private gypsy and traveller site comprising of 11 no. pitches (Resubmission)] at land to the South of Middlecliffe Lane, Little Houghton.

Mr Kevin Osborne addressed the Board and spoke in favour of the officer recommendation to refuse the application.

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

5. The Old Ticket Master's Office, Hill Street, Elsecar - 2017/1617 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2017/1617** [Conversion of ticket office to 1 no. 3-bed dwelling, erection of 1 block of 4 no. of disabled living apartments and erection of 9 no. dwellings for dependent relative living] at The Old Ticket Master's Office, Hill Street, Elsecar.

Ms Sharren Wright addressed the Board and spoke in favour of the officer recommendation to approve the application.

Ms June Backhouse addressed the Board and spoke against the officer recommendation to approve the application.

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

6. 1 - 37 Beever Street, Goldthorpe - 2018/0233 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0233** [Demolition of the existing terrace houses and the erection of 8 no. bungalows and associated highways and landscape works] at 1 – 37 Beever Street, Goldthorpe.

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

7. Lundwood Waste Water Treatment Works - 2018/0035 - For Approval

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0035** [Siting of 7 no. kiosks and sludge thickening building to enable upgrade of treatment process] at Lundwood Waste Water Treatment Works, Lund Lane, Lundwood.

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

8. Carlton Road Flat Nos 452, 454, 456, 462, 464, 466, 468, 470, 472, 474, 476, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526 and Springbank Close Flat Nos 14, 16, 18, 20, 22, 26, 28, 30, 32, 34, 36-45, 47, 49 and 51, Barnsley - 2018/0353 - For Approval.

The Head of Planning and Building Control submitted a report on **Planning Application 2018/0353** [Replacement cladding on external walls and re-roofing works] at Carlton Road Flat Nos 452, 454, 456, 462, 464, 466, 468, 470, 472, 474, 476, 504, 506, 508, 510, 512, 514, 516, 518, 520, 522, 524, 526 and Springbank Close Flat Nos 14, 16, 18, 20, 22, 26, 28, 30, 32, 34, 36-45, 47, 49 and 51, Barnsley

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

9. Planning Appeals - 1st to 30th April 2018

The Head of Planning and Building Control submitted an update regarding planning appeals received.

The report indicated that 5 appeals were received in April 2018. No appeals were withdrawn in April 2018.

It was reported that 3 appeals have been decided since 1 April 2018, 1 of which (33.3%) was dismissed and 2 of which (66.7%) have been allowed.

Chair

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2017/0638

Applicant: Gleeson Developments Ltd

Description: Residential development of 97 no. dwellinghouses with garages, parking spaces and public open space and associated roads and sewers.

Site Address: Land off Lowfield Road, Bolton Upon Dearne, Rotherham, S63 8JF

Members will recall that this application was presented to Planning Regulatory Board in May with a recommendation for approval subject to conditions. The decision was deferred by Councillors to require Officers to explore whether the applicants stated intention to challenge one of the conditions and history of breaching conditions could be a material consideration.

Site Description

The site is located on the field adjacent to the housing estate under construction by Gleeson Homes at Lowfield Road in Bolton-Upon-Dearne which is now known as Lowfield Park. The application is effectively for a 3rd phase of the development approved under 2011/0963 and 2013/0960). Planning permission was refused for a similar scheme in 2016 (2015/0725) with the decision upheld at appeal in 2017 (APP/R4408/W/17/3170851). This application is a re-submission.

The proposed development is on a greenfield site. This currently comprises an open field which is used for horse grazing purposes and is 2.65ha in size. The development would extend the existing urban settlement to the south east where the site would adjoin further open countryside located to the east and south. To the north and west are located existing houses. The site is separated from the existing Gleeson development by a banking containing vegetation. Houses located on Lowfield Road and Lowfield Grove overlook the site. Located to the south west is Bolton Upon Dearne Waste Water Treatment works.

Access to the development entrance on Lowfield Road is via a humpback bridge passing over the main Sheffield to Leeds railway.

Proposed Development

The application proposes a 3rd phase development of 97 houses. This would increase the size of the estate to 215 houses overall if all of the houses on each of the 3 phases were to be developed.

The houses would be two storeys in height and would be either detached or paired in semis that would be of a similar form and layout to the existing estate. Overall it would consist of 27no two bedroom, 60no three bedroom and 10no four bedroom properties.

Access would be via the roads built to serve phases 1 and 2 (Prior Croft). This road adjoins Lowfield Road in a location to the north west of the site via a 'T' shaped junction. Thereafter road and pedestrian traffic has to cross over the railway using a humpback bridge prior to the site connecting with the main road network via the junction between Lowfield Road and Station Road/Angel Street (the B6098).

History

2015/0725 - Erection of 97 dwellings with garages and/or parking spaces together with the provision of open space and associated roads and sewers. Refused 22/11/2016 with five reasons for refusal including two relating to the gravel driveways:-

The proposed driveway specification is considered to be contrary to the interests of highway safety and convenience of highway users. The proposal will not prevent loose material (gravel) from being deposited onto the public highway, posing a safety hazard and inconvenience for users of the highway especially two wheeled motorised vehicles, cyclists, wheelchair users and pedestrians who are particularly vulnerable. As such the proposed driveway design would be contrary to requirements of Core Strategy Policy CSP26 'New Development and Highway Improvement' which require new developments to be served with safe and convenient access arrangements.

The proposed driveway specification, with consequential displacement of loose material will be detrimental to visual amenity. The development would therefore have an unsightly appearance that would detract from the overall quality, appearance and finish of the development. As such the development is also considered to be contrary to the requirements of Policy CSP 29 'Design' and the aspirations of the NPPF.

The decision was appealed by the applicant with the Inspector dismissing the appeal, supporting the Council's position with regards gravel driveways in relation to highway safety and character and appearance. The Inspector also concluded that the application could support the financial contributions sought to mitigate the impact of the development and at least 5% affordable housing. The Inspector did however conclude proposal would be acceptable in terms of (i) the position and orientation of the proposed dwellings to the WWTW (including dwelling Nos 203-208) and (ii) that actual and perceived levels of odour, subject to further tree planting to be secured planning condition, would be acceptable for the occupiers of the proposed dwellings. This decision is referred to in more detail throughout the report as appropriate.

In addition to the planning history for this site, the following is relevant being lodged by the same applicant and specifically relating to gravel driveways:-

2015/0720 - Variation of condition 4 of application 2013/0960 (Residential development of 58 dwellings) in relation to surfacing of parking/manoeuvring facilities (Phase 2). Refused by the Council 09/10/2015 for the following reason:-

In the opinion of the Local Planning Authority the deposition of loose gravel on the highway poses a hazard for users of the highway including vehicles, cycles, motor bikes, scooters, wheelchair users, elderly people and people with pushchairs. In addition future highway maintenance problems would be caused due to the effects on gullies and the damage caused to road surfaces. Accordingly the proposal is considered to be contrary to Core Strategy Policy CSP 26 and S151 of the Highways Act 1980.

The decision was appealed by the applicant but the appeal withdrawn after the Planning Inspectorate determined that the appeal should be determined via the written representations process rather than following an informal hearing. Subsequent to the appeal being withdrawn the Council applied for a costs award against the applicant and were successful in obtaining a costs award for the majority of the work covered by the appeal. As the development was being built out in breach of the condition the Council served a breach of condition notice on the development.

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. Refused 22/11/2016 for the same two reasons as set 2015/0725.

The decision was appealed by the applicant along with 3 similar refusals on other sites within the borough. The appeal was dismissed and the decision and reasons for refusal supported by the Inspector.

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

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

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP15 'Affordable Housing'
CSP17 'Housing Regeneration Areas'
CDP19 'Protecting Existing Employment Land'
CSP25 'New Development and Sustainable Travel'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP36 'Biodiversity and Geodiversity'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'
CSP42 'Infrastructure and Planning Obligations'

Saved UDP Policies

UDP notation: Safeguarded Land

SPD's

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

Planning Advice Note's

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

Other

South Yorkshire Residential Design Guide

Publication version of the Draft Local Plan

Proposed allocation: Housing Proposal (AC26)

Indicative number of dwellings 86

The development will be expected to:-

- Provide traffic signals at the railway bridge at Lowfield Road
- Provide an odour report and incorporate any appropriate mitigation measures including a landscaping buffer

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

Ward Councillors – Councillors Johnson has formally objected whilst Councillor Noble has expressed concern.

Affordable Housing Officer – Request that 15% of the overall number of dwellings are provided as affordable housing in accordance with CSP15.

Broadband – Request standard condition to ensure highspeed broadband is provided.

Contaminated Land Officer – No objections.

Drainage – No objections subject to the condition that full foul and surface water drainage details are submitted prior to the commencement of development for approval by the Council, Yorkshire Water, Sustainable Places and Danum Drainage Commissioners.

Ecology – The Ecologist has requested that the Ecology Report be updated to reflect the proximity of the development and the Adwick Washlands nature reserve (less than 100m) and the sites location within the Dearne Valley Green Heart Nature Improvement Area (NIA) neither of which are covered and additional mitigation / enhancements are likely to be required. This request has been supported by the RSPB in relation to Adwick Washlands. However, this has not previously been an issue of dispute between the Council and the Applicant and as such the same ecological conditions as previously recommended would need to be applied.

Education – There is a shortage of primary school places in the area and a financial contribution of £147,504 is required.

Highways – Consider that mitigation works would be required to the existing humpback railway bridge crossing the railway on Lowfield Road in the form of traffic signals and associated works, the projected costs of which would be £210,000. Within the development Highways object to the specification of the proposed private drives and parking areas as the proposed specification is ineffective at preventing loose material from being deposited onto the public highway as evidenced by the applicants existing developments located elsewhere in the Borough which indicate a widespread and consistent problem. Concerns are raised on that basis that the loose stones would pose a safety hazard for users of the highway including vehicles, cycles, motor bikes, scooters, wheelchair users, elderly people and people with pushchairs.

PROW –There are no public rights of way across the site however, request some S106 funds for improvements to the public bridleway from Lowfield Road to Adwick Washlands.

Regulatory Services – Share Yorkshire Water's concerns in relation to the majority of issues they have raised about the potential for the plots located nearest to the WWTW to be affected by odour nuisance and poor standards of amenity.

Tree Officer – Does not object to the plans taking into account the effect of the development on existing trees. However consider that the development should be accompanied by a high quality soft landscaping scheme.

SYMAS – No objections

Yorkshire Water – Do not object to the development in its entirety but are concerned that there is a risk that residents in the south west corner of the site in particular, would suffer a loss of amenity as a result of their location (the closest properties will be little more than 50m from the works boundary). YW remain of the view that it is generally an inappropriate use of land to site sensitive receptors so close to an operational WWTW. Specifically they raised the following concerns:-

- Proximity of plot numbers 203-210 to the Waste Water Treatment Works
- Proximity to a combined sewer overflow (CSO) located just outside the north east boundary of the WWTW and approximately 30m from the nearest proposed houses
- Concerns that amenity of plots 202-206 could be affected by a rising main that passes near to the gardens of those plots.
- YW also state that it is their intention to undertake a complete refurbishment of the WWTW and in all likelihood this will involve changing the technology that is used.
- Consequently they consider that a new odour assessment should have been carried out to inform the proposed position of the houses. They are also concerned that the odour assessment submitted with the application was carried out in 2012 and a new survey should have been carried out in any case.

- In the opinion of Yorkshire Water a substantial landscaping buffer located between the houses and the WWTW should form part of the plans.

Representations

The application was publicised by notices in the press, on site and by individual neighbour notification. 215 objections have been received from local residents, the majority of which have been submitted by residents who are a member of the Friends of Lowfield Road Action Group. In summary the main objections are summarised as follows:-

Numerous concerns are raised about the ability of Lowfield Road to safely accommodate the increase in traffic as a result of the development. Namely these are:-

- The humpback bridge: Its narrow width, poor forward visibility. It is also pointed out that the bridge has been identified to be a public safety risk by Network Rail.
- It is asserted that subsidence has occurred on Lowfield Road as a result of the existing amount of traffic using the road and that this would be made worse by the development.
- Concerns that the narrow width of Lowfield Road is such that drivers exiting the existing Gleeson development are unable to turn left without driving onto the other side of the road into oncoming traffic.
- It is also stated that the kerb to the south of the junction between the new development and Lowfield Road is still unfinished causing a safety concern due to it jutting out into the highway.
- Concerns that Lowfield Meadows, or the access serving Lowfield Lakes fishing lodge may be required to provide additional future accesses to serve the development and that both are unsuitable as they would increase the level of conflicts with cars leaving Lowfield Meadows and Lowfield Farm Close/Woodside View.
- Conflict with on street parking due to Lowfield Road containing a number of terraced houses. In addition it is stated that the number of vehicles parking on street on Lowfield Road has increased since the homes on the applicant's site started to become occupied, including vans. Concerns are also raised regarding conflict with visitor traffic to the nature reserve and recreation land to the east of Lowfield Road which includes many bird watchers and dog walkers.
- Concerns that the development shall lead to additional queuing at the junction between Station Road and Angel Street (B6098) causing a further inconvenience for existing residents.
- Concerns are again raised about the narrow width of footpaths on Lowfield Road and the difficulties for users with wheel and push chairs and that this will become more difficult to use with more people living in the area.

Residential amenity - It is stated that the development would lead to a reduction in the quality of life for existing residents due to loss of light, outlook and enjoyment of gardens.

Safeguarded land - Development of the site would be contrary to the relevant UDP policies which designate the site to be Safeguarded Land. Concerns are raised therefore that the release of the site for housing would be contrary to this designation and that other sites should come forward first.

Urban sprawl - Concerns that the development would result in the loss of countryside. In addition it is stated that the high amount of properties in the area for sale and for let in the area indicate a lack of demand for further housing in the area.

The supporting documents - Concerns that the number of traffic movements recorded in the transport assessment is improbable. Concerns are also raised that the supporting documents cut and paste text from the reports accompanying the previous application which is not relevant to the proposal. An example is that the site is referred to as being brownfield rather than greenfield.

Concerns that the applicant has attempted to scaremonger the local community into supporting the development by suggesting that the train station may be closed unless the development is allowed.

The applicants assertions that the site benefits from good access to public transport is disagreed with based upon the following points:-

- Trains to Leeds and Sheffield are only available on an hourly basis.
- There being no bus service to Doncaster
- There is no public transport service to Manvers
- The frequency of other bus services in the area is only once every half an hour

Flood risk – It is asserted that the site is located in a flood plain and that a number of properties on Lowfield Road have been evacuated in the past in flooding events.

Harm to the Lowfield Lakes fishing business – Concerns are raised that the housing development would spoil the rural setting of the site. In addition concerns are raised that the living conditions of the residents who live in the dwelling would be harmed as a result of proximity issues. The owners also question whether the development would affect the existing septic tanks and water tanks located in the field leading to pollution control issues.

Concerns about low water pressure/poor electricity supply and sewage disposal facilities due to existing outdated infrastructure not being brought up to date despite all of the development in the area over the last 30 years.

Loss of agricultural land and land used for equestrian purposes.

Harm to the open countryside landscape and views from Adwick on Dearne.

Harm to biodiversity – Specific concerns are raised about the proximity of the site to an RSPB nature reserve.

Potential harm to broadband speeds for existing residents.

Proximity to a WW2 archaeology site.

Concerns that the residents of the houses would have a poor standard of amenity due to being affected by odour from the waste water treatment works.

It is stated that there are other sites around the Dearne Valley which would be better suited to accommodate a large housing development.

It is questioned whether the track located on the far eastern edge would be used as an emergency access.

Concerns that the maintenance costs associated with the greenspace in phase 2 will increase if phase 3 is not approved or is developed by a third party.

Assessment

Principle of Development

It was determined in the recent Planning Appeal that in this case the planning policy framework comprises the development plan, SPDs including the South Yorkshire Residential Design Guide, the UDP Planning Advice Note on education and national policy.

The UDP was adopted in 2000. Given that a 5 year housing land supply cannot be demonstrated at the present time relevant policies for the supply of housing are out of date but not cancelled. In such circumstances the tilted planning balance at Paragraph 14 of the NPPF requires that planning permission is granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits.

The site is allocated as safeguarded land in the UDP and is located in the Principal Town of Goldthorpe (which encompasses Bolton Upon Dearne), which prioritises new housing growth in the adopted Core Strategy. The site has been proposed as a housing allocation in the emerging Local Plan and is considered to be a sustainable location for residential development. Therefore it is accepted that the proposed development is acceptable in land use planning policy terms.

Design/Visual Amenity

The purpose of Safeguarded Land is to retain land on the edge of settlements which may be required for long term development needs. This designation therefore is not visual amenity related. However characteristics of the site are that it is greenfield and is located adjacent to open countryside which is in the Green Belt.

The proposals are to build a development very similar to the two previous phases. However there are some differences:-

- The development would be located in closer proximity to the Yorkshire Water Waste Water Treatment Works (WWTW).
- The plans have been amended during the course of the application being under consideration to propose that all private driveways within the development are built out to the applicants preferred specification. Essentially this comprises two rows of paving slabs with crushed aggregate between and on either side as far as the front building line of the dwellings, and crushed aggregate thereafter. Driveways to individual houses will comprise two rows of paving slabs with crushed aggregate between and on either side as far as the front building line of the dwellings, and crushed aggregate thereafter.

The first point is considered in more detail in the section of the report relating to residential amenity considerations. The second point is a matter of a current dispute between Officers and the applicant concerning the visual amenity and highway safety implications of the use of gravel driveways. This has introduced problems relating to loose gravel being deposited on the roads and footpaths as a result of normal day to day usage which give the developments an untidy appearance overall. In addition the material lends itself to weeds growing through the surface. In the opinion of Officers this specification detracts from the appearance of the whole development and means that it falls short of the minimum standards expected by policy CSP29 and the Designing New Residential Development SPD. This matter has been subject to thorough testing through the appeal process with the applicant losing 5 appeals last year specifically related to the unacceptability of loose aggregate on drives.

The applicant has sought to address the issue by offering a revised driveway specification which now includes two rows of paving slabs (DWG No:0904-18). Whilst the intention of this approach is to provide a solid surface on which residents can park without dislodging loose aggregate, it is entirely reliant on residents parking in a specific manner. Furthermore, this approach does not resolve issues associated with the wider maintenance of the driveways including the need to keep the surface clear of weeds. At the recent appeal(s), the Inspector(s) accepted that not all residents would conscientiously maintain the gravel drives and it is the Council's view that similarly it is not acceptable to put the onus on residents to park on the paving slabs so as to ensure gravel is not dislodged and deposited on the highway.

The applicant has referred specifically to the Environment Agency document Guidance on the permeable surfacing of front gardens (CLG September 2008) as justifying the acceptability of their approach. The document is a leaflet issued by the Department for Communities and Local Government (now the Ministry of Housing, Communities and Local Government) and the Environment Agency to provide guidance for homeowners following the change to permitted development rights in relation to surfacing front gardens. The purpose of the guidance (and the change in the permitted development rights) was to address issues associated with homeowners surfacing front gardens to create additional parking or low maintenance gardens and the consequences of this in relation to surface run off and flood risk. The guidance is not a planning policy document and is not intended to provide advice for volume housebuilders. Further, whilst the use of sustainable drainage systems is given priority in the NPPF (Para 103) and CSP 3, the applicants Drainage Statement and Stage 1 and 2 ground investigation confirm that infiltration testing has been carried out on this site and the ground conditions are not suitable for soakaways. Therefore the guidance can be afforded very little weight and does not override local planning policies and the accompanying SPD and Design Guidance. It is also important to state that this guidance was submitted at the appeal(s) by the applicant and the Inspector(s) considered it when making the previous decisions to uphold the Council's decisions.

In the past the Council has sought to control this matter through a condition with this application reported to the Planning Regulatory Board in May with a recommendation for approval on this basis. However after the agenda was published the applicant issued a press release on 18th May which stated a clear intention to challenge the condition post decision despite the failed appeal decisions on the previous 5 appeal cases.

The power to apply conditions derives from section 72 of the Town and Country planning Act 1990. It can be imposed on any land under the control of the applicant if it is expedient for the purposes of or in connection with the development authorised by the permission. Therefore the past behaviour of the applicant is relevant to the extent that there are unresolved enforcement issues with phase 2 that have an effect on this development i.e. the loose aggregate driveways and the non provision of the equipped children's play area.

Officers have sought to enter into further discussions with the applicant to speak about ways forward. However the applicant is not willing to attend a meeting at the Council's offices, nor on site and no response has been received to the correspondence that has listed the breaches of conditions on other sites. As such it would appear that there is no prospect of reaching an agreement about a suitable condition. In the circumstances therefore it is considered that the use of a condition is insufficient to mitigate the adverse effects of the development proposed.

Apart from these considerations no other significant visual amenity concerns have been identified. The existing site is largely clear of vegetation. The trees of value identified on the tree survey are located outside of the site and would not be affected. The layout plan has been designed to comply with the space between building standards in the SPD. The house

type plans are for the same type of houses as the previous two phases and comprise a modern form of conventional two storey housing which is an acceptable standard of external appearance.

The site is also located near to the deteriorating remains of a World War 2 anti aircraft battery which is a Scheduled Ancient Monument (SAM) located to the field to the east of the site as has been pointed out in the representations. However the access road serving Lowfield Lodge provides a barrier between the housing development and the field where the SAM is located. In addition the proposed houses would be no closer to the SAM than existing housing on Crane Well View. As such it is not considered that the development would have a significantly adverse impact on the setting of the SAM.

Residential Amenity

The main issues with regards to residential amenity considerations are:-

- The waste water treatment works and potential odour issues.
- The effect of the development of the living conditions of existing residents.
- Amenity standards for future residents in relation to the space between building and private rear garden sizes

The waste water treatment works and potential odour issues

An important consideration for the application is the relationship between the development and the Waste Water Treatment Works. This is nothing new as it was a consideration for the previous applications, phase 2 in particular. The application is accompanied by an odour assessment which is the same odour assessment that was submitted with the application for the phase 2 development. Yorkshire Water raised concerns about reliance on this given that it was carried out in 2012. They also state that it is their intention to complete refurbishment of the WWTW, in all likelihood altering the technology that is used.

Yorkshire Water's underlying concern is that the development would be located too close to the WWTW and would be affected by odours. In addition they are concerned that the plans do not make sufficient provision for a soft landscaping screening barrier located between the development and the WWTW. Aside from the proximity of the WWTW there is also a combined sewer overflow (CSO) just outside the north east boundary of the WWTW and approximately 30m from the nearest proposed houses, that could in itself cause a loss of amenity for residents and a rising main passing in close proximity to the gardens of plots 202-206 which has the potential to lead to further amenity issues.

This matter was discussed in length at the appeal and it was agreed that it would be possible to increase the landscaped buffer shown on amended planning layout to encompass the entire area annotated as "public open space". The use of quick growing trees was discussed. In addition, the appellant agreed to include a minimum ten metre wide landscape buffer on the southern boundary of the phase 2 site (in the ownership of the appellant) where it meets the boundary with the WWTW. Subject to the imposition of these tree planting areas, the Inspector was satisfied that any perceived adverse odour / psychological effects arising out of the proximity of proposed dwellings 203-208 to the WWTW could be suitably mitigated. As a result conditions would have been appropriate.

The effect of the development on the living conditions of existing residents

The development would be sensitive from the perspective of removing outlook for the residents of a number of existing dwellings located on Lowfield Grove which overlook the site at present in its open and green form. Loss of view is not a material consideration

however and the plans have been designed to achieve the separation distances between new and existing properties required by the SPD. The relationship between the dwelling positioned on the Lowfield Lodge site and the development would produce a tight relationship due to that dwelling being located very near to the boundary between the two sites. However the potential for overlooking would be reduced if a 1.8m fence was to be erected on that particular boundary as would be expected and could be done using permitted development rights. Also the new houses would be set at an angle to the Lowfield Lodge dwelling and be set more than 10m away from the boundary with the amenity area to the front of the property to comply with the SPD. Plot 188 is an exception in part due to the boundary line altering half way across the width of the garden of the plot. However with the addition of a fence overlooking would not occur to the rooms to the front of the dwelling due to the tight angle that would exist.

The effect of the development on the living conditions of existing residents

Within the development the separation distances between existing buildings and the private rear garden sizes would meet the standards required by the SPD in the majority of cases. Where this would not be the case on some corner plots the removal of permitted development rights would be appropriate.

Highway Safety

As with the previous applications it is recognised that traffic generation considerations are one of the most contentious parts of the application which is reflected in the majority of objections to the application. Primarily the concerns relate to the existing humpback bridge over the railway on Lowfield Road which suffers from a lack of forward visibility. In addition residents have raised concerns about the existing difficulties exiting the junction between Station Road and the B6098, Angel Street due to the high volumes of traffic using the road and the vehicle speeds.

The situation is that phase 2 was approved requiring highway works to mitigate the effects of the development. In scenario 'A' the applicant would have paid a commuted sum to the Council of £75,000 towards the costs of traffic signals which were due to be constructed on the bridge by Network Rail. Scenario 'B' was that the following mitigation works judged to be required in the event of non delivery of the traffic signals by Network Rail:-

- Provision of 2 vehicle activated signs
- Any necessary signing/lining
- Measures to control parking and loading
- Provision of high friction coloured surfacing
- Provision of LED street lighting on the bridge and the approaches to the bridge.
- Provision of/any necessary changes to highway drainage
- Resurfacing/reconstruction as necessary

The current position is that the Council is under the presumption that the Network Rail are not intending to construct the traffic signals within the necessary timescales required to provide mitigation for phase 2 houses, which are in the process of being built and occupied at present. Given that this is happening currently with no mitigation works being in place the present situation is unsatisfactory. Discussions with the applicant have yielded an offer from the applicant to pay £210,000 to the Council towards the cost of signalisation costs on the bridge to enable the scheme that would mitigate the effects of both the phase 2 and 3 developments. This sum would be sufficient to pay for the costs of the signalisation costs. In principle this would be sufficient for Highways not to object to the development on highway safety grounds. However Highways also view the proposed gravel driveway specification to be unacceptable because the use of loose gravel has the potential to pose a hazard for

users of the highway including vehicles, cycles, motor bikes, scooters, wheelchair users, elderly people and people with pushchairs. In addition future highway maintenance problems would be caused due to the effects on gullies and the damage caused to road surfaces. Therefore the proposal is contrary to CSP26 'New Development and Highway Improvement'.

No further issues have been identified with the internal road design in that the widths and number of parking spaces would be regarded as being satisfactory. The private drive accessing plot 119 is over that recommended for fire service access, however, the issue can be resolved through the Building Regulations process and the use of sprinklers. A sustainable travel plan is proposed as a measure to encourage residents to carry out trips using an alternative to lone trips using a private car. In principle this would have been sufficient to enable the development to comply with CSP 25 'New Development and Highway Safety'.

Other S106 considerations – education, public open space and affordable housing

Education - Education have confirmed that a contribution of £147,504 is required to offset a deficit in primary school places in the area.

Open space provision – New green space provision is required to be provided as part of the development in accordance with SPD: Open Space Provision on New Housing Developments. In this instance and due to a play area being approved as part of the phase 2 development it is deemed appropriate to seek an off-site contribution in entirety to upgrade existing facilities in the locality. Based on the submitted unit split, a financial contribution of £162,345.04 would be sought. The applicant has made assertions that viability of the development would be marginal. Provisionally however they have agreed to meet the commuted sum request. However a condition would have been needed to address the issue of the equipped play area on phase 2 not being provided prior to the commencement of development on phase 3 in order to remedy that particular breach of the planning permission first.

Affordable housing – The site is an area where affordable housing provision should be 15% of the overall number of dwellings. The applicant submitted a viability assessment with the application which contended that the development could not viably provide any affordable housing. This was dealt with at the appeal with the Inspector concluding that, taking account of contributions required to mitigate the development, at least 5% affordable housing could viably be supported by the development (10% if based on a blended profit rate of 17.5% for market housing and 8% for affordable). Since the appeal the applicant has requested affordable housing be dealt with as an offsite contribution which has been agreed (with advice from the District Valuer and the Council's Housing Officers) at £250,000.

Other Considerations

Drainage/Flood Risk

The Flood Risk Assessment has concluded that the site is not in an area that is classed to be at risk of flooding either from the River Dearne or overland flows and drainage infrastructure., i.e. it is located outside of EA flood zones 2 and 3 and therefore policy CSP3 'Flood Risk' is complied with and the advice within the NPPF regarding the sequential test.

The management of surface water run off from the development is another important consideration in order to prevent an increase in the risk of flooding downstream of the site. The policy requirement on greenfield sites is to construct developments with suitable systems with storage capacity and attenuation so that surface water run off rates do not exceed the greenfield run off rate of 5 litres per seconds per hectare.

The policy is that first preference should be given to SUDS. However the ground investigation has concluded that the ground conditions would be unsuitable for soakaways. Therefore it is likely that the development would need to be constructed with an attenuation tank, or oversized pipes prior to discharge into the River Dearne, the existing drainage system or the ponds at Lowfield Lakes. However no detailed proposal has been received it would be necessary to impose a condition as has been requested by Drainage Officers and Yorkshire Water. In terms of foul sewerage Yorkshire Water have not raised any concerns with regards to any issues with the capacity of the sewerage system to accommodate flows from the development

Ground Conditions

The site investigation has not identified any issues with contamination or unstable land arising from historical land uses. In addition the site is located outside of a Coal Mining Risk Area. No objections have been received from Regulatory Services accordingly.

Ecology

The main criteria for assessing the application is CSP36 'Geodiversity and Biodiversity'. The application is supported by an extended phase 1 habitat survey which has concluded that the ecological value of the site is low and that there are no constraints affecting the site from being developed. The Biodiversity Officer accepted these findings in 2015 but considered that insufficient proposals have been received regarding enhancement measures. As part of this application process the Biodiversity Officer has raised concerns regarding the nearby Adwick Washlands Nature Reserve which is not assessed in the extended phase 1 habitat survey. However, this matter was not previously picked up when assessing the 2015 application and given there has been no change in the status of the washlands and the planning history it is not appropriate to require this additional assessment now. Further, it is likely that both issues could be overcome via the imposition of a suitable condition.

Conclusion

The site is designated Safeguarded Land in the UDP which remains part of the development plan for the Borough at the current time. However due to the age of the policy it is classed to be out of date by the National Planning Policy Framework.

In such circumstances the NPPF instructs Local Planning Authority's to grant planning permission for new development proposals unless:-

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

The site is located in the Goldthorpe Principal Town which is a priority to accommodate new housing growth (3000 new homes) before 2026 (CSP8 and 10). In addition the site is proposed to be allocated for housing development in the SPD meaning that it has been identified to be in a suitably sustainable location.

The plans for the development are considered acceptable for the most part in relation to layout and design considerations having regards to the Designing Residential Amenity SPD in that spacing standards between new and existing properties would be achieved and the amount of garden amenity space that would be provided to serve the houses. A contribution of £250,000 towards the provision of affordable housing off site has been agreed providing some affordable housing. Also the elevations plans for the houses would be of an

acceptable standard. In addition it would be possible to mitigate the impact of the application through:-

- the proposed payment of a commuted sum of £210,000 towards the costs of providing traffic signals on the humpback railway bridge on Lowfield Road addressing highway safety implications;
- a commuted sum of £162,345.04 for the enhancement of open space located off the site is acceptable in relation to the Open Space Provision SPD; and
- a contribution of £147,504 to offset a deficit in primary school places in the area in accordance with PAN 33.

Furthermore the application has also been judged to be acceptable in relation to considerations including the flood risk, drainage, biodiversity consideration and effect on trees.

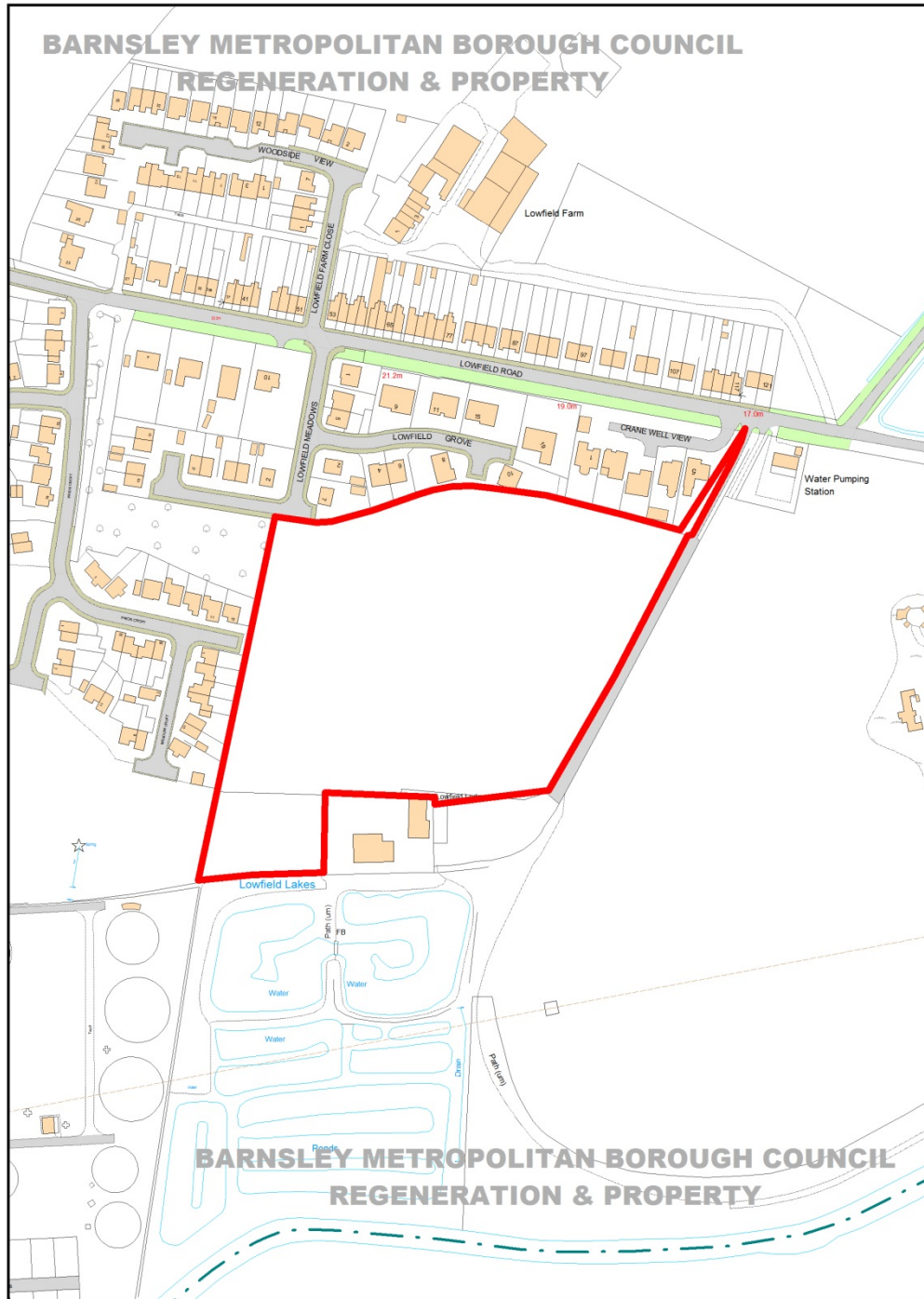
However the issue of the proposed use of gravel/loose aggregate for all of the driveways located throughout the development is considered unacceptable from a visual amenity point of view having regard to policy CSP29 'Design' and in relation to highway safety having regard to CSP26 'New Development and Highway Improvement'. Councillors are advised that this matter is part of a wider ongoing dispute between the Council and the applicant with Enforcement Action being pursued on phase 2 along with two other sites being developed within the Borough (following last year's appeals). No agreement has been reached with the applicant who has also made it clear that the previously proposed condition requiring the use of solid bound material on private drives and parking areas is something that they would seek to challenge post decision despite the 5 failed previous appeals. In the circumstances therefore it is considered that the use of a condition is insufficient to mitigate the adverse effects of the development proposed and refusal is recommended accordingly.

Recommendation

Refuse

- 1 The proposed driveway specification is considered to be contrary to the interests of highway safety and convenience of highway users. The proposal will not prevent loose material from being deposited onto the public highway, posing a safety hazard and inconvenience for users of the highway especially two wheeled motorised vehicles, cyclists, wheelchair users and pedestrians who are particularly vulnerable. As such the proposed driveway design would be contrary to requirements of Core Strategy Policy CSP26 'New Development and Highway Improvement' which require new developments to be served with safe and convenient access arrangements, the Council's Designing New Housing Development and Parking SPD's and the South Yorkshire Residential Design Guide.
- 2 The proposed driveway specification, with consequential displacement of loose material will be detrimental to visual amenity. The development would therefore have an unsightly appearance that would detract from the overall quality, appearance and finish of the development. As such the development is also considered to be contrary to the requirements of Policy CSP 29 'Design', the Council's Designing New Housing Development SPD and the paragraphs 17, 35, 58 and 64 of the NPPF.

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NORTH
Scale 1: 2500

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2018/0158

Applicant: Mr Garry Scothorn

Description: Erection of 2 no. detached two storey dwellings with provision of double integral garages

Site Address: Former Wood Yard, Tithe Laithe, Hoyland, Barnsley, S74 9DQ

Members may recall granting outline planning permission for a development of 2no dwellings on the site back in December 2016. This detailed application for full planning permission is referred back to the Board for determination as once again the recommendation is subject to a S106 Agreement. 1 objection has been received from a neighbouring resident.

Site Location & Description

The site is situated on Tithe Laithe, a private road accessed from Market Street, Hoyland. Tithe Laithe serves three properties and is a Public Right of Way connecting Market Street with West Street.

The site is referred to as Former Wood Yard. However, a wood yard has never operated on the site and was instead the name of the dwellings formally located on the land. The site is surrounded by residential properties, which are both single and two storey in nature and constructed from varying materials.

The overall site makes a poor quality contribution to the visual amenity of the area with much of it consisting of a gravel base which is overgrown with grass and moss. This is with the exception of trees which are located in the western side of the site with those in the eastern part having been removed since the previous decision. The site is also included in the Council's register of green space sites.

Site History

2016/0999 - Outline planning permission was granted for the erection of 2no detached dwellings with garages (Decision date 30/03/2017). The decision was accompanied by a S106 Agreement to cover the need for a £6,000 contribution to compensate for loss of the green space. A condition was also included limiting the height of the proposed dwellings to 1.5 storeys as it was not possible to carry out a full assessment of the proposal at outline stage due to appearance and scale being Reserved Matters.

Proposed Development

The application seeks full planning permission for a development of 2no detached dwellings on the site which would include the provision of attached garages with living accommodation above and dormer windows. The dwellings are virtually identical in design with the exception of plot 1 being designed with a slightly smaller footprint than plot 2. Both properties would provide 4 bedroom accommodation with the layout being designed to include parking to the front and a private garden area to the rear and sides.

Policy Context

Planning decisions should be made in accordance with the development plan unless material considerations indicated 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 Plans policies, the Council has also adopted a series of Supplementary Planning Documents and Supplementary 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.

Saved UDP Policies

UDP notation: Housing Policy Area

Policy H8A indicates the scale, layout, height and design of all new dwellings must ensure that high standards of living conditions and amenity are provided for both existing and proposed residents.

Policy H8D indicates that planning permission for an infill development within existing residential areas will only be granted where there would be no harm to residential amenity or the local environment, traffic problems or prejudice the future development of an adjacent larger area of land.

Policy H8F refers (amongst other matters) to garages should be constructed to a design to respect the character, appearance and building materials of the dwelling to which they relate; be located and designed so that the amenity of the locality or neighbouring properties is not adversely affected; be provided with a surfaced driveway of at least 6m; and have an access with adequate visibility in the interests of visual amenity and highway safety.

Local Development Framework Core Strategy

CSP3 'Sustainable Drainage Systems'
CSP4 'Flood Risk'
CSP8 'The Location of Growth'
CSP9 'The Number of New Homes to be Built'
CSP10 'The Distribution of New Homes'
CSP14 'Housing Mix and Efficient Use of Land'
CSP26 'New Development and Highway Improvement'
CSP29 'Design'
CSP35 'Green Space'
CSP39 'Contaminated and Unstable Land'
CSP40 'Pollution Control and Protection'

SPD's

-Designing New Residential Development
-Parking

Other

South Yorkshire Residential Design Guide

Publication Draft Local Plan

Proposed allocation: Green Space

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

Highways DC – No objections subject to conditions

Drainage – No objections subject to conditions

Contaminated Land officer – No objections

Regulatory Services – No objections subject to conditions

Forestry Officer – No objections subject to conditions

Planning Policy – No objections subject to conditions

PROW – Identify that the applicant would need to contact the PROW team to identify whether an application would need to be made for a temporary closure to the public right of way passing through the site during the construction period.

Ward Councillors – No comments have been received.

Yorkshire Water – No comments have been received.

Representations

Neighbour notification letters were sent to the surrounding residents and a site notice was posted adjacent to the site. 1 representation has been received. Essentially the comments are a re-iteration of the comments raised against previous application 2016/0999. In summary the main concerns expressed are as follows:-

- Loss of light/privacy. In addition it is questioned whether certain windows on the new houses would be obscured glazed to prevent overlooking
- Highway safety – Concerns are raised about the potential for the development to contribute towards making a bad situation worse with regards introducing further traffic onto a road network that is congested with on street parking with access to Market Street being difficult from Spring Gardens, Little Leeds and Tithe Laithe.
- It is also stated that the development should include a passing place to prevent reversing manoeuvres onto Market Street.
- Pedestrian safety – It is stated that Tithe Laithe is a shared surface used by vehicles and pedestrians and that pedestrian safety must not be compromised by the development.
- Public safety – emergency vehicle access is queried.
- It is queried whether access to existing dwellings would be maintained during the construction process and whether Tithe Laithe would be resurfaced post construction of the development if it is damaged by construction vehicles.
- Concerns that the development may cause harm to private property.
- Appearance of the new dwellings – It is stated that the development should be designed in a 1930's style to conform with neighbouring dwellings.
- Noise during the construction phase – it is requested that hours of working is restricted by the Council.

The neighbours have been re-consulted following the submission of amended plans and no additional comments have been received.

Assessment

Principle of Development

The site is allocated within a Housing Policy Area in the currently adopted UDP proposals maps. In addition the site is located in a sustainable location which is a priority to accommodate new housing growth. The proposed development is potentially acceptable in land use planning policy terms therefore. Plans however must still comply with the criteria in the Designing Residential Development SPD regarding infill developments. In addition the site is also included on the Council's register of Green Space sites and is proposed to be designated Green Space in the Publication Draft version of the emerging Local Plan. Core Strategy CSP35 is considered to apply therefore. CSP35 aims to protect land designated Green Space unless except where an assessment shows that there is too much of that particular type of green space in the area which it serves and where its loss would not affect the existing and potential green space needs of the Borough. The assessment of the application against these considerations is detailed below.

Green Space

The site is identified on the greenspace register as Woods Yard Local Neighbourhood Green Space (GS273). In accordance with policy CSP35 the authority shall only allow development proposals that result in the loss of green space where an assessment shows there to be a surplus, or compensation is provided.

An assessment of the green space provision in the Hoyland area identifies large scale deficiencies in all areas. In terms of Parks and Open Spaces there are a lot of small spaces, such as the site under consideration, but no district level sites. The majority of the Hoyland area has access to youth facilities but there are large areas of Hoyland that have no access to children's play in line with the Green Space Strategy Standards. There are also deficiencies relating to outdoor sports facilities and natural areas, particularly in the built up area.

The assessment of this consideration has concluded that the site offers minimal potential to reduce existing deficiencies due to its constrained size, shape and location. Therefore it can be released for development without negatively impacting on the function of the remaining green space, subject to compensatory provision in the form of a commuted sum of £6,000 to enhance provision off site.

Residential Amenity

With regards to the residential amenity of the future occupants of the proposed dwelling the property is generously proportioned with the overall floor area and the majority of the rooms provided, meeting or exceeding the technical guidelines set out in the South Yorkshire Residential Design Guide. In addition, the dwellings would each have a private amenity space in excess of 60m², in accordance with SYRDG and SPD 'Designing New Housing Development'.

It was considered prudent at the time of the outline application to limit the number of storeys due to the proximity to surrounding dwellings and concerns that the site would be overdeveloped which would have a significant impact on residential amenity. However the full impact was difficult to assess at the outline stage as design and scale were Reserved Matters. The applicant has now submitted a scheme for two storey houses instead of the 1.5 storeys envisaged at outline. Objections have been raised in relation to overlooking from Plot 1. However the rear elevation more or less achieves the minimum 10m separation distance standard to the boundary and has been orientated to not directly face towards the side elevation of the neighbouring dwelling. Furthermore the French doors and Juliette balcony located on the eastern elevation have been removed. On balance therefore it is considered that harmful levels of overlooking would be avoided.

Whilst the separation distances between the proposed dwelling (Plot 2) and 11a Spring Gardens has been maintained there were concerns in regard to the relationship between 12a Spring Gardens and Plot 1. However the gap between the plots has been increased and the footprint of the dwellings reduced, allowing for a 6m gap between the properties, therefore reducing the overbearing impact.

It is in this regard that the proposed dwellings are therefore considered acceptable and would not have a significant detrimental impact on residential amenity. As such, residential amenity would be acceptable in compliance with SYRDG, SPD 'Designing New Housing Development' and policy H8D.

Visual Amenity

UDP Policy H8D emphasises the importance of retaining the character of an area and protecting the street scene when considering proposals for new dwellings on small infill plots. The character of the area consists of modest to large sized detached dwellings of varying types, which are set back from the road in generous green curtilages. The site is approximately 500sqm in size, and when measured against similar plots on in the area does not appear dissimilar to these. It is therefore considered that the overall plot size and nature of the proposals would be sufficiently in character with the immediate surroundings.

The area is characterised a mix of house types and styles, seeing the inclusion of single and two storey red brick and stone built properties. Despite the inclusion of flat roof dormer windows it is considered that the design of the proposed dwellings reflect the character of the area and the materials suggested within the application form, red brick and render, are considered appropriate, however a condition is to be included.

Highway Safety

Concerns have been raised by neighbours in relation to the access track and its suitability for construction, refuse and emergency vehicles and the implication on the existing residents and the highway network at the junction of Tithe Laithe and Market Street. However Highways are content that the highways implications of the development are sufficiently modest so as to not raise an objection. The site layout has been amended since the approval of the outline permission which allows, as indicated on plan, for a fire appliance to enter the site and turn to allow exit in a forward gear.

Whilst the garage widths do not allow for 2no vehicles to be accommodated within them, they are of sufficient size to accommodate 1no parking space with an additional parking space per dwelling to be provided adjacent to the turning head for the fire appliance without compromising it.

Overall the proposal is considered satisfactory in relation to policy CSP26.

An informative is proposed to ensure that the applicant is made aware of the need to contact the public rights of way team to discuss the potential need for a temporary closure of the public right of way passing through the site prior to development commencing on site.

Trees & Biodiversity

Mature trees were located on the eastern and western parts of the site at the time that the previous application was considered. However the three trees in the eastern part of the site have been removed since the approval of the outline application and shall need compensating for within the landscaping condition. There are 3no further trees to be removed to allow for the western plot this includes 2no Ash (T4 & T5) and 1no Alder (T6). Although there is no requirement for T6 to be removed Alders are high water demand trees and grow very large and it is considered prudent to remove the tree prior to any potential impact the tree would have on the future dwelling. Again these shall need compensating for within the landscaping condition.

Conclusion

In summary the proposed development is judged acceptable in land use planning policy terms taking into account that the site is located in a UDP housing policy area and an established residential area which is a priority to accommodate new housing growth. The site is also located on the Council's register of Green Space sites. However because of its limited size, function and value it is considered that a greater benefit would be achieved via the applicant paying a commuted sum of £6,000 to be used to improve a more important green space in the Borough. The other implications of the proposed development have been assessed. In the opinion of Officers the plans are satisfactory with regards to the relevant policies relating to residential and visual amenity, highway safety and other associated considerations. Approval of the application is therefore recommended subject to the signing of a legal agreement in relation to compensation payment due for the loss of green space.

Recommendation

Grant full planning permission subject to conditions and S106 Agreement (loss of green space):

- 1 The development hereby permitted shall be begun before the expiration of 3 years from the date of this permission.
Reason: In order to comply with the provision of Section 91 of the Town and Country Planning Act 1990.
- 2 The development hereby approved shall be carried out strictly in accordance with the amended plans and specifications as approved unless required by any other conditions in this permission.
Plan reference:
Site Plan Rev H
Site Plan (Vehicular) Rev C
Proposed Plans and Elevations Plot 1 Rev G
Proposed Plans and Elevations Plot 2 Rev F
Reason: In the interests of the visual amenities of the locality accordance with Core Strategy Policy CSP 29, Design.
- 3 No development shall take place, 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 control the emission of dust and dirt during construction
 - Measures to prevent mud/debris being deposited on the public highway.**Reason: In the interests of highway safety.**
- 4 No development shall take place unless and until:
(a) 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.
(b) porosity tests are carried out in accordance with BRE 365, to demonstrate that the subsoil is suitable for soakaways and
(c) Calculations based on the results of these porosity tests to prove that adequate land area is available for the construction of the soakaways.
are all approved in writing by the Local Planning Authority
Reason: To ensure the proper drainage of the area
- 5 No development or other operations being undertaken on site shall take place until the following documents in accordance with British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations have been submitted to and approved in writing by the Local Planning Authority:
Tree protective barrier details
Tree protection plan
Arboricultural method statement

Reason: To ensure the continued wellbeing of the trees in the interests of the amenity of the locality in accordance with Core Strategy Policy CSP 36 Biodiversity and Geodiversity

- 6 The erection of barriers and any other measures specified for the protection of any retained tree shall be undertaken in accordance with the approved plans and particulars before any equipment, machinery or materials are brought on to the site for the purposes of the development, and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed in any area fenced off in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavation be made, without the written consent of the Local Planning Authority.

Reason: To safeguard existing trees, in the interest of visual amenity.

- 7 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

- 8 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 buildings.

Reason: In the interests of the visual amenities of the locality.

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

- 10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no enlargement, improvement or other alteration of the dwellings which would otherwise be permitted by Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the Local Planning Authority, and no garages or other outbuildings shall be erected.

Reason: To safeguard the privacy and amenities of the occupiers of adjoining residential property in accordance with Core Strategy Policy CSP 29.

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

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

- 12 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 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.

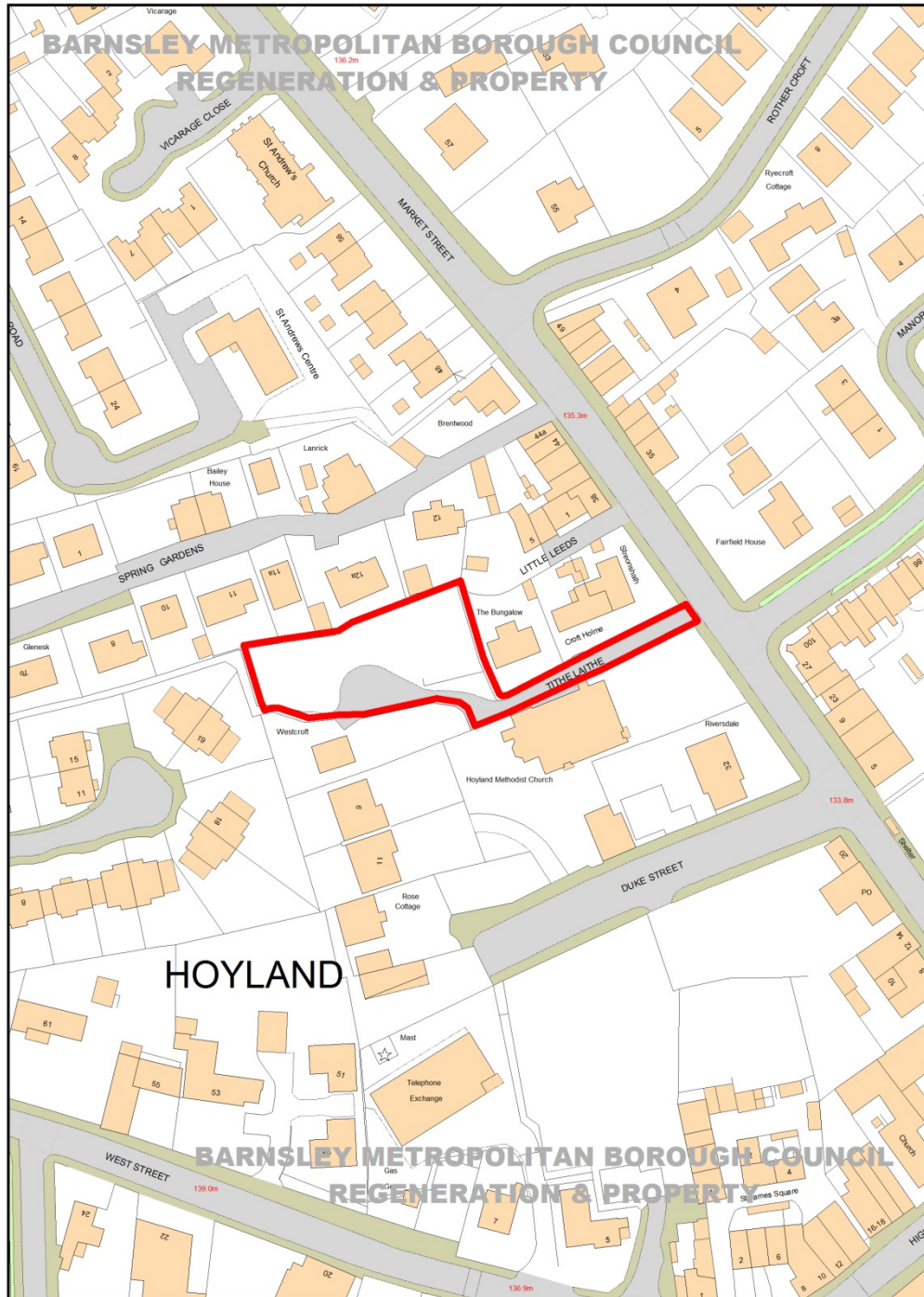
- 13 Pedestrian intervisibility splays having the dimensions 2m x 2m shall be safeguarded at the drive entrance/exit such that there is no obstruction to visibility at a height exceeding 1m above the nearside channel level of the adjacent highway.

Reason: In the interests of road safety in accordance with CSP26

- 14 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 interests of road safety in accordance with CSP26.

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NORTH
Scale 1: 1250

**Report of the Head of Planning
& Building Control to the
Planning & Regulatory Board
on 26th June 2018**

**Tree Preservation Order No. 1/2018
Worsbrough Hall Wood**

1. Purpose of the Report

- 1.1 To inform Members that an objection has been received in respect of Tree Preservation Order 1/2018 and to seek confirmation of that Order without modification.

2. Recommendations

- 2.1 That the Executive Director Core Services be authorised to confirm Tree Preservation Order No. 1/2018 without modification.**

3. Background

- 3.1 On 7th March 2018, the Borough Secretary, in consultation with the Head of Planning made Tree Preservation Order No. 1/2018 for Worsbrough Hall Wood, Worsbrough. It came into effect immediately but unless confirmed expires after six months.
- 3.2 The Order was made to update and include all the trees in the section of woodland shown on the plan in light of a recent Court judgement relating to part of the area. The land is in multiple ownership.
- 3.3 A Parkland Order (TPO 1/1953) from 1953 protected trees within the area of land that is the subject of this report. The Council considered some of the Parkland Order trees to be under threat from one of the owners of the land. An injunction was sought and during those proceedings it was determined that the original Parkland Order (TPO 1/1953) only protected those trees present when the TPO was made. As such the natural regeneration essential to a woodlands function and any established trees under 65 years old were not protected as previously thought. The new TPO was therefore created to remedy this and ensure the woodlands long term future. It remains in the interest of amenity to continue to protect this woodland.

4. Objection

The Council has received a letter of objection from one of the owners in respect of their land. The objection is summarised in this report:

5. **Observations made by The Tree Officer**

- 5.1 The woodland offers a high degree of amenity, both visual and environmental.
- 5.2 The woodland contains a mixture of species and age ranges. There are numerous mature specimens of Oak, Ash and Sycamore dominating the woodland with occasional other species. There is also a high level of natural regeneration within the woodland with a full age range of trees present in many parts.
- 5.3 The particular area of woodland of concern to the objector is a leg of the woodland running parallel to Sheffield Road to the rear of Holly View Farm known as Walk Plantation which is part of the original 1953 Order. The boundary of the new TPO follows the boundary of the old Order and does not implicate any more of the woodland than the original 1953 Order.
- 5.4 Several of the objections raised are not relevant to the appropriateness of this Order and relate directly to the wording and the nature of a Woodland Tree Preservation Order in general which cannot be amended.
- 5.5 The objector asks the Council to modify the Order to exclude Walk Plantation or in the alternative to exclude trees below 3.5 metres in height. The objector lays out several points of objection to support this which I will summarise and address below.
 - 5.5.1 The objector claims that the new Order extends too far and that the original Order offers sufficient protection for the woodland in their ownership. Following the Court case however, it has been found that the TPO is not fit for purpose as the original Order does not protect the woodland and only covers trees which were present in 1953. The decision was therefore taken to protect the woodland with a new TPO which does protect the woodland fully as a woodland and not as a collection of individual trees over 65 years of age. It is not a condition of making or confirming a tree preservation order that those trees need to have been under threat. The Council needs to be satisfied that it is expedient in the interests of amenity taking into account the objection, before confirming the order.
 - 5.5.2 The objector also states that she is now unable to remove/ top/ lop self seeded seedlings/saplings or small trees which are under 3.5m in height which were previously not protected. Given that natural regeneration within a woodland is highly important to its long term function and sustainability the suggestion that not being able to undertake potentially damaging works is an issue demonstrates that the Woodland TPO is appropriate and necessary.
 - 5.5.3 The objector also raises concerns over the management of the woodland and the inclusion of all trees regardless of condition and individual amenity. It should be noted that the creation of a TPO should not prevent good

management of individual trees or woodlands as a whole. Subject to the necessary consents from either the Forestry Commission as part of a felling licence for larger scale works or a tree works application to ourselves as the Local Planning Authority for smaller scale works there should be no issue undertaking necessary and appropriate work for either woodland or general land management. The aim of a Woodland Order is to protect the woodland as a whole and does not relate to the amenity of individual trees, any trees requiring removal and not fitting into any exemption would require a tree works application before being felled.

5.5.4 The objector has also taken issue with the description of the woodland as mixed deciduous and claims that confusion could arise where shrubs etc. are concerned. It would not be practical or reasonable to list every woody species within a woodland. Only the trees are protected as part of a woodland Order Low growing woody species such as Bramble etc. are not protected.

5.5.5 The objector has stated that no consideration has been given to Article 1 of the First Protocol of the European Convention on Human Rights, incorporated into English Law by the Human Rights Act (Right to Peaceful Enjoyment of Possessions). Article 1 is a qualified right which means it is subject to the rights of the state to control the use of property in the general public interest. The confirmation of this Order would not infringe this right since its imposition is intended for general public interest considerations of public amenity.

6. Options

- 1) To confirm the TPO as originally made.
- 2) To confirm with a modification to exclude the Walk Plantation land.
- 3) To confirm with a modification to exclude trees in existence below 3.5 metres in height unless specifically specified respect of the Walk plantation land.
- 4) Not to confirm the TPO.

7. Recommendations

7.1 That the Order should be confirmed without modification.

8. Financial Implications

8.1 None.

9. Employee Implications

9.1 None.

10. Crime and Disorder

10.1 None.

11. **Human Rights Act**

- 11.1 The Council has considered the implications of the Act in the way it administers its responsibilities under the Town and Country Planning Act 1990. Further comment is in the body of the report.

12. **Consultation**

- 12.1 None.

13. **Local Area Implications**

- 13.1 None.

14. **List of Appendices**

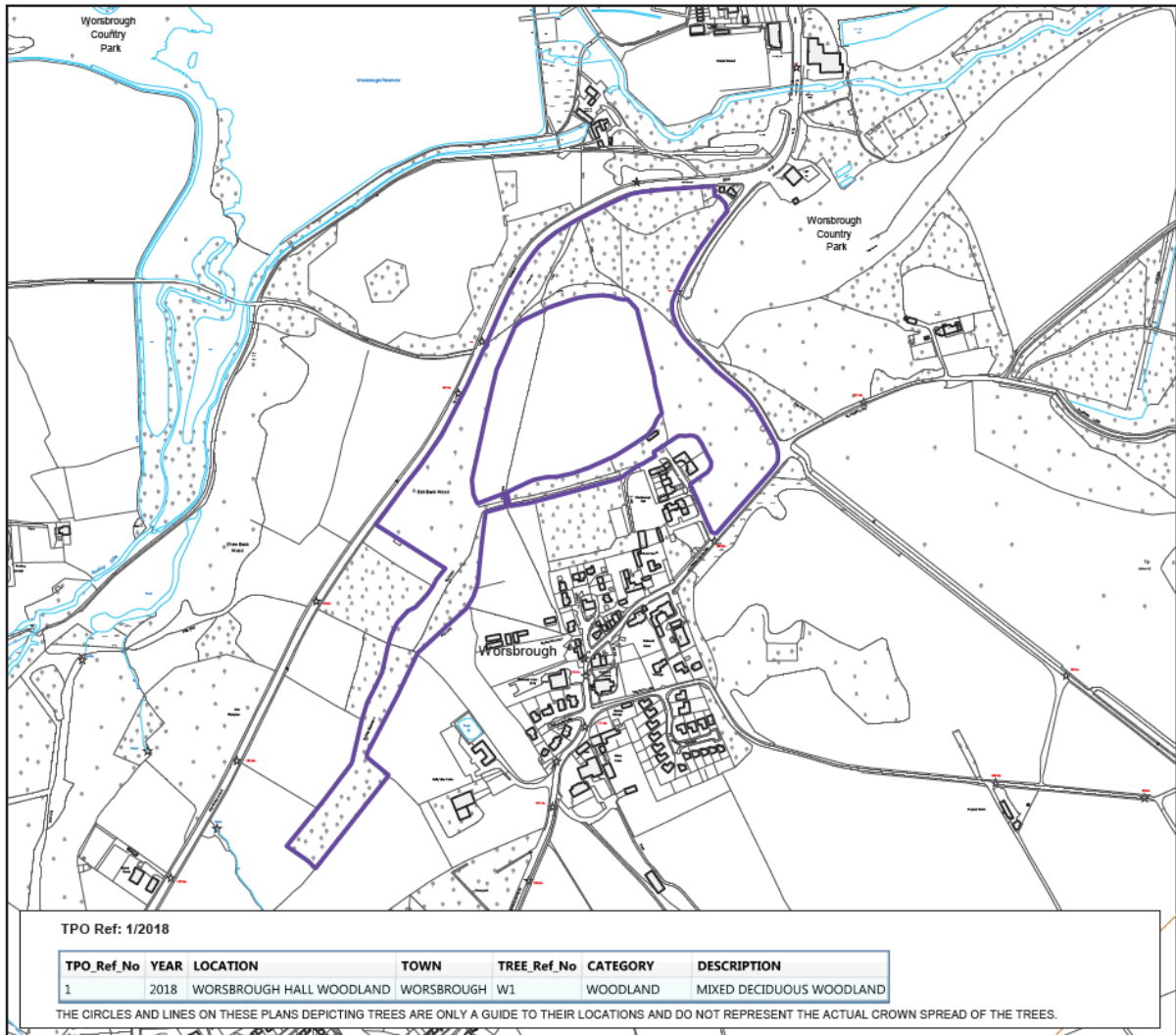
- 14.1 None.

15. **Background Papers**

- i) TPO 1/2018 Worsbrough Hall Woodland, Worsbrough.
- ii) Letter of objection.

Authors Name:
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5th June 2018



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Item 6

BARNSELY METROPOLITAN BOROUGH COUNCIL

PLANNING APPEALS

01 May 2018 to 31 April 2018

APPEALS RECEIVED

4 appeals were received in May 2018

<u>Reference</u>	<u>Details</u>	<u>Method of Appeal</u>	<u>Committee/ Delegated</u>
2017/0898	Formation of car park and associated access/egress Land to the north of Old Mill Lane, Old Mill Lane, Barnsley	Written Representation	Delegated
2017/1154	Erection of detached dwelling (Outline application seeking approval over means of access and layout) Land Adjacent to 16 Leighton Close, Barnsley, S71 1PH	Written Representation	Out of time
2017/1675	Erection of 8 field shelters/stables (Retrospective) Land at Edderthorpe Lane, Priest Croft Lane, Darfield, Barnsley	Written Representation	Delegated
2017/1704	Retrospective change of use of agricultural buildings B and C to mixture of use classes B1, B8 and Sui Generis (Resubmission) Anchor Farm, Elmhirst Lane, Dodworth, Barnsley, S75 4LD	Written Representation	Delegated

APPEALS WITHDRAWN

0 appeals were withdrawn in May 2018

APPEALS DECIDED

1 appeal was decided in May 2018

<u>Reference</u>	<u>Details</u>	<u>Decision</u>	<u>Committee/ Delegated</u>
2017/0721	Residential Development (outline) Land at Lakeside View, Huddersfield Road, Penistone, Barnsley	Dismissed	Delegated

2017/2018 Cumulative Appeal Totals

- 4 appeals have been decided since 01 April 2018
- 2 appeals (50%) have been dismissed since 01 April 2018
- 2 appeals (50%) have been allowed since 01 April 2018

Audit	Details	Decision	Committee/ Delegated
2017/1342	Erection of detached double garage to dwelling. Rowethby, 41 Intake Lane, Gawber, Barnsley, S75 2HX.	Allowed	Delegated
2017/0245	Erection of 1 no. detached dwellinghouse. Upper Belle Clive Farm, Hartcliff Road, Cubley, Barnsley, S36 9FE	Dismissed	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	Allowed	Delegated
2017/0721	Residential Development (outline) Land at Lakeside View, Huddersfield Road, Penistone, Barnsley	Dismissed	Delegated